County of Fairfax, Virginia

MEMORANDUM

DATE: June 9, 2025

TO: Board of Supervisors' Land Use Policy Committee (LUPC)
Kathy L. Smith, Chair

FROM: Leslie B. Johnson
Zoning Administrator

SUBJECT: **Zoning Ordinance Work Program (Work Program)**
Land Use Policy Committee (LUPC)
June 17, 2025, at 9:30 a.m.

This memorandum provides the annual update of the Zoning Ordinance Work Program.

Introduction

The Board of Supervisors (Board) endorsed the FY 2025/2026 ZOWP on July 30, 2024. While the Work Program is a two-year program cycle, Zoning Administration provides the Planning Commission (PC) and Board with a yearly update and an opportunity to evaluate and reprioritize the Work Program to ensure that it continues to align with the policies and priorities of the Board as outlined in the Strategic Plan, One Fairfax, the Comprehensive Plan, and other county-wide initiatives. The following documents are attached to facilitate discussion of the Work Program:

Attachment 1 - FY 2025 Priority 1 ZOWP Status Update
Attachment 2 - Proposed FY 2026/2027 Priority 1 Work Program
Attachment 3 - Priority 1 Estimated Timelines
Attachment 4 - FY 2026 Priority 2 Work Program Proposed Update

FY 2025 Accomplishments (Attachment 1)

The FY 2025/2026 Work Program included a total of 15 amendment topic areas with several of these topics broken down into more specific sub-topics for a total of 20 individual items. The repeal of Chapter 112.1 and the report on limitations on retailers selling tobacco and nicotine vape products were topics added by the Board after the endorsement of the Work Program and have been included as part of the FY 2025/2026 Priority 1 Work Program.

A summary of the status of each amendment topic or sub-topic is presented in Attachment 1 in ***bold italics***. A total of 11 topics/sub-topics were completed either with adoption of an amendment, publication of a report, authorization of the amendment for public hearing, or proposed to be moved to Priority 2, representing 55 percent of the items on the Priority 1 Work Program. The following amendments were completed or have been authorized for public hearing:

- ✓ Contractor's Office and Shops (Topic 7)
- ✓ Minor and Editorial Revisions and State Code Updates (Topic 10)
- ✓ Accessible Parking Rates (Topic 11)
- ✓ Planned Districts (PDH and PDC) (Topic 12)
- ✓ Short-Term Pop-Up Events and Longer-Term Interim Uses (Topic 14).

Staff also prepared and submitted the following Reports to the Board:

- ✓ Signs Part II Amendment 18 months follow up relating to implementation of nighttime brightness of electronic display signs and special exception applications for sign modifications (Topic 1A)
- ✓ Initial presentation with the Health Department on Limitations on Retailers Selling Tobacco/Nicotine Vape Products (Topic 1B)
- ✓ Clarification on status of Murals under the Sign Ordinance (Topic 10A)

Significant progress has also been made on the following amendment topics and are proposed for carryover to the FY 2026/2027 Work Program:

- ✓ Accessory Living Units (Topic 2)
- ✓ Affordable Housing - Manufactured Homes (Topic 3B)
- ✓ Congregate Living Facility (Topic 6)
- ✓ Floodplain (Topic 8)
- ✓ Light Utility Facility – Substations (Topic 9A)
- ✓ Light Utility Facility - High Pressure Gas Distribution Pipelines (Topic 9B)
- ✓ Light Utility Facility - Battery Energy Storage (Topic 9C)
- ✓ PRC Plan Exceptions (Topic 13)

Staff has conducted research on these topics and participated in a number of outreach meetings with stakeholders. Staff anticipates bringing these topics forward for the Board's consideration or direction within the next six months. While not proposed as a Zoning Ordinance Amendment, coordination is ongoing with gas utilities on developing a Memorandum of Understanding relating to the siting of new high pressure transmission lines.

<u>Moved to Priority 2</u>
Two topics with no specific items identified are recommended to be moved to the updated Priority 2 Work Program for FY 2026/2027. These items have been on the Priority 1 Work Program for a number of years as a place holder until specific items related to the topic are identified. At this time, staff recommends moving these topics to the Priority 2 Work program and can be prioritized when specific issues are identified. Staff will continue to monitor these topics.

- ✓ Topic 3A - Consider zoning changes to support new affordable housing initiatives and land use policies.
- ✓ Topic 5 - Climate Action and Resiliency Initiatives

Proposed FY 2026/2027 Priority 1 Work Program (Attachment 2)

The proposed FY 2026/2027 Priority 1 Work Program reflects those topics that have been carried over, and the addition of new items that have either been requested by the Board or identified by staff. Staff is proposing a minor reorganization of the Work Program. Currently topics are presented alphabetically with the exception of Reports to the Board which is listed first. Staff recommends the Work Program be categorized into Ongoing Topics, First Tier Topics, and Second Tier Topics. This way the ongoing and first tier topics are listed first on the Work Program. Below is a summary of the proposed changes/additions to the FY 2026/2027 Work Program.

Ongoing Topics

Application Fees and Planned District Minimum Recreational Facilities Expenditure **(Topic 1)**. An amendment to increase application fees, phased in over two years, was approved by the Board on April 16, 2024, with an effective date of July 1, 2024. The Board directed staff to retain the topic on the Work Program with the intent to study fees every two years, including a review of the acreage fees associated with rezoning applications. Staff plans to begin reviewing potential amendments to the fees beginning in the fall of 2025 to ensure that this analysis can be utilized in the development of the FY 2027 Budget.

