8/25/2026

COMMERCIAL AND INDUSTRIAL MODERNIZATION (CI-MOD) - PART 1

BACKGROUND

This topic was added to the work program to address several zoning provisions that staff has historically found difficult to apply consistently and that no longer fully reflect current use patterns. The goal of the proposed amendment is to create clearer, more enforceable standards while preserving the primary function of the Commercial and Industrial Districts and allowing flexibility where appropriate. Specifically, staff is considering revisions to the definitions, permissions, and use standards of five specific commercial and industrial uses. This is the first phase in modernizing the Commercial and Industrial Districts and is a First Tier item on the Priority 1 Work Program. The second phase, which will review the Commercial and Industrial Districts in greater depth, is on the Priority 2 Work Program. For Part 1, the following uses are being reviewed:

A. Associated Service Uses: These are uses that are only allowed in a zoning district if the use is designed to provide goods and services to occupants of the principal building or larger business complex that it serves. Associated service uses consist of business services, child care centers, convenience stores, personal service, carryout restaurants, and restaurants. This amendment considers whether there continues to be a need for a separate associated service use or if the definition, permissions, and standards currently found in subsection 4102.1.G could be incorporated into the specific use standards.

B. Food Trucks: Food trucks are currently limited to no more than four hours daily at a location. As part of the adoption of the Special Events and Food Trucks Zoning Ordinance Amendment, the Board approved a follow-on motion[1] directing staff to examine the feasibility of allowing food trucks to operate for longer periods of time.

C. Recycling Centers: In the I-5 District, recycling centers are not allowed to have any associated outdoor storage per subsection 4102.6.P. This amendment considers whether this prohibition should be removed, given that a storage yard is allowed by right in the I-5 District as a principal use.

D. Specialized Instruction Centers: The amendment considers revising the definition, permissions, and standards for specialized instruction centers to align with the existing health and exercise facility permissions and size limitations, including categorizing the use as “large” or “small.”

[1] Follow-on Motion: https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/Assets/Documents/PDF/02-04-25_Final-Summary.pdf#page=31

PLANNING & DEVELOPMENT

Department of Planning and Development
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
Fax 703-803-6372
www.fairfaxcounty.gov/planning-development

E. Vehicle Sales: The amendment considers expanding permissions to allow vehicle sales as a special exception use in the C-3, C-4, I-3, I-4, and I-5 Districts, consistent with existing permissions for vehicle rental.

Staff analysis and proposed recommendations by topic area are discussed below.

A. ASSOCIATED SERVICE USES

Existing Provisions

The Zoning Ordinance defines an associated service use as "a use located in the same building as the principal use it serves, primarily designed to provide goods and services to the building's occupants, business enterprises, or industrial operations in that principal building." Associated service uses include restaurants, carryout restaurants, business services such as printing and parcel pick up/drop off, child care centers, convenience stores, personal services such as barber shops, beauty salons, laundromats, limited-scale dry-cleaning sites, shoe cleaning or repair shops, tailors, tattoo parlors, and other similar places of business.

Associated service uses are permitted by-right in certain commercial and industrial districts, as well as the higher density residential (R-20 and R-30) districts, provided applicable use-specific standards in subsection 4102.1.G are met. These standards include the following:

- Gross Floor Area (GFA) Limits: The combined GFA of all associated service uses in a single building cannot exceed 10 percent of the building's total GFA. Individual establishments are limited to 2,500 SF (excluding child care centers and garment cleaning establishments).

- Hours of Operation: Hours must generally conform to the principal use but may not exceed 6:00 a.m. to 10:00 p.m.

- Commercial and Industrial Districts: In the C-1, C-2, C-3, C-4, I-2, I-3, I-4, I-5, and I-6 Districts, associated service uses other than personal service uses must be part of an office or industrial complex that is planned, designed, constructed, and managed on an integrated, coordinated basis. Personal service uses are limited to office complexes and prohibited in industrial complexes.

- Residential Districts: In the R-20 and R-30 Districts, associated service uses must serve a multifamily complex, cannot occupy individual dwelling units, and child care enrollment is limited to individuals living or working on-site.

Historically, associated service uses were uses that would not otherwise be permitted in the specific zoning district but were allowed because they provide convenient services for businesses and their employees working within an office or industrial building or building complex, or in a conventionally zoned multi-family building. However, as technology has advanced, these uses are now widely advertised online and serve a much larger area than initially contemplated. For example, a popular restaurant in an industrial complex often attracts patrons countywide and beyond, and it is increasingly difficult to make the finding that a use meets the definition that it “primarily” provides goods and services to the building’s occupants. This disconnect between the intent and modern market realities has created challenges for both applicants and staff.

The current standards for associated service uses have also proven difficult to interpret and apply consistently. The term "primarily designed to provide goods and services to the building” lacks clear quantitative guidance, leaving both business owners and staff uncertain about what percentage of customer base qualifies as sufficient.

Staff has also frequently encountered confusion over the requirement for an associated service use to be part of an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis. Specifically, what constitutes a "complex" can lead to a lengthy interpretation and analyses process, sometimes resulting in inconsistent conclusions that delay project approvals and frustrate applicants seeking clarity.

Lastly, in light of the market realities and how these associated service uses are advertised to and serve a much larger area than initially contemplated, the existing limitation that requires the hours of operation to generally conform to the business hours of the principal use is no longer viable or practical to enforce.

The goal of this amendment is to establish clear, objective standards that make the process of establishing these uses more predictable and transparent. By providing explicit size thresholds, reducing subjective terminology, and streamlining the review process, staff aims to reduce the burden on businesses and staff alike, while ensuring that these uses continue to serve their intended supporting function within specific districts.

Staff Considerations & Recommendations

Staff proposes eliminating the “Associated Service Use” umbrella category and the related standards in subsection 4102.1.G, and instead, proposes regulating these uses as principal uses in specific zoning districts and subject to use-specific standards.

Staff recommends retaining the existing 2,500-square-foot limit for individual establishments with a range from 1,500 square feet up to 2,500 square feet provided for

the Board's consideration. To prevent these uses from becoming the dominant principal use on a site, staff recommends retaining the 10 percent maximum cumulative GFA limit within a building, with a range of 10 percent to 30 percent provided for the Board's consideration,. Staff also recommends retaining the existing hours of operation of 6:00 a.m. to 10:00 p.m., rather than tying hours to the business hours of another principal use on the same property. Maintaining this limitation helps prevent restaurants from evolving into public entertainment uses with late operating hours that typically extend beyond 10:00 p.m., which would require special exception approval. Overall, the proposal replaces ambiguous and difficult-to-enforce standards with clear, use-specific regulations that better reflect evolving business models and support consistent, predictable review of NonRUPs.

