

ZONING ORDINANCE WORK PROGRAM – FYs 2024/2025
FY 2024 STATUS UPDATE
Priority 1

Below are the topics to be evaluated as part of the Zoning Ordinance Work Program (ZOWP). Recognizing that Zoning Ordinance amendments often require more than one year to complete, including research and community outreach, the ZOWP is presented for a two-year cycle with annual updates to ensure that the Work Program continues to reflect the Board's priorities. The origin of the amendment topic is noted in (parentheses) below.

Timing for consideration is identified in **(bold)** as:

- Pending – Amendments that have been authorized as of the date of preparation of this Work Program and are proceeding through the public hearing process.
- First Tier – Amendments anticipated to be brought forward for discussion at a Board committee meeting or for authorization within the first six months of Fiscal Year 2024 (by December 2023).
- Second Tier – Amendments to be brought forward in the second half of the fiscal year (by July 2024).
- TBD – Topics that do not have a specific timeframe or are anticipated to be brought forward in FY 2025.
- Monitoring – Topics that include on-going monitoring or participation in task forces that may lead to potential Zoning Ordinance amendments.

1. Reports to the Board

- A. Accessory Living Units and Home-Based Businesses – Continue to monitor and evaluate the provisions for accessory living units and home-based businesses as a follow up to the January 2023 report to the Board. (Board/Staff) **Completed with report published April 2024.**
- B. Data Centers – Prepare a report with findings and recommendations regarding potential environmental issues, mitigations, and industry advances; locational guidelines regarding siting of data centers and potential approval processes; and where any new guidelines should be located including the Zoning Ordinance and/or Comprehensive Plan. (March 19, 2023, Board Matter) **Completed with report published January 2024, Zoning Ordinance amendment authorized March 19, 2024.**
- C. Accessible Parking (**NEW**) – In coordination with Land Development Services as a follow up to Parking Reimagined, work with stakeholder groups to consider modifications to the required number of accessible parking spaces and report to the Board with recommendations. (September 26, 2023, Board Matter) **Completed with report to be published by July 2024 and presented to the Land Use Policy Committee on July 23, 2024. Moved to the FY 2025/2026 Priority 1 Work Program.**
- D. Gas Pipelines (**NEW**) – Consider (1) options for the Board to evaluate or possibly prohibit high-pressure gas lines within local street right-of-way-based factors including location, size, and type of pipe as well as other locational characteristics; and (2) industry best practices related to safety, installation, and location of high-pressure gas lines.

(December 5, 2023, Board Matter) ***Completed with presentation to the Land Use Policy Committee in May 2024. Moved to FY 2025/2026 Priority 1 Work Program for consideration of establishing Memorandum of Agreement between the Board and the gas utilities.***

2. Affordable Housing Initiatives

- A. Consider zoning changes to support new affordable housing initiatives and land use policies, including strategies to incentivize preservation of existing manufactured home communities through a review of use standards and bulk regulations as part of the Manufactured Housing Task Force (Affordable Housing Preservation Task Force Recommendation MH7). (Carry over from 2018 Topic 8C and Board motion April 13, 2021) ***(TBD)***
- B. Consider zoning changes to facilitate adaptive reuse of vacant and underutilized commercial and industrial buildings to provide shelter, services and permanent supportive housing to people who are unhoused. (December 6, 2022, Board Matter) ***Proposed to be moved to new topic Congregate Living Facility on FY 2025/2026 Priority 1 Work Program (Second Tier).***

3. Application Fees

- A. Cost of living – Consider an overall cost of living increase in accordance with the Construction Cost Index and other adjustments. (Carry over from 2018 Topic 3) ***Completed on April 16, 2024, with the adoption of Zoning Ordinance Amendment ZOA 112.2-2024-7 with an effective date of July 1, 2024, and July 1, 2025.***
- B. Planned District recreational facilities – Consider increasing the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC, PRM, and PTC Districts. (Board direction for biennial review) ***Completed on April 16, 2024, with the adoption of Zoning Ordinance Amendment ZOA 112.2-2024-7 with an effective date of July 1, 2024, and July 1, 2025.***

4. Climate Action and Resiliency Initiatives (Previously Green Initiatives) – Consider zoning changes that would incentivize and encourage more environmentally sustainable development to support implementation of the Community-wide Energy and Climate Action Plan (CECAP) and Resilient Fairfax. (Carry over from 2019 Topic 4 with updated description for FY 2024/2025 Work Program) *(Monitoring)*

5. Contractor’s Office and Shop – As discussed at the Board’s Land Use Policy Committee meeting of May 17, 2022, staff will review possible zoning changes to permit expanded opportunities for suitable locations for landscape professionals and other contractor’s office and shop, subject to use standards that address the storage of construction vehicles, construction materials, and other impacts. (Board) *(Outreach ongoing - Carryover to FY 2025/2026 Priority 1 Work Program) (First Tier)*

