



County of Fairfax, Virginia

MEMORANDUM

DATE: June 9, 2025

TO: Board of Supervisors' Land Use Policy Committee (LUPC)
Kathy L. Smith, Chair

FROM: Leslie B. Johnson *Leslie B. Johnson*
Zoning Administrator

SUBJECT: **Zoning Ordinance Work Program (Work Program)**
Land Use Policy Committee (LUPC)
June 17, 2025, at 9:30 a.m.

This memorandum provides the annual update of the Zoning Ordinance Work Program.

Introduction

The Board of Supervisors (Board) endorsed the FY 2025/2026 ZOWP on July 30, 2024. While the Work Program is a two-year program cycle, Zoning Administration provides the Planning Commission (PC) and Board with a yearly update and an opportunity to evaluate and reprioritize the Work Program to ensure that it continues to align with the policies and priorities of the Board as outlined in the Strategic Plan, One Fairfax, the Comprehensive Plan, and other county-wide initiatives. The following documents are attached to facilitate discussion of the Work Program:

- Attachment 1 - FY 2025 Priority 1 ZOWP Status Update
- Attachment 2 - Proposed FY 2026/2027 Priority 1 Work Program
- Attachment 3 - Priority 1 Estimated Timelines
- Attachment 4 - FY 2026 Priority 2 Work Program Proposed Update

FY 2025 Accomplishments (Attachment 1)

The FY 2025/2026 Work Program included a total of 15 amendment topic areas with several of these topics broken down into more specific sub-topics for a total of 20 individual items. The repeal of Chapter 112.1 and the report on limitations on retailers selling tobacco and nicotine vape products were topics added by the Board after the endorsement of the Work Program and have been included as part of the FY 2025/2026 Priority 1 Work Program.

A summary of the status of each amendment topic or sub-topic is presented in Attachment 1 in ***bold italics***. A total of 11 topics/sub-topics were completed either with adoption of an amendment, publication of a report, authorization of the amendment for public hearing, or proposed to be moved to Priority 2, representing 55 percent of the items on the Priority 1 Work Program. The following amendments were completed or have been authorized for public hearing:

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- ✓ Contractor's Office and Shops (Topic 7)
- ✓ Minor and Editorial Revisions and State Code Updates (Topic 10)
- ✓ Accessible Parking Rates (Topic 11)
- ✓ Planned Districts (PDH and PDC) (Topic 12)
- ✓ Short-Term Pop-Up Events and Longer-Term Interim Uses (Topic 14).

Staff also prepared and submitted the following Reports to the Board:

- ✓ Signs Part II Amendment 18 months follow up relating to implementation of nighttime brightness of electronic display signs and special exception applications for sign modifications (Topic 1A)
- ✓ Initial presentation with the Health Department on Limitations on Retailers Selling Tobacco/Nicotine Vape Products (Topic 1B)
- ✓ Clarification on status of Murals under the Sign Ordinance (Topic 10A)

Significant progress has also been made on the following amendment topics and are proposed for carryover to the FY 2026/2027 Work Program:

- ✓ Accessory Living Units (Topic 2)
- ✓ Affordable Housing - Manufactured Homes (Topic 3B)
- ✓ Congregate Living Facility (Topic 6)
- ✓ Floodplain (Topic 8)
- ✓ Light Utility Facility – Substations (Topic 9A)
- ✓ Light Utility Facility - High Pressure Gas Distribution Pipelines (Topic 9B)
- ✓ Light Utility Facility - Battery Energy Storage (Topic 9C)
- ✓ PRC Plan Exceptions (Topic 13)

Staff has conducted research on these topics and participated in a number of outreach meetings with stakeholders. Staff anticipates bringing these topics forward for the Board's consideration or direction within the next six months. While not proposed as a Zoning Ordinance Amendment, coordination is ongoing with gas utilities on developing a Memorandum of Understanding relating to the siting of new high pressure transmission lines.

Moved to Priority 2

Two topics with no specific items identified are recommended to be moved to the updated Priority 2 Work Program for FY 2026/2027. These items have been on the Priority 1 Work Program for a number of years as a place holder until specific items related to the topic are identified. At this time, staff recommends moving these topics to the Priority 2 Work program and can be prioritized when specific issues are identified. Staff will continue to monitor these topics.

- ✓ Topic 3A - Consider zoning changes to support new affordable housing initiatives and land use policies.
- ✓ Topic 5 - Climate Action and Resiliency Initiatives

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Proposed FY 2026/2027 Priority 1 Work Program (Attachment 2)

The proposed FY 2026/2027 Priority 1 Work Program reflects those topics that have been carried over, and the addition of new items that have either been requested by the Board or identified by staff. Staff is proposing a minor reorganization of the Work Program. Currently topics are presented alphabetically with the exception of Reports to the Board which is listed first. Staff recommends the Work Program be categorized into Ongoing Topics, First Tier Topics, and Second Tier Topics. This way the ongoing and first tier topics are listed first on the Work Program. Below is a summary of the proposed changes/additions to the FY 2026/2027 Work Program.