As fully detailed in the draft text (Attachment 1), the permissions and standards for each individual use will be revised as summarized below:

Table 1: Summary of Existing and Proposed Permissions and Standards

Use	Existing Permission	Proposed Permission	Proposed Use-Specific Standards
Child Care Centers	A+[2] / SE[3]	P[4] / SE	In the R-20 and R-30 District: • Removes the standard limiting enrollment to on-site residents or workers. • Must be located within a multifamily building and prohibits within individual residential dwelling units.[5] • Limits enrollment to 60 children by right; requires an SE to exceed 60 children [***Range: 50 up to 99 children***]. • Limits hours of operation from 6:00 a.m. to 10:00 p.m.
Restaurants	A+ / SE	P / SE	In R-20 and R-30 Districts: • Removes permission for restaurants. In C-1, C-2, I-2, I-3, I-4, I-5, and I-6 Districts: • Limits maximum size to 2,500 square feet ***[Range: 1,500 up to 2,500 SF]***; requires an SE to exceed this size.

[2] A+: Permitted as associated service use
[3] SE: Permitted with approval of a special exception
[4] P: Permitted by right
[5] This limitation is not applicable to Home Day Care Facility which would still be permitted within individual residential dwelling units per subsection 4102.7.I

Use	Existing Permission	Proposed Permission	Proposed Use-Specific Standards
			• Limits maximum cumulative size of restaurants, in combination with business services, carryout restaurants, child care centers, convenience stores, and personal services, to 10 percent ***[Range: 10 up to 30 percent]*** of building GFA. • Limits hours of operation from 6:00 a.m. to 10:00 p.m. • Requires an SE to exceed the above standards.
Carryout Restaurants	A+ / SE	P / SE	In C-1, C-2 , I-2, I-3, I-4, I-5, and I-6 Districts: • Limits maximum size to 2,500 SF ***[Range: 1,500 up to 2,500 SF]***; requires an SE to exceed this size. • Limits maximum cumulative size of carryout restaurants, in combination with business services, child care centers, convenience stores, personal services, and restaurants, to 10 percent ***[Range: 10 up to 30 percent]*** of building GFA. • Limits hours of operation from 6:00 a.m. to 10:00 p.m. • Requires an SE to exceed the operating-hours limit.
Business Services	A+	P	In I-2, I-3, I-4, I-5, and I-6 Districts • Limits maximum size to 2,500 SF ***[Range: 1,500 up to 2,500 SF]***. • Limits maximum cumulative size of business services, in combination with carryout restaurants, child care centers, convenience stores, personal services, and restaurants, to 10 percent ***[Range: 10 up to 30 percent]*** of building GFA. • Limits hours of operation from 6:00 a.m. to 10:00 p.m.
Personal Services	A+	P / SE	In all districts where permitted: • Reduces the maximum size of garment cleaning establishments from 3,000 SF to 2,500 SF. In R-20 and R-30 Districts: • Limits maximum size to 2,500 SF [***Range: 1,500 up to 2,500 SF***].

Use	Existing Permission	Proposed Permission	Proposed Use-Specific Standards
			In the I-2, I-3, I-4, I-5 and I-6 Districts: • Limits maximum size to 2,500 SF ***[Range: 1,500 up to 2,500 SF]***. • Limits maximum cumulative size of personal services, in combination with business services, carryout restaurants, child care centers, convenience stores, and restaurants, to 10 percent ***[Range: 10 up to 30 percent]*** of building GFA. • Limits hours of operation from 6:00 a.m. to 10:00 p.m.
Convenience Stores	A+	P / SE	In the C-1, C-2, C-3, C-4: • Limits maximum size to 2,500 SF ***[Range: 1,500 up to 2,500 SF]***. In the I-2, I-3, I-4, I-5 and I-6 Districts: • Requires SE approval. • Limits maximum size to 2,500 SF. • Limits maximum cumulative size of convenience stores, in combination with business services, carryout restaurants, child care centers, personal services, and restaurants, to 10 percent ***[Range: 10 up to 30 percent]*** of building GFA. • Limits hours of operation from 6:00 a.m. to 10:00 p.m.

B. FOOD TRUCKS

Existing Provisions

A food truck is defined as any readily movable mobile food service establishment that is self-propelled, pushed, or pulled to a specific location. In accordance with subsection 4102.8.E(4)(c), food trucks are permitted as an accessory use and are allowed to operate for a maximum of four hours per day at any single location, including setup and breakdown. Properties that host an agritourism activity, farm winery, limited brewery, or limited distillery and are 20 acres or more may operate for a maximum of eight hours per day, while those under 20 acres are subject to the four-hour limit.

Staff Considerations & Recommendations

Staff proposes a district-specific, tiered time framework, with ranges provided for Board consideration. To balance the operational needs of food truck vendors with the temporary nature of the use and the potential impacts on surrounding properties, staff evaluated appropriate daily time limits based on the zoning district and the character of the area. The proposed framework provides greater flexibility in commercial, industrial, agricultural, and other nonresidential settings, while maintaining more limited hours in residential areas to address potential concerns related to noise, trash, parking, and neighborhood compatibility. The current four-hour limitation was established in 2014 with the adoption of Zoning Ordinance Amendment ZO-14-455, which defined and permitted food trucks as an accessory use. The four-hour limitation was partly informed by feedback from food truck operators, jurisdictional research, as well as a 2013 study[6] published by the National League of Cities, which analyzed food truck integration nationwide. At that time, a four-to-five-hour timeframe was determined to be the national average. It provided sufficient time for a vendor to capture peak lunch or dinner rushes without establishing a permanent commercial footprint that could devalue nearby brick-and-mortar restaurant investments. The study also discussed that these time limits can help manage public space congestion, preserve street parking, and maintain a competitive equilibrium between mobile and brick-and-mortar food establishments.

The Zoning Ordinance food truck standards were most recently updated in 2025 with Special Events and Food Trucks Zoning Ordinance Amendment (ZO-112.2-2025-11[7]), which increased how often food trucks can operate in conjunction with approved nonresidential uses in residential or planned residential districts, raising the limit from 12 to 32 days per calendar year. It also permitted a single food truck on properties where the primary use occupies less than 25,000 square feet of GFA. The existing four-hour limit was not modified at that time.

As part of the adoption of the Special Events and Food Trucks Zoning Ordinance Amendment, the Board approved a follow-on motion directing staff to examine the feasibility of allowing food trucks to operate for longer periods of time. Additionally, during the outreach for the 2025 amendment, staff received feedback that the current four-hour operational limit on food trucks could negatively impact their economic viability. Staff has evaluated neighboring jurisdictions' standards and the historical context of the existing Zoning Ordinance regulations and consulted with the Fairfax County Health Department.

---

[6] Food on Wheels: Mobile Vending Goes Mainstream: https://search.issuelab.org/resource/food-on-wheels-mobile-vending-goes-mainstream.html

[7] ZO-112.2-2025-11: https://plus.fairfaxcounty.gov/CitizenAccess/urlrouting.ashx?type=1001&ID1=REC24&ID2=00000&ID3=00O44&agency=FFX&SeqNo=5454611

Staff's review of neighboring jurisdictions indicates the standards vary across jurisdictions as outlined in the examples below:

- City of Alexandria: Recently expanded operational windows from four hours up to six continuous hours between 7:00 a.m. and midnight.

