County of Fairfax, Virginia
Planning Commission Meeting
January 15, 2025
Planning Commission Action

ZONING ORDINANCE AMENDMENT – SPECIAL EVENTS AND FOOD TRUCKS
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On January 15, 2025, the Planning Commission voted 10-0 (Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the adoption of the proposed Zoning Ordinance Amendment for Special Events and Food Trucks, with the staff-recommended options as set forth in the Staff Report dated December 12, 2024, with a delayed effective date of March 1, 2025.

The following amendments were made to the main motion:

- To modify the definition of special event and recommend that the Board revise the definition of a special event to specify that it must be open to the general public instead of open to the public, and that the special event definition read:

  "A temporary outdoor activity held on private property and open to the general public, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community or cultural events, musical or arts events, celebrations, festivals, fairs, carnivals, and circuses."

  Voted 10-0 (Commissioner Wang was absent from the meeting):

- To revise the standard in subsection 4102.8.I(11)(a)1 for a one-day special event to recommend to the Board the option that a one-day special event may be held for a maximum of twelve hours.

  Voted 10-0 (Commissioner Wang was absent from the meeting)

- To revise the standard in subsection 4102.8.I(11)(a)4 for the hours of operation for special events to recommend to the Board the option that no event may occur before 6:00 a.m. or after 10:00 PM on Sunday through Thursday, and after 11:00 PM Friday, Saturday, and before a federal holiday.

  Voted 9-1 (Commissioner Bennett voted in opposition. Commissioner Wang was absent from the meeting)

The Planning Commission also voted 8-2 (Commissioners Bennett and Batchelor-Causey voted in opposition. Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the following follow-on motion:

- To direct staff to examine the feasibility of allowing certain small-scale and short-term special events to be permitted either by right or through an administrative permit without a fee.

The Planning Commission also voted 10-0 (Commissioner Wang was absent from the meeting) to recommend to the Board of Supervisors the additional following follow-on motion:

- To direct staff to examine options and opportunities for allowing food trucks to operate for longer periods.

ATTACHED DOCUMENTS:
Staff Report dated December 12, 2024

MJ

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Special Events and Food Trucks

December 12, 2024

Hearing Dates
Planning Commission: January 8, 2025 @ 7:30 p.m.
Board of Supervisors: February 4, 2025 @ 4:00 p.m.

Staff Contact
Lily Yegazu, Principal Planner

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

PLANNING & DEVELOPMENT

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Background

The current Zoning Ordinance Work Program (ZOWP), endorsed by the Board of Supervisors (Board) on July 30, 2024, lists Short-Term Pop-Up Events and Longer-Term Interim Uses (now Special Events) as a Priority 1 item (Topic #14). This item was added to the ZOWP in response to a Board Matter dated May 24, 2022, directing staff to evaluate the zoning regulations for 21-day administrative temporary permit[1] uses and longer-term interim uses and consider ways to increase flexibility and remove unnecessary impediments and time limits.

Special events and food trucks help activate spaces and add vitality to communities, and there has been an increasing desire to incorporate more temporary uses and activities throughout the County. These uses fall under the temporary use classification within the Zoning Ordinance and are regulated differently than permanent uses, given their limited duration and scope. The focus of this Zoning Ordinance amendment is to update the existing special event and food truck regulations to increase flexibility and streamline the application process. The special event category is broad and includes a diverse range of outdoor events from short-term pop-up events such as store grand openings and seasonal festivals; longer-term interim uses, such as seasonal Christmas tree and fireworks sales; to large circus events such as the Cirque du Soleil with thousands of attendees. These events may range in duration from a few hours on one day to multiple consecutive or nonconsecutive days. Although special events are not permanent uses, depending on the type of the event, they have potential to generate issues with noise, traffic, safety, health and sanitation, and other life-safety and quality of life impacts during their temporary operation. For this reason, there are regulations in place to ensure such impacts are mitigated.

[1] Name changed to “special event” with adoption of zMOD Zoning Ordinance.

Existing Provisions - Special Events

Special events require the submittal, review and approval of an administrative permit (AP). During the evaluation of the permit, staff will identify whether any additional permits may be necessary from other County review agencies, such as the Office of the Fire Marshal, Land Development Services, Health Department, and Animal Services. This ensures a coordinated review of potential impacts by the various County agencies for life-safety issues and for compliance with applicable County, State, and Federal regulations. For example:[2]

- A food establishment permit from the Health Department is required if an event includes the serving of food. In addition, if the number of attendees at a special event exceeds 100, then exterior sanitation facilities (portable toilets) may be required.
- Review and approval by the Office of the Fire Marshal is required if an event involves propane tanks, selling fireworks, or a single tent larger than 900 square feet or multiple tents separated by less than 12 feet and exceeding a combined area larger than 900 square feet. Additionally, if the number of attendees at an event exceeds 500 at any one time, review and approval of an operational permit and public safety plan may also be required.
- Review and approval by Land Development Services is required if an event involves amusement devices, tents, and membrane structures covering greater than 6,000 square feet, or if the tent or membrane structure is located on a building, parking garage, balcony, or other structure.
- Review and approval by the Fairfax County Animal Services is required when there is any display or exhibition of animals.
- Review and approval by the Virginia Department of Transportation (VDOT) is required for any event that takes place within the public right-of-way .
- Review and approval by the Virgina Alcohol and Beverage Control (VABC) is required for any event that involves serving alcohol.

