County of Fairfax, Virginia

MEMORANDUM

DATE: June 18, 2026

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
July 7, 2026, 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 2026/2027 Work Program on June 24, 2025. While the Work Program is a two-year program cycle, Zoning Administration provides the Board and Planning Commission (PC) 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 2026 Priority 1 Work Program Status Update
Attachment 2 - Proposed FY 2027/2028 Priority 1 Work Program
Attachment 3 - Priority 1 Estimated Timelines
Attachment 4 - FY 2027/2028 Priority 2 Work Program Proposed Update

FY 2026 Accomplishments (Attachment 1)

The FY 2026/2027 Work Program included a total of 14 amendment topic areas with several of these topics broken down into more specific sub-topics for a total of 25 individual items.

A summary of the status of each amendment topic or sub-topic is presented in Attachment 1 in ***bold italics***. A total of 14 topics/sub-topics were completed either with adoption of an amendment, authorization of the amendment for public hearing, movement of item to Priority 2, publication of a report, or provision of additional information the Board, which represents 56 percent of the items on the Priority 1 Work Program. The following topics were completed:

- ✓ Application Fees and Planned District Recreation Facilities Expenditure (Topic 1)
- ✓ Minor and Editorial Revisions and State Code Updates (Topic 2A-D)

- ✓ Congregate Living (Topic 5)
- ✓ Light Utility Facility (Topic 6A-6C)
- ✓ Limitations on Retailers Selling Tobacco and Nicotine Vapor Products (Topic 7)
- ✓ Manufactured Housing (Topic 8)
- ✓ PRC Plan Exceptions (Topic 9)

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

- ✓ Special Events – Tier 1 Permit (Topic 3A)

Significant progress has also been made on the following topics as further detailed in Attachment 1. These topics are proposed for carryover to the FY 2027/2028 Work Program, and staff anticipates bringing these topics forward for the public hearings within the next six to twelve months:

- ✓ Accessory Living Units (Topic 4)
- ✓ Accessory Structures (Topic 10)
- ✓ Building Heights (Topic 11)
- ✓ Commercial and Industrial Uses (Topic 12A, 12B, 12D-F)
- ✓ Floodplain (Topic 13)
- ✓ Home Day Care Facilities (Topic 13)

Moved to Priority 2
Online sales (Topic 12C) was a subtopic of Commercial and Industrial Uses (on Priority 1). Staff began to research the topic and determined that online sales should be reviewed as part of the review of the larger Commercial Districts and the Industrial Districts; both are currently on the Priority 2 Work Program.

Proposed FY 2027/2028 Priority 1 Work Program (Attachment 2)

The proposed FY 2027/2028 Priority 1 Work Program includes those topics that have been carried over, as well as the addition of new topics that have either been requested for consideration by the Board or identified by staff. The Priority 1 Work Program has been separated for many years into First and Second Tiers. The goal in the past has been to bring First Tier topics to the Board within six months of adoption of the Work Program. While staff has worked toward this goal, many topics require extensive review, research and community outreach and often require multiple discussions with the LUPC and the Planning Commission before they are ready for authorization for public hearings. To recognize the complexity of these potential amendments and provide a more accurate timeline, this Work Program reflects a goal to have the First Tier topics (including those that have been carried over from the previous Work Program and are in process) that staff believes can be authorized for public hearing within one year of the adoption of the Work Program. Second Tier topics would be expected to reach authorization for public hearing in the second year after adoption.

The proposed Work Program has 14 amendment topic areas with several of these topics broken down into more specific sub-topics for a total of 29 individual items. Below is a summary of the proposed FY 2027/2028 Work Program that is provided in Attachment 2.

Ongoing Topics

Application Fees and Planned District Minimum Recreational Facilities Expenditure **(Topic 1)** is an ongoing Work Program entry. An amendment to increase application fees was approved by the Board on May 5, 2026, with an effective date of July 1, 2026. 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 will bring this topic forward as part of the FY 2029 budget process.