- Fairfax City: Imposes no daily hourly limit; imposes set operational hours (7:00 a.m. to 10:00 p.m. Sunday through Thursday and until 11:00 p.m. on Friday and Saturday).

- Town of Herndon: Tracks operations weekly, allowing up to 21 hours on a single site over a seven-day period.

To allow for additional flexibility while continuing to recognize that a food truck is a temporary use, staff proposes a district-specific, tiered time framework as follows:

- R Districts and Residential Areas of Planned Districts: Expanding hours in residential areas may present potential impacts related to noise, trash, and parking issues. Overall, the presence of food trucks for longer hours could potentially be incompatible with residential areas. As such, staff proposes to retain the four-hour daily limit (including setup/breakdown). A range of four hours up to eight hours is provided for Board consideration.

- Commercial and Industrial Districts, Nonresidential Areas of Planned Districts, and Agricultural Properties: Staff proposes to extend the daily limit to six hours (including setup/breakdown). This aligns with the City of Alexandria's model, allowing a food truck to capture multi-meal revenue (e.g., breakfast and lunch). Additionally, when food trucks operate in association with an agritourism activity or at a farm winery, limited brewery, or limited distillery where the principal use is located on less than 20 acres, staff proposes to increase the daily limit to six hours to match the proposed standards for the commercial and industrial districts. Staff proposes to maintain the existing eight-hour daily limit with no other changes where the principal use is located on 20 acres or more. A range of four hours up to eight hours is provided for the Board to consider as an option.

According to the Health Department, while the Fairfax County Food Code[8] does not explicitly restrict mobile food units from vending at a single location beyond the traditional four-to-six-hour window, extending operations to an eight-hour timeframe could introduce certain regulatory and food safety challenges as listed below:

[8] Fairfax County Food Code: https://www.fairfaxcounty.gov/health/sites/health/files/Assets/Documents/PDF/FFX-FoodCode-2021.pdf

- Cold Holding Capacity: Food trucks typically have limited refrigerator units in the truck/trailers. To accommodate cold holding capacity to serve longer hours at a location, operators must diligently maintain their refrigeration systems to ensure food temperature remains at 41 degrees Fahrenheit or below during the eight-hour duration. Hot weather conditions, frequent door openings, and limited refrigerated storage may impact temperature control.

- Potable water and Wastewater Capacity: Because the potable water and wastewater tanks in food trucks have limited capacity to accommodate eight hours (compared to the standard four- to six-hour duration),the potable water must be refilled at a commissary[9] or approved source and wastewater must be disposed of at a commissary or approved site.

- Cleaning and Sanitizing Requirements: Food contact surfaces, utensils, and equipment must be cleaned and sanitized at least every four hours, which will affect the amount of potable water they have and the amount of wastewater the tank will hold.

- Employee Facilities: Access to restroom facilities for food truck employees must also be considered during longer operating hours.

C. RECYCLING CENTERS

Existing Provisions

The Zoning Ordinance defines a recycling center as a facility dedicated to the collection of source-separated, nonputrescible recyclable materials before they are shipped to manufacturers who will use them to create new products. This use category includes "clean" Materials Recovery Facilities (MRFs) as defined by Chapter 109.1 of the County Code (Solid Waste Management). Additionally, subsection 4102.6.P(2) of the Zoning Ordinance, specifically prohibits recycling centers operating within the I-5 District from utilizing any outdoor storage.

Staff Considerations & Recommendations

Staff proposes to allow accessory outdoor storage for recycling centers within the I-5 District, subject to use-specific standards.

[9] Per the Fairfax County Food Code, "Commissary" means a permitted FOOD ESTABLISHMENT that contains all of the necessary equipment and storage facilities to support the operation of a CATERING FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT. The commissary may be the operating base location to which a MOBILE FOOD ESTABLISHMENT returns regularly for services including, but not limited to, vehicle and equipment cleaning, discharging liquid and solid wastes, refilling water tanks, and vehicle storage.

Review of the recycling center standards in the Zoning Ordinance has revealed an inconsistency. Specifically, while a recycling center is not allowed outdoor storage of any kind in the I-5 District, a standalone "storage yard" use, which can include outdoor storage, is permitted by right as a principal use, and could be permitted on the same property. Further, research of adjacent jurisdictions indicates that this prohibition is unique to Fairfax County. To resolve this inconsistency and align with regional standards, staff recommends allowing accessory outdoor storage for recycling centers within the I-5 District, subject to use-specific standards as follows:

- All mechanical processing that generates noise or has other potential impacts on adjacent properties (such as crushing, compacting, or shredding) must occur within a completely enclosed building;
- Outdoor storage of source-separated recyclables is limited to a footprint of 10,000 SF and may not be located in the minimum required front setback; and
- A minimum six-foot solid or opaque screening fence or wall is required.

D. SPECIALIZED INSTRUCTION CENTERS

Existing Provisions

A specialized instruction center is defined in the Zoning Ordinance as a facility primarily devoted to vocational, professional, musical, dramatic, artistic, scientific, or performing arts, or other special subjects. Examples include tutoring centers, music lessons, art classes, ballet, and other similar activities.

Under the current regulations, specialized instruction centers are often permitted more broadly than health and exercise facilities despite some facilities generating similar levels of traffic, parking demand, occupancy, and activity. This has created challenges in distinguishing between the two uses, resulting in instances where facilities have been classified differently despite operating in a similar manner, and has led some operators whose activities are more characteristic of a health and exercise facility to seek classification as a specialized instruction center in order to take advantage of more permissive use regulations.

As illustrated in the table below, the current regulations permit specialized instruction centers in several zoning districts where comparable health and exercise facilities are either prohibited or subject to additional approval requirements, contributing to challenges in distinguishing between the two uses and applying the regulations consistently.

Table 2: Existing Permissions for Specialized Instruction Center and Health and Exercise Facility (Small & Large)

Use	Residential Districts	Commercial Districts	Industrial Districts
Specialized Instruction Center	Special Permit	By Right (all commercial districts, regardless of size)	By Right in I-2 through I-5; Special Exception in I-6
Health and Exercise Facility, Small[10]	Only permitted as a home-based business	By Right (all commercial districts)	By Right in I-2 through I-5; Not Permitted in I-6
Health and Exercise Facility, Large	Not Permitted	By Right in C-5 through C-8; By Right in C-3/C-4 only within buildings existing on May 10, 2023; otherwise, Special Permit	Not Permitted in I-2; By Right in I-3 through I-6

Staff Considerations & Recommendations

Staff recommends changing the categorization for specialized instruction centers to address these inconsistences, as well as changing the associated fee structure.

The proposed amendment would create two categories for specialized instruction centers, "small" and "large," based on the size of the facility, using 6,000 square feet of GFA as the threshold to differentiate between small and large facilities. The 6,000-square-foot threshold is an established benchmark already used within the Zoning Ordinance to distinguish between smaller and larger scale uses, including health and exercise facilities, and therefore provides a consistent framework for evaluating specialized instruction centers based on operational intensity and potential impacts. While the proposed amendment uses a similar size distinction as health and exercise facilities, specialized instruction centers would not be regulated identically, as certain permissions and use allowances would continue to differ based on the operational characteristics of each use.