Minor and Editorial Revisions and State Code Updates **(Topic 2)** is intended to be an ongoing Work Program entry that will address changes to the Code of Virginia that necessitate a change to the Zoning Ordinance or other minor and editorial revisions that are limited in scope and intended to correct minor errors or updates in the Zoning Ordinance. These revisions typically only need limited outreach. Four items have been identified for review: 1) Update the review and approval timelines for site plans per SB 974 and HB 2660. Staff in Land Development Services will be taking the lead on these changes; 2) New authority to allow a shorter appeal period, from 30 days to not less than 10 days, for notices of violation involving the storage or disposal of nonagricultural excavation material, waste, and debris (SB 1422); 3) New authority to permit enhanced civil penalties for zoning violations involving property that is zoned or used for multifamily residential (SB 1267) and 4) Changes to advertising and public notice requirements including allowing notices to be sent first class mail for changes to the zoning map for 25 or fewer parcels (HB 1996 and HB 2330). Staff plans to bring forward minor editorial changes in early 2026.

Reports to the Board **(Topic 3)** was a new topic added to the Work Program in FY 2023. The review of timelines to issue a Special Event – Tier One permit **(Topic 3A)** was added based on the follow-on motion from the Board adopted in conjunction with the Special Event amendment to report back on these timelines within six months.

First Tier Topics

Accessory Living Units (ALU) **(Topic 4)** is a topic added to the Work Program in 2024 to consider revisions to the ALU provisions as further described in the Report on Accessory Living Units and Home-Based Businesses, dated April 12, 2024. Staff have begun research on this topic and intend to bring the issue to the Board for further discussion of possible changes this fall.

Congregate Living Facilities **(Topic 5)** is a topic added to the Work Program from a Board matter in 2022. This item considers revising the definition and standards to include additional support services, such as an emergency shelter and supportive housing and expanding the zoning districts where congregate living facilities may be permitted with special exception approval.

Light Utility Facilities for substations **(Topic 6A)**, high pressure gas pipelines **(Topic 6B)** and battery energy storage **(Topic 6C)** are carry over items from the FY 2025/2026 Work Program. While gas pipelines are not proposed as a Zoning Ordinance Amendment, coordination is ongoing with gas utilities on developing a Memorandum of Understanding relating to the siting of new high pressure transmission lines. Staff intends to bring the substation amendment in late June/July for authorization to advertise public hearings to occur later this summer. Staff intends to bring forward the battery energy storage amendment for authorization in the fall with public hearings scheduled before the PC and Board by the end of 2025.

Limitation on Retailers Selling Tobacco and Nicotine Vapor Products within 1,000 feet of a school and/or child day center **(Topic 7)** is a new topic added to the Work Program. This topic is related to the General Assembly adoption in 2024 of HB 947 and represents continuation of the initial research and report that was presented to the Board in March 2025 in coordination with the Health Department, Department of Code Compliance and County Attorney's Office on a potential amendment to the County Code.

Manufactured Housing **(Topic 8)** was originally a subtopic of affordable housing and is now proposed as a separate topic since not directly related to affordable housing initiatives. Staff have been researching and conducting outreach to the manufactured home communities in collaboration with the Department of Housing and Community Development (HCD) and the Planning Division on a Comprehensive Plan Amendment and companion zoning ordinance amendment which are anticipated to come to the Board in July 2025 for discussion.

PRC Plan Exceptions **(Topic 9)** was added to the Work Program as a follow-on motion with the readoption of the Zoning Ordinance. The amendment considers expanding the types of minor improvements that would not require a PRC Plan submission, particularly as they relate to open space or community facilities. Staff is continuing to engage with

the community on this topic and anticipates bringing the amendment forward for authorization to schedule public hearings in the fall.

Second Tier Topics

Staff recommends that the following four topics (9 items) be added to the Priority 1 Work Program as Second Tier Topics:

- ✓ Accessory Structures (Topic 10)
- ✓ Building Height (Topic 11)
- ✓ Commercial and Industrial Uses (Topic 12)
  - Associated Service Uses
  - Food Trucks
  - Online Sales
  - Recycling Centers
  - Specialized Instruction Center
  - Vehicle Sales
- ✓ Floodplain (Topic 13)
- ✓ Home Day Care Facilities (Topic 14)

These topics are currently on the Priority 2 Work Program and are recommended to be moved to the Priority 1. A more detailed description of these topics is presented in Attachment 2.

The estimated timelines for the Priority 1 Work Program topics are identified in Attachment 3.

Priority 2 Zoning Ordinance Work Program Update (Attachment 4)

The Priority 2 Work Program includes those amendments that are not proposed to be added to the current Work Program but have been retained for future consideration. The Priority 2 list reflects potential changes recommended by various Boards, Authorities, and Commissions, as well as staff. The Priority 2 list has been included as part of the Work Program since the late 1980s to track recommendations for potential amendments. The Priority 2 list includes a summary of each item and a rationale for its deletion or retention on the list. The adopted Priority 2 Work Program consists of 16 individual items.