Minor and Editorial Revisions **(Topic 2)** is a yearly Work Program entry that addresses the need for minor and editorial revisions. These revisions typically are limited in scope and intended to correct minor errors or updates to the Zoning Ordinance. Staff plans to bring forward minor editorial changes in early 2027 along with changes to multiple County Codes to correctly reference the Zoning Ordinance as Chapter 112.2 **(Topic 2A).**

Virginia Code Updates **(Topic 3)** has typically tracked with the Minor and Editorial Revisions in the past. However, due to the significant nature of some of the changes from this year's General Assembly session, with effective dates ranging from July 1, 2026, to January 1, 2027, staff has identified these code updates as a separate topic. These items will be prioritized to update the Zoning Ordinance as soon as possible to reflect the new requirements imposed by the State and to be transparent to the community. Required updates will generally have limited community outreach since the County is mandated by the State to implement these changes. However, these updates will be subject to the same authorization and public hearing process as all zoning ordinance amendments. In addition to mandatory legislation, legislation that offers discretionary authority will be presented to the Board as part of its legislative update, and the Board may decide to add those items to the Work Program.

The subtopic Affordable Housing - Religious Assembly and Nonprofit Organizations **(Topic 3A)** is under review by staff to determine the best process to implement these requirements. The General Assembly amended the Code of Virginia with SB 388 to require localities to permit by-right residential development on land owned by a religious assembly or non-profit organization. That bill has a delayed effective date of January 2027 and a sunset clause of January 2031, and there is ongoing discussion on how to implement and publicize.

Reports to the Board **(Topic 4)** is an ongoing item to represent reports required by the Board by follow-on motions with the adoptions of amendments or Board matters. Topics and timelines are prioritized by the Board at the time they are initiated. There are no specific reports identified on the Work Program at this time.

First Tier Topics

As previously stated, First Tier topics have previously been targeted for completion within the first six months of the fiscal year, however many of these topics may take longer and this Work Program proposes to set the expectation that First Tier topics be completed in year one of the Work Program and Second Tier topics in year two.

Accessory Living Units (ALU) **(Topic 5)** was 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 presented this topic to the LUPC on December 2, 2025, and the PC Land Use Process Review (LUPR) Committee on December 4, 2025. Initial community outreach was conducted, and staff will update the LUPC on July 7, 2026. Staff anticipate bringing the amendment forward for authorization and public hearing by the end of this year.

Accessory Structures **(Topic 6)** was added to the Priority 2 Work Program in 2024 and moved to Priority 1 in 2025. The topic considers 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. Research is ongoing and staff anticipate bringing this topic to the LUPC for discussion by the end of 2026.

Building Height **(Topic 7)** was added to the Priority 2 Work Program in 2024 and moved to Priority 1 in 2025. The topic was presented to the LUPC on March 10, 2026, and will review and clarify the definition of building height for residential dwellings. Outreach is ongoing and staff will be bringing the topic back to the LUPC and LUPR in the fall of 2026 for further discussion.

Commercial and Industrial Uses **(Topic 8)** was added to the Priority 2 Work Program in 2024 and moved to Priority 1 in 2025 with six subtopics. Staff is currently studying five of the subtopics (Associated Uses, Food Trucks, Recycling Centers, Specialized Instruction and Vehicle Sales). Research and development of text is ongoing, and staff intend to bring forward to LUPC and LUPR for discussion by fall of 2026. Staff proposes to review the topic of online sales within the context of the larger Industrial and Commercial Districts amendments which is on the Priority 2 Work Program.

Floodplains **(Topic 9)** was added in 2024 and proposes updates to the floodplain regulations for consistency with the National Flood Insurance (NFIP) regulations and adoption of new Flood Insurance Rate Maps (FIRMs). This topic also considers removing the special exception requirements for redevelopment of single-family dwelling units that pre-dated the floodplain requirements. This item is being reviewed in coordination with the Department of Land Development Services (LDS). Going forward, this topic will be processed in two parts, updating the FEMA maps and floodplain regulations (Part 1) and consideration of removal of the special exception requirement for redevelopment of single-family dwellings (Part 2). Part 1 is intended to be completed by the end of 2026 and Part 2 by the end of 2027.