To better understand the characteristics of existing specialized instruction centers and the potential effect of the proposed amendment, staff reviewed 153 nonresidential use permit records and analyzed the distribution of facility sizes, as summarized in the table below. A majority of specialized instruction centers would continue to fall within the small classification; however, 31 (approximately 20 percent) would be considered large under the proposed amendment, with 13 needing special permit approval to operate in their current locations.

[10] Health and Exercise Facility, Small is an indoor facility with a maximum GFA of 6,000 square feet, while Health and Exercise Facility, Large is an indoor facility exceeding a GFA of 6,000 square feet.

Table 3: Facility Size Based on Number of Records

Facility Size	Number of Records	Percent of Total Records
6,000 SF or Less	122	79.7%
6,001–10,000 SF	17	11.1%
Greater than 10,000 SF	14	9.2%
Total	**153**	**100%**

Based on this analysis, staff developed the proposed use permissions shown below. The table summarizes the current and proposed regulations for specialized instruction centers. Overall, the proposed amendment would be more restrictive than the current regulations by limiting larger specialized instruction centers in residential districts and requiring special permit approval in industrial districts, while maintaining opportunities for smaller facilities where appropriate.

Table 4: Existing and proposed permissions for specialized instruction center

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
Public, Institutional, and Community Uses																													
Community, Cultural, and Educational Facilities: uses generally of a public, quasi-public, nonprofit, or charitable nature providing a local service (e.g., cultural, educational, recreational, counseling, training, religious) directly to people of the community																													
Specialized Instruction Center, Large																	P	P	P	P	P	P		SP	SP	SP	SP	SP	4102.4.K
Specialized Instruction Center, Small				SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	P	P	P	P	P	P	P	P		P	P	P	P	P SE	4102.4.I 4102.4.K

Adding a size threshold helps distinguish between lower-impact, smaller facilities and larger, more intensive operations. This allows the County to apply regulations more appropriately by providing flexibility for smaller facilities while ensuring that larger facilities receive the level of review and limitations that correspond to their potential impacts on surrounding properties and communities.

Further, staff reviewed zoning applications for specialized instruction centers and private schools of special education, which was the classification used for these uses prior to the changes that were adopted with the Zoning Ordinance Modernization project in 2023. All of the approved applications involved facilities that were under 6,000 square feet in size and located in residential districts. This indicates that specialized instruction centers in residential districts have historically been limited in scale and that there has been no demonstrated demand for larger facilities in residential areas.

Staff also proposes the following fee structure:

- For small specialized instruction centers, staff recommends $5,790 with a range of $1,560 up to $5,790 for the Board's consideration.
- For large specialized instruction centers, staff recommends $23,210, with a range of $15,630 up to $23,210 provided for the Board's consideration.

Overall, the proposed amendment is intended to create more consistent regulations between specialized instruction centers and health and exercise facilities due to their similar potential land use impacts. By introducing small and large specialized instruction center categories, the amendment better aligns regulations for uses with comparable impacts, provides clearer standards for classification, and helps ensure similar uses are regulated more consistently.

The proposed amendment would require special permit approval for large specialized instruction centers in industrial districts. This would remove incentive for facilities better classified as health and exercise facilities to seek classification as a specialized instruction center. As a result, similar uses would be regulated more consistently, with both large specialized instruction centers and large health and exercise facilities requiring special permit approval in industrial districts.

The proposed amendment would be more restrictive than the current regulations by limiting larger specialized instruction centers in residential districts and requiring special permit approval in industrial districts, while maintaining opportunities for smaller facilities where appropriate. While this approach would be more restrictive for larger specialized instruction centers than the current regulations, staff believes the additional review is appropriate given the greater potential impacts associated with larger facilities. The proposed amendment would also create a more consistent and administratively clear regulatory framework by recognizing that specialized instruction centers can vary significantly in size, operational characteristics, and potential land use impacts, and ensuring that larger facilities with higher impacts receive additional review.

E. VEHICLE SALES AND RENTALS

Existing Provisions

Vehicle sales, rental, and service uses are grouped under a single umbrella definition in the Zoning Ordinance that covers the sale, lease, rental, and ancillary servicing of vehicles, including automobiles, motorcycles, boats, and small RVs under 17 feet. Per subsection 4102.5.PP, different approval types apply across different zoning districts. Vehicle rental is allowed by right in the C-3, C-4, C-6, C-7, and C-8 Districts when in compliance with specific standards. These standards include a 2,500-square-foot maximum gross floor area, limitation, allow only rentals of automobiles and passenger vans (rental of trucks or other vehicles is not allowed)and a maximum of 15 rental vehicles stored on-site, and prohibit on-site maintenance, refueling, and washing of vehicles. Vehicle rentals, but not vehicle sales, are also permitted with special exception approval in the C-3, C-4, I-3, I-4, I-5, and in the PRC Districts when explicitly shown on a development plan or approved by special exception. In these districts, vehicle rental may exceed 2,500 square feet of gross floor area and may store up to 25 vehicles on-site with special exception approval. In the PDC, PRM, and PTC Districts, vehicle sales and rentals are permitted when shown on the approved final development plan or otherwise approved by special exception. In these districts, all vehicle display and storage must be located entirely within an enclosed building or a parking garage. Further, any ancillary service establishment use must be housed within a completely enclosed building.

Staff Considerations & Recommendations

Staff proposes to expand the permission for vehicle sales in the conventional zoning districts by aligning vehicle sales permissions with vehicle rentals by allowing vehicle sales in the C-3, C-4, I-3, I-4, and I-5 Districts with special exception approval, with use-specific design standards to mitigate potential impacts. Staff's research of other jurisdictions' vehicle sales standards, as well as the County's review of zoning applications, highlights a logistical challenge where multi-car transport carriers unload vehicle inventory directly in public rights-of-way, potentially creating traffic conflicts.

The special exception framework gives the Board case-by-case discretion to evaluate each application and apply specific design standards. Staff also proposes to allow vehicle sales to include a vehicle service and repair area as an accessory use, provided the area is completely enclosed to allow on-site diagnostics and maintenance of vehicles. Staff recommends deferring the topic of expanding vehicle repair permissions to the larger commercial and industrial district study and amendment (CI-MOD Part 2). Lastly, to address potential impacts such as vehicle loading and unloading, staff proposes that vehicle sales operations must provide a dedicated, unobstructed on-site transport vehicle unloading area, in addition to the existing loading space requirements in Article 6, to address issues

observed with the vehicle sales uses already permitted. This area must be a minimum of 20 feet in width by 80 feet in length.

NEXT STEPS AND PLANNED OUTREACH

A meeting with the Planning Commission's Land Use Process Review Committee is scheduled for October 8, 2026. Staff will also host several virtual public outreach meetings in fall/winter 2026 to discuss and solicit feedback on the draft text. These meetings will be broadly advertised to the Board offices and targeted commercial and industrial property owners including shopping center owners, restaurant associations, real estate associations, and other interested groups. Staff anticipates authorization and public hearings will occur in early 2027. Questions and comments can be directed to Lily Yegazu, Principal Planner via phone at 703-324-1314 or via email at lily.yegazu@fairfaxcounty.gov.