Staff is committed to reviewing uses and use standards on a regular basis to ensure that the Zoning Ordinance remains current. The items recommended to be added to Priority 2 Work Program are uses that staff have increasingly received inquiries about amid changing operational characteristics. Staff recommends 13 items be added (✚) to the Priority 2 Work Program as detailed in Attachment 4, some of which are highlighted below. As previously noted, six items (Topics 12, 15, 21, 22, 26, and 30) are recommended to be moved (**X**) to the Priority 1 Work Program. Finally, staff recommends the retention (✓) of 11 items. Seven of these items have been added within

the past five years and the remaining four items remain priorities of the Board. Staff anticipates that many of these items will be moved to the Priority 1 Work Program in the next few years.

The proposed FY 2026/2027 Priority 2 Work Program contains a total of 24 items. Staff recommends that a review of the maximum Floor Area Ratio (FAR) for public uses in the R-C District (Topic 2) be considered as a separate item from the R-C District considerations outlined in Topic 1. Topic 2 is to consider specific operational and programming needs of existing Fairfax County Public Schools and other public facilities located within the R-C District. Also added to the Priority 2 Work Program is a comprehensive review of uses permitted in the Commercial Districts (Topic 3) to evaluate and possibly consider an expansion of permissions to better align uses and permissions between the various retail and office districts. Staff will specifically look at whether to consider permitting retail in the C-1, C-2, C-3, and C-4 districts and removing the restriction on the percentage of office use allowed in the C-5, C-6, C-7, and C-8 districts. Staff also recommends a comprehensive review of uses permitted in Industrial Districts (Topic 4) based on the recent study by Clarion presented to the Board, to consider removing or changing permissions for certain non-industrial uses.

Staff has also added a topic to consider various approaches to facilitate affordable housing (Topic 14) when located in conjunction with a religious assembly or nonprofit organization. This was a significant topic in the General Assembly last session. Any approach will be informed by HB 2153 which requires the Virginia Department of Housing and Community Development to publish a document describing strategies localities may consider to facilitate development of affordable housing on tax exempt properties. In addition, staff has been approached by several Religious Assembly (Topic 23) uses requesting flexibility to establish community serving uses such as community centers, art galleries/studios, coffee shops, health clinics or other office uses to provide services to the community.

Conclusions and Recommendations

The FYs 2026/2027 Work Program anticipates additional progress and completion of many of the ambitious efforts that began under the previous Work Program by the end of the year, including Substations, Battery Energy Storage, Manufactured Housing and PRC Plan exceptions.

The work program will be presented to the Planning Commission's Land Use Process Review Committee (LUPR) on June 12, 2025, for their review and comment. Staff will provide an overview of the Work Program to the Board for discussion and comment at the LUPC meeting on June 17, 2025. After review and comment by the Board, the Work Program will be brought forward as a Board Matter for endorsement by the Board on July 15, 2025. Once endorsed, staff will update the Work Program webpage, include the topic in upcoming outreach meetings, and distribute the Work Program using a GovDelivery listserv announcement.

cc: Planning Commission
Board of Zoning Appeals
Bryan J. Hill, County Executive
Jennifer Miller, Deputy County Executive
Chris Leonard, Deputy County Executive
Elizabeth Teare, County Attorney
Tracy Strunk, Director, DPD
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ZONING ORDINANCE WORK PROGRAM – FYs 2025/2026

FY 2025 Status Update
Priority 1

Below is the FY 2025 status update of the adopted Priority 1 Zoning Ordinance Work Program (Work Program). Recognizing that Zoning Ordinance amendments often require more than a year to complete, including research and community outreach, the Work Program is presented for a two-year cycle with annual updates to ensure that the Work Program continues to reflect the Board's priorities. The origin of the amendment topic is noted in (parentheses) below.

Timing for consideration is identified in as:

- Pending - Amendments that have been authorized as of the date of preparation of this Work Program and are proceeding through the public hearing process.
- First Tier - Amendments anticipated to be brought forward for discussion at a Board committee meeting or for authorization within the first six months of Fiscal Year 2025 (by December 2025).
- Second Tier - Amendments to be brought forward in the second half of the fiscal year (by July 2026).
- TBD - Topics that do not have a specific timeframe or are anticipated to be brought forward in FY 2026.
- Monitoring - Topics that include on-going monitoring or participation in task forces that may lead to potential Zoning Ordinance amendments.

1. Reports to the Board

A. Signs **-** Monitor and report on the implementation of the Signs Part II amendment, including the maximum nighttime brightness of electronic display signs and special exception applications for sign modifications. This report should be provided within 18 months of adoption of the amendment. (November 21, 2023, Signs Part II Follow-On Motion) (Second Tier) ***Completed on June 6, 2025, with a memorandum issued to the Board.***

B. Limitation on Retailers Selling Tobacco and Nicotine Vapor Products - In coordination with the Health Department and Department of Code Compliance, review the new authority to limit retailers selling tobacco and nicotine vapor products within 1,000 feet of a school and/or child care center and report to the Board with options, an enforcement strategy and timeline for implementation. (December 3, 2024, Board Matter.) ***Completed with presentation to the Board's Land Use Policy Committee (LUPC) on March 11, 2025. However, added as a separate topic on the FY 2026/2027 Work Program to continue analysis and respond to questions raised by the Board.***

2. **Accessory Living Units -** Consider changes to the use-specific standards for an Accessory Living Unit (ALU), including the permitted size for detached ALU, minimum lot size for a detached ALU, parking, permit renewal and recordation, and other use-specific standards, as further described in the Report on Accessory Living Units and Home-Based Businesses, dated April 12, 2024. (Second Tier) ***Staff has begun an internal review of the ALU provisions in the context of the Report to the Board (April 2024) and is researching potential updates. Meetings with the LUPC and the Planning Commission's (PC) Land Use Process Review Committee (LUPR) anticipated in fall of 2025.***