Home Day Care **(Topic 10)** was added in 2025 and will review and consider updating permissions, use-specific standards, and submission requirements for home day care facilities to streamline the approval process. Staff have been researching the topic and will be presenting concepts for consideration to the LUPC on July 7, 2026.

Second Tier Topics

Active Transportation and Trails Plan **(Topic 7)** is a new item added to the Work Program to make the necessary updates to the Zoning Ordinance to reflect the Boards' approval of the Active Transportation and Trails Plan Comprehensive Plan Amendment. The amendments to the Zoning Ordinance are anticipated to be minor and will be done concurrently with updates to the Public Facilities Manual (PFM). This item will be coordinated with LDS and the Fairfax County Department of Transportation (FCDOT).

Floodplain - Part 2 **(Topic 12)** will focus on removal of the special exception requirement for dwelling units that pre-dated the floodplain requirements and is intended to be completed prior to the end of 2027.

Housing Initiatives **(Topic 13)** is a new topic area that groups together previous Priority 2 Work Program items and new items identified as part of the April 2026 Housing Action Plan related to supporting new housing production.

- Affordable Dwelling Unit (ADU) Ordinance **(Topic 13A)** would update the Zoning Ordinance to remove the administrative requirements for ADUs from the Ordinance and establish them as standalone guidelines that can be updated regularly by the Department of Housing and Community Development (HCD). New items being added to this topic include the consideration of sunsetting the ADU Advisory Board and permitting another designated authority to approve modifications to the ADU ordinance; consideration of an expansion of the ADU ordinance to require certain multifamily buildings regardless of construction type to provide ADUs; and simplify the calculation process. Based on the Housing Action Plan, this item has been broadened to include consideration of modifications to the ADU program and the WDU policy to enhance predictability and provide more appropriate pricing.
- Special Exception for Affordable Projects **(Topic 13B)** is a new item being proposed to consider permitting affordable units in certain commercial districts and permit increased density in certain residential areas by special exception instead of a rezoning.
- Review of Submission Requirements and Minor Modification **(Topic 13C)** is a new item in coordination with LDS and Zoning Evaluation Division (ZED) to identify site plan, PFM, or rezoning submission requirements that can be modified or removed to streamline review of residential development. The item would also review the zoning interpretation process for approved zoning applications to identify modifications to facilitate a more expedited review process.

Religious Assembly – Secondary Uses **(Topic 14)** was added to the Priority 2 Work Program in 2025 to consider expanding permitted secondary uses in conjunction with a religious assembly use. Currently religious assembly uses are permitted to have child care centers, private schools and specialized instruction centers. Additional uses under consideration include health clinics, community art spaces, and coffee shops.

The estimated timelines for the Priority 1 Work Program topics (both First and Second Tier) 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 and prioritization. Priority 2 items may have been recommended by various Boards, Authorities, and Commissions, as well as staff or the Board. 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 inclusion on the list. The adopted Priority 2 Work Program consists of 24 individual items.

Staff are 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 the Priority 2 Work Program are uses or topics staff have increasingly received inquiries about and may reflect changing operational characteristics or new and innovative best practices. Staff recommend five items be added (+) to the Priority 2 Work Program as detailed in Attachment 4. Staff added the consideration of a setback ratio for residential building height (Topic 6) to address concerns on looming (Board Matter November 18, 2025). Small scale production (Topic 23) is added to review potential restrictions on urban agriculture and consider updating the use restrictions. Cemetery preservation (Topic 25) is being added to consider establishing setbacks to existing cemeteries for new development and may be done as an amendment to County Code or Zoning Ordinance. Expansion of the parking tiers (Topic 27) is proposed for suburban centers that have been the subject of recent Comprehensive Plan updates. A review of submission requirements (Topic 29) for special exception and special permit applications is proposed to be added to remove any unnecessary requirements to streamline review. As previously noted, four items (Topics 13, 14, 20, and 24) are recommended to be moved (X) to the Priority 1 Work Program. Finally, staff recommends the retention (✓) of 20 items. The proposed FY 2027/2028 Priority 2 Work Program contains a total of 25 items; all but six of the items have been added to the Work Program in the past five years. Staff anticipates that many of these items will be moved to the Priority 1 Work Program in the next few years.