ATTACHMENTS

1. Draft Zoning Ordinance Text for Discussion Purposes

Commercial and Industrial Modernization (CI-MOD) Part 1
Proposed Text for Discussion
August 25, 2026

In the revisions shown below, text to be deleted is identified with strike-through and text to be added is underlined. Options for consideration are provided (in parentheses, italics, and bold). When an option is presented as a range, the Board may approve any number within the range. The proposed changes are based on provisions of the adopted Zoning Ordinance in effect as of July 1, 2026.

Re-number and re-letter subsections, as appropriate after addition of new use-specific standards and/or removal of existing use-specific standards throughout Zoning Ordinance and update cross references as needed.

Revise subsection 4101.1.H to remove instructions related to associated service use in the use tables.

~~**H.** An "A+" in a cell of Table 4101.1 or Table 4101.2 indicates that the use can be established as an associated service use if it conforms to the related use standards.~~

Revise Table 4101.1 for Residential, Commercial, and Industrial Districts to remove reference to associated service use (A+); clarify that permitted uses by right (P) may be subject to additional use-specific standards; update the permissions for child care center, restaurant, carryout restaurant, business service, personal service, and convenience store uses; replace the existing specialized instruction center use with a new "specialized instruction center, small" use; add a new "specialized instruction center, large" use with new permissions and a reference to use-specific standards, and change Religious Assembly with Private School, Specialized Instruction Center, Child Care Center to Religious Assembly with Secondary Uses.

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts
P = permitted (may be subject to additional use-specific standards); SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; ~~A+ = permitted as an associated service use~~; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
Public, Institutional, and Community Uses																													
Community, Cultural, and Educational Facilities: uses generally of a public, quasi-public, nonprofit, or charitable nature providing a local service (e.g., cultural, educational, recreational, counseling, training, religious) directly to people of the community																													
Child Care Center				SE	SE	SE	SE	SE	SE	SE	SE	P SE	P SE	SE	P	P	P	P	P	P	P	P	P SE	P SE	P SE	P SE	P SE	P SE	4102.4.C ~~4102.1.G~~

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts
P = permitted (may be subject to additional use-specific standards); SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; ~~A+ = permitted as an associated service use~~; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
												~~A+~~	~~A+~~																	
Religious Assembly with Secondary Uses ~~Private School, Specialized Instruction Center, or Child Care Center~~		SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	SP SE	P	P	P	P	P	P	P	P	P SP SE	P SP SE	P SP SE	P SP SE	P SP SE	P SP SE	4102.4.I
Specialized Instruction Center, Large																	P	P	P	P	P	P		SP	SP	SP	SP	SP	4102.4.K
Specialized Instruction Center, Small				SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	SP ~~SE~~	P	P	P	P	P	P	P	P		P	P	P	P	P ~~SE~~	4102.4.L ~~4102.4.K~~
Commercial Uses																													
Food and Lodging: establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less																													
Restaurant												~~A+~~	~~A+~~		P SE ~~A+~~	P SE ~~A+~~	P	P	P	P	P	P		P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	4102.5.G ~~4102.1.G~~
Restaurant, Carryout															P SE ~~A+~~	P SE ~~A+~~	P	P	P	P	P	P		P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	4102.5.H ~~4102.1.G~~
Personal and Business Services: businesses that primarily provide routine business support functions for the day-to-day operations of other businesses or frequent or recurrent needed services of a personal nature to individuals																													
Business Service															P ~~A+~~	P ~~A+~~	P ~~A+~~	P ~~A+~~	P	P	P	P		P ~~A+~~	P ~~A+~~	P ~~A+~~	P ~~A+~~	P ~~A+~~	~~4102.1.G~~ 4102.5.O
Personal Service												P ~~A+~~	P ~~A+~~		P	P	P	P	P	P	P	P		P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	~~4102.5.P~~ 4102.5.Q ~~4102.1.G~~

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts
P = permitted (may be subject to additional use-specific standards); SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; ~~A+ = permitted as an associated service use~~; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
Retail Sales: uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer																													
Convenience Store												P ~~A+~~	P ~~A+~~		P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE ~~A+~~	P SE	P SE	P SE	P SE		SE ~~A+~~	SE ~~A+~~	SE ~~A+~~	SE ~~A+~~	SE ~~A+~~	~~4102.5.CC~~ 4102.5.DD ~~4102.1.G~~

Revise Table 4101.2 for Planned Development Districts to remove references to associated service use (A+) and associated service use-specific standards; rename the existing specialized instruction center use to "specialized instruction center, small"; add a new "specialized instruction center, large" use with new permissions and use-specific standards; and update the permissions for restaurant, carryout restaurant, and convenience store uses and change Religious Assembly with Private School, Specialized Instruction Center, Child Care Center to Religious Assembly with Secondary Uses.

TABLE 4101.2: Use Table for Planned Development Districts
✓ = permitted if shown on final development plan/PRC development plan and PRC plan;
✓/SE = permitted if shown on final development plan/PRC development plan and PRC plan, or as special exception if not on plan(s)
SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; ~~A+ = permitted as an associated service use;~~
AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/ Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Public, Institutional, and Community Uses															
Community, Cultural, and Educational Facilities: uses generally of a public, quasi-public, nonprofit, or charitable nature providing a local service (e.g., cultural, educational, recreational, counseling, training, religious) directly to people of the community															

TABLE 4101.2: Use Table for Planned Development Districts
✓ = permitted if shown on final development plan/PRC development plan and PRC plan;
✓/SE = permitted if shown on final development plan/PRC development plan and PRC plan, or as special exception if not on plan(s)
SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; ~~A+ = permitted as an associated service use;~~
AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/ Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Religious Assembly with Secondary Uses ~~Private School, Specialized Instruction Center, or Child Care Center~~		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE			4102.4.I
<u>Specialized Instruction Center, Large</u>		<u>✓/SE</u>			<u>✓/SE</u>	<u>✓/SE</u>	<u>✓/SE</u>		<u>✓/SE</u>		<u>✓/SE</u>	<u>✓/SE</u>		<u>✓/SE</u>	
Specialized Instruction Center, <u>Small</u>		✓/SE	✓/SE	✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	
Commercial Uses															
Food and Lodging: establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less															
Restaurant		<u>✓/SE</u>		✓	✓	✓	✓	✓			<u>✓/SE</u>	<u>✓/SE</u>		✓/SE	4102.5.G
Restaurant, Carryout		✓/SE		~~✓/SE~~	~~✓/SE~~	~~✓/SE~~	~~✓/SE~~		✓		✓/SE	✓/SE		✓/SE	4102.5.H
Retail Sales: uses involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer															
Convenience Store		✓/SE		✓/SE	✓/SE	✓/SE	✓/SE		✓/SE		✓/SE	✓/SE		✓/SE	~~4102.5.CC~~ <u>4102.5.DD</u> ~~4102.1.G~~

Remove subsection 4102.1.G - Associated Service Uses.

