

ZONING ORDINANCE WORK PROGRAM – FYs 2025/2026

FY 2025 Status Update Priority 1

Below is the FY 2025 status update of the adopted Priority 1 Zoning Ordinance Work Program (Work Program). Recognizing that Zoning Ordinance amendments often require more than a year to complete, including research and community outreach, the Work Program 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 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 2025 (by December 2025).
- Second Tier - Amendments to be brought forward in the second half of the fiscal year (by July 2026).
- TBD - Topics that do not have a specific timeframe or are anticipated to be brought forward in FY 2026.
- 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. Signs - Monitor and report on the implementation of the Signs Part II amendment, including the maximum nighttime brightness of electronic display signs and special exception applications for sign modifications. This report should be provided within 18 months of adoption of the amendment. (November 21, 2023, Signs Part II Follow-On Motion) (Second Tier) ***Completed on June 6, 2025, with a memorandum issued to the Board.***
- B. Limitation on Retailers Selling Tobacco and Nicotine Vapor Products - In coordination with the Health Department and Department of Code Compliance, review the new authority to limit retailers selling tobacco and nicotine vapor products within 1,000 feet of a school and/or child care center and report to the Board with options, an enforcement strategy and timeline for implementation. (December 3, 2024, Board Matter.) ***Completed with presentation to the Board's Land Use Policy Committee (LUPC) on March 11, 2025. However, added as a separate topic on the FY 2026/2027 Work Program to continue analysis and respond to questions raised by the Board.***

2. **Accessory Living Units** - Consider changes to the use-specific standards for an Accessory Living Unit (ALU), including the permitted size for detached ALU, minimum lot size for a detached ALU, parking, permit renewal and recordation, and other use-specific standards, as further described in the [Report on Accessory Living Units and Home-Based Businesses](#), dated April 12, 2024. (Second Tier) ***Staff has begun an internal review of the ALU provisions in the context of the Report to the Board (April 2024) and is researching potential updates. Meetings with the LUPC and the Planning Commission's (PC) Land Use Process Review Committee (LUPR) anticipated in fall of 2025.***

3. Affordable Housing Initiatives

- A. Consider zoning changes to support new affordable housing initiatives and land use policies. (Carry over from 2018 Topic 8C and Board motion April 13, 2021) (TBD). ***This is a placeholder, and no specific items have been identified. Staff recommends the topic be moved to the Priority 2 Work Program until a specific item is identified.***
- B. Consider zoning changes and strategies to incentivize preservation of existing manufactured home communities through a review of use standards and bulk regulations. (Carry over from 2018 Topic 8C and Board motion April 13, 2021) (TBD) ***Housing and Community Development (HCD) is the topic lead and has organized outreach meetings with manufactured housing community residents and property owners to discuss proposed Comprehensive Plan amendments and amendments to the Zoning Ordinance. Going forward, staff recommends that the manufactured housing topic be listed separately from affordable housing. While the units may be considered a type of affordable housing opportunity, they are not regulated under the Zoning Ordinance as affordable housing. Staff plans to present this topic to the LUPC on July 8th and to the LUPR on July 24, 2025, for discussion with potential public hearings scheduled for later this year/early 2026.***

4. Application Fees and Planned District Minimum Recreational Facilities Expenditure -

This topic combines application fees and the P District recreational facilities expenditure (Former Topics 3A and 3B) and will be an ongoing Work Program entry for review every two years to consider adjustments based on cost-of-living increase in accordance with the consumer price index, construction cost index, and other factors. In addition, alternative approaches to the per acreage component of the zoning fee table will be part of the next comprehensive review. (April 16, 2024, Application Fee follow-on motion) (Monitoring) ***The second part of the phased fee increase will be implemented on July 1, 2025. Staff is gathering data to further study alternative approaches to the per acreage fee, and any changes will be part of the next fee update for FY 2027.***

5. Climate Action and Resiliency 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 with updated description in Topic 4 for FY 2024/2025 Work Program) (Monitoring) ***Staff continues to participate with the Office of Environmental and Energy Coordination on interagency climate teams for the implementation of CECAP and the Resilient Fairfax Plan. Climate action is incorporated in related Zoning Ordinance amendments; however, no stand-alone items have been identified at this time. Staff recommends that the topic be moved to the Priority 2 Work Program until a specific item is identified.***