Conclusions and Recommendations

The FYs 2026/2027 Work Program anticipates additional progress and completion of many of the ambitious efforts begun under the previous Work Program by the end of 2026. The Work Program will be presented to the PC LUPR on June 25, 2026, for

review and comment. Staff will provide an overview of the Work Program to the Board for discussion and comment at the LUPC meeting on July 7, 2026. 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 14, 2026. Once endorsed, staff will update the Work Program webpage, advertise the Work Program 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
Jill Cooper, Director, Clerk Services
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Jai Cole, Executive Director, Park Authority
Christopher S. Herrington, Director, DPWES
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William Mayland, Assistant Zoning Administrator, DPD
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ZONING ORDINANCE WORK PROGRAM – FYs 2026/2027
FY 2026 STATUS UPDATE
PRIORITY 1

Below is the FY 2026 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:
- 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 Fiscal Year 2026 (by July 2026).
- Second Tier - Amendments to be brought forward in the second fiscal year (by July 2027) or a later timeframe to be determined.

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). ***Completed on May 5, 2026, with the adoption of Zoning Ordinance Amendment 112.2-2026-21.***

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: ***Completed on May 5, 2026, with the adoption of Zoning Ordinance Amendment 112.2-2026-20.***

   A. **Site Plans** - Update the timelines for review and approval of site plans. Land Development Services (LDS) will take the lead on this topic. (FY 2026/2027 Work Program, SB 974 and HB 2660). ***Completed on October 28, 2025, with the adoption of Zoning Ordinance Amendment 112.2-2025-14.***

   B. **Appeals** - 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 non-agricultural excavation material, waste, and debris. (FY 2026/2027 Work Program, SB 1422). ***Completed on May 5, 2026, with the adoption of Zoning Ordinance Amendment 112.2-2026-20.***

   C. **Public Notice and Advertisements** - 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 (FY 2026/2027 Work Program, HB 1996 and HB 2330). ***Completed on May 5, 2026, with the adoption of Zoning Ordinance Amendment 112.2-2026-20.***

D. Zoning Violations - New authority to permit enhanced civil penalties for zoning violations involving property that is zoned or used for multifamily residential purposes. (FY 2026/2027 Work Program, SB 1267). ***Completed on May 5, 2026, with the adoption of Zoning Ordinance Amendment 112.2-2026-20.***

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 Permits - 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). ***Completed on December 11, 2025, with a memorandum issued to the Board.***

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). ***Community outreach is ongoing. Staff presented draft concepts to the Board's Land Use Policy Committee (LUPC) on December 2nd and to the Planning Commission's Land Use Process Review (LUPR) Committee on December 4, 2025. Staff intend to bring forward proposed text to LUPC and LUPR this summer for discussion and to the Board for authorization of public hearings by the end of 2026.***

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). ***Completed on March 17, 2026, with the adoption of Zoning Ordinance Amendment 112.2-2026-19.***

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). ***Completed on December 9, 2025, with the adoption of Zoning Ordinance Amendment 112.2-2025-17.***

B. Consider establishing a Memorandum of Agreement (MOA) 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). ***Discussions remain ongoing with the local natural gas providers on establishing an MOA and the topic is proposed to be removed from the Work Program as it will not involve an amendment to the Zoning Ordinance.***

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). ***Completed on March 17, 2026, with the adoption of Zoning Ordinance Amendment 112.2-2026-18.***

7 . 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. (FY 2026/2027 Work Program, December 3, 2024, Board Matter.) (Initial Presentation to the LUPC on March 11, 2025). ***Completed in December 2025 with additional information provided to the Board.***