Staff conducted a comprehensive analysis of the current special event standards and the permitting process, including a review of all APs issued since 2022 when the special event AP was launched in the County's Planning and Land Use System (PLUS) portal. A summary of the existing standards is provided below:

- Current "Special Event" Definition: The Zoning Ordinance defines a special event as, "A temporary outdoor activity held on private property, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community, or cultural events, musical or arts events, celebrations, festivals, fairs, carnivals, and circuses."

[2] This is not an exhaustive list of all the different reviews that may be triggered based on what is involved with a special event but outlines common different County, State, and Federal codes that may need to be complied with depending on the type of event.

- Districts: Special events are currently allowed in all zoning districts except the I-I District. Special events are permitted with either an AP or a special permit (SP).
- Event Duration: Under the current standards, an AP for a special event may be issued for a period not to exceed 21 days. Seasonal sales in commercial districts are also limited to 21 days, with a minimum of 30 days between events. Additionally, an AP may not be issued for a carnival or circus when that occurs within two miles of any other carnival or circus for which an AP has been previously obtained and that commences within a time period of three weeks from the ending date of any other carnival or circus within a two-mile radius for which an AP has been previously obtained. An application for any special event that does not meet the duration standard for an AP may be approved by the Board of Zoning Appeals (BZA) with an SP.
- Application Submittal and Review: The AP application for any temporary use is currently required to be filed at least 30 days before the proposed use is to take effect, unless the Zoning Administrator approves a lesser time period. This timeline is in order to notify review agencies of the application submittal and coordinate as necessary on the required approvals for the event to comply with the Zoning Ordinance and any other applicable regulations.
- Fees: Special events are currently subject to the temporary uses AP fee of $240 except seasonal sales located in commercial districts, which are subject to the Nonresidential Use Permit fee of $80. The fee for an SP for a special event for a period longer than 21 days was reduced on January 25, 2023, from $16,380 to $4,805 in recognition of the temporary nature of special events and as an initial first step in this review of the process for special events.
- Parking: Although there is no specific parking rate for temporary uses, staff currently reviews each application to determine if adequate parking spaces are available for the event without impacting the parking at the event property for existing uses or neighboring properties, particularly if the event is associated with property that is zoned residential.

Proposed Changes – Special Events

Staff's analysis found that the AP process plays a crucial role in facilitating the special event application process and ensures effective coordination between the applicant and review agencies. Staff initially considered allowing certain types of limited special events by right, with no review or AP issuance. However, based on research, as well as feedback received during outreach and from other County review agencies, it was evident that the AP review provides an opportunity to mitigate potential impacts on the surrounding community. It also ensure that applicants are aware of the need to obtain all necessary permits from other review agencies. Specifically, the special event application in the County's PLUS portal currently triggers review by other County agencies depending on what the event involves as outlined above in the existing standards section. As such, staff does not recommend allowing special events by right. However, staff recommends streamlining the review process by updating some of the existing standards to provide more flexibility for special events.

Staff proposes a tiered approach to the special event AP to increase flexibility, as all events are not the same in duration, size, and impact based on a review of submitted special events applications. In addition to the staff recommended standards, options for each standard are provided or Board consideration. Recommended changes are highlighted below:

- **Tier-One AP**: The proposed Tier-One AP would be applicable to certain short-term events that have minimal impact on adjacent properties due to their limited duration and operational extent, such as grand openings for retail stores, or community events held at institutional uses such as private schools, religious assemblies, and club, service organization, or community centers. A Tier-One AP would serve as a type of registry that would allow zoning staff to keep a record of events occurring on a given date and allow the sharing of information with other agencies that may need to issue a separate permit as well as the Board offices in whose district the event is taking place. The proposed standards include the following:

  - Each event is limited to no more than one day, with a maximum duration of eight hours (exclusive of setup and breakdown) and a minimum of five days between each one-day event. An option from six hours to twelve hours in duration and from two to ten days between events are provided for Board consideration.

  - No more than 12 events may be held at the same property each calendar year, allowing an average of one event per month per property to maintain the temporary nature of the use and minimize any associated impacts on adjacent properties or other businesses operating on the property. An option of no limit on the number of events or a range from 12 to up to 48 events for the same property each calendar year are provided for Board consideration.

  - No event may occur before 7:00 AM or after 10:00 PM, which is in general alignment with the Noise Ordinance. An option that would allow events to begin no earlier than 6:00 AM or occur after 10:00 PM on Saturday through Thursday and after 11:00 PM on Friday, Saturday, and before a federal holiday is provided for Board consideration.