3. **Affordable Housing Initiatives**

   A. Consider zoning changes to support new affordable housing initiatives and land use policies. (Carry over from 2018 Topic 8C and Board motion April 13, 2021) (TBD). ***This is a placeholder, and no specific items have been identified. Staff recommends the topic be moved to the Priority 2 Work Program until a specific item is identified.***

   B. Consider zoning changes and strategies to incentivize preservation of existing manufactured home communities through a review of use standards and bulk regulations. (Carry over from 2018 Topic 8C and Board motion April 13, 2021) (TBD) ***Housing and Community Development (HCD) is the topic lead and has organized outreach meetings with manufactured housing community residents and property owners to discuss proposed Comprehensive Plan amendments and amendments to the Zoning Ordinance. Going forward, staff recommends that the manufactured housing topic be listed separately from affordable housing. While the units may be considered a type of affordable housing opportunity, they are not regulated under the Zoning Ordinance as affordable housing. Staff plans to present this topic to the LUPC on July 8th and to the LUPR on July 24, 2025, for discussion with potential public hearings scheduled for later this year/early 2026.***

4. **Application Fees and Planned District Minimum Recreational Facilities Expenditure -** This topic combines application fees and the P District recreational facilities expenditure (Former Topics 3A and 3B) and will be an ongoing Work Program entry for review every two years to consider adjustments based on cost-of-living increase in accordance with the consumer price index, construction cost index, and other factors. In addition, alternative approaches to the per acreage component of the zoning fee table will be part of the next comprehensive review. (April 16, 2024, Application Fee follow-on motion) (Monitoring) ***The second part of the phased fee increase will be implemented on July 1, 2025. Staff is gathering data to further study alternative approaches to the per acreage fee, and any changes will be part of the next fee update for FY 2027.***

5. **Climate Action and Resiliency Initiatives** - Consider zoning changes that would incentivize and encourage more environmentally sustainable development to support implementation of the Community-wide Energy and Climate Action Plan (CECAP) and Resilient Fairfax. (Carry over from 2019 with updated description in Topic 4 for FY 2024/2025 Work Program) (Monitoring) ***Staff continues to participate with the Office of Environmental and Energy Coordination on interagency climate teams for the implementation of CECAP and the Resilient Fairfax Plan. Climate action is incorporated in related Zoning Ordinance amendments; however, no stand-alone items have been identified at this time. Staff recommends that the topic be moved to the Priority 2 Work Program until a specific item is identified.***

6. **Congregate Living Facility -** Review provisions for Congregate Living Facility use to consider expanding the districts where congregate living facilities are allowed and broadening the definition and standards to include additional support services, such as an emergency

shelter and supportive housing. This is a refinement of FY 2024-2025 Topic 2B to consider zoning changes to facilitate adaptive reuse of vacant and underutilized commercial and industrial buildings to provide shelter, services, and permanent supportive housing to people who are unhoused. (Carry over from FY 2023/2024 Work Program Topic 2B and December 6, 2022, Board Matter) (Second Tier) ***Staff has begun researching this topic and plans to bring a draft approach to the LUPC and the LUPR for discussion in fall of 2025.***

7. **Contractor's Office and Shop** - Consider possible zoning changes to permit expanded opportunities for suitable locations for landscape professionals and other Contractor's Office and Shop, subject to use standards that address the storage of construction vehicles, construction materials, and other impacts. (Carryover from FY 2023/2024 Work Program Topic 5) (First Tier) ***Completed on December 3, 2024, with the adoption of Zoning Ordinance Amendment 112.2-2024-9.***

8. **Floodplain -** In coordination with the Department of Land Development Services (LDS), update floodplain regulations for consistency with the FEMA Map and consider removing the special exception requirements for redevelopment of dwelling units that pre-date the floodplain requirements. (TBD) ***LDS staff is researching this topic and anticipates presenting this topic to the LUPC and the PC's Environmental Committee later this year.***

9. **Light Utility Facility** - Consider revisions to definitions, permissions, and use standards, including but not limited to:

   A. Review permissions and use standards for electrical substations in association with data centers and as stand alone use. (March 19, 2024, BOS Matter) (First Tier) ***Outreach ongoing. Authorization anticipated and public hearings later this year.***

   B. Consider establishing a Memorandum of Agreement with natural gas providers to provide notice of proposed new high-pressure gas distribution pipelines in certain rights-of-way. (High-Pressure Gas Pipeline Presentation) (First Tier) ***Staff has engaged with natural gas providers to discuss the framework of an agreement for providing advanced information and notice regarding proposed new high-pressure gas distribution pipelines. Coordination is ongoing.***

   C. Consider establishing new use for battery energy storage facilities with appropriate permissions and use standards. (Staff) (First Tier) ***Community and stakeholder outreach is ongoing. Staff plans to present draft text to the PC Infrastructure Committee on June 12th, and to the LUPC on June 17th. Staff intends to bring forward the amendment for authorization in the fall with public hearings scheduled before the PC and Board by the end of 2025.***

10. **Minor and Editorial Revisions and State Code Updates** - This topic is an ongoing Work Program entry that addresses changes to the Code of Virginia that necessitate a change to the Zoning Ordinance or other minor and editorial revisions that are limited in scope and more administrative in nature. (Second Tier) ***Completed on April 22, 2025, with the adoption of Zoning Ordinance Amendment 112.2-2025-12.***