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)**.** ***Completed on December 9, 2025, with the adoption of Zoning Ordinance Amendment 112.2-2025-16.***

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). ***Completed on November 18, 2025, with the adoption of Zoning Ordinance Amendment 112.2-2025-15.***

SECOND TIER TOPICS

10. Accessory Structures - 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. (FY 2026/2027 Work Program, former FY 2025-2026 Priority 2 Work Program Item 11). ***Staff are researching this topic and intend to bring a draft approach to the LUPC and the LUPR for discussion in late 2026 or early 2027.***

11. Building Height - Review and clarify the definition of building height for residential dwellings (FY 2026/2027 Work Program, former FY 2025-2026 Priority 2 Work Program Item 26, See also January 14, 2025, Board Matter). ***Staff presented the topic to the LUPC on March 10 and LUPR on March 12, 2026, and is conducting outreach in***

spring/summer 2026, and will present proposed text for discussion to the LUPC/LUPR in fall 2026.

12. **Commercial and Industrial Uses** - Review certain commercial and industrial uses identified below to consider changes to permissions and standards: ***Staff are researching these topics and plan to bring a draft approach to the LUPC and the LUPR in fall 2026, with the exception of online sales.***

    A. **Associated Services Uses -** 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. (FY 2026/2027 Work Program)

    B. **Food Trucks** - Examine the feasibility of allowing food trucks to operate for more than four hours a day at one location. (FY 2026/2027 Work Program and February 4, 2025, Special Events Follow-On Motion)

    C. **Online Sales** - 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. (FY 2026/2027 Work Program). ***Proposed to be studied with the commercial and industrial district updates on Priority 2.***

    D. **Recycling Centers** - 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. (FY 2026/2027 Work Program)

    E. **Specialized Instruction Centers** - Consider revising the definition, permissions, and standards for specialized instruction centers to align with health and exercise facility size limitations and permissions. (FY 2026/2027 Work Program)

    F. **Vehicle Sales** - 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. (FY 2026/2027 Work Program)

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). ***Staff began researching this topic and***

presented to LUPR on January 15, 2026. The amendment is proposed to be separated into two parts with the FEMA map updates as Part 1 and removal of the special exception as Part 2. Staff intend to bring Part 1 of the amendment for authorization and public hearings by the end of 2026 and Part 2 by the end of 2027. (Carry over FY 2025/26 Work Program Topic 8)

14. **Home Day Care Facility** - Review and consider updating permissions, use-specific standards, and submission requirements for home day care facilities to streamline the approval process. (FY 2026/2027 Work Program) ***Staff are researching this topic and intend to bring a draft approach to the LUPC and the LUPR for discussion in July 2026.***

PROPOSED ZONING ORDINANCE WORK PROGRAM – FYs 2027/2028
PRIORITY 1

Below is the proposed FY 2027/2028 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 Boards 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 with timing identified by each topic.
- First Tier - Amendments are anticipated to be brought forward for discussion at a Board committee meeting and authorization during Fiscal Year 2027 (by July 2027).
- Second Tier - Amendments to be brought forward for authorization during Fiscal Year 2028 (by July 2028) or a later timeframe to be determined.

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 and other factors. Also, consider alternative approaches to the per/acreage component of the rezoning application fee. Application fees will be reviewed again for the FY 2029 budget.

2. **Minor and Editorial Revisions** - Annual topic to address minor and editorial revisions that are limited in scope and more administrative in nature.

   A. **County Code (NEW)** - Update the references in the County Code for the Zoning Ordinance from Chapter 112.1 to Chapter 112.2 to recognize the readoption of the Zoning Ordinance in 2023.

3. **Code of Virginia Updates** - Annual topic to address updates to the Code of Virginia by the General Assembly that necessitates a change to the Zoning Ordinance. Unless otherwise noted the State Code updates are effective July 1, 2026.

