County of Fairfax, Virginia
Planning Commission Meeting
May 7, 2025
Planning Commission Action

ZONING ORDINANCE AMENDMENT – PROPOSED ZONING ORDINANCE AMENDMENT RE: SECONDARY USES IN PLANNED DEVELOPMENT HOUSING AND PLANNED DEVELOPMENT COMMERCIAL DISTRICTS, AND SUBMISSION REQUIREMENTS FOR FINAL DEVELOPMENT PLAN
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On May 7, 2025, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following:

- Adoption of the Zoning Ordinance Amendment for Secondary Uses in Planned Development Housing and Planned Development Commercial Districts, and Submission Requirements for Final Development Plan as set forth in the Staff Report dated April 11, 2025, with the staff recommended options;

- That the following be added in Appendix 1, Provisions relating to previous approvals:

  "Applications for an amendment to a PDC District and associated development plans are subject to a minimum 15 percent open space requirement if the PDC District was approved before the effective date of this amendment, except that any amendment that proposes adding new residential development, an independent living facility, or a continuing care facility, must meet the minimum open space requirement of 20 percent on the area of the amended application." and

- That the amendment become effective at 12:01 a.m. the day following adoption.

ATTACHED DOCUMENTS:
Staff Report dated April 11, 2025

MJ

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Secondary Uses in Planned Development Housing and Planned Development Commercial Districts, and Submission Requirements for Final Development Plan

April 11, 2025

Hearing Dates
Planning Commission: May 7, 2025, at 7:30 p.m.
Board of Supervisors: June 24, 2025, at 4:00 p.m.

Staff Contact
William Mayland, AICP, Assistant Zoning Administrator

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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With the adoption of the FY 2025/2026 Zoning Ordinance Work Program, topics relating to the Planned Development Housing (PDH) and Planned Development Commercial (PDC) Districts that had been on the Priority 2 Zoning Ordinance Work Program (Topic 11B) since 2012 were moved to Priority 1 (Topic 12). Specifically, staff was directed to review (1) the additional standards for secondary commercial uses in the PDH District and (2) the secondary use standards, including percentage of residential uses, in the PDC District, and to consider updates to these provisions based on current practices. In addition, staff was also directed to evaluate whether to require a legal description and metes and bound description for partial Final Development Plan (FDP) applications.

Background – PDH District

A rezoning to create a new PDH District or amend an existing PDH District requires the review and approval by the Board of Supervisors (Board) of a Conceptual Development Plan (CDP) and the review and approval by the Planning Commission of a subsequent, more detailed, Final Development Plan (FDP). These developments, including their secondary uses, are subject to the general and design standards for a Planned District in subsection 2105.1, which require the application to be reviewed in accordance with the Comprehensive Plan with respect to the type, character, intensity of use, and public facilities. The PDH District was established in 1969 to encourage innovative and creative design for residential developments, permitting the incorporation of secondary uses. Commercial uses were allowed as secondary uses, intended to serve the residents within that specific development. To ensure the commercial uses served the residents of the development, the PDH District restricted commercial uses to the first two floors of a building when located in the same building as residential uses, and limited the total land area of commercial uses and associated parking and loading to between 200 and 400 square feet of land area per dwelling unit, depending on the density of the PDH District.

The land area limitation on commercial uses was updated with the 1978 Zoning Ordinance and has remained essentially the same since then. The standard that commercial uses only serve the needs of direct residents was revised with the readoption of the Zoning Ordinance in 2021 to instead require that secondary commercial uses be designed as an integrated component of the development and be designed to maintain and protect the residential character of the planned development and adjacent residential neighborhoods.

The PDH District permits principal and secondary uses in accordance with Table 4101.2, if the use is shown on a Final Development Plan. In accordance with subsection 2105.2.C(1)(a), secondary uses in the commercial use classification are only permitted in a PDH District that has a minimum of 50 dwelling units. Uses in the commercial classification are also subject to the total land area limits shown in Table 1 below.