A. Clarify that murals along with other public art that are not used or designed to attract attention to any institution, organization, business, product, service, event, or location are not regulated as signs in accordance with past Zoning Administrator interpretations. (July 23, 2024, Land Use Policy Committee) (Second Tier) ***Completed on April 1, 2025, with a memorandum issued to the Board with a staff recommendation that the item be moved to the Priority 2 Work Program.***

11. **Parking Rates** - Consider new parking rates for accessible parking. (Accessible Parking Report July 2024) (First Tier) ***Completed on December 3, 2024, with the adoption of Zoning Ordinance Amendment 112.2-2024-10.***

12. **Planned Districts** - Review the additional standards for commercial uses in the Planned Development Housing District and the secondary use standards including percentage of residential uses, in the Planned Development Commercial District. In addition, consider requiring a metes and bound descriptions for partial Final Development Plans. (Former Priority 2 Topic 26) (Second Tier) ***Completed with the authorization of the amendment on March 4th, PC recommended approval at their public hearing on May 7th, and Board public hearing is scheduled for June 24, 2025.***

13. **PRC Plan Exceptions -** Review the exceptions for when a PRC Plan or amendment to a PRC Plan may be required and consider expanding the types of minor improvements that would not require a PRC Plan submission, particularly as they relate to open space or community facilities. (Carryover from FY 2023/2024 Work Program Topic 11) (Second Tier) ***Community and stakeholder outreach is ongoing and authorization is anticipated in the fall.***

14. **Short-Term Pop-Up Events and Longer-Term Interim Uses** - Evaluate current zoning regulations for 21-day special event administrative permit uses and longer-term interim uses and consider ways to increase flexibility and remove unnecessary impediments and time limits. (Carryover from FY 2023/2024 Work Program Topic 1 and BOS Matter May 24, 2022) (First Tier) ***Completed on February 4, 2025, with the adoption of Zoning Ordinance Amendment 112.2-2025-11.***

15. **Zoning Ordinance Modernization - Repeal Chapter 112.1 (NEW) -** Repeal of the identical Chapter 112.1 and supersession clause and Chapter 112.2 will now once again be the governing Zoning Ordinance. (September 24, 2024, Board Matter) ***Completed on October 22, 2024.***

PROPOSED ZONING ORDINANCE WORK PROGRAM – FYs 2026/2027
PRIORITY 1

Below are the proposed topics of the Priority 1 Zoning Ordinance Work Program (Work Program). Recognizing that Zoning Ordinance amendments often require more than one year to complete, including research and community outreach, the Work Program is presented for a two-year cycle with annual updates to ensure that the Work Program continues to reflect the Board's priorities. The origin of the amendment topic is noted in (parentheses) below.

Timing for consideration is identified in as:

- Ongoing – These are permanent topics on the Work Program and timing is identified by each topic.
- First Tier – Amendments are anticipated to be brought forward for discussion at a Board committee meeting or for authorization within the first six months of Fiscal Year 2026 (by December 2025).
- Second Tier – Amendments to be brought forward in the second half of the fiscal year (by July 2026) or a later timeframe.

ONGOING TOPICS

1. **Application Fees and Planned District Minimum Recreational Facilities Expenditure -** Review every two years to consider adjustments based on cost-of-living increase in accordance with the consumer price index, construction cost index, and other factors. In addition, alternative approaches to the per acreage component of the zoning fee table will be part of the next comprehensive review. (April 16, 2024, Application Fee follow-on motion)

2. **Minor and Editorial Revisions and State Code Updates** - Address changes to the Code of Virginia that necessitate a change to the Zoning Ordinance or other minor and editorial revisions that are limited in scope and more administrative in nature. Individual items may be listed separately and prioritized by the Board. The following State Code updates have been identified for review:

   A. **Site Plans (NEW) -** Update the timelines for review and approval of site plans. Land Development Services (LDS) will take the lead on this topic. (SB 974 and HB 2660)
   B. **Appeals (NEW) -** New authority to allow a shorter appeal period, from 30 days to not less than 10 days for notices of violation involving the storage or disposal of nonagricultural excavation material, waste, and debris. (SB 1422)
   C. **Public Notice and Advertisements (NEW) -** Changes to public notice and advertising requirements including allowing notices to be sent first class mail for changes to the zoning map for 25 or fewer parcels (HB 1996 and HB 2330)
   D. **Zoning Violations (NEW) -** New authority to permit enhanced civil penalties for zoning violations involving property that is zoned or used for multifamily residential purposes. (SB 1267)

3. **Reports to the Board -** Address studies and reports requested by the Board. As items are added they will be prioritized by the Board.