   A. **Affordable Housing - Religious Assembly and Nonprofit Organization (NEW)** – Consider strategies to implement SB 388 which mandates by-right residential dwellings on land owned by a religious assembly or other non-profit organization. The bill requires localities to permit a minimum density of 20 dwelling units per acre with 60 percent of units as affordable. That bill has a delayed effective date of January 2027 and a sunset clause of January 2031, and there is ongoing discussion on how to implement and publicize.

   B. **High Energy Use Facility (HEUF) (NEW)** - Update the special exception submission requirements to reference the site assessment required under SB 94 for a HEUF. A HEUF is defined as facility that will require 100 megawatts or more of electrical power (e.g. data center).

C. **Manufactured Homes (NEW)** - Permit a manufactured home in all zoning districts that permit site built dwellings as required by HB 655 and SB 346.

D. **Manufactured Home Placement (NEW)** - Permit placement of manufactured home on any open lot in a nonconforming manufactured home park as required by HB 1463.

E. **Parking Requirements (NEW)** - Update minimum parking requirements for residential dwellings to one space for detached and attached dwellings and 0.5 spaces for multifamily dwellings in certain designated areas as required by HB 888.

F. **Solar Power Facilities (NEW)** - Update permissions and standards for solar power facilities as set forth in HB 711 and SB 347.

G. **Solar Power Facilities - Accessory Uses (NEW) -** Update provisions for solar power facilities to permit battery energy storage system (BESS) as an accessory use as required by HB 891 and SB 443.

H. **Wireless Facility - Permitted Modifications (NEW) -** Update provisions for wireless facilities to permit certain modifications by right as required by HB 277.

I. **Wireless Facility - Temporary Support Structures (NEW)** - Update provisions for wireless facilities to permit temporary support structures by-right as required by HB 876.

4. **Reports to the Board** - Annual topic to address studies and reports requested by the Board. As items are added they will be prioritized by the Board.

FIRST TIER TOPICS

5. **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 2025/2026 Work Program)

6. **Accessory Structures** - 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. (Carry over FY 2026/2027 Work Program)

7. **Building Height** - Review and clarify the definition of building height for residential dwellings. (Carry over FY 2026/2027 Work Program, See also January 14, 2025, Board Matter)

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

A. **Associated Services Uses** - 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. (Carry over FY 2026/2027 Work Program)

B. **Food Trucks** - Examine the feasibility of updating subsection 4102.8.E to allow food trucks to operate for more than four hours a day at one location. (Carry over FY 2026/2027 Work Program, See also February 4, 2025, Special Events Follow-On Motion)

C. **Recycling Centers** - 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. (Carry over FY 2026/2027 Work Program)

D. **Specialized Instruction Centers** - Consider revising the definition, permissions, and standards for specialized instruction centers to align with health and exercise facility size limitations. (Carry over FY 2026/2027 Work Program)

E. **Vehicle Sales** - 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. (Carry over FY 2026/2027 Work Program)

9. **Floodplain - Part 1** - In coordination with the Department of Land Development Services (LDS) update floodplain regulations for consistency with the National Flood Insurance (NFIP) regulations and adopt new Flood Insurance Rate Maps (FIRMs). (Carry over FY2025/2026 Work Program)

10. **Home Day Care** - Review and consider updating permissions, use-specific standards, and submission requirements for home day care facilities to streamline the approval process. (Carry over FY 2026/2027 Work Program)

SECOND TIER TOPICS

11. **Active Transportation and Trails Plan (NEW)** - In coordination with the Department of Transportation and Land Development Servies, consider updates to the Zoning Ordinance and Public Facilities Manual to facilitate the implementation of the Active Transportation and Trails Plan. (May 5, 2026, Active Transportation Plan Study Comprehensive Plan Amendment 2025-CW-T1 follow-on motion)

12. **Floodplain - Part 2 -** In coordination with LDS consider removing the special exception requirements for redevelopment of dwelling units that pre-date the floodplain requirements and incorporating changes to implement elements of the Board's adopted Flood Risk Reduction Policy. (Carry over FY 2025/2026 Work Program)

13. **Housing Initiatives** - Consider zoning changes to support new housing initiatives and land use policies. (September 9, 2025, Board Matter and April 2026 Housing Action Plan)