6. Congregate Living Facility - Review provisions for Congregate Living Facility use to consider expanding the districts where congregate living facilities are allowed and broadening the definition and standards to include additional support services, such as an emergency

shelter and supportive housing. This is a refinement of FY 2024-2025 Topic 2B to 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. (Carry over from FY 2023/2024 Work Program Topic 2B and December 6, 2022, Board Matter) (Second Tier) ***Staff has begun researching this topic and plans to bring a draft approach to the LUPC and the LUPR for discussion in fall of 2025.***

7. **Contractor's Office and Shop** - Consider 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. (Carryover from FY 2023/2024 Work Program Topic 5) (First Tier) ***Completed on December 3, 2024, with the adoption of Zoning Ordinance Amendment 112.2-2024-9.***
8. **Floodplain** - In coordination with the Department of Land Development Services (LDS), update floodplain regulations for consistency with the FEMA Map and consider removing the special exception requirements for redevelopment of dwelling units that pre-date the floodplain requirements. (TBD) ***LDS staff is researching this topic and anticipates presenting this topic to the LUPC and the PC's Environmental Committee later this year.***
9. **Light Utility Facility** - Consider revisions to definitions, permissions, and use standards, including but not limited to:
 - A. Review permissions and use standards for electrical substations in association with data centers and as stand alone use. (March 19, 2024, BOS Matter) (First Tier) ***Outreach ongoing. Authorization anticipated and public hearings later this year.***
 - B. Consider establishing a Memorandum of Agreement with natural gas providers to provide notice of proposed new high-pressure gas distribution pipelines in certain rights-of-way. (High-Pressure Gas Pipeline Presentation) (First Tier) ***Staff has engaged with natural gas providers to discuss the framework of an agreement for providing advanced information and notice regarding proposed new high-pressure gas distribution pipelines. Coordination is ongoing.***
 - C. Consider establishing new use for battery energy storage facilities with appropriate permissions and use standards. (Staff) (First Tier) ***Community and stakeholder outreach is ongoing. Staff plans to present draft text to the PC Infrastructure Committee on June 12th, and to the LUPC on June 17th. Staff intends to bring forward the amendment for authorization in the fall with public hearings scheduled before the PC and Board by the end of 2025.***
10. **Minor and Editorial Revisions and State Code Updates** - This topic is an ongoing Work Program entry that addresses 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. (Second Tier) ***Completed on April 22, 2025, with the adoption of Zoning Ordinance Amendment 112.2-2025-12.***

- A. Clarify that murals along with other public art that are not used or designed to attract attention to any institution, organization, business, product, service, event, or location are not regulated as signs in accordance with past Zoning Administrator interpretations. (July 23, 2024, Land Use Policy Committee) (Second Tier) ***Completed on April 1, 2025, with a memorandum issued to the Board with a staff recommendation that the item be moved to the Priority 2 Work Program.***
- 11. Parking Rates** - Consider new parking rates for accessible parking. (Accessible Parking Report July 2024) (First Tier) ***Completed on December 3, 2024, with the adoption of Zoning Ordinance Amendment 112.2-2024-10.***
- 12. Planned Districts** - Review the additional standards for commercial uses in the Planned Development Housing District and the secondary use standards including percentage of residential uses, in the Planned Development Commercial District. In addition, consider requiring a metes and bound descriptions for partial Final Development Plans. (Former Priority 2 Topic 26) (Second Tier) ***Completed with the authorization of the amendment on March 4th, PC recommended approval at their public hearing on May 7th, and Board public hearing is scheduled for June 24, 2025.***
- 13. 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. (Carryover from FY 2023/2024 Work Program Topic 11) (Second Tier) ***Community and stakeholder outreach is ongoing and authorization is anticipated in the fall.***
- 14. Short-Term Pop-Up Events and Longer-Term Interim Uses** - Evaluate current zoning regulations for 21-day special event administrative permit uses and longer-term interim uses and consider ways to increase flexibility and remove unnecessary impediments and time limits. (Carryover from FY 2023/2024 Work Program Topic 1 and BOS Matter May 24, 2022) (First Tier) ***Completed on February 4, 2025, with the adoption of Zoning Ordinance Amendment 112.2-2025-11.***
- 15. Zoning Ordinance Modernization - Repeal Chapter 112.1 (NEW)** - Repeal of the identical Chapter 112.1 and supersession clause and Chapter 112.2 will now once again be the governing Zoning Ordinance. (September 24, 2024, Board Matter) ***Completed on October 22, 2024.***