Table 1: Permitted Commercial Area as a Secondary Use[1]

PDH-1, PDH-2, PDH-3, PDH-4	400 SF of commercial land area/dwelling unit
PDH-5, PDH-8, PDH-12, PDH-16, PDH-20	300 SF of commercial land area/dwelling unit
PDH-30, PDH-40	200 SF of commercial land area/dwelling unit

As stated earlier, the PDH District limits the amount of *land area* that uses in the commercial classification can occupy; however, it does not limit the *gross floor area* allocated to commercial uses other than offices. In other words, the size of the commercial use itself is not limited, only the land area of the use and its associated parking and loading.[2] There are also no specific limits on other permitted nonresidential uses, either in terms of land area or square footage. For instance, the PDH District restricts the land area that could be used for a financial institution or retail, but does not restrict the land area for uses in the Public, Institutional, and Community classification such as a private school or religious assembly.[3]

Staff reviewed over 250 applications that rezoned or amended a PDH District since 2000. There were fewer than 40 developments that contained any type of nonresidential use and only half of those contained uses in the commercial use category, such as office or retail sales. Staff considered recommending removal of the restrictions on the land area that can be devoted to commercial uses to be consistent with uses in the institutional and community classification, which are not limited. However, since only about 10 percent of the PDH Districts contain a commercial use, and the Board can modify the amount of commercial land area when determined appropriate, staff believes it is appropriate to leave the current limitations as is, other than minor changes to improve the readability of the subsection as noted in the draft text.

Background - PDC District

The PDC District was established in 1969 to permit large-scale, unified commercial developments and to encourage innovative and creative design. With the adoption of the 1978 Zoning Ordinance, new standards for secondary uses were established that largely remain the same today. The district regulations are designed to accommodate the preferred high-density or intensity land uses, which, if not strictly controlled as to location and design in accordance with the Comprehensive Plan recommendations, could produce detrimental effects on neighboring properties. A rezoning or amendment to the PDC District requires review and approval by the Board of a CDP and approval by the Planning Commission of an FDP. These development plans are subject to the general and design standards for a Planned District found in subsection 2105.1. The most recent significant amendment to the PDC District was approved in 2016 when the Board increased the permitted floor area ratio (FAR) from 2.5 to 5.0 in certain activity centers and commercial revitalization districts (CRDs) as defined in the Comprehensive Plan, except for the McLean CRD, which is limited to a 3.0 FAR.

PDC District principal and secondary uses are permitted in accordance with Table 4101.2 when shown on an FDP. Some of the principal uses include office and retail, as well as college or university, conference center, hotel, and restaurant. Residential uses are permitted as secondary uses; other

[1] Commercial restrictions per subsection 2105.2.C(1)(b)3. Offices are limited to 10 percent of the commercial gross floor area per subsection 2105.2.C(1)(b)4.

[2] Except for golf courses, outdoor commercial recreation, and zoos or aquariums.

[3] The area associated with nonresidential uses is included to calculate the overall density for the PDH development.

secondary uses include child care centers, drive-through uses, health and exercise facilities, private schools, and religious assembly. The secondary use standards in subsection 2105.4.C limit the gross floor area (GFA) of residential uses to 50 percent of the GFA *of the principal uses*. Other secondary uses are limited to 25 percent of the GFA *of the principal uses*. The Board has modified this restriction in over 60 percent of the cases in the past 10 years for both new and amended PDC developments, usually to accommodate the demand for additional residential uses and uses like health and exercise facilities that are commonly found in a retail environment. Because the limitation on the percentage of residential and other secondary uses is based on the gross floor area of the principal uses and not the overall gross floor area of development, this provision can be difficult to understand and apply.

Proposed Changes

PDH District

Staff proposes minor revisions to the PDH District secondary use standards in subsection 2105.2.C.(1) which include:

- Generally keeping the current restrictions on commercial uses in subsection 2105.2.C.(1)(b) to ensure the commercial uses are compatible with the residential nature of the development.
- Updating the provisions related to outdoor commercial uses in subsection 2105.2.C.(1)(b)1. The proposed change continues to permit outdoor commercial uses, but would require them to be shown on the FDP, which is subject to Planning Commission review and approval. This will help ensure that the outdoor uses are compatible with the development and adjacent uses.
- Updating the organization of subsection 2105.2.C.(1)(b)3 to improve readability. The permitted modification for contiguous PDH developments would be relocated and consolidated with the other permitted modifications for the commercial land area.
- Removing the standard limiting office use to 10 percent of the total gross floor area of all commercial uses subsection 2105.2.C.(1)(b)(4). The Zoning Ordinance already limits the land area for commercial uses (including offices) for compatibility reasons and this additional limitation on office is unneccessary and could otherwise limit the the ability to provide offices for small businesses like real estate or mortagage brokers or medical and veterinary offices.
- Reorganizing and updating the provisions relating to exceptions and modifications of the commercial land area, and locating these in subsection 2105.2.C.(1)(c). A new provision is proposed in subsection 2105.2.C.(1)(c)1 to permit a general modification of the commercial land area when in accordance with the Comprehensive Plan. The modification in subsection 2105.2.C.(1)(c)2 for contigious PDH developments is existing but has been simplified. The modification for outdoor recreation, zoos, and golf courses in subsection subsection 2105.2.C.(1)(c) was deleted since those uses are already exempt from the commercial land area restriction and a separate modification by the Board is not necessary.

PDC District

In the PDC District the following changes are proposed:

- A new open space requirement of 20 percent is proposed when new residential development, independent living facility, or a continuing care facility is proposed. Currently the PDC District requires 15 percent open space, which is consistent with the open space requirement in high density conventional commercial districts. However, the open space requirement in the Planned Residential Mixed Use (PRM) District (intended for high density residential-focused mixed use developments) and the Planned Continuing Care Facility (PCC) District is 20 percent. Similarly, an independent living facility is considered an institutional use but is defined as a kind of residential development; if established as a separate use by special exception, such a facility requires

25-75 percent open space, depending on the density proposed. The PDC, PRM District, and PCC Districts are mixed-use districts that allow residential development and are the most utilized planned districts in the high intensity Activity Center areas. Therefore, staff recommends matching the 20-percent open space requirement of the PRM and PCC Districts for PDC districts with residential development, an independent living facility, or a continuing care facility. The Board will maintain the ability to modify this requirement as appropriate. The additional open space requirement would only apply to applications accepted or amended after approval of this amendment that propose new residential development, an independent living facility, or a continuing care facility.

- Subsection 2105.4.C.(1)(a) is being simplified, and restrictions related to the percentage of secondary uses are relocated to C.(1)(b).
- In subsection 2105.4.C.(1)(b) staff proposes to update the current restriction on the percent of GFA permitted for secondary uses. Staff recommends that all secondary uses, including residential uses, be limited to 75 percent of the GFA *of the total development*. This change could result in more residential uses being allowed without a modification by the Board and would be consistent with the modifications that the Board has granted with previous approvals. Staff has proposed an option to limit the secondary uses from 49 percent of the total development up to the staff-recommended 75 percent. In older PDC developments, it is not uncommon for a portion of the development to be amended to add additional residential uses and the secondary use percentage is required to be modified. The proposed restriction of 75 percent of secondary uses will generally permit these amendments without a modification or need to rezone. However, the Board can elect the option of 49 percent if they are concerned about secondary uses being the majority of the development without a specific modification. Table 2 below is an example of the permitted square footage of secondary uses based on the current requirement, the proposal, and the low end of the option range.

Table 2: Secondary Use Percentage Options: Maximizing Secondary Uses

Example – 1,000,000 SF Development	**Currently Permitted Secondary Uses**	**Proposed – 75% Secondary Uses**	**Option – 49% Secondary Uses**
Principal Uses	571,500 SF (57.2% of total)	250,000 SF (25%)	510,000 SF (51%)
Secondary Uses - Residential	285,750 SF (50% of principal) (28.5% of total)	750,000 SF (75%)	490,000 SF (49%)
Secondary – All Other Uses	142,750 SF (25% of principal) (14.3% of total)		

- Staff recommends revising the design standards in subsection 2105.4.C.(1)(c) for secondary uses to ensure they are integrated into the development and designed to protect adjacent development from adverse impacts.
- Staff proposes to revise the outdoor commercial use standards in subsection 2105.4.C.(1)(d) and require them to be shown on the FDP to ensure review of any potential impacts of the outdoor component.
- With adoption of the changes discussed above, the Board and Planning Commission will still have the ability to carefully review PDC developments and secondary uses for substantial conformance with the Comprehensive Plan and satisfaction of the general and design standards in the Zoning Ordinance.