   A. **Special Events - Tier-One Permit (NEW) -** Six-month review of the number of Tier-One Administrative Permits issued and average time for review. (February 4, 2025, Special Events Follow-On Motion)

FIRST TIER TOPICS

4. **Accessory Living Units -** Consider changes and clarifications to the use-specific standards for an Accessory Living Unit (ALU), including standards for determining whether an ALU is attached or detached, the permitted unit size and acreage requirement for detached ALUs, parking requirements, permit renewal and recordation, and other use-specific standards. (Carry over FY 2025/26 Work Program Topic 2 and Report on Accessory Living Units and Home-Based Businesses, dated April 12, 2024)

5. **Congregate Living Facility -** Consider expanding the districts where congregate living facilities are allowed and broadening the definition and standards to include additional support services, such as an emergency shelter and supportive housing. This is a refinement of FY 2024-2025 Topic 2B to consider zoning changes to facilitate adaptive reuse of vacant and underutilized commercial and industrial buildings to provide shelter, services, and permanent supportive housing to people who are unhoused. (Carry over from FY 2023/2024 Work Program Topic 2B and December 6, 2022, Board Matter)

6. **Light Utility Facility** - Consider revisions to definitions, permissions, and use standards, including but not limited to:

   A. Review permissions and use standards for electrical substations in association with data centers and as stand alone use. (March 19, 2024, BOS Matter) (Carry over from FY 2025/2026 Work Program Topic 9A)
   B. Consider establishing a Memorandum of Agreement with natural gas providers to provide notice of proposed new high-pressure gas distribution pipelines in certain rights-of-way. (High-Pressure Gas Pipeline Presentation) (Carry over from FY 2025/2026 Work Program Topic 9B)
   C. Consider establishing standards for battery energy storage facilities with appropriate permissions and use standards. (Carry over from FY 2025/2026 Work Program Topic 9C.)

7. **Limitation on Retailers Selling Tobacco and Nicotine Vapor Products (NEW)** - In coordination with the Health Department and Department of Code Compliance, review the new authority to limit retailers selling tobacco and nicotine vapor products within 1,000 feet of a school and/or child care center and report to the Board with options, an enforcement strategy, and timeline for implementation. (December 3, 2024, Board Matter.) (Initial Presentation to the LUPC on March 11, 2025)

8. **Manufactured Housing** - Consider zoning changes and strategies to incentivize preservation of existing manufactured home communities through a review of use standards and bulk regulations. This topic was previously listed as a subtopic under affordable housing initiatives. (Carry over from FY 2022/2023 Work Program Topic 1 and April 13, 2021, Board Matter)

9. **PRC Plan Exceptions -** Review the exceptions for when a PRC Plan or amendment to a PRC Plan may be required and consider expanding the types of minor improvements that would not require a PRC Plan submission, particularly as they relate to open space or community facilities. (Carryover from FY 2023/2024 Work Program Topic 11)

SECOND TIER TOPICS

10. **Accessory Structures (NEW)** - Consider adding standards for the review of accessory structures on residential lots larger than 36,000 square feet and allowing certain accessory structures in front yards on smaller lots with a special permit. (Priority 2 Work Program Item 11)

11. **Building Height (NEW) -** Review and clarify the definition of building height for residential dwellings (Priority 2 Work Program Item 26, See also January 14, 2025 Board Matter)

12. **Commercial and Industrial Uses -** Review certain commercial and industrial uses identified below to consider changes to permissions and standards:

    A. **Associated Services Uses (NEW) –** These are uses that are not allowed in a zoning district unless the use is designed to provide goods and services to occupants of the principal use. Associated service uses include restaurants, carryout restaurants, business service establishments, convenience stores, personal service establishments (particularly hair, nail, and other types of beauty treatments), and child care centers in certain commercial, industrial, and higher density residential districts. Review the definition, permissions, and standards in subsection 4102.1.G for associated service uses to evaluate if still appropriate to allow some of these uses as an accessory service use, particularly in industrial districts. (Priority 2 Work Program Item 12)

    B. **Food Trucks (NEW) -** Examine the feasibility of allowing food trucks to operate for more than four hours a day at one location. (February 4, 2025, Special Events Follow-On Motion)

    C. **Online Sales (NEW) -** The online sale of goods and services, including vehicles, furniture, and other products, has increased, and the Zoning Ordinance does not fully address whether these sales should be treated as office use or as retail sales. Review and consider updated definitions, permissions, and standards to address this trend in sales. (Priority 2 Work Program Item 17)

    D. **Recycling Centers (NEW) -** In the I-5 District, recycling centers are not allowed to have any associated outdoor storage per subsection 4102.6.P; however, a storage yard is allowed by right in the I-5 District as a principal use. Review these provisions to determine if this prohibition should be removed. (Priority 2 Work Program Item 18)

E. **Specialized Instruction Centers (NEW)** - Consider revising the definition, permissions, and standards for specialized instruction centers to align with health and exercise facility size limitations and permissions.

F. **Vehicle Sales (NEW) -** Review use standards in subsection 4102.5.PP and consider expanding permissions to allow vehicles sales as a special exception use in C-3, C-4, I-3, I-4, and I-5 Districts, consistent with permissions for vehicle rental. (Priority 2 Work Program Item 23)

13. **Floodplain -** Update floodplain regulations for consistency with the FEMA Map and consider removing the special exception requirements for redevelopment of dwelling units that pre-dated the floodplain requirements. This item is being done in coordination with the Department of Land Development Services (LDS). (Carry over FY 2025/26 Work Program Topic 8)

14. **Home Day Care Facility (NEW) -** Review and consider updating permissions, use-specific standards, and submission requirements for home day care facilities to streamline the approval process.

