



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

November 19, 2024

ZONING ORDINANCE AMENDMENT – SECONDARY USES IN THE PLANNED DEVELOPMENT HOUSING AND PLANNED DEVELOPMENT COMMERCIAL DISTRICTS, AND AMENDMENTS TO FINAL DEVELOPMENT PLANS

With the adoption of the [FY 2025/2026 Zoning Ordinance Work Program](#), topics relating to 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 asked to review the additional standards for commercial uses in the PDH District and the secondary use standards, including percentage of residential uses, in the PDC District, and consider updates to these provisions based on current practices. In addition, staff will also evaluate whether to require a legal description and metes and bound description for partial Final Development Plan Amendment (FDPA) applications.

BACKGROUND – PDH District

A rezoning to create a new PDH District or amend an existing PDH District requires review and approval by the Board of Supervisors (Board) of a Conceptual Development Plan (CDP) and a subsequent detailed Final Development Plan approved by the Planning Commission. The development is subject to the general and design standards for a Planned District in [subsection 2105.1](#) where the application is reviewed in accordance with the Comprehensive Plan with respect to the type, character, intensity of use and density. The PDH District was established in 1969 to encourage innovative and creative design for residential development. Commercial uses were allowed as secondary uses, intended to serve the residents within that specific development. To accomplish this goal, the PDH District restricted commercial uses to the first two floors of a building 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 unit.

The land area limitation on commercial uses was updated with the 1978 Zoning Ordinance and has remained essentially the same since 1978. The standard that commercial uses only serve the needs of residents was revised with zMOD to instead require that commercial uses be designed as an integrated component of the development and designed to maintain and protect the residential character of the planned development and adjacent residential neighborhoods. The subsection related to modifications that can be approved by the Board has been revised several times since 1978. In 1992, language was added to specifically exempt outdoor recreation uses, zoos, and golf courses from the commercial land area per dwelling unit requirements. In 1993,



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language was added to allow the Board to increase the commercial land area if there is a single commercial area proposed to serve two or more contiguous PDH Districts which are planned and designed as a single planned development, and which are zoned concurrently. This provision was later revised as part of zMOD in 2021 to no longer require that the contiguous developments to be zoned at the same time.

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 with 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 Use¹

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 that uses in the commercial classification can occupy; however, it does not limit the gross floor area allocated to commercial uses. In other words, the size of the commercial use itself is not limited, only the land area of the use and 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 it 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 uses and only half of those contained uses in the commercial use category, such as office and retail sales. Staff considered recommending removing the restrictions on the land area that can be devoted to commercial uses to be consistent with institutional and community uses, but only approximately 10 percent of the PDH Districts contain a commercial use, and the Board can modify the requirement when appropriate. Therefore, to allow for site-specific considerations to be addressed, staff recommends leaving the commercial land area restrictions in place and making minor changes as noted below.

¹ Offices are limited to 10 percent of the commercial gross floor area.

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.

PROPOSAL - PDH District

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

- Generally keeping the current restrictions on commercial uses in 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 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 C.(1)(b)3 to improve the readability. The exception for outdoor areas for outdoor commercial recreation uses, zoos, and golf courses is relocated within the subsection. The permitted modification for contiguous PDH developments is relocated and consolidated with the other permitted modifications for the commercial land area.
- Removing the additional restrictions on office uses in C.(1)(b)(4). The Zoning Ordinance already restricts the land area for commercial uses (including offices) for compatibility reasons and the additional restriction on offices is unnecessary.
- Reorganizing and updating the provisions relating to exceptions and modifications of the commercial land area, and locating these in C.(1)(c). A new provision is proposed in C.(1)(c)1 to permit a general modification of the commercial land area when in accordance with the Comprehensive Plan. The modification in C.(1)(c)2 for contiguous PDH developments is existing but has been simplified. The modification for outdoor recreation, zoos, and golf courses in subsection 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.