6. **Data Centers (New)** - Prepare a Zoning Ordinance amendment to strengthen the current provisions for data centers. The amendment should include options for consideration by the Board, including, but not limited to, options for by right and special exception permissions in certain districts and over certain size thresholds, as well as additional use standards for data centers. (March 19, 2024, Board Matter) ***Completed with staff report published and public hearings scheduled in June and July 2024.***
7. **Landscaping and Screening** – Work with an interagency work group to research and conduct outreach on a review of landscaping and screening provisions. (Planning Commission/Staff – moved from Priority 2 in FY 2022) ***Completed on January 23, 2024, with the adoption of Zoning Ordinance Amendment ZOA 112.2-2024-4.***
8. **Minor and/or Editorial Revisions (Previously State Code Changes and zMOD Implementation)** – This topic is 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 more administrative in nature. ***Completed on March 19, 2024, with adoption of Zoning Ordinance Amendment ZOA 112.2-2024-6.***
 - A. Consider updates to timing of published notices in the newspaper for public hearings based on Senate Bill (SB 1151) which contains changes to notice provisions recommended by the Virginia Code Commission. (Staff) ***Completed on March 19, 2024, with adoption of Zoning Ordinance Amendment ZOA 112.2-2024-6.***
 - B. Update Board of Zoning Appeals (BZA) membership to recognize that BZA may have up to three alternative members in addition to seven permanent members – a number capped by State Code. (zMOD Readoption Follow-On Motion) ***Completed on March 19, 2024, with adoption of Zoning Ordinance Amendment ZOA 112.2-2024-6.***
 - C. Consider adding checklist for minimum wastewater information to the submission requirements for Rezoning, Special Exception, Special Permit and Development Plan Applications. (DPWES staff) ***Completed on March 19, 2024, with adoption of Zoning Ordinance Amendment ZOA 112.2-2024-6.***
9. **Outdoor Lighting** – Consider additional zoning provisions to protect dark skies around astronomical facilities. (Carry over from 2020 Topic 5) ***Completed on November 21, 2023, with adoption of the Zoning Ordinance Amendment ZOA 112.2-2023-2.***
10. **Outdoor Dining** – Consider ways to allow continuation of outdoor dining permitted in parking areas during the Covid Emergency (Board – Moved from FY 2023/2024 Topic 1) ***Completed on February 6, 2024, with adoption of the Zoning Ordinance Amendment ZOA 112.2-2024-5.***
11. **Parking Rates** – With consultant services, conduct a comprehensive review and evaluation of parking rates, and other parking and loading issues. (Carry over from 2020 Topic 9)

Completed on September 26, 2023, with adoption of Zoning Ordinance Amendment ZOA 112.2-2023-1 with an effective date of January 1, 2024.

- 12. PRC Plan Exceptions** – Review the exceptions for when a PRC Plan or amendment to a PRC Plan may be required and consider expanding the types of minor improvements that would not require a PRC Plan submission, particularly as they relate to open space or community facilities (zMOD Readoption May 2023, Follow-On Motion) *(Carryover to FY 2025/2026 Priority 1 Work Program) (Second Tier)*
- 13. Short-Term Pop-Up Events and Longer-Term Interim Uses** – Evaluate current zoning regulations for 21-day administrative temporary permit uses and longer-term interim uses and consider ways to increase flexibility and remove unnecessary impediments and time limits. (Board Matter May 24, 2022, Carry Over from FY 2023/2024 Work Program Topic 1) *(Carryover to FY 2025/2026 Priority 1 Work Program) (First Tier)*
- 14. Sign Ordinance, Part 2** – Review processes and standards for comprehensive sign plans for mixed use or Planned Districts and special exceptions for an increase in sign area for conventional districts, with emphasis on providing design, size, and location flexibility; and a review of other sign related provisions. (Carry over from 2018 zMOD Topic 4) *Completed on November 21, 2023, with adoption of Zoning Ordinance Amendment ZOA 112.2-2023-3.*
- 15. Zoning Ordinance Modernization – Amendment to Chapter 112.1 (NEW)** - With approval of HB816/SB 244 meetings conducted by electronic means during the Governor’s declared state of emergency due to COVID-19 and followed by Fairfax County were declarative of law. The bill validated lawful actions taken by a public body using electronic communication means from March 20, 2020, until July 1, 2021, with respect to VFOIA. Therefore, the meeting where zMOD was approved in fact met the State Code provisions and zMOD (Chapter 112.1) would not be considered void ab initio. With the adoption of the current Zoning Ordinance (Chapter 112.2) the Board indicated that if Chapter 112.1 was ever reinstated it would be the governing document. Chapter 112.2 has been amended seven times since its adoption and those amendments need to be incorporated in Chapter 112.1. (May 7, 2024, Board Matter) *Completed with staff report published and public hearings scheduled for Planning Commission on June 12, 2024, and Board of Supervisors on June 25, 2024.*