County of Fairfax, Virginia
Planning Commission Meeting
October 8, 2025
Planning Commission Action

ZONING ORDINANCE AMENDMENT – PROPOSED AMENDMENTS TO CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112.2 (ZONING ORDINANCE) OF THE CODE OF THE COUNTY OF FAIRFAX (CODE)
(Countywide)

PLANNING COMMISSION RECOMMENDATIONS:
On October 8, 2025, the Planning Commission voted 11-0 (Commissioner Thomas was absent from the meeting.) to recommend to the Board of Supervisors the adoption of the amendments to the Subdivision Ordinance and Zoning Ordinance for Plat, Site Plan and Subdivision review times and processing as set forth in the Staff Report dated September 9, 2025, and that the amendment become effective at 12:01 a.m. the day following adoption.

ATTACHED DOCUMENTS:
Staff Report dated September 9, 2025

MJ

LAND DEVELOPMENT SERVICES
September 9, 2025

STAFF REPORT

PREPARED BY SITE DEVELOPMENT AND INSPECTIONS DIVISION

☑ PROPOSED COUNTY CODE AMENDMENT

☐ PROPOSED PFM AMENDMENT

☑ PROPOSED ZONING ORDINANCE AMENDMENT

☐ APPEAL OF DECISION

☐ WAIVER REQUEST

Proposed Amendments to Chapter 101 (Subdivision Ordinance) and Chapter 112.2 (Zoning Ordinance) of *The Code of the County of Fairfax* (Code), Regarding Plat, Site Plan and Subdivision Plan Review Times and Processing

PUBLIC HEARING DATES

Authorization to Advertise:	September 9, 2025
Planning Commission Hearing:	October 8, 2025 at 7:30 p.m.
Board of Supervisors Hearing:	October 28, 2025 at 4:00 p.m.

Prepared By:	Jerry Stonefield, Engineer IV (703) 324-1780 Site Code Research & Development Branch, Land Development Services (LDS)

Staff Report

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors (Board) adopt the proposed amendments to Chapter 101 (Subdivision Ordinance) and Chapter 112.2 (Zoning Ordinance) of the Fairfax County Code to incorporate changes to the Code of Virginia §§15.2-2259 and 15.2-2260 made by Chapter 100 of the 2025 Virginia Acts of the Assembly (House Bill 2660) and Chapter 594 of the 2025 Virginia Acts of the Assembly (Senate Bill 974) that became effective on July 1, 2025.

DISCUSSION

Coordination

The proposed amendments have been prepared by LDS and coordinated with the Department of Planning and Zoning and the Office of the County Attorney.

Background

Chapter 100 of the 2025 Virginia Acts of the Assembly (House Bill 2660) amended §§ 15.2-2259 and 15.2-2260 of the Code of Virginia. The legislation reduced the time to distribute copy of submitted plans and plats to state agencies from 10 days to 5 days; reduced the review times that county staff has to review plats, site plans and plans of developments for 1st submission from 60 days to 40 days, and resubmissions of previously disapproved plans from 45 days to 30 days. In addition, the amendment created a new requirement for the Director to review the comments on 3rd or subsequent resubmissions within 14 days of receipt and determine if the plan should be approved as resubmitted, allow the applicant to revise the plan, or disapprove the plan with the comments.

Summary of Proposed Amendments

The proposed amendment to the Subdivision Ordinance will incorporate the changes applicable to the review of Preliminary Plans, Subdivision Plans and final Record Plats. The changes:

- Reduce time from 10 days to 5 days for the County to distribute copies of submitted plans to applicable state agencies
- Reduce county review time from 60 days to 40 days for 1st submission
- Reduce county review time from 45 days to 30 days for resubmissions
- For construction plans and final subdivision plats, require Director level review of comments on 3rd or subsequent resubmission within 14 days of receipt

The proposed amendment to the Zoning Ordinance will incorporate the changes to Virginia Code § 15.2-2259. The changes apply to the review of Minor Site Plans and Site Plans:

- Reduce time from 10 days to 5 days for the County to distribute copies of submitted plans to applicable state agencies
- Reduce county review time from 60 days to 40 days for 1st submission
- Require Director level review of comments on 3rd or subsequent resubmission within 14 days of receipt
- Specify a review time of 30 days for resubmissions

In addition, the proposed amendment includes other minor editorial changes, such as the term “shall” is changed to “must” in those sections included in the amendment.

Impact on LDS Operations

The proposed amendments reflect the changes to the LDS development review process imposed by the state legislation. The Planning and Land Use System (PLUS), web pages, and publications have been updated with new review times in advance of the July 1, 2025, effective date to ensure compliance with the state law.