  - A maximum 150 attendees at any one time are allowed. This lower number of attendees would typically not trigger a review and approval for crowd control by the Office of the Fire Marshal. An option to consider a range from 100 to up to 250 attendees at any one time is provided for Board consideration.

  - A new lower fee of $120 is proposed, which is half of the current special event fee and matches the current fee for other similar uses with similar application review times, such as food trucks and home-based businesses. Staff recommends $120 as the fee to cover the costs of staff time spent assisting customers with application submission, as well as review of the application to ensure conformance with the Zoning Ordinance standards. This fee is in conformance with §15.2-2286 (6) of the Virginia Code, which allows for the collection of fees to cover the costs of making inspections, issuing permits, advertising notices, and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendments thereto. An option for a fee ranging from $0 to up to $240 is provided for Board consideration.

The annual Fire Prevention Week open houses held every October at the various Volunteer Fire Departments in the County are an example of an event that would fall under the Tier-One AP. This one-day outdoor event is six hours long from 10:00 AM to 4:00 PM and involves no more than 150 attendees at any one time.

Any special event that cannot meet all of the proposed Tier-One AP standards will trigger a review under the Tier-Two AP.

❖ **Tier-Two AP**: The proposed Tier-Two AP would be applicable to longer-term interim uses which may have additional impact on adjacent properties due to their longer duration and operational extent, such as seasonal Christmas tree and fireworks sales, cultural festivals, or concert series. The Tier-Two AP review process would be similar to the current AP review for special events in that it would require a full review by zoning staff for compliance with applicable standards and typically would require coordination with and/or a separate permit from other review agencies. As proposed, the Tier-Two AP will allow an increased event duration from the current 21-day limit depending on the anticipated impact of the event type as follows:

- Increase the maximum duration of most special events to 60 days per event. An option for a maximum duration ranging from 45 days to up to 90 days is provided for Board consideration. A special event may be held on consecutive or nonconsecutive days, providing flexibility to allow various types of events to take place. For example, during the summer months, a series of concerts may take place on a specific day of the week for the duration of the summer.
- Since seasonal sales as well as carnivals and circuses typically are held on consecutive days, they potentially have a greater impact on adjacent properties. As such, seasonal sales are proposed to be limited to 45 days and staff proposes to keep the existing standard that requires 30 days between each seasonal sales to minimize potential impacts to adjacent properties. An option to consider a duration ranging from 21 to up to 45 days is provided for Board consideration.
- Additionally, staff proposes to keep the existing 21 days and standard that a carnival or circus be located at least two miles from any other carnival or circus.
- As special events that require a Tier-Two AP are longer in duration and most likely will trigger review and approval by other review agencies, the special event operator is responsible for obtaining all required licenses or permits from applicable agencies.
- Lastly, staff is proposing to keep the existing special event fee for the Tier-Two AP, however, the fee for seasonal sales located in commercial districts is proposed to be adjusted to match the $240[3] fee for a Tier-Two AP, as the review process is the same.

[3] This and most zoning fees will increase by 17% effective July 1, 2025, bringing the AP fee for special events to $275. With the proposed amendment, seasonal sales located in commercial districts will be a Tier-Two AP special event and will no longer be charged the NonRUP Fee.

Any request that exceeds the standards for a Tier-Two AP may be approved by the BZA with the approval of a special permit.

- **Program of Events:** During outreach, staff received feedback from event operators that reapplying for reoccurring events each year was burdensome and overly time-consuming, especially when the event may be identical year after year. Since there would be no change in the staff analysis warranting additional review, the amendment proposes a process applicable to both Tier-One and Tier-Two AP, where a permit will be issued for a two-year period to allow for a program of special events, other than carnivals and circuses, to take place under one permit when the event does not include significant changes, including but not limited to the number of anticipated attendees or duration and extent of the event. The AP for a program of events may include multiple events taking place on consecutive or nonconsecutive days. The AP may be renewed by the Zoning Administrator for a succeeding period of up to five years based on the applicant's record of compliance. For example, the previously mentioned annual Fire Prevention Week open house, conducted each October at the various Volunteer Fire Departments throughout the County, is an event that would qualify to submit all their Tier-One permits as a single application under the program of events process. It should be noted that while only one zoning review would be required for the program of events, additional reviews for each event may be required by other review agencies, such as the Health Department, Office of the Fire Marshal, or Land Development Services, depending on their applicable regulations.
- **AP Renewal Fee:** The amendment proposes a renewal fee of $60. Staff review of the renewal application will be limited since no significant changes are expected for the special event. This fee is 50 percent lower than the Tier-One AP fee and aligns with the renewal fees for other temporary uses, such as community gardens and farmers' markets.
- **Special Permit:** An application for any special event that does not meet the duration standard for a Tier-Two AP may be approved by the BZA with an SP. Staff does not propose any changes to the application submittal timeline to continue allowing sufficient time for review of the request. Additionally, there are no changes proposed to the current $4,805[4] SP application fee for special events.
- **All Other Proposed Changes**
  - "Special Event" Definition: Staff proposes to add a clarification to the existing special event definition indicating that a special event is a use that is open to the public. It should be noted that any private event on residential lots such as weddings and other similar family events are not considered special events and are not subject to the special event standards.
  - Limitation on Lots with a Single-Family Dwelling: To prevent impacts to residential neighborhoods, it is proposed that special events would not be allowed on a lot developed with a single-family dwelling as its principal use.