    A. **Affordable Dwelling Unit (ADU) Ordinance Updates (NEW)** - In coordination with Housing and Community Development (HCD) consider updates to the ADU ordinance to include 1) removing the administrative requirements for ADUs related to resales, closing cost allowances, bedroom mix, income thresholds and other administrative provisions from the Zoning Ordinance and establishing them as administrative guidelines approved and amended by the Redevelopment and Housing Authority (RHA); 2) sunsetting the ADU Advisory Board and replace with a designated authority to approve modifications to the ADU ordinance; 3) expanding the ADU ordinance to include additional multifamily building construction types under a certain height or stories; 4) developing new methodologies to simplify ADU calculations and requirements, facilitate development review and approval to provide more predictability in number of required ADUs. (FY 2026/2027 Priority 2 Work Program Item 22)

    B. **Special Exception for Affordable Projects (NEW)** - Consider permitting affordable housing developments by special exception (without requiring a rezoning) (1) in nontraditional areas, such as certain commercially zoned properties, and (2) at increased densities in residential districts.

    C. **Submission Requirements and Minor Modifications (NEW)** - In coordination with LDS and Zoning Evaluation Division (ZED) review and consider updates to the Zoning Ordinance and Public Facilities Manual (PFM) to promote a streamlined entitlement review process including the minor modification process.

14. **Religious Assembly - Secondary Uses (NEW)** - Consider amendments to permit additional community uses in conjunction with a religious assembly. (FY 2026/2027 Priority 2 Work Program Item 17)

Zoning Ordinance Work Program			FY 2027				FY 2028			
Priority	**WP #**	**Topic**	**1**	**2**	**3**	**4**	**1**	**2**	**3**	**4**
Ongoing	1	Application Fees and Planned District Minimum Recreational Facilities Expenditure								
	2	Minor and Editorial Revisions								
	3	Code of Virginia Updates								
	4	Reports to the Board								
First Tier	5	Accessory Living Units								
	6	Accessory Structures								
	7	Building Height								
	8	Commercial and Industrial Uses								
	9	Floodplain - Part 1								
	10	Home Day Care Facilities								
Second Tier	11	Active Transportation Plan								
	12	Floodplain - Part 2								
	13	Housing Initiatives								
	14	Religious Assembly - Secondary Uses								

Background research, outreach, presentation to land use committee
Authorization and public hearings
Report issued

ZONING ORDINANCE WORK PROGRAM
PRIORITY 2 FY 2027/2028 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	BOS Environmental Committee/ EAC (Tidal flooding setbacks – 2009; Advisory committee – 2013/moved to Priority 2 in 2014)	✓	Retained due to the Board priorities related to climate initiatives. The topic has been updated to reflect amendments to the Comprehensive Plan recommending that 50% of the site be maintained as contiguous undisturbed open space.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
footprint and total impervious surface cover to include parking.			
2. Residential - Conservation District – Public Uses	FCPS/ Staff (2025)	✓	Consider an increase in FAR by a special exception 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 (2025)	✓	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. The online sale of goods and services has increased, and the Zoning Ordinance does not fully address whether these sales should be treated as office use, retail sales or warehouse. Review and consider updated definitions, permissions, and standards to address this trend in sales. In addition, review the use standards for drive-through pharmacies to consider allowing by-right when abutting to across the street from a residential district.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
4. Industrial Districts - Review the permitted uses and additional standards.	Staff (2025)	✓	Based on the recommendation of the Industrial Land Use Trends Report consider removing or changing permissions for certain non-industrial uses. Review and consider updated definitions, permissions, and standards for online sales.
5. Review the definition of gross floor area to consider including cellar space in all districts consistent with the PDC, PRM, and PTC Districts.	Staff (2022)	✓	Retained the topic to provide consistency in the definition of gross floor area for all zoning districts.
6. Setback Ratio to Building Height - Residential	Board **(NEW)**	+	Review methodologies that establish maximum building height based on minimum setbacks and consider establishing requirement for an additional setback related to height of the structure. (Board Matter November 18, 2025)
Overlay and Commercial Revitalization Districts (Article 3)			
7. 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: Comprehensive Plan guidance is provided in the Area Plan Overview for Allowable Height of Structures in the Vicinity of Dulles Airport. 2017 Comprehensive Plan - Area Plan Overview (fairfaxcounty.gov)