Outreach

Issues related to the reduced review times were discussed with the Board at the July 8, 2025 Land Use Policy Committee meeting. Staff also made presentations to the NVBIA/NAIOP Fairfax Committee, Engineers and Surveyors Institute Fairfax Committee and the Engineering Standards Review Committee.

Equity Impact Statement

No Impact. The revisions are made as required by the Code of Virginia. These changes provide for consistent application of regulations that apply countywide.

Regulatory Impact

The amendments to the Subdivision and Zoning Ordinances revise the specified timeframes as mandated by the update to state code. The Department of Land Development Services has already trained the county review staff, coordinated with partner agencies, and changed PLUS due dates to implement the required shorter review times for plan review and ensure we comply as of July 1, 2025, the effective date of the revisions.

ATTACHED DOCUMENTS

Attachment A – Amendment to Chapter 101 (Subdivision Ordinance)
Attachment B – Amendment to Chapter 112.2 (Zoning Ordinance)

Proposed Amendment
to
Chapter 101 (Subdivision Provisions)

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is <u>underlined</u>.

Amend Section 101-2-2, Minimum Requirements, subsection (25)(B) to read as follows:

(25)(B) The Director will, as part of a preliminary plan review, or as part of a plan review if no preliminary plan review has been conducted: (i) review the dam break inundation zone map on file with the county for the affected impounding structure; (ii) notify the dam owner; and (iii) within <u>5</u> ~~10~~ days forward a request to the Department of Conservation and Recreation (DCR) to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. DCR must notify the dam owner and the county of its determination within 45 days of the receipt of the request. Upon receipt of DCR's determination, the county will complete review of the plan. If the Director has not received a determination within 45 days of DCR's receipt of the request, DCR will be deemed to have no comments, and the county will complete its review.

Amend Section 101-2-3, Preliminary Subdivision Plat, subsections (d)(1) and (d)(2) to read as follows:

(d)(1) Unless delayed by a federal or State review, a preliminary plat must be acted upon within <u>45</u> ~~60~~ days, except under abnormal circumstances, from receipt thereof in the Office of the Director. Any preliminary plat that has been previously disapproved and has been modified and corrected to address all deficiencies must be acted upon within <u>30</u> ~~45~~ days, except under abnormal circumstances, from receipt thereof in the Office of the Director. The Director will thoroughly review the plat and make a good faith effort to identify all deficiencies, if any, with the initial submission. If the preliminary plat is disapproved, the reason or reasons for such disapproval must be <u>provided to the applicant either</u> ~~shown~~ on the plat <u>itself</u> or in a separate document <u>and</u>~~. The reasons for disapproval~~ must <u>(i)</u> identify all deficiencies in the plat which cause the disapproval by <u>referencing</u> ~~reference~~ to specific duly adopted ordinances, regulations, or policies and <u>(ii)</u> ~~must~~ identify ~~such~~ modifications or corrections as will permit approval of the plat. <u>All deficiencies identified during a third or subsequent resubmission of any preliminary plat must be provided concurrently to the applicant and the Director or equivalent official having supervisory authority over the agent. Within 14 days of receipt, the Director or equivalent official must either: 1. approve the preliminary plat as submitted; 2. permit the applicant to address any deficiencies deemed minor by the Director, and resubmit the preliminary plat for administrative approval. The Director must complete the administrative approval within seven days of receipt of the resubmission; or 3. Disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the preliminary plat.</u>

(d)(2) However, if approval of a feature or features of the preliminary plat by a federal or state agency or public authority, including, without limitation, the Virginia Department of Transportation, is necessary, the Director will forward a copy of the preliminary plat to the appropriate federal or State agency or authority ~~agencies~~ for review within 5 ~~ten (10)~~ business days of receipt of such preliminary plat. Upon receipt of the approvals from all federal and State agencies, the Director must act upon such preliminary plat within 20 ~~thirty-five (35)~~ days.

Amend Section 101-2-4, Construction Plan, subsection (d) Approval, to read as follows:

101-2-4 Construction Plan:
(d) Approval. The Construction Plan must be acted upon within 40 ~~60~~ days, except under abnormal circumstances, from receipt thereof in the Office of the Director. Any construction plan that has been previously disapproved and has been modified and corrected to address all deficiencies must be acted upon within 30 ~~45~~ days, except under abnormal circumstances, from receipt thereof in the Office of the Director. The Director must thoroughly review the construction plan and make a good faith effort to identify to the greatest extent practicable all deficiencies, if any, with the initial submission. If the construction plan is disapproved, the reason or reasons for such disapproval must be provided to the applicant either ~~shown~~ on the plan itself or in a separate document and ~~. The reasons for disapproval~~ must (i) identify all deficiencies in the plan which cause the disapproval by referencing ~~reference to~~ specific duly adopted ordinances, regulations, or policies, and (ii) ~~must~~ identify, to the greatest extent practicable, ~~such~~ modifications or corrections as will permit approval of the plan. All deficiencies identified during a third or subsequent resubmission of any construction plan must be provided concurrently to the applicant and the Director or equivalent official having supervisory authority over the agent. Within 14 days of receipt, the Director or equivalent official must either: 1. approve the construction plan as submitted; 2. permit the applicant to address any deficiencies deemed minor by the Director or equivalent official, and resubmit the construction plan for administrative approval. The Director or equivalent official must complete the administrative approval within seven days of receipt of the resubmission; or 3. disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the construction plan.