[4] This and most zoning fees will increase by 17% effective July 1, 2025, bringing the SP fee for special events for longer than 21 days to $5,520.

- Public Uses: It has been a longstanding practice that special events that occur on property owned and controlled by the County, Park Authority, or Fairfax County Public Schools are not subject to the AP requirements as they are controlled by the governing authority. Staff proposes codifying this practice by adding language indicating the AP requirement is not applicable for events held on the above mentioned properties. However, permits from other County review agencies such as the Fire Marshal and the Health Department may still be required.
- Review Process: As mentioned above, the Tier-One AP is designed to function more as a registry and as such will require only minimal review. Staff is working on creating a new record in PLUS where an applicant will be able to answer a set of questions acknowledging compliance with all Tier-One AP standards. A permit will be reviewed within a shortened timeline (typically within three to five days), and notification to the respective Board offices and other County review agencies will be automatically sent through the PLUS portal upon issuance of the AP. In staff's opinion, this enhancement to the permitting process will increase flexibility and remove unnecessary impediments for most of the events that are short-term in duration. Staff does not propose changes to the current application submission requirements and review duration for a Tier-Two AP, as the longer-term events may require continued coordination and review by other agencies as mentioned above.

Except for the proposed specific changes, most existing standards will continue to be applicable to all special events regardless of the type of permission as outlined in the proposed text (Attachment 1). However, staff has identified certain standards that are outdated and recommends removal of those to increase flexibility and remove any unnecessary impediments and time limits. Standards proposed to be deleted include:

- The standard that open-air markets (such as crafts fairs or flea markets) and seasonal sales on sites used for nonresidential uses in residential districts be sponsored by a charitable, educational, or nonprofit organization operating within the County. Many of the sites in question are already owned or operated by non-profit, charitable or educational organizations and must provide permission for these special events to occur on their property. In staff's opinion, deleting this requirement removes an unnecessary restriction and provides additional opportunities for nonresidential uses in residential districts to host an event such as a cultural festival, fall festival, or pumpkin sale without the artificial need for a nonprofit sponsor.
- The standard that the outdoor display of goods and merchandise be located within a designated area on a plan submitted with the application. The goods displayed are typically stored at a specific location temporarily and will typically be removed once the event is over. Additionally, this standard was meant to ensure that the location of such goods did not impede access on the site. This is proposed to be addressed with a standard applicable to all special events that the special event, including any goods displayed in association with the event does not block or interfere with any vehicular or pedestrian circulation. Specifically, the standard requires the event be located in accordance with all applicable building and fire code regulations to ensure safe ingress

and egress to the site, adjacent streets, access to utility shut-off valves, and for fire protection.

- The standard allowing the sale of used merchandise only in association with an open-air market, as this would allow other uses, such as a commercial thrift store, to sell used merchandise as part of a grand opening or other outdoor event.

Food Trucks

While food trucks are a separate temporary use, during the research and outreach on this amendment, staff identified two potential changes to the food truck standards. The first proposed change is related to the size of principal structures on properties where food trucks may operate while the second change is related to the number of days food trucks are permitted to operate in conjunction with an approved nonresidential use in a residential district.

The current food truck standards allow three food trucks on a property, but predominantly require the property to have a principal use with a minimum of 25,000 square feet of gross floor area (GFA). When the standards were adopted in 2014, the intent was to limit food trucks to larger office and industrial parks, ensuring that parking was not reduced beyond the minimum required and the food trucks would operate as an accessory and clearly subordinate use. However, since 2014, food trucks have become more popular and often provide opportunities to activate areas and further placemaking efforts. As such, the proposed amendment would allow one food truck on properties with a principal use of less than 25,000 square feet of GFA, which would increase flexibility and encourage food trucks at more locations while ensuring existing standards are met. Three food trucks would continue to be allowed with certain uses that do not meet the 25,000 square feet GFA threshold, including construction sites with active building permits and ongoing construction activity; approved nonresidential uses in residential districts (such as community pools and HOA-owned property); and agritourism uses or a farm winery, limited brewery, or limited distillery.