Final Development Plan Submission
Final Development Plans are required for all Planned Districts (other than the PRC District) and provide more detail than what is shown on a Conceptual Development Plan. It is not uncommon for an FDP to be submitted or amended for only a portion of the original rezoned area. When this occurs, there may be inconsistencies between the FDP and the land area shown on the original approval. These inconsistences could be due to land dedication, subdivision, etc. Nevertheless, questions often arise during application acceptance regarding what portion of the application is being implemented or amended. Therefore, staff recommends a new submission requirement for a legal description, including the metes and bounds of the property in addition to the current requirement for bearings and distances so there is a clear delineation of the area under consideration.

Appendix 1
While not part of the codified Ordinance, Appendix 1 – Provisions Relating to Previous Approvals, includes provisions related to the applicability of specific Zoning Ordinance amendments to previous approvals. Staff recommends that the Board consider allowing future amendments to previously approved PDC Districts (with residential development) to continue to be reviewed under the 15 percent open space requirement unless new residential development, an independent living facility, or continuing care facility is proposed, which would require a minimum of 20 percent open space to be provided on the area of the amended application. Below is the language staff recommends the Board consider to be added to Appendix 1 if the proposed amendment is adopted:

B. Amendments Adopted After May 10, 2023

(6) Planned Development Commercial (ZOA 112.2-2025-x)
Applications for an amendment to a PDC District and associated development plans are subject to a minimum 15 percent open space requirement if the PDC District was approved before (effective date of ZOA 112.2-2205-x), except that any amendment that proposes adding new residential development, an independent living facility, or a continuing care facility, must meet the minimum open space requirement of 20 percent on the area of the amended application.

Summary

Staff began public outreach on this amendment in November 2024 and have presented this topic at the Board's Land Use Policy Committee, Planning Commission's Land Use Process Review Committee, two virtual community meetings, and NVBIA/NAIOP (Northern Virginia Building Industry Association). Information on the amendment, including draft text, white papers, and presentation materials were posted throughout the amendment process on the dedicated webpage. The proposed changes will permit additional flexibility for secondary uses in the PDH and PDC Districts. Staff recommends that the amendment become effective at 12:01 a.m. on the day following adoption.

Attachment

1. Proposed Text

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. Option for consideration is 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 the provisions of the adopted Zoning Ordinance in effect as of March 1, 2025.

#1 INSTRUCTION: Amend subsection 2105.2.C.(1) secondary uses as shown below.

2. PDH Planned Development Housing District

C. Additional Standards

(1) Secondary Uses

(a) Secondary uses in the commercial classification in Table 4101.2 are only permitted in a PDH District that has a minimum of 50 residential dwelling units.

(b) Secondary uses in the commercial classification must be designed as an integrated component of the planned development ~~where they are located~~ and must be designed to maintain and protect the residential character of the planned development and adjacent residential neighborhoods. To accomplish these purposes:

1. Except for accessory outdoor dining in accordance with subsection 4102.7.L, any outdoor component of a commercial use must be shown on the final development plan. ~~Commercial uses must be conducted within a completely enclosed building with no outside display except for outdoor seating and those uses that by their nature must be conducted outside a building.~~

2. When located within the same building as residential uses, commercial uses are limited to the first and second floors.

3. Except for outdoor commercial recreation, zoos or aquariums, and golf courses or country clubs, the maximum total land area, ~~including at-grade off-street parking and loading areas,~~ devoted to uses in the commercial classification, including at-grade off-street parking and loading areas, is as follows:

- ***a.*** PDH-1, PDH-2, PDH-3, and PDH-4: 400 square feet of commercial/dwelling unit.
- ***b.*** PDH-5, PDH-8, PDH-12, PDH-16, and PDH-20: 300 square feet of commercial/dwelling unit.
- ***c.*** PDH-30 and PDH-40: 200 square feet of commercial/dwelling unit.