Amend Section 101-2-5, Final Subdivision Plat, subsection (d)(1) to read as follows:

101-2-5 Final Subdivision Plat
(d)(1) Final plats shall be acted upon within 40 ~~sixty (60)~~ days, except under abnormal circumstances, from receipt thereof. If disapproved, the reason or reasons for such disapproval will ~~shall~~ be provided to the applicant either ~~shown~~ on the plat or in a separate document. ~~The reasons for disapproval shall~~ and will identify all deficiencies in the plat which cause the disapproval by referencing ~~reference to~~ specific duly adopted ordinances, regulations, or policies, and (ii) ~~shall~~ ~~generally~~ identify, to the greatest extent possible, ~~such~~ modifications or corrections as will permit approval of the plat. All deficiencies identified during a third or subsequent

resubmission of any final plat, must be provided concurrently to the applicant and the Director or equivalent official having supervisory authority over the agent. Within 14 days of receipt, the Director or equivalent official must either: 1. approve the final plat as submitted; 2. permit the applicant to address any deficiencies deemed minor by the Director or equivalent official and resubmit the final plat for administrative approval. The Director or equivalent official shall complete the administrative approval within seven days of receipt of the resubmission; or 3. disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the final plat.–Final plats shall be approved for the Board of Supervisors, by the Director, and such action shall be evidenced thereon by his signature; provided,

(A) Such plats are in satisfactory accordance with a proffered generalized development plan, proffered or approved final development plan, or approved special exception plat for a cluster subdivision or waiver of the minimum lot size requirements, which plan or plat is certified by a professional engineer, architect, landscape architect or land surveyor authorized to practice as such by the State or an approved preliminary plat and the provisions of this Chapter and, as such have been recommended for approval to the Director, which action shall be evidenced on the copies by appropriate signatures and such plats have been approved by the Director of Health Services or his agent which action shall be evidenced on the copies by his signature; and

(B) All physical improvements required by the provisions of this Chapter for the subdivision so platted shall have been installed therein, and approved for conformance with the construction plans and specifications therefor, such construction plans and specifications having been submitted and approved prior to the commencement of construction; except in lieu of actual installation of such physical improvements, there shall be executed by the subdivider and submitted with the final plat an agreement to construct such physical improvements in form and substance as approved by the County, together with a bond with surety satisfactory to the County, in an amount sufficient for and conditioned upon the construction of such physical improvements in form and substance as approved by the County in the amount of the estimated cost of the physical improvements as determined by the Director. Such agreement and bond shall provide for completion of all work covered thereby within a time to be determined by the Director. Failure of the subdivider to complete the required improvements within the specified time (including any extensions of time which are granted for good cause) shall be deemed to be a violation of this Ordinance and the Director shall withhold further permits or approvals until such violation is in the process of being corrected. The adequacy, conditions and acceptability of any initial bond or bond extensions hereunder shall be determined by the Director or any official of the County as designated by resolution of the Board. In any case where any such official has rejected any such agreement or bond, the subdivider shall have the right to have such determination made by the Board of Supervisors; and

(C) The subdivider has paid to the County the fees set forth in Section 101-2-9 (Fees).

Proposed Amendment
to
Chapter 112.2 (Zoning Ordinance)

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. The proposed changes are based on provisions of the adopted Zoning Ordinance in effect as of July 7, 2025, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, as other amendments may be adopted prior to action on this amendment. In the case of such an event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

INSTRUCTION: Revise subsection 8100.7.F(1)(a), 8100.7.F(1)(c), 8100.7.F(2)(a) and 8100.7.F(2)(c) to revise the review times and process for review of previously disapproved plans and add when the Director or equivalent official must review the comments and take action; and revise subsections 8100.7.F(1)(b) and 8100.7.F(2)(a) to reduce from ten day to five days when the Director must forward a request to DCR.