The amendment also proposes an increase in the number of days food trucks are allowed in conjunction with any approved nonresidential use in a residential district or a residential area of a planned district from the existing limit of 12 times per calendar year per approved location to 32 days per year. As these standards mostly apply to uses such as community pools that typically operate during the summer season between Memorial Day and Labor Day, increasing the number of days to 32 aligns with the number of weekend days between the two holidays and includes the two Monday holidays. An option to allow food trucks to operate from 12 to up to 52 days per year at an approved location is provided for Board consideration. These food trucks would continue to be regulated by additional standards, including the maximum time limit of four hours at any one day at any one location (including set-up and break-down).

Outdated and redundant standards are also proposed to be removed from the food truck provisions, such as those referring to submittal of an application form since all zoning applications are now submitted through the County's PLUS portal. Additionally, the current

standards that allow the Zoning Administrator to add conditions when approving the AP for food trucks, which may include, but are not limited to, hours of operation, location, parking, vehicular access, and safety requirements are proposed to be removed. The issuance of an AP by the Zoning Administrator is not discretionary, and the permit must be issued if the standards are met.

Outreach

Staff conducted outreach and consulted with multiple County agencies that typically review applications associated with special events, including the Office of the Fire Marshal, Health Department, Land Development Services, and Animal Services, to solicit feedback on the proposed standards. Staff also met with stakeholders, including operators of special events in the County. In addition, staff held two virtual community meetings to discuss the draft proposal. Information on the meetings were posted on the special events Zoning Ordinance amendment webpage, shared on social media platforms (NextDoor and Facebook), and via GovDelivery bulletins, and recordings of the meetings and draft text are posted on the webpage. The draft proposal was also presented to the Planning Commission at their Land Use Process Review Committee meeting on September 12, 2024. The feedback received was generally in support of the proposal with recommendations to make the food truck standards more flexible. Feedback provided from Board members, Planning Commissioners, other County review agencies, special event and food truck operators, and community members has been incorporated into the proposed Zoning Ordinance Amendment text.

Jurisdictional Research

Staff has researched the zoning regulations relating to special events in neighboring jurisdictions, including the Cities of Alexandria and Fairfax, Arlington and Prince William Counties, and Montgomery County, Maryland. Uses that are temporary in nature and are established for a fixed period of time and that do not involve the construction or alteration of any permanent structure are permitted with the issuance of an AP in all the jurisdictions reviewed. However, in addition to temporary uses permitted with an AP, Fairfax City allows events such as minor events (privately sponsored gatherings, walk-a-thons, charity fundraisers, and similar events), outdoor retail sales events and promotions, and seasonal sales (Christmas tree, fireworks, and pumpkin sales lots) by right, provided certain standards and timeframes are met. Temporary uses and special events are mostly allowed outdoors except in Arlington County, where both indoor and outdoor events and activities in vacant buildings or properties are permitted on a short-term basis. The application fee for an AP ranges among jurisdictions from $100 to $210.

Staff also researched the regulations relating to food trucks in the same jurisdictions. None of the jurisdictions reviewed have similar restrictions on the duration and location of food trucks except the Cities of Alexandria and Fairfax.

- City of Alexandria: Foot truck vending is allowed on private commercial or multi-family properties with permission from the property owner. A permitted food truck may operate

at an approved location between 7:00 a.m. and midnight, Monday through Friday for up to six continuous hours at a time. Food trucks are to use the approved locations on a first-come, first-served basis. In addition to fees from other review agencies, there is a $100 food truck application fee requirement.

- Fairfax City: A maximum of one food truck is allowed in Fairfax City on sites with less than 20,000 square feet of land area. On sites with land area of 20,000 square feet or more, one food truck is allowed per 20,000 square feet of land area or fraction thereof, where a site may consist of one lot or a combination of contiguous lots.

Summary

Overall, the goal of this amendment is to make the permitting process more accessible and efficient for applicants while ensuring special events and food trucks still comply with applicable regulations and operate with minimal impacts or incidents. The research considered various factors such as the permit history, including duration and nature of the events held in the County, consulting with partner agencies and stakeholders, and exploring potential changes to streamline the process and update the standards. As proposed, the amendment aims to make the processes more efficient without needing to remove the existing zoning review which is in place to ensure compliance with all other applicable regulations. As such, the proposed Zoning Ordinance amendment incorporates new and updated standards that implement appropriate regulatory flexibility in response to feedback received. Staff is recommending a delayed effective date of March 1, 2025, which will provide sufficient time to update the PLUS record with the options that may be adopted by the Board. This date will still allow the new regulations to be in place for the spring event season.

Attachment:

1. Proposed Text

Proposed Text

Revise subsections 4102.8.E and 4102.8.I, and Sections 8102 and 9103 with the following text shown below in ~~strikethrough~~ and underline. 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 advertised range. Footnotes contained in this document provide clarification on reorganization and additional information but are not part of the proposed amendment. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of September 11, 2024.

ARTICLE 4 - USE REGULATIONS

4102. Use Standards

Each use must comply with its related standards, including standards for all uses, standards for the zoning district where the use is located, and standards for the specific use. Uses established as of the effective date of this Ordinance may not be altered, modified, or enlarged in any way that conflicts with, or compounds an existing conflict with, the use standards.