Ongoing Topics

Application Fees and Planned District Minimum Recreational Facilities Expenditure **(Topic 1)**. An amendment to increase application fees, phased in over two years, was approved by the Board on April 16, 2024, with an effective date of July 1, 2024. The Board directed staff to retain the topic on the Work Program with the intent to study fees every two years, including a review of the acreage fees associated with rezoning applications. Staff plans to begin reviewing potential amendments to the fees beginning in the fall of 2025 to ensure that this analysis can be utilized in the development of the FY 2027 Budget.

Minor and Editorial Revisions and State Code Updates **(Topic 2)** is intended to be an ongoing Work Program entry that will address changes to the Code of Virginia that necessitate a change to the Zoning Ordinance or other minor and editorial revisions that are limited in scope and intended to correct minor errors or updates in the Zoning Ordinance. These revisions typically only need limited outreach. Four items have been identified for review: 1) Update the review and approval timelines for site plans per SB 974 and HB 2660. Staff in Land Development Services will be taking the lead on these changes; 2) New authority to allow a shorter appeal period, from 30 days to not less than 10 days, for notices of violation involving the storage or disposal of nonagricultural excavation material, waste, and debris (SB 1422); 3) New authority to permit enhanced civil penalties for zoning violations involving property that is zoned or used for multifamily residential (SB 1267) and 4) Changes to advertising and public notice requirements including allowing notices to be sent first class mail for changes to the zoning map for 25 or fewer parcels (HB 1996 and HB 2330). Staff plans to bring forward minor editorial changes in early 2026.

Reports to the Board **(Topic 3)** was a new topic added to the Work Program in FY 2023. The review of timelines to issue a Special Event – Tier One permit **(Topic 3A)** was added based on the follow-on motion from the Board adopted in conjunction with the Special Event amendment to report back on these timelines within six months.

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First Tier Topics

Accessory Living Units (ALU) (**Topic 4**) is a topic added to the Work Program in 2024 to consider revisions to the ALU provisions as further described in the [Report on Accessory Living Units and Home-Based Businesses](#), dated April 12, 2024. Staff have begun research on this topic and intend to bring the issue to the Board for further discussion of possible changes this fall.

Congregate Living Facilities (**Topic 5**) is a topic added to the Work Program from a Board matter in 2022. This item considers revising the definition and standards to include additional support services, such as an emergency shelter and supportive housing and expanding the zoning districts where congregate living facilities may be permitted with special exception approval.

Light Utility Facilities for substations (**Topic 6A**), high pressure gas pipelines (**Topic 6B**) and battery energy storage (**Topic 6C**) are carry over items from the FY 2025/2026 Work Program. While gas pipelines are not proposed as a Zoning Ordinance Amendment, coordination is ongoing with gas utilities on developing a Memorandum of Understanding relating to the siting of new high pressure transmission lines. Staff intends to bring the substation amendment in late June/July for authorization to advertise public hearings to occur later this summer. Staff intends to bring forward the battery energy storage amendment for authorization in the fall with public hearings scheduled before the PC and Board by the end of 2025.

Limitation on Retailers Selling Tobacco and Nicotine Vapor Products within 1,000 feet of a school and/or child day center (**Topic 7**) is a new topic added to the Work Program. This topic is related to the General Assembly adoption in 2024 of HB 947 and represents continuation of the initial research and report that was presented to the Board in March 2025 in coordination with the Health Department, Department of Code Compliance and County Attorney's Office on a potential amendment to the County Code.

Manufactured Housing (**Topic 8**) was originally a subtopic of affordable housing and is now proposed as a separate topic since not directly related to affordable housing initiatives. Staff have been researching and conducting outreach to the manufactured home communities in collaboration with the Department of Housing and Community Development (HCD) and the Planning Division on a Comprehensive Plan Amendment and companion zoning ordinance amendment which are anticipated to come to the Board in July 2025 for discussion.

PRC Plan Exceptions (**Topic 9**) was added to the Work Program as a follow-on motion with the readoption of the Zoning Ordinance. The amendment considers expanding the types of minor improvements that would not require a PRC Plan submission, particularly as they relate to open space or community facilities. Staff is continuing to engage with

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the community on this topic and anticipates bringing the amendment forward for authorization to schedule public hearings in the fall.

Second Tier Topics

Staff recommends that the following four topics (9 items) be added to the Priority 1 Work Program as Second Tier Topics:

- ✓ Accessory Structures (Topic 10)
- ✓ Building Height (Topic 11)
- ✓ Commercial and Industrial Uses (Topic 12)
 - Associated Service Uses
 - Food Trucks
 - Online Sales
 - Recycling Centers
 - Specialized Instruction Center
 - Vehicle Sales
- ✓ Floodplain (Topic 13)
- ✓ Home Day Care Facilities (Topic 14)

These topics are currently on the Priority 2 Work Program and are recommended to be moved to the Priority 1. A more detailed description of these topics is presented in Attachment 2.