7. Site Plans and Minor Site Plans

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F. Staff Review and Action

(1) Minor Site Plan Review and Approval

(a) The Director will check the minor site plan for completeness and compliance with administrative requirements. The Director will ensure that all administrative reviews are completed on time and that action is taken by the approving authority on the minor site plan within 40~~60~~ days from receipt of a complete first submission, except under abnormal circumstances.

(b) The Director will, as part of a preliminary plan review, or as part of a plan review if no preliminary plan review has been conducted: (i) review the dam break inundation zone map on file with the County for the affected impounding structure; (ii) notify the dam owner; and (iii) within five ~~ten~~ days forward a request to the Department of Conservation and Recreation (DCR) determine the potential impacts of the proposed development on the spillway design flood standards required of the dam. DCR must notify the dam owner and the County of its determination within 45 days of the receipt of the request. Upon receipt of DCR's determination, the County will complete its review of the plan. If the Director has not received a determination within 45 days of DCR's receipt of the request, DCR will be deemed to have no comments, and the County will complete its review.

(c) Subsection 8100.7.F(2)(b) applies to minor site plans. In addition to other conditions that the Director may impose as necessary to ensure the public interest and the purpose and intent of this Ordinance, the Director may require, as a condition of any approval of a minor site plan, the dedication or construction of improvements, or agreement to dedicate or construct in accordance with subsection 8100.7.F(5), as may be necessary to adequately provide for such improvements.

(d) If a minor site plan is disapproved, the following applies:

1. Specific reasons for such disapproval must be provided to the applicant either ~~shown~~ on the plan or in a separate document~~. The reasons for disapproval~~ and must (i) identify all deficiencies in the plan that caused ~~related to~~ the disapproval by ~~reference to~~ referencing specific duly adopted ordinances, regulations, or policies, and ~~must~~ (ii) identify, to the greatest extent practicable, modifications or corrections that would result in approval of the plan.

2. All deficiencies identified during a third or subsequent resubmission of any minor site plan must be provided concurrently to the applicant and the Director or equivalent official having supervisory authority over the agent. Within 14 days of receipt, the Director or equivalent official must either: (i) approve the site plan as submitted; (ii) permit the applicant to address any deficiencies deemed minor by the Director or equivalent official and resubmit the minor site plan for administrative approval. The Director must complete the administrative approval within seven days of receipt of the resubmission; or (iii) disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the minor site plan.

3. The Director will act on the minor site plan that has been previously disapproved within 30 days after the plan has been modified, corrected and resubmitted for approval.

(2) Site Plan Review and Approval

(a) The Director will check the site plan for completeness and compliance with established administrative requirements. The Director will ensure that all administrative reviews are completed on time and that action is taken by the approving authority on the site plan within 40~~60~~ days from receipt of a complete first submission, except under abnormal circumstances. Site plans proposing the development or construction of affordable dwelling units under Section 5101 must be processed within 280 days from the receipt of the complete application, provided the plan substantially complies with all ordinance requirements when it is submitted. The calculation of the review period only includes the time the site plan is in for County review and does not include such time as may be required by the applicant for revisions or modifications in response to comments from the County to comply with the Ordinance. The Director will, as part of a preliminary plan review, or as part of a plan review if no preliminary plan review was

conducted: (i) review the dam break inundation zone map on file with the County for the affected impounding structure; (ii) notify the dam owner; and (iii) within five ~~ten~~ days forward a request to the Department of Conservation and Recreation (DCR) to determine the potential impacts of the proposed development on the spillway design flood standards required of the dam. DCR must notify the dam owner and the County of its determination within 45 days of the receipt of the request. Upon receipt of the DCR's determination, the County will complete its review of the plan. If the Director has not received a determination within 45 days of DCR's receipt of the request, DCR will be deemed to have no comments, and the County will complete its review.

…

(c) If a site plan is disapproved, the following applies:

1. Specific reasons for the disapproval must be provided to the applicant either ~~shown~~ on the plan or in a separate document and~~. The reasons for disapproval~~ must (i) identify all deficiencies in the plan that cause the disapproval by reference to specific ordinances, regulations, or policies, and (ii) ~~must~~ identify, to the greatest extent practicable, modifications or corrections needed for approval of the plan.

2. All deficiencies identified during a third or subsequent resubmission of any site plan must be provided concurrently to the applicant and the Director or equivalent official having supervisory authority over the agent. Within 14 days of receipt, the Director or equivalent official must either: (i) approve the site plan as submitted; (ii) permit the applicant to address any deficiencies deemed minor by the Director or equivalent official and resubmit the site plan for administrative approval. The Director must complete the administrative approval within seven days of receipt of the resubmission; or (iii) disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the site plan.

3. The Director will act on the site plan that has been previously disapproved within 30 days after the plan has been modified, corrected and resubmitted for approval.