~~**G. Standards for Associated Service Uses**~~

~~**(1)** In addition to the standards for specific uses, all associated service uses must comply with the following:~~

~~(a) The associated service use must be located in the same building as the principal use.~~

~~(b) The combined gross floor area of all associated service uses may not exceed 10 percent of the gross floor area of the building. In addition, except for a child care center, each individual establishment may not exceed 2,500 square feet of gross floor area.~~

~~(c) The hours of operation must generally conform to the business hours of the principal use, but may not exceed 6:00 a.m. to 10:00 p.m.~~

~~**(2)** In the C-1, C-2, C-3, C-4, I-2, I-3, I-4, I-5, and I-6 Districts, an associated service use must comply with the following additional standards:~~

~~(a) An associated service use may use the parking rate for the principal use.~~

~~(b) Any associated service use other than a personal service establishment must be part of an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis.~~

~~(c) An associated service use that is a personal service establishment must be part of an office building complex that is planned, designed, constructed, and managed on an integrated and coordinated basis and may not be part of an industrial building complex.~~

~~**(3)** In the R-20 and R-30 Districts, an associated service use must comply with the following additional standards:~~

~~(a) The associated service use must primarily serve a multifamily building or complex.~~

~~(b) The use may not be located within an individual dwelling unit.~~

~~(c) Enrollment for a child care center is limited to persons who live or work in the building or complex where the child care center is located.~~

Revise subsection 4102.4.C - Child Care Center when permitted by right and by special exception.

C. Child Care Center

…

Standards when permitted by right:

(3) In the R-20 and R-30 Districts, a child care center is subject to the following standards:

(a) Must be located in a multifamily building but may not be located within an individual dwelling unit; and

(b) May not exceed a maximum enrollment of 60 children at any one time. ***[Range: 50-99 children]***

(c) The hours of operation may not exceed 6:00 a.m. to 10:00 p.m.

~~**(3)** In industrial districts, a child care center is permitted by right if it complies with the following standards. Otherwise, a child care center requires special exception approval in accordance with subsection 8100.3.~~

~~**(a)** The center must be located in an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis; and~~

~~**(b)** Vehicular access to the child care center must be is provided via the internal circulation system of the office or industrial complex where it is located and not from a collector or arterial street that borders the complex.~~

Standards when permitted by special exception:

…

(5) The Board may approve a special exception for an increase in the maximum enrollment of children that is specified in subsection (3)(b) above.

Revise subsection 4102.4.I - Religious Assembly with Private School, Specialized Instruction Center, Child Care Center to change to Religious Assembly with Secondary Uses and remove redundant language.

I. Religious Assembly with Secondary Uses ~~Private School, Specialized Instruction Center, or Child Care Center~~

Standards when permitted by right:

(1) In industrial districts, a religious assembly with a private school, specialized instruction center, small, or child care center as a secondary use is permitted by right if it complies with the following standards:

(a) The facility must comply with all standards that apply to the secondary uses allowed ~~a private school, specialized instruction center, small or child care center~~ as principal use in the zoning district where it is located;

…

~~**(2)** In the I-2, I-3, I-4, and I-5 Districts, a specialized instruction center in conjunction with a religious assembly use is permitted by right.~~

(2) In the commercial and industrial districts, any parsonage or rectory must be located in conjunction with, on the same lot, and within the same structure as a religious assembly use.

Standards when permitted by special exception or special permit:

(3) Except when all uses are permitted by right, ~~a private school, specialized instruction center, or child care center~~ secondary uses as stated above may be approved in conjunction with a religious assembly use either by special exception in accordance with subsection 8100.3 or by special permit in accordance with subsection 8100.4, at the discretion of the applicant, provided that the private school or child care center complies with the applicable standards located in subsection 4102.4.B and 4102.4.I and with any other standards that may apply to the secondary uses allowed ~~a private~~

~~school, specialized instruction center, large or child care center~~ as a principal use in the zoning district where it is located.

Revise subsection 4102.4.J – Temporary Dwelling or Manufactured Home to change Religious Assembly with Private School, Specialized Instruction Center, Child Care Center to Religious Assembly with Secondary Uses.

J. Temporary Dwelling or Manufactured Home

…

Standards when permitted in conjunction with a special exception or special permit use:

…

(2) Manufactured homes may be allowed as temporary dwellings for faculty, staff, or students in conjunction with the approval of a special exception or special permit for a child care center; religious assembly; religious assembly with secondary uses ~~private school, specialized instruction center, or child care center~~; or private school. These manufactured homes must be connected to public sewer or an approved septic field, public water or an approved well, and to electricity and must be subject to the regulations of the zoning district in which they are located. In approving the special exception or special permit, the Board or BZA, as appropriate, may impose conditions of approval to ensure that the use will be compatible with the use of adjacent properties, including limitations on location and duration and landscaping and screening requirements.

Revise subsection 4102.4.K – Specialized Instruction Center to add specialized instruction center, large, and update existing language for readability.

K. Specialized Instruction Center, Large

Standards when permitted by special ~~exception~~ permit:

In the I-6 District, ~~a specialized instruction center~~ the use is only permitted by special ~~exception~~ permit when ~~the use~~ it involves vocational training, such as a commercial driving school, mechanical and other trade schools, welding, automotive mechanic training, and similar industries.

Add new subsection 4102.4.L – Specialized Instruction Center, Small to add a new use with a new use-specific standard.

L. Specialized Instruction Center, Small

In the I-6 District, the use is only permitted when it involves vocational training, such as a commercial driving school, mechanical and other trade schools, welding, automotive mechanic training, and similar industries.

Revise subsection 4102.5.G - Restaurant to add new use-specific standards when permitted by right, and remove outdated standards when permitted by special exception, .

G. Restaurant

…

Standards when permitted by right:

(2) In the C-1, C-2, I-2, I-3, I-4, I-5, and I-6 Districts, a restaurant is subject to the following standards:

(a) May not exceed a maximum size of 2,500 square feet of gross floor area ***[Range: 1,500 to 2,500 square feet of gross floor area]***;

(b) The combined gross floor area of restaurants, business services, carryout restaurants, child care centers, convenience stores, and personal services are limited may not exceed ten percent ***[Range: 10 to 30 percent]*** of the gross floor area of the building; and

(c) The hours of operation may not exceed 6:00 a.m. to 10:00 p.m.

Standards when permitted by special exception:

…

~~**(6)** In the I-3, I-4, I-5, and I-6 Districts, a restaurant must be part of an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis, and no building permit may be approved for the restaurant unless a building permit has been approved for the related building(s).~~ The Board may approve a special exception to modify any of the standards in subsection 2.

Revise subsection 4102.5.H – Restaurant, Carryout to add new use-specific standards when permitted by right, and remove outdated standards when permitted by special exception.