The estimated timelines for the Priority 1 Work Program topics are identified in Attachment 3.

Priority 2 Zoning Ordinance Work Program Update (Attachment 4)

The Priority 2 Work Program includes those amendments that are not proposed to be added to the current Work Program but have been retained for future consideration. The Priority 2 list reflects potential changes recommended by various Boards, Authorities, and Commissions, as well as staff. The Priority 2 list has been included as part of the Work Program since the late 1980s to track recommendations for potential amendments. The Priority 2 list includes a summary of each item and a rationale for its deletion or retention on the list. The adopted Priority 2 Work Program consists of 16 individual items.

Staff is committed to reviewing uses and use standards on a regular basis to ensure that the Zoning Ordinance remains current. The items recommended to be added to Priority 2 Work Program are uses that staff have increasingly received inquiries about amid changing operational characteristics. Staff recommends 13 items be added (+) to the Priority 2 Work Program as detailed in Attachment 4, some of which are highlighted below. As previously noted, six items (Topics 12, 15, 21, 22, 26, and 30) are recommended to be moved (X) to the Priority 1 Work Program. Finally, staff recommends the retention (✓) of 11 items. Seven of these items have been added within

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the past five years and the remaining four items remain priorities of the Board. Staff anticipates that many of these items will be moved to the Priority 1 Work Program in the next few years.

The proposed FY 2026/2027 Priority 2 Work Program contains a total of 24 items. Staff recommends that a review of the maximum Floor Area Ratio (FAR) for public uses in the R-C District (Topic 2) be considered as a separate item from the R-C District considerations outlined in Topic 1. Topic 2 is to consider specific operational and programming needs of existing Fairfax County Public Schools and other public facilities located within the R-C District. Also added to the Priority 2 Work Program is a comprehensive review of uses permitted in the Commercial Districts (Topic 3) to evaluate and possibly consider an expansion of permissions to better align uses and permissions between the various retail and office districts. Staff will specifically look at whether to consider permitting retail in the C-1, C-2, C-3, and C-4 districts and removing the restriction on the percentage of office use allowed in the C-5, C-6, C-7, and C-8 districts. Staff also recommends a comprehensive review of uses permitted in Industrial Districts (Topic 4) based on the recent study by Clarion presented to the Board, to consider removing or changing permissions for certain non-industrial uses.

Staff has also added a topic to consider various approaches to facilitate affordable housing (Topic 14) when located in conjunction with a religious assembly or nonprofit organization. This was a significant topic in the General Assembly last session. Any approach will be informed by HB 2153 which requires the Virginia Department of Housing and Community Development to publish a document describing strategies localities may consider to facilitate development of affordable housing on tax exempt properties. In addition, staff has been approached by several Religious Assembly (Topic 23) uses requesting flexibility to establish community serving uses such as community centers, art galleries/studios, coffee shops, health clinics or other office uses to provide services to the community.

Conclusions and Recommendations

The FYs 2026/2027 Work Program anticipates additional progress and completion of many of the ambitious efforts that began under the previous Work Program by the end of the year, including Substations, Battery Energy Storage, Manufactured Housing and PRC Plan exceptions.

The work program will be presented to the Planning Commission's Land Use Process Review Committee (LUPR) on June 12, 2025, for their review and comment. Staff will provide an overview of the Work Program to the Board for discussion and comment at the LUPC meeting on June 17, 2025. After review and comment by the Board, the Work Program will be brought forward as a Board Matter for endorsement by the Board on July 15, 2025. Once endorsed, staff will update the Work Program webpage, include the topic in upcoming outreach meetings, and distribute the Work Program using a GovDelivery listserv announcement.

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cc: Planning Commission
Board of Zoning Appeals
Bryan J. Hill, County Executive
Jennifer Miller, Deputy County Executive
Chris Leonard, Deputy County Executive
Elizabeth Teare, County Attorney
Tracy Strunk, Director, DPD
Jill Cooper, Director, Clerk Services
Thomas E. Fleetwood, Director, HCD
Bill Hicks, Director, LDS
Greg Steverson, Director, FCDOT
Gabe Zakkak, Director, DCC
Jai Cole, Executive Director, Park Authority
Christopher S. Herrington, Director, DPWES
David Stoner, Deputy County Attorney
William Mayland, Assistant Zoning Administrator, DPD
Andrew Hushour, Assistant Zoning Administrator, DPD
Carmen Bishop, Deputy Zoning Administrator
Casey Judge, Deputy Zoning Administrator
Sara Morgan, Deputy Zoning Administrator