

ZONING ORDINANCE WORK PROGRAM – FYs 2026/2027 PRIORITY 1

Below are the adopted topics of the Priority 1 Zoning Ordinance Work Program (Work Program). Recognizing that Zoning Ordinance amendments often require more than one 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:

- Ongoing – These are permanent topics on the Work Program and timing is identified by each topic.
- First Tier – Amendments are anticipated to be brought forward for discussion at a Board committee meeting or for authorization within the first six months of Fiscal Year 2026 (by December 2025).
- Second Tier – Amendments to be brought forward in the second half of the fiscal year (by July 2026) or a later timeframe.

ONGOING TOPICS

- 1. Application Fees and Planned District Minimum Recreational Facilities Expenditure -** 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)

- 2. Minor and Editorial Revisions and State Code Updates -** 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. Individual items may be listed separately and prioritized by the Board. The following State Code updates have been identified for review:
 - A. Site Plans (NEW)** - Update the timelines for review and approval of site plans. Land Development Services (LDS) will take the lead on this topic. ([SB 974](#) and [HB 2660](#))
 - B. Appeals (NEW)** - 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](#))
 - C. Public Notice and Advertisements (NEW)** - Changes to public notice and advertising 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](#))
 - D. Zoning Violations (NEW)** - New authority to permit enhanced civil penalties for zoning violations involving property that is zoned or used for multifamily residential purposes. ([SB 1267](#))

3. Reports to the Board - Address studies and reports requested by the Board. As items are added they will be prioritized by the Board.

A. Special Events - Tier-One Permit (NEW) - Six-month review of the number of Tier-One Administrative Permits issued and average time for review. (February 4, 2025, Special Events Follow-On Motion)

FIRST TIER TOPICS

4. Accessory Living Units - Consider changes and clarifications to the use-specific standards for an Accessory Living Unit (ALU), including standards for determining whether an ALU is attached or detached, the permitted unit size and acreage requirement for detached ALUs, parking requirements, permit renewal and recordation, and other use-specific standards. (Carry over FY 2025/26 Work Program Topic 2 and [Report on Accessory Living Units and Home-Based Businesses](#), dated April 12, 2024)

5. Congregate Living Facility - 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)

6. 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) (Carry over from FY 2025/2026 Work Program Topic 9A)

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) (Carry over from FY 2025/2026 Work Program Topic 9B)

C. Consider establishing standards for battery energy storage facilities with appropriate permissions and use standards. (Carry over from FY 2025/2026 Work Program Topic 9C.)

7. Limitation on Retailers Selling Tobacco and Nicotine Vapor Products (NEW) - 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.) (Initial Presentation to the LUPC on March 11, 2025)

8. **Manufactured Housing** - Consider zoning changes and strategies to incentivize preservation of existing manufactured home communities through a review of use standards and bulk regulations. This topic was previously listed as a subtopic under affordable housing initiatives. (Carry over from FY 2022/2023 Work Program Topic 1 and April 13, 2021, Board Matter)
9. **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 TOPICS

10. **Accessory Structures (NEW)** - Consider adding standards for the review of accessory structures on residential lots larger than 36,000 square feet and allowing certain accessory structures in front yards on smaller lots with a special permit. (Priority 2 Work Program Item 11)
11. **Building Height (NEW)** - Review and clarify the definition of [building height](#) for residential dwellings (Priority 2 Work Program Item 26, See also January 14, 2025 Board Matter)
12. **Commercial and Industrial Uses** - Review certain commercial and industrial uses identified below to consider changes to permissions and standards:
 - A. **Associated Services Uses (NEW)** – These are uses that are not allowed in a zoning district unless the use is designed to provide goods and services to occupants of the principal use. Associated service uses include restaurants, carryout restaurants, business service establishments, convenience stores, personal service establishments (particularly hair, nail, and other types of beauty treatments), and child care centers in certain commercial, industrial, and higher density residential districts. Review the definition, permissions, and standards in [subsection 4102.1.G](#) for associated service uses to evaluate if still appropriate to allow some of these uses as an accessory service use, particularly in industrial districts. (Priority 2 Work Program Item 12)
 - B. **Food Trucks (NEW)** - Examine the feasibility of allowing [food trucks](#) to operate for more than four hours a day at one location. (February 4, 2025, Special Events Follow-On Motion)
 - C. **Online Sales (NEW)** - The online sale of goods and services, including vehicles, furniture, and other products, has increased, and the Zoning Ordinance does not fully address whether these sales should be treated as office use or as retail sales. Review and consider updated definitions, permissions, and standards to address this trend in sales. (Priority 2 Work Program Item 17)
 - D. **Recycling Centers (NEW)** - In the I-5 District, recycling centers are not allowed to have any associated outdoor storage per [subsection 4102.6.P](#); however, a storage yard is allowed by right in the I-5 District as a principal use. Review these provisions to determine if this prohibition should be removed. (Priority 2 Work Program Item 18)

- E. Specialized Instruction Centers (NEW)** - Consider revising the definition, permissions, and standards for [specialized instruction centers](#) to align with health and exercise facility size limitations and permissions.
- F. Vehicle Sales (NEW)** - Review use standards in [subsection 4102.5.PP](#) and consider expanding permissions to allow vehicles sales as a special exception use in C-3, C-4, I-3, I-4, and I-5 Districts, consistent with permissions for vehicle rental. (Priority 2 Work Program Item 23)
- 13. Floodplain** - Update floodplain regulations for consistency with the FEMA Map and consider removing the special exception requirements for redevelopment of dwelling units that predated the floodplain requirements. This item is being done in coordination with the Department of Land Development Services (LDS). (Carry over FY 2025/26 Work Program Topic 8)
- 14. Home Day Care Facility (NEW)** - Review and consider updating permissions, use-specific standards, and submission requirements for [home day care facilities](#) to streamline the approval process.