H. Restaurant, Carryout

Standards when permitted by right:

~~**(1)**~~ In the I-2, I-3, I-4, I-5 and I-6 Districts, a carryout restaurant is subject to the following standards:

(a) May not exceed a maximum size of 2,500 square feet of gross floor area ***[Range: 1,500 to 2,500 square feet of gross floor area]***;

(b) The combined gross floor area of carryout restaurants, business services, child care centers, convenience stores, personal services, and restaurants may not exceed ten percent ***[Range: 10 to 30 percent]*** of the gross floor area of the building; and

(c) The hours of operation may not exceed 6:00 a.m. to 10:00 p.m.

Standards when permitted by special exception:

…

(5) ~~In the I-5 and I-6 Districts, a carryout restaurant must be part of an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis, and no building permit may be approved for the restaurant unless a building permit has been approved for the related building(s).~~The Board may approve a special exception to modify any of the standards in subsection 1.

Add new subsection 4102.5.O - Business Service to add new use-specific standards when permitted by right.

O. Business Service

Standards when permitted by right:

(1) In the I-2, I-3, I-4, I-5 and I-6 Districts, a business service use is subject to the following standards:

(a) May not exceed a maximum size of 2,500 square feet of gross floor area ***[Range: 1,500 to 2,500 square feet of gross floor area]***;

(b) The combined gross floor area of business services, carryout restaurants, child care centers, convenience stores, personal services, and restaurants may not exceed ten percent ***[Range: 10 to 30 percent]*** of the gross floor area of the building; and

(c) The hours of operation may not exceed 6:00 a.m. to 10:00 p.m.

Revise re-lettered subsection 4102.5.Q - Personal Service to align size of garment cleaning establishment with the proposed size for all other personal service uses and add new use-specific standards when permitted by right, .

Q. ~~P.~~ Personal Service

Standards for all personal service uses:

(1) A garment cleaning establishment that includes the mechanical cleaning of garments, articles, or goods for retail customers may not exceed ~~3,000~~ 2,500 square feet of gross floor area. A larger establishment or a linen or diaper cleaning service establishment is considered production or processing.

Standards when permitted by right:

(2) In the R-20 and R-30 Districts, a personal service use may not exceed a maximum size of 2,500 square feet of gross floor area ***[Range: 1,500 to 2,500 square feet of gross floor area].***

(3) In the I-2, I-3, I-4, I-5 and I-6 Districts, a personal service use is subject to the following standards:

(a) May not exceed a maximum size of 2,500 square feet of gross floor area ***[Range: 1,500 to 2,500 square feet of gross floor area]***;

(b) The combined gross floor area of personal services, business services, carryout restaurants, child care centers, convenience stores, and restaurants may not exceed ten percent ***[Range: 10 to 30 percent]*** of the gross floor area of the building; and

(c) The hours of operation may not exceed 6:00 a.m. to 10:00 p.m.

Revise re-lettered subsection 4102.5.DD - Convenience Store to remove existing outdated standards applicable to all convenience stores, Revise the Standards when permitted by right to add new use-specific standards and revise existing language for readability. Additionally, add new use-specific standards, revise existing language for readability, and remove outdated standards when permitted by special exception.

DD. Convenience Store

~~**Standards applicable to all convenience stores:**~~

~~**(1)** When located in the Highway Corridor Overlay District, a convenience store must comply with the following additional standards:~~

~~(a) Access to the use must be designed to not impede traffic on public or private streets or travelways; and~~

~~(b) Any outdoor storage or display of goods must be shown on the special exception plat.~~

Standards when permitted by right:

(1) In the C-1, C-2, C-3, C-4, a convenience store may not exceed a maximum size of 2,500 square feet of gross floor area.

(2) ~~A convenience store is allowed in~~ In the C-1, C-2, C-3, C-4, C-5, C-6, C-7, and C-8 Districts a convenience store is subject to the following standards: ~~only if it is located within a shopping center building that complies with the following standards:~~

(a) ~~The~~ Must be located within a building that contains at least six other uses that are connected by party walls, partitions, or similar structural members to form one continuous structure; and

(b) The building is subject to an approved unified site plan, and vehicular access to the convenience store is provided only via an internal circulation system ~~of the shopping center~~.

Standards when permitted by special exception:

(3) The ~~convenience store~~ use must have similar architectural features on all sides of the building if it is freestanding, or if it is in-line, be architecturally compatible with the building group in which it is located.

(4) The site must be designed so that pedestrian and vehicular circulation is coordinated on-site and with the circulation on adjacent properties.

(5) The site must be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation.

(6) Parking spaces must be provided and located in such a manner as to facilitate safe and convenient vehicle and pedestrian access to all uses on the site.

(7) In the C-1, C-2, C-3, C-4, C-5, C-6, and C-7 Districts, any outdoor storage or display of goods offered for sale must be shown on the special exception plat.

(8) ~~In the I-5 and I-6 Districts, a convenience store must be part of an office or industrial building complex that is planned, designed, constructed, and managed on an integrated and coordinated basis, and no building permit may be approved for the convenience store unless a building permit has been approved for the related building(s).~~In the I-2, I-3, I-4, I-5 and I-6 Districts, a convenience store is subject to the following standards:

- **(a)** May not exceed a maximum size of 2,500 square feet of gross floor area;
- **(b)** The combined gross floor area of convenience stores, business services, carryout restaurants, child care centers, personal services, and restaurants may not exceed ten percent ***[Range: 10 to 30 percent]*** of the gross floor area of the building; and
- **(c)** The hours of operation may not exceed 6:00 a.m. to 10:00 p.m.

Revise re-lettered subsection 4102.5.PP - Vehicle Sales, Rental and Service to revise existing language for readability, and remove redundant standards when permitted by right, Additionally, add new use-specific standards, revise existing language for readability, and remove outdated standards when permitted by special exception.

QQ. Vehicle Sales, Rental, and Service

Standards when permitted by right:

(1) ~~Vehicle rental is allowed by right in~~ In the C-3, C-4, C-6, C-7, and C-8 Districts, ~~when the use complies with the following standards~~ Vehicle rental is subject to the following standards:

- **(a)** ~~The maximum size is 2,500 square feet of gross floor area~~ May not exceed a maximum size of 2,500 square feet of gross floor area;
- **(b)** Rentals are limited to the rental of automobiles and passenger vans. Rental of trucks or other vehicles is not allowed;
- **(c)** A maximum of 15 rental vehicles may be stored on-site. ~~Vehicles must be parked in parking spaces that comply with the design standards in the Public Facilities Manual;~~ and
- **(d)** Maintenance, refueling, and washing of rental vehicles on-site is prohibited.

Standards when permitted by special exception:

(2) ~~Vehicle rentals, but not vehicle sales, are allowed in~~ In the C-3, C-4, I-3, I-4, and I-5 Districts and in the PRC District when shown on a development plan or with special exception approval, vehicle rentals are subject to the following standards~~: as indicated in Table 4101.2, when the use complies with the following standards~~:

(a) Rentals are limited to the rental of automobiles and passenger vans. Rental of trucks or other vehicles is not allowed;

(b) A maximum of 25 rental vehicles may be stored on-site. Vehicle storage is limited to that portion of the site designated on the special exception plat for the storage of rental vehicles; and

(c) Maintenance, ~~and~~ refueling, ~~of~~ and washing of rental vehicles on-site are prohibited.