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
8. Architecture Review Board - Review the process related to submission of ARB applications.	Staff (2025)	✓	Include submission requirement for uses that require ARB review. Provide clarification on what happens when there is a violation of ARB approval.
9. 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.
10. 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.
11. 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.	BOS/Staff (2002)	✓	Retained the topic because the establishment of a HOD was anticipated as part of the MOA.
12. 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.	History Commission (2005)	✓	While this would require passage of enabling legislation, staff is working on related processes to partially address the issue and recommends that this item be retained.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
USE REGULATIONS (ARTICLE 4)			
13. Affordable Housing Initiatives - Placeholder reprioritized until specific items are identified.	Board (2018)	X	Staff recommend that this topic be moved to Priority 1.
14. Affordable Housing - Religious Assembly and Nonprofit Organization.	Staff (2025)	X	Staff recommend that this topic be moved to Priority 1 and studied as part of the Code of Virginia updates.
15. Climate Action and Resiliency Initiatives - Placeholder reprioritized until specific items are identified.	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.
16. Construction Site Office and Storage - Consider expanding the permitted activities for construction site office to include temporary concrete batching plants and the permitted location of temporary trailers.	Staff (2025)	✓	Review and update the standards in subsection 4102.8.C.
17. Home Based Business - Consider updates to the standards.	Staff (2025)	✓	Review standards for HBBs and consider permitting limited number of customers by right. Consider allowing an outdoor component for urban agriculture home based business Review commercial type sharing economy uses in residential dwellings such as Sniffspot, Swimply, and Turo to determine if

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
			additional standards or permissions are appropriate.
18. Keeping of animals - Consider revising the maximum number of horses that may be maintained on a lot as an accessory use.	No. Va. Soil & Water Conservation District (2009)	✓	Retain the topic and expand to review the standards for all animals permitted under this provision.
19. Office in a Residential District - Consider updates to the standards.	Staff (2025)	✓	Review and update the standards in subsection 4102.5.N since some of standards may be outdated and should be reevaluated.
20. Religious Assembly - Secondary Uses	Staff (2025)	X	Staff recommend that this topic be moved to Priority 1.
21. Short-Term Lodging (STL) - 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
22. Small Modular Reactor - Consider adding standards to this potential heavy utility use.	Staff (2025)	✓	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.
23. Small-Scale Production Establishment - Use restrictions	Staff **(NEW)**	+	Review the use restrictions and consider amendments to permit exterior production activities for urban agriculture.
DEVELOPMENT STANDARDS (ARTICLE 5)			
24. 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).	Staff (2023)	X	Staff recommend that this topic be moved to Priority 1.
25. Cemetery Preservation - Establish new regulations.	Staff **(NEW)**	+	Establish regulations for the preservation of existing private and public cemeteries.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
PARKING AND LOADING (ARTICLE 6)			
26. 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.
27. Parking Tiers - Suburban Centers.	Staff **(NEW)**	+	Consider adding new areas to the Suburban Center parking tier in coordination with the Planning Division and LDS.

TOPIC	SOURCE (Year Item Added to Work Program)	KEEP ✓ REMOVE X ADD +	NOTES
SIGNS (ARTICLE 7)			
28. 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)	✓	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.
ADMINISTRATION, PROCEDURES, AND ENFORCEMENT (ARTICLE 8)			
29. Submission Requirements - Update submission requirements for special exception and special permit applications.	Staff **(NEW)**	+	Review and update submission requirements to remove unnecessary requirements to promote a streamlined review.
DEFINITIONS AND ORDINANCE INTERPRETATIONS (ARTICLE 9)			