8. Temporary Use

E. Food Truck

(1) Food trucks may be permitted on property owned and controlled by the County, 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 (2) through ~~(7)~~(6) below. The use must comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Services requirements.[5]

Standards when permitted by administrative permit:

~~**(2)** A food truck may not be operated without a food truck location permit and an annual food truck operation permit (see subsection (4) below).~~

(2) ~~**(4)**~~ Food trucks may be operated from an approved location, subject to the following procedures:[6]

(a) The owner of property on which a food truck may be located must file a food truck location permit application with the Zoning Administrator ~~on forms furnished by the County~~;

(b) Each year, the owner or operator of any food truck doing business in the County must file a food truck operation permit application with the Zoning Administrator ~~on forms furnished by the County~~. The permit application must be accompanied by the written

[5] This text has been slightly modified from the authorized version to correct typographical errors in the numbering of associated standards.

[6] Existing standard – relocated from subsection 4102.8.E(4) to 4102.8.E(2), resulting in renumbering of subsequent standards.

consent of the private property owner or authorized agent authorizing the food truck to be located on their approved food truck location and by a copy of the property owner's food truck location permit. If a food truck operates on more than one site, only one food truck operation application is required to be obtained from the Zoning Administrator for such food truck, provided that the property owner ~~on any additional sites~~ has obtained a food truck location permit for that site, the food truck operator has written consent from the property owner or authorized agent to operate on that site, and the food truck is operating in conformance with that approval. The operation of any food truck is subject to all Health Department and Department of Cable and Consumer Services permits/licenses; and

(c) Upon the finding that the application complies with the standards set forth in subsection (~~5~~)(4) below, the Zoning Administrator will approve the permit application.~~, setting forth conditions that protect the public health, safety and welfare and adequately protect adjoining properties from any adverse impacts of the food truck, which may include, but are not limited to, hours of operation, location, parking, vehicular access, and safety requirements.~~

(3) Food trucks are permitted as an accessory use in the following locations:

(a) In ~~a planned district, but only in~~ the commercial areas of a planned district;

(b) In any industrial or commercial district;

(c) On any construction site with an active building permit and ongoing construction activity; ~~and~~

(d) In conjunction with any approved nonresidential use in a residential district or a residential area of a planned district, limited to ~~12 times~~ 32 days ***(Option: 12-52)*** per calendar year per approved location. This time limitation may be exceeded with special exception approval in accordance with subsection 8100.3, special permit approval in accordance with subsection 8100.4, or as specifically permitted with an approved final development plan or ~~executed~~ proffers; and

(e) In conjunction with an agritourism use or a farm winery, limited brewery, or limited distillery.

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

(a) Food trucks must be located on private property with the written consent of the property owner or authorized agent holding an approved food truck location permit;

(b) The number of food trucks at any one location at the same time is limited as follows:

1. No more than three food trucks are permitted on a lot containing:

a. A principal use consisting of a minimum of 25,000 square feet of gross floor area;

b. A construction site with an active building permit and ongoing construction activity;[7]

[7] Subsections (b), (c), and (d) are all existing standard – new subparagraphs have been created, relocating and combining portions of subsection 4102.8.E(3).

c. An approved nonresidential use in a residential district or residential area of a planned district; or

d. An agritourism use or a farm winery, limited brewery, or limited distillery.

2. No more than one food truck is permitted on all other lots containing a principal use consisting of less than 25,000 square feet of gross floor area; and

3. Additional food trucks may be permitted in conjunction with other approved temporary uses and any proffered condition, development condition, special exception, or special permit.[8]

~~**(b)** Food trucks may only be permitted in conjunction with a principal use consisting of a minimum of 25,000 square feet of gross floor area or on a construction site with an active building permit and on-going construction activity. This standard does not apply to food trucks operated in conjunction with approved nonresidential uses in residential districts in accordance with subsection (3)(d) above or to food trucks in conjunction with uses listed in subsection (3)(e) above;~~

(c) Food trucks may only operate for a maximum of four hours in any one day at any one location, including set-up and break-down, except as specified in subsection ~~(i)~~ (h) below;

~~**(d)** A maximum of three food trucks are permitted at any one location at the same time, provided that additional food trucks may be permitted in conjunction with administrative permits or other special events regulated by any proffered condition, development condition, special exception or special permit;~~

(d) ~~**(e)**~~ Food trucks may not be located in any fire lane, travel lane, entrance/exit, or any required parking space;

(e) ~~**(f)**~~ Food trucks must be located on a level, paved, or gravel surface with safe pedestrian access;

(f) ~~**(g)**~~ The vicinity around the food truck must be kept clean and free of debris;

(g) ~~**(h)**~~ Trash receptacles must be provided; and

(h) ~~**(i)**~~ 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 hours in any one day at any one location, including set-up and break-down;

2. Food trucks located on 20 acres or more may operate for a maximum of eight hours in any one day at any one location, including set-up and break-down; and

3. Food trucks must be located 100 feet from all property lines.

(5) ~~**(6)**~~ Any food truck location permit or food truck operation permit is revocable by the Zoning Administrator because of the failure of the property owner or the food truck operator to comply with any of the provisions of this subsection 4102.8.E.