~~The Board may increase the commercial land area if that land area serves two or more contiguous PDH Districts if it also approves concurrently a conceptual and final development plan showing the layout, uses, and intensity of the commercial land area. In these instances, the land area devoted to commercial use may be based on the total number of dwelling units in the PDH Districts if the commercial land area does not exceed twice that which would have been permitted otherwise for the individual PDH District where the commercial land area is located.~~

~~***4.*** Office uses may not exceed ten percent of the total gross floor area of all commercial uses in subsection 3 above.~~

(c) The Board may modify the limitations in subsection 2105.2.C.(1)(a) and (b) in accordance with either of the following:

1. When the Comprehensive Plan recommends additional commercial land area, square footage, or to otherwise implement goals of the Comprehensive Plan.
2. When the commercial land area serves two or more contiguous PDH Districts and the conceptual and final development plan show the layout, uses, and intensity of the commercial land area. In these instances, the land area devoted to commercial use may be based on the total number of dwelling units in the contiguous PDH Districts.

~~(c) In conjunction with the approval of a conceptual development plan and in order to further implementation of the Comprehensive Plan, the Board may modify the limitations in this subsection for the following uses when located outdoors:~~

~~1. Outdoor commercial recreation;~~

~~2. Zoo or aquarium; and~~

~~3. Golf course or country club.~~

#2 INSTRUCTION: Amend subsection 2105.4.B.(4)(a) to increase required open space if the development includes dwelling units, an independent living facility, or a continuing care facility.

4. PDC Planned Development Commercial District

B. PDC Lot and Building Dimensional Standards

(4) Open Space

(a) Minimum open space: 15 percent of the gross area or 20 percent of the gross area when residential development, an independent living facility, or a continuing care facility is proposed.

#3 INSTRUCTION: Amend subsection 2105.4.C.(1) secondary uses as shown below.

C. Additional Standards

(1) Secondary Uses

(a) Secondary uses are only permitted in a PDC District containing one or more principal uses. ~~Unless the Board modifies the gross floor area in conjunction with a conceptual development plan approval to implement the comprehensive plan, the gross floor area is limited as follows:~~

~~1. The gross floor area of dwellings may not exceed 50 percent of the gross floor area of all principal uses in the development, except for floor area for affordable and market rate dwelling units that comprise the increased density in accordance with Section 5101. The floor area for dwellings is determined in accordance with the gross floor area definition, except the following features are not included:~~

~~a. Balconies, porches, decks, breezeways, stoops, and stairs that may be covered but have at least one open side; and~~

~~b. Breezeways that may be covered but have two open ends.~~

~~c. For the purpose of this subsection, an open side or open end has no more than 50 percent of the total area between the side(s), roof, and floor enclosed with railings, walls, or architectural features.~~

~~2. The total gross floor area of all other secondary uses may not exceed 25 percent of the gross floor area of all principal uses in the development.~~

(b) The gross floor area of all secondary uses may not exceed 75 ***(Option: 49-75)*** percent of the total gross floor area in the development, unless modified by the Board to implement the Comprehensive Plan. The floor area for dwellings is determined in accordance with the gross floor area definition, except the following features are not included:

1. Balconies, porches, decks, breezeways, stoops, and stairs that may be covered but have at least one open side; and
2. Breezeways that may be covered but have two open ends.
3. For the purpose of this subsection (b), an open side or open end has no more than 50 percent of the total area between the side(s), roof, and floor enclosed with railings, walls, or architectural features.

(c) Secondary uses must be designed as an integrated component of the planned development and must be designed to maintain and protect the character of adjacent properties.

(d) Except for accessory outdoor dining in accordance with subsection 4102.7.L, any outdoor component of a commercial use must be shown on the final development plan. ~~Secondary uses must be conducted entirely within an enclosed building, with no outside display except for outdoor seating and uses that must be conducted outside a building.~~

#4 INSTRUCTION: Amend subsection 8101.2.C.(2) by adding a new subsection (d) as shown below.

8101. Submission Requirements

C. Plan Requirements for Planned Districts Except the PRC District

(2) A **Final Development Plan** (FDP) must be submitted. The FDP, any resubmissions and supporting graphics, must be certified by a professional engineer, architect, landscape architect, or land surveyor authorized to practice as such by the State. The FDP must be on a maximum sheet size of 24" x 36", and if presented on more than one sheet, match lines must indicate where the several sheets join. The FDP must include the following:

…..

(d) A legal description of the property, including metes and bounds of the site, and bearings and distances of the perimeter property lines;