

Purpose of this Resolution by the Federation:

The Fairfax County Board of Supervisors recently adopted a massive Zoning Modernization (ZMOD) package containing major changes that can adversely affect single-family neighborhoods across Fairfax County.

The Board ignored requests of residents and dozens of citizen associations to defer adoption of the new zoning code to provide the public more time to assess the impacts of the package given that:

- 1) the COVID Pandemic prevented full public participation in reviewing zoning changes, and
- 2) Fairfax County did not comply with all established requirements for public participation.

Litigation challenging the Board of Supervisors' action on ZMOD has been brought by four Fairfax County citizens who assert that the county lacked legal authority to change the zoning code, and that it violated required procedures.

With the goal of achieving greater accountability, transparency, and adherence to established procedural rules by the Board of Supervisors and Fairfax County, this Resolution from the Federation membership expresses its support for allowing more time for public consideration of the ZMOD provisions.

Many citizen associations during the pandemic remain unaware of significant changes in ZMOD. Consequently, Federation associations support continued public involvement in understanding the zoning modifications that affect their neighborhoods.



www.fairfaxfederation.org ~|~ P.O. Box 3913, Merrifield, VA 22116-3913

Fairfax County Federation of Citizens' Associations

Resolution on the Fairfax County Board of Supervisors' Adoption of the ZMOD Zoning Code Changes During the Covid-19 Pandemic

Approved by the Federation Membership
June 24, 2021



www.fairfaxfederation.org ~|~ P.O. Box 3913, Merrifield, VA 22116-3913

WHEREAS, the Federation supports the objectives of zoning ordinances, including single-family zoning, and believes these objectives and principles should not be undermined; and

WHEREAS, the Fairfax County Board of Supervisors conducted a hearing on its Zoning Modernization (ZMOD) program by electronic means without the public being physically present, and then proceeded without full public participation or in-person consultation; and

WHEREAS, Virginia Attorney General Mark Herring specifically advised local governments on March 20, 2020 of the limits of emergency powers granted to them by the state, specifying that they should “defer all decisions that can be deferred until it is once again possible to meet in person”; and

WHEREAS, the Federation in its letter of June 16, 2020, to the Board of Supervisors raised these issues, sought delayed action, and noted substantive concerns with ZMOD; and

WHEREAS, many county civic organizations, homeowner associations, and their constituents remain uninformed or have not had the time to fully consider the scope and ramifications of the ZMOD proposal on their communities; and

WHEREAS, the Fairfax County Planning Commission recommended continued public and neighborhood involvement in single-family zoning land use alterations involving accessory living units, allowable in-home business ventures, and other zoning code alterations; and

WHEREAS, the Board of Supervisors has yet to adequately respond to and address the concerns with the ZMOD proposal raised by dozens of citizen associations across the County,

THEREFORE, BE IT RESOLVED, by the Federation:

1. We urge that the Fairfax Board of Supervisors suspend the implementation of the ZMOD zoning code until such time as it fully addresses the following issues and accordingly reconsiders the ZMOD zoning provisions.
2. We reiterate our position that more opportunity must be given to the public and neighborhood organizations to digest the large-scale changes and to provide further input to the county’s ZMOD zoning code revisions, especially since many neighborhood and community organizations were not fully functional during the pandemic; and
3. We support the Fairfax County Planning Commission’s recommendation that neighborhood organizations and the public at large be given the opportunity to



www.fairfaxfederation.org ~|~ P.O. Box 3913, Merrifield, VA 22116-3913

voice their views on a range of related issues such as the proposed accessory living units, allowable business ventures, property sideline buffers and similar proposed changes impacting single family home zone areas.

4. We urge the Fairfax County Board of Supervisors to undertake a full analysis and documentation of the economic impacts and environmental effects of the zoning changes contained in the new ZMOD program and/or successor proposals on single-family neighborhoods in Fairfax County; and
5. We urge the Board of Supervisors to indicate how they will address the concerns raised by Fairfax County citizen associations and other county residents with respect to the ZMOD and related zoning code changes.