[8] Existing standard – new subparagraph created relocating portions of subsection 4102.8.E(4)(d)

(6) ~~**(7)** All other~~ The sale of ~~all other~~ goods or services from any vehicle other than a food truck are subject to all the regulations for the zoning district in which the sale is conducted, but this regulation does not prohibit any vending from vehicles on public streets that is not otherwise prohibited by law.[9]

(7) ~~**(8)**~~ Each food truck must be in substantial conformance with any proffered condition, development plan, special exception, or special permit for the site on which it operates. If any proffered condition, development plan, special exception or special permit approval specifically precludes food trucks or otherwise regulates food trucks, including the location, hours of operation, or number of food trucks, the zoning approval will govern that aspect of the food truck location or operation in lieu of the standards in this Section 4102.8.E. Unless otherwise specified in any zoning approval, all provisions of this Section 4102.8.E apply.[10]

Standards when permitted by special exception or special permit:

(8) ~~**(9)**~~ The Board or BZA, as applicable, in conjunction with the approval ~~for~~ of a nonresidential use in a residential district or a residential area of a planned district, may allow food trucks in excess of ~~twelve times~~ 32 days ***(Option: 12-52)*** per calendar year.

I. Special Event

Standards applicable to all special events: [11]

(1) Special events are subject to all applicable provisions of the County, Federal and State Codes.

(2) Special events may be permitted on property owned and controlled by the County, Park Authority, or Fairfax County Public Schools and are not subject to the administrative permit standards in subsections (11) and (12) below and do not require an administrative permit.[12]

(3) Special events may not be permitted on a lot developed with a single-family dwelling.

(4) All noise, including music, from a special event must comply with the Noise Ordinance, Chapter 108.1 of the County Code.

(5) If applicable, the special event operator is responsible for obtaining all required licenses or permits from agencies including but not limited to:

(a) Health Department if the event requires a food establishment permit or includes a temporary outdoor sanitary facility;

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[9] This text has been slightly modified from the authorized version to correct typographical errors in the numbering of associated standards.

[10] This text has been slightly modified from the authorized version to correct typographical errors in the numbering of associated standards.

[11] This adds a new subsection of standards that would be applicable to all special events and includes current standards that were previously contained in the subsection applicable when approved with an administrative permit.

[12] This text has been slightly modified from the authorized version to correct typographical errors in the numbering of associated standards.

(b) Office of the Fire Marshal if the event involves propane tanks, selling fireworks, or a single tent larger than 900 square feet or multiple tents separated by less than 12 feet and exceeding a combined area larger than 900 square feet;

(c) Land Development Services if the event involves amusement devices, tents, and membrane structures covering greater than 6,000 square feet, or if the tent or membrane structure is located on a building, parking garage, balcony, or other structure;

(d) Fairfax County Animal Services if the event involves the exhibition of animals;

(e) Virginia Department of Alcoholic Beverage Control if the event involves serving alcohol; and

(f) Virginia Department of Transportation if the event takes place within the public right-of-way.

(6) Special events may not block or interfere with any vehicular or pedestrian circulation and must be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to the site, adjacent streets, access to utility shut-off valves, and for fire protection.

(7) Adequate off-street parking and loading must be provided.

(8) Adequate refuse management, security, sanitation, emergency services, and other necessary facilities and services to ensure the health, safety, and welfare of attendees must be available for the special event.

(9) The entire area used for a special event must be clean and free of debris within 24 hours after the end of the event.

(10) Each special event must be in substantial conformance with any proffered condition, development plan, special exception, or special permit approval for the site on which it operates. If any zoning approval specifically precludes special events or otherwise regulates special events, including the location, hours of operation, or number of events, the zoning approval will govern in lieu of the standards in this subsection.

Standards when permitted by administrative permit:

(11) An administrative permit may be issued for a special event in accordance with the following standards:

(a) A Tier-One administrative permit may be issued for a special event that meets the following:

1. The event is limited to one day and no more than eight hours ***(Option: six to twelve hours)*** in duration, exclusive of setup and breakdown.

2. A minimum of five days is provided between each one-day event. ***(Option: A minimum of two to ten days between each one-day event)***

3. No more than 12 events are held for the same property each calendar year. (***Option: No limit or no more than 12-48 events for the same property each calendar year)***

4. No event may occur before 7:00 AM and after 10:00 PM. ***(Option: No event may occur before 6:00 a.m. or after 10:00 PM on Sunday through Thursday and after 11:00 PM Friday, Saturday, and before a federal holiday)***

5. The total number of attendees may not exceed 150 ***(Option: 100-250)*** at any one time during the event.

(b) A Tier-Two administrative permit may be issued for the following:

1. A special event that is limited to a maximum of 60 days. ***(Option: 45–90 days)***

2. Seasonal sales that are limited to 45 days ***(Option: 21–45 days)*** with 30 days between seasonal sales. This use is exempt from site plan or minor site plan requirements per subsection 8100.7.D.