Proposed Text

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. Any outdoor component of a commercial use, except for accessory outdoor dining in accordance with subsection 4102.7.L, 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~~ The maximum total land area, including at-grade off-street parking and loading areas, devoted to uses in the commercial classification, except for outdoor commercial recreation, zoos or aquariums, and golf courses or country clubs, 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.~~

BACKGROUND - PDC District

The PDC District was established in 1969 to permit large-scale, unified commercial development and encourage innovative and creative design of commercial development. 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 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 a FDP. Some of the principal uses include college, conference center, hotel, office, restaurant, and retail. In addition to residential uses, other secondary uses include child care centers, drive-throughs, health and exercise facilities, private schools, and religious assembly. The secondary use standards in subsection 2015.4.C limit the gross floor area (GFA) of residential uses to 50 percent of the GFA of principal uses. Other secondary uses are limited to 25 percent of the GFA of the principal uses.⁴ This provision is often modified by the Board for both new and amended PDC developments to accommodate the demand for additional residential and retail-type uses. Because the restriction is based on the gross floor area of the principal use and not the overall gross floor area of the development, this provision can be difficult to understand and apply.

PROPOSAL - PDC District

A new subsection 2015.4.C.(1)(b) proposes to update the current restriction on the percent of GFA permitted for secondary uses. Instead of limiting the amount of residential uses within a PDC District to 50 percent of the GFA of all principal uses in the development and all other secondary uses to 25 percent of the GFA of all principal 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. In the past 10 years, the Board has approved or amended 86 PDC Districts, and the secondary use restrictions have been modified in over 60 percent of those applications.

⁴ As an example, a development of 1,000,000 square feet of GFA that has 571,500 GFA of principal uses could have 285,750 GFA of residential uses and 142,750 GFA of other secondary uses.

Staff also recommends revising the design standards in subsection C.(1)(c) for secondary uses to ensure they are integrated into the development and designed to protect adjacent development from adverse impacts. Staff also proposes to revise the outdoor commercial use standards in subsection C.(1)(d) and require them to be shown on the FDP to ensure review of any potential impacts of the outdoor component. Even with adoption of the changes discussed above and shown below, 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.

Proposed Text

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 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, 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 where they are located and must be designed to maintain and protect the character of adjacent properties.
- (d) Any outdoor component of a commercial use, except for accessory outdoor dining in accordance with subsection 4102.7.L, 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.

Final Development Plan Amendments

Final Development Plans are required for Planned Districts (other than the PRC District) and provide more development detail than shown on a Conceptual Development Plan. It is not uncommon for FDPs to be amended for only a portion of the original rezoned area. When this occurs, there may be a discrepancy in the land area from what is shown on the FDPA and the land area shown on the original approval. These inconsistencies could be due to land dedication, subdivision, etc. Nevertheless, questions often arise during application acceptance regarding what portion of the application is being amended. Without a legal description and the metes and bounds of the property submitted with the application, there is no clear understanding of the area under consideration. To eliminate this confusion, staff recommends that a legal description with a metes and bound survey be added to the submission requirements of [subsection 8101.2.C.\(2\)\(d\)](#) to state 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;

NEXT STEPS

Staff proposes Board authorization of this amendment in early 2025 with subsequent public hearings. Staff will also conduct general outreach meetings prior to authorization and will work with the Department of Planning and Development's community engagement specialist and Board offices to publicize the meetings. If you have questions or comments about this project, please contact William Mayland, Assistant Director of the Zoning Administration Division, at william.mayland@fairfaxcounty.gov.

Proposed Text

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 the provision of the adopted Zoning Ordinance in effect as of September 11, 2024.

#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. Any outdoor component of a commercial use, except for accessory outdoor dining in accordance with subsection 4102.7.L, 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~~ The maximum total land area, including at-grade off-street parking and loading areas, devoted to uses in the commercial classification, except for outdoor commercial recreation, zoos or aquariums, and golf courses or country clubs, 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.C.(1) secondary uses as shown below.

4. **PDC Planned Development Commercial District**

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 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, 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 where they are located and must be designed to maintain and protect the character of adjacent properties.*
- (d) *Any outdoor component of a commercial use, except for accessory outdoor dining in accordance with subsection 4102.7.L, 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.~~*

#3 INSTRUCTION: Amend subsection 8101.2.C.(2)(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;