(3) In the C-3, C-4, I-3, I-4, and I-5 Districts, vehicle sales are subject to the following:

(a) A space at least 80 feet long by 20 feet wide must be provided for the loading and unloading of vehicles. The vehicle loading and unloading space is in addition to loading space requirements in Article 6.

(b) A vehicle repair and maintenance, light use may be allowed as an accessory use, provided the service facility is located within a completely enclosed building.

(4) In the PDC, PRM, and PTC Districts, vehicle sales and rental are allowed with final development plan or special exception approval. All vehicle display and storage must be located within an enclosed building or parking garage and any ancillary service establishment use must be located within a completely enclosed building.

(5) Any sales room, rental office, or service facility must be entirely enclosed within a building.

~~**(6)** The use must have safe and convenient access to a street, and ingress and egress must be provided only through driveway openings as approved by the Director in accordance with the Public Facilities Manual.~~

~~**(6)** All structures are subject to the bulk regulations of the zoning district in which they are located, except structures that are completely underground may be located in any yard but must be located a minimum of one foot from all lot lines.~~

(6) Outdoor areas devoted to storage, loading, parking, and display are limited to the portion of the site designated for such activities. Such areas must comply with the following standards:

(a) The areas must be located on the same lot with and ancillary to a sales room, rental office, or service facility;

(b) If located on the ground and open to the sky, the areas may be located in any yard, provided, the areas must be located a minimum of ten feet from any front yard lot line, except as may be qualified by the provisions of Section 5108;

(c) If located contiguous to a street, the areas must have a curb between the area and the street; and

~~(d) The areas, including aisles and driveways, must be constructed and maintained with an approved surface in accordance with subsection 6100.2.C(4)(a), and must be improved in accordance with construction standards presented in the Public Facilities Manual; and~~

(d) The storage or display of vehicles that are not in operating condition is not allowed.

Revise subsection 4102.6.P - Recycling Center to add new use-specific standards when permitted by right.

P. Recycling Center

Standards when permitted by right:

…

(2) In the I-5 District, a recycling center may ~~not~~ have outdoor storage, subject to the following ~~.~~**:**

(a) All mechanical processing, such as shredding and crushing, must occur within a completely enclosed building;

(b) The outdoor storage area does not exceed 10,000 square feet and is not located within the minimum required front yard area; and

(c) All outdoor storage must be contained enclosed by a solid fence or wall of at least six feet in height.

Standards when permitted by special exception:

(3) The Board may approve a special exception to modify subsection 2(b) to exceed the maximum size permitted.

Revise subsection 4102.8.E - Food Truck to include Regional Park Authority as entities that are not subject to the standards in subsections 4102.8.E(2) through 4102.8.E(6) and increase the hours of operation for food trucks.

D. Food Truck

(1) Food trucks may be permitted on property owned and controlled by the County, Park Authority, Regional Park Authority, or Fairfax County Public Schools or in conjunction with the approval of an administrative permit for a special event and are not subject to the standards in subsections 4102.8.E(2) through 4102.8.E(6) below. The use must comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Services requirements.

Standards when permitted by administrative permit:

…

(4) All food trucks must be located and operated in compliance with the following standards:

…

(c) Except as specified in subsection 4102.8.E(4)(h) below, ~~Food~~ food trucks may ~~only~~ operate ~~for a maximum of four hours~~ in accordance with the following hours in any one day at any one location, including set-up and break-down: ~~except as specified in subsection 4102.8.E(4)(h) below,~~

1. Four hours ***[Range: four to eight hours]*** when located in any residential district or a residential area of a planned district; and

2. Six hours ***[Range: four to eight hours]*** when located in any nonresidential district or a nonresidential area of a planned district

…

(d) In addition to the standards above, food trucks in conjunction with an agritourism activity or a farm winery, limited brewery, or limited distillery must be located and operated in compliance with the following standards:

1. Food trucks located on less than 20 acres may operate for a maximum of ~~four~~ six hours ***[Range: four to eight hours]*** in any one day at any one location, including set-up and break-down;

…

Revise subsection 8102.1 – Fee Schedule to remove the existing special exception fee for specialized instruction center and add a new special permit fees for specialized instruction center, small and specialized instruction center, large.

SPECIAL PERMITS [2]		
Standard fees for special permit approvals are listed below.		
General Fee Unless Otherwise Listed		$23,210
Principal Uses		
Specialized Instruction Center	Small	$5,790 ***[Range: $1,560 to $5,790]***
	Large	$23,210 ***[Range: $15,630 to $23,210]***
SPECIAL EXCEPTIONS [2]		
Standard fees for special exception approvals are listed below.		
General Fee Unless Otherwise Listed		$23,210
Principal Uses		
~~Specialized Instruction Center~~	~~Fewer than 100 students~~	~~$1,560~~
	~~100 or more students~~	~~$15,630~~

Revise subsection 9103.4.A – Uses Definitions for Community, Institutional and Public Uses to revise child care center definition to clarify that the use is different from a child care center for occasional care and add a new definition for small and large specialized instruction centers.

Child Care Center

A facility where a person or organization supervises, protects, and is responsible for the well-being of at least one child in the general absence of a parent or guardian for less than a 24-hour period. This use does not include a home day care facility or child care center for occasional care.

Specialized Instruction Center, Large

A center exceeding a gross floor area of 6,000 square feet where patrons receive instruction in vocational, professional, musical, dramatic, artistic, scientific, performing arts, or other special subjects. Examples include tutoring, music lessons, art classes, ballet, and other similar instructional activities. This use does not include a child care center, home day care facility, health and exercise facility, or limited riding or boarding stable.

Specialized Instruction Center, Small

A center having a maximum gross floor area of 6,000 square feet where patrons receive ~~primarily devoted to giving~~ instruction in vocational, professional, musical, dramatic, artistic, scientific, performing arts, or other special subjects. Examples include tutoring, music lessons, art classes, ballet, and other similar instructional activities. This use does not include a child care center, home day care facility, health and exercise facility, or ~~riding school~~ limited riding or boarding stable.

Revise subsection 9103.5.F - Uses Definitions for Commercial Uses to update convenience store definition for readability.

Convenience Store

Any building that contains ~~less than~~ 6,000 square feet of gross floor area or less and is characterized by the frequent turnover of customers, and the retail sale of food, beverages, and other frequently needed items for household use or consumption. This definition does not include a Vehicle Fueling Station or a small grocery, specialty, or gourmet food stores, which are considered general retail sales.

Revise subsection 9103.7 – Uses Definitions for Accessory Uses to remove definition for associated service use, and update child care center for occasional care definition to clarify that the use is different from a child care center.

~~**Associated Service Use**~~

~~A use that:~~

~~1. Is located in the same building as the principal use it serves; and~~

~~2. Is primarily designed to provide goods and services to occupants, business enterprises, or industrial operations in that principal building.~~

Child Care Center for Occasional Care

A facility located within the main structure in a regional shopping center where one or more children unattended by their parent or guardian receive care, protection, and supervision on an occasional basis. This use does not include a child care center.