Zoning Ordinance Amendments		FY2026				FY2027			
WP#	Topic	1	2	3	4	1	2	3	4
1	Application Fees and Planned District Min. Recreational Facilities Expenditures								
2	Minor and Editorial Revisions/State Code Updates								
3A	Reports to the Board – Special Events – Tier One Permits	◆							
4	Accessory Living Units								
5	Congregate Living Facility								
6A	Light Utility Facility – Substations								
6B	Light Utility Facility - Battery Energy								
6C	Light Utility Facility - Gas Pipelines		◆						
7	Limitation on Retailers Selling Tobacco and Nicotine Vapor Products								
8	Manufactured Housing								
9	PRC Plan Exception								
10	Accessory Structures								
11	Building Height								
12	Commercial and Industrial Uses								
12A	Associated Services Uses								
12B	Food Trucks								
12C	Online Sales								
12D	Recycling Centers								
12E	Specialized Instruction Centers								
12F	Vehicle Sales								
13	Floodplain								
14	Home Day Care Facility								

Background research and outreach
Presentation to land use committees, authorization and public hearings
◆ Report Issued

ZONING ORDINANCE WORK PROGRAM (ZOWP)
PRIORITY 2 FY 2025 UPDATE

The following abbreviations are used in this document:

ARB - Architectural Review Board
BOS - Board of Supervisors
BZA - Board of Zoning Appeals
DCC – Department of Code Compliance
DPWES - Department of Public Works and Environmental Services
EAC - Economic Advisory Commission
EQAC - Environmental Quality Advisory Commission
FCPS – Fairfax County Public Schools
HCAB - Health Care Advisory Board
HCD – Housing and Community Development
LDS – Land Development Services
PC - Planning Commission

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
GENERAL PROVISIONS (ARTICLE 1)			
ZONING DISTRICTS (ARTICLE 2)			
1. Residential - Conservation District / Climate Action and Resiliency Initiatives - Consider zoning changes requiring greater setbacks for proposed construction in areas influenced by tidal flooding. In addition, establish an advisory committee to, among other things, review standards and guidelines associated with special permit, special exception, and public uses in the R-C District; review maximum allowable floor area ratios; consider standards for total impervious cover and/or undisturbed open space and review combined impact of the facility footprint and total impervious surface cover to include parking; and review the Comprehensive Plan to determine if clearer guidance is needed for special permit, special exception, and public uses	BOS Environmental Committee/ EAC (Tidal flooding setbacks – 2009; Advisory committee – 2013/moved to Priority 2 in 2014)	✓	Staff recommends this item be retained due to Board priorities related to climate initiatives.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
in the Occoquan watershed. (Former Topic 7)			
2. Residential - Conservation District – Public Uses	FCPS/ Staff **(NEW)**	+	Consider allowing increase in FAR for public uses to address operational and programming needs of Fairfax County Public Schools and other public facilities.
3. Commercial Districts - Review the permitted uses.	Staff **(NEW)**	+	Evaluate the permitted uses and consider an expansion of permissions to better align uses and permissions between these districts. Specifically consider permitting retail in the C-1, C-2, C-3, and C-4 districts and removing the percentage restriction of office use in the C-5, C-6, C-7, and C-8 districts.
4. Industrial Districts - Review the permitted uses and additional standards.	Staff **(NEW)**	+	Staff recommends this topic be added based on the recommendation of the recent Industrial Land Use Trends Report to consider removing or changing permissions for certain non-industrial uses.
5. Review the definition of gross floor area to consider including cellar space in all districts consistent with the PDC, PRM, and PTC Districts. (Former Topic 3)	Staff (2022)	✓	To provide consistency in the definition of gross floor area for all zoning districts staff recommends that this item be retained.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
OVERLAY AND COMMERCIAL REVITALIZATION DISTRICTS (ARTICLE 3)			
6. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport, and Davison Airfield regarding maximum structure height. (Former Topic 9A)	General Assembly (1989)	✓	Additional research is required. Note: There is Comprehensive Plan guidance in the Area Plan Overview for Allowable Height of Structures in the Vicinity of Dulles Airport. 2017 Comprehensive Plan - Area Plan Overview (fairfaxcounty.gov)
7. Architecture Review Board - Review the process related to submission of ARB applications.	Staff **(NEW)**	+	Include submission requirement for uses that require ARB review. Provide clarification on what happens when there is a violation of ARB approval.
8. Review the additional standards of the Highway Corridor Overlay District and consider revisions or elimination of the district.	Staff (2024)	✓	The additional standards for the Highway Corridor Overlay District are outdated and can be incorporated into the use-specific standards.
9. Review the additional standards of the Sign Control Overlay District and consider revisions or elimination of the district.	Staff (2024)	✓	The additional restriction on size of a freestanding sign is contrary to recent amendments to the sign regulations. Special exception approval is required for a sign size that is consistent with other commercial areas.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
10. Laurel Hill - Establish Historic Overlay District (HOD) as anticipated by the 2001 Memorandum of Agreement (MOA) between Fairfax County and the federal government for the former Lorton Correctional Complex. (Former Topic 10A)	BOS/Staff (2002)	✓	Establishment of a HOD is anticipated as part of the MOA and this item was retained.
11. Require all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission prior to the issuance of the permit. (Former Topic 10B)	History Commission (2005)	✓	Staff recommends that this item be retained.
USE REGULATIONS (ARTICLE 4)			
12. Accessory structures - Consider adding standards for the review on residential lots larger than 36,000 square feet. (Former Topic 2)	Staff (2023)	X	Staff recommends that this topic be moved to Priority 1.
13. Affordable Housing Initiatives - Placeholder reprioritized until specific items are identified. (Former FY 2025 Priority 1 Topic 3A)	Board (2018)	+	Consider zoning changes to support new affordable housing initiatives and land use policies.
14. Affordable Housing - Religious Assembly and Nonprofit Organization.	Staff **(NEW)**	+	Consider amendments to facilitate affordable housing when in conjunction with a religious assembly or nonprofit organization. Consider strategies to be provided from Virginia Department of Housing and Community Development (HB 2153).