3. Carnivals and circuses limited to 21 days. If a carnival or circus is located within two miles from any other carnival or circus, there must be a minimum of 21 days between the events.

(12) An administrative permit for a program of special events (Tier-One or Tier-Two) , other than for carnivals and circuses, may be issued for a two year period provided it meets the following:[13]

(a) There is no subsequent increase in the anticipated number of attendees; change in event duration, extent, intensity, location, operation; or change of permit holder and provided the special event will comply with all applicable standards.

(b) The program of events may include multiple events taking place on consecutive or nonconsecutive days.

(c) An administrative permit may be subsequently renewed by the Zoning Administrator for succeeding periods of up to five years based on the applicant's record of compliance with the standards in this subsection.[14]

~~**(1)** An administrative permit may be issued for a period not to exceed 21 days. Any request for a longer period of time may be approved by special permit in accordance with subsection 8100.4.~~

~~**(2)** An administrative permit may not be issued unless adequate provision is made for off-street parking and loading requirements.~~

~~**(3)** Outdoor display of goods and merchandise must be located within the designated area on a plan submitted with the application.~~

~~**(4)** The following events must be sponsored by a charitable, educational, or nonprofit organization operating within the County:~~
~~**(a)** Open-air markets, such as craft fairs or flea markets; and~~

~~**(b)** Seasonal sales located on sites used for nonresidential uses in residential districts.~~

~~**(5)** Seasonal sales located in commercial districts are subject to the following:~~

[13] This text has been slightly modified from the authorized text for clarification purposes.
[14] This text has been slightly modified from the authorized text for clarification purposes.

~~(a) These events are limited to 21 days with 30 days between events;~~

~~(b) If limited to the timeframe in (a) above, this use is exempt from site plan or minor site plan requirements per subsection 8100.7.D; and~~

~~(c) This use is subject to the NonRUP fee listed in Table 8102.1.~~

~~**(6)** The sale of used merchandise, such as furniture, household goods, or other similar items, is only permitted with an open-air market.~~

~~**(7)** The outdoor display of automobiles, manufactured homes, trailers, camping equipment, boats, antiques, and similar large items may not include the sale of such items in conjunction with and on the site of the display.~~

~~**(8)** The Zoning Administrator may not issue an administrative permit for a carnival or circus where the proposed activity will:~~

~~(a) Occur within two miles of any other carnival or circus for which an administrative permit has been previously obtained; and~~

~~(b) Commence within a time period of three weeks from the ending date of any other carnival or circus within a two-mile radius for which an administrative permit has been previously obtained.~~

~~**(9)** The Zoning Administrator will notify the Animal Services Division of the Police Department upon receipt of an application for an administrative permit involving the display or exhibition of animals.~~ ~~In addition to the requirements of this Ordinance, the property owners or operators of any special event such as a carnival, circus, animal exhibition, or any other similar event that involves the exhibition of animals must obtain a County license in accordance with the provisions of Chapter 25 of the County Code, and a permit in accordance with the provisions of Chapter 41.1 of the County Code.~~

Standards when permitted by special permit:

(13) The BZA may approve a special permit for any request that exceeds the requirements in subsection 4102.8.E(11)(b).

(14) ~~**(10)**~~ An application for any such approval by the BZA must be filed at least 120 days before the date on which the permit is to take effect.

(11) A special event as a special permit use must comply with the standards in subsections (1) through (9) above.

ARTICLE 8 – ADMINSTRATION, PROCEDURES, AND ENFORCEMENT

8102. Fee Schedule

APPLICATION TYPE	FEE
ADMINISTRATIVE PERMITS	

APPLICATION TYPE		FEE	
Temporary Uses		**Effective Upon Adoption**	**Effective July 1, 2025**
Special Events	Tier-One	$120 ***(Option: $0 up to $240)***	$135 ***(Option: $0 up to $275)***
	Tier-Two	$240	$275
	Renewal Fee	$60 ***(Option: $0 up to $240)***	$70 ***(Option: $0 up to $275)***
SPECIAL PERMITS			
Accessory and Temporary Uses			
Special Events ~~for longer than 21 days~~		$4,805	$5,520

ARTICLE 9 - DEFINITIONS AND ORDINANCE INTERPRETATION

9103. Uses

8. Temporary Uses

Special Event

A temporary outdoor activity held on private property and open to the public, including, but not limited to, seasonal sales, the display of goods and merchandise associated with a retail use, community or cultural events, musical or arts events, celebrations, festivals, fairs, carnivals, and circuses.