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
15. Associated Service Use - Review the definition and permissions in subsection 4102.1.G for associated service uses and consider revisions to allow more of these types of uses by right with appropriate use standards.	Staff (2024)	X	Staff recommends that this topic be moved to Priority 1.
16. Climate Action and Resiliency Initiatives - Placeholder reprioritized until specific items are identified. (Former FY 2025 Priority Topic 5)	Board (2019)	+	Consider zoning changes that would incentivize and encourage more environmentally sustainable development to support implementation of the Community-wide Energy and Climate Action Plan (CECAP) and Resilient Fairfax.
17. Construction Site Office and Storage - Consider expanding the permitted activities for construction site office to include temporary concrete batching plants.	Staff **(NEW)**	+	Review and update the standards in subsection 4102.8.C.
18. Home Based Business - Consider updates to the standards.	Staff **(NEW)**	+	Review commercial type sharing economy uses in residential dwellings such as Sniffspot, Swimply, and Turo to determine if additional standards or permissions are appropriate.
19. Keeping of animals - Consider revising the maximum number of horses that may be maintained on a lot as an accessory use. (Former Topic 4A)	No. Va. Soil & Water Conservation District (2009)	✓	Staff recommends this item be retained and expanded to include the review the permission for keeping of other animals.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
20. Office in a Residential District - Consider updates to the standards.	Staff **(NEW)**	+	Review and update the standards in subsection 4102.5.N since some of standards may be outdated and should be reevaluated.
21. Online Sales - Address how to permit online sales only in a commercial or industrial area, including online sale of vehicles.	Staff (2024)	X	Staff recommends that this topic be moved to Priority 1.
22. Recycling Centers - Review use standards in subsection 4102.6.P related to outdoor storage.	Staff (2024)	X	Staff recommends that this topic be moved to Priority 1.
23. Religious Assembly - Secondary Uses	Staff **(NEW)**	+	Consider amendments to permit additional community uses in conjunction with a religious assembly.
24. Short-Term Lodging - Review standards and consider an increase in the number of permitted nights.	Staff (2024)	✓	Evaluate the current STL standards to consider an increase in the number of rental nights permitted per year. Staff often receive comments from current and potential STL operators regarding the current 60-night limit per year. It is also a frequent topic at the General Assembly sessions, including potentially restricting local control of the use. Additionally, neighboring jurisdictions have higher limits or no limit at all.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
25. Small Modular Reactor - Consider adding standards to this potential heavy utility use.	Staff **(NEW)**	+	Explore options to permit small modular reactors as either principal or accessory use and establish appropriate standards, when these types of systems become more available.
26. Vehicle Sales - Review use standards in subsection 4102.5 and consider expanding permissions to allow vehicles sales as a special exception use in C-3, C-4, I-3, I-4, and I-5 Districts, consistent with permissions for vehicle rental.	Staff (2024)	X	Staff recommends that this topic be moved to Priority 1.
DEVELOPMENT STANDARDS (ARTICLE 5)			
27. Affordable Dwelling Units (ADUs) - In coordination with the Housing and Community Development (HCD), consider the removal of the administrative requirements for ADUs related to resales, closing cost allowances, bedroom mix, income thresholds and other administrative provisions from the Zoning Ordinance and establish them as administrative guidelines approved and amended by the Redevelopment and Housing Authority (RHA). (Former Topic 6)	Staff (2023)	✓	Discussions have begun with HCD staff about moving administrative language out of the Zoning Ordinance and establishing separate guidelines for ADUs that will make it easier for RHA and HCD to update the provisions as necessary.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
PARKING AND LOADING (ARTICLE 6)			
28. Parking Reimagined – Department of Land Development Services and the Department of Planning and Development will monitor the effect of adopted changes to the parking requirements to include collection of relevant data to assess their effect. The relevant data could include trends in provided parking, the number and types of requests and approvals for parking adjustments, operational effects on parking-related processes, experiences with the Transportation Demand Management program, and other relevant measures of effectiveness. Data collection should be designed to help evaluate whether further modifications to the Ordinance are warranted. While data will begin to accumulate from the effective date, a report to the Board should be provided approximately five years after the effective date but no later than December 31, 2029, to allow time to gauge significant, long-term effects of the adopted changes.	BOS (2023)	✓	Parking Reimagined Follow-on Motion.
SIGNS (ARTICLE 7)			
29. Murals - Clarify that murals along with other public art that are not used or designed to attract attention to any institution, organization, business, product, service, event, or location are not regulated as signs.	BOS (2024)	+	Moved from Priority 1. This topic continues to be a developing area of the law and rather than defining murals at this time, staff will continue to review legal cases and review mural proposals on a case-by-case basis.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
ADMINISTRATION, PROCEDURES, AND ENFORCEMENT (ARTICLE 8)			
DEFINITIONS AND ORDINANCE INTERPRETATION (ARTICLE 9)			
30. Building Height - Review and clarify the definition of building height.	Staff (2024)	X	Staff recommends this topic be moved to Priority 1 to facilitate the infill development improvements outlined in the January 14, 2025, Board Matter.