

**ADOPTION OF AN AMENDMENT TO CHAPTER 112
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, April 23, 2013, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA:

Amend Chapter 112 (Zoning Ordinance), as follows:

Amend Sect. 18-106, Application and Zoning Compliance Letter Fees, to read as follows:

All appeals and applications as provided for in this Ordinance and requests for zoning compliance letters shall be accompanied by a filing fee in the amount to be determined by the following paragraphs unless otherwise waived by the Board for good cause shown; except that no fee shall be required where the applicant is the County of Fairfax or any agency, authority, commission or other body specifically created by the County, State or Federal Government. All fees shall be made payable to the County of Fairfax. Receipts therefore shall be issued in duplicate, one (1) copy of which receipt shall be maintained on file with the Department of Planning and Zoning.

1. Application for a variance, appeal, special permit or special exception:

Application for a variance

- Increase in maximum fence and/or wall height in residential districts \$435
- Increase in maximum fence and/or wall height in non-residential districts \$2500
- Residential minimum yard variance; modification of location regulations or use limitations for residential accessory structures or uses; modification of grade or increase in building height for single family detached dwellings \$910
- All other variances \$8180

Appeal under Sections 18-204 and 18-301 \$600

Application for a:

Group 1 special permit \$16375

Group 2 special permit \$16375

Group 3 special permit

- Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily \$11025
- All other uses \$1100

Group 4 special permit \$4085

Group 5 special permit \$16375

Group 6 special permit

- Riding and boarding stables \$8180

• All other uses	\$16375
Group 7 special permit	\$16375
Group 8 special permit	
• Temporary portable storage containers approved by the Zoning Administrator	\$0
• All other uses approved by the Zoning Administrator	\$205
• Temporary portable storage containers approved by the BZA	\$0
• All other uses approved by the BZA	\$16375
Group 9 special permit	
• Open air produce stand	\$1810
• Accessory dwelling unit; modification to the limitations on the keeping of animals	\$435
• Increase in fence and/or wall height in any front yard on a single family dwelling lot	\$435
• Increase in fence and/or wall height in any front yard on all other uses	\$2500
• Modification to minimum yard requirements for R-C lots	\$185
• Error in building location; reduction of certain yard requirements on a single family dwelling lot; modification of minimum yard requirements for certain existing structures and uses; certain additions to an existing single family detached dwelling when the existing dwelling extends into a minimum required yard by more than fifty (50) percent and/or is closer than five (5) feet to a lot line; noise barriers on a single residential lot; modification of grade for single family detached dwellings	\$910
• Reduction of certain yard requirements on all other uses	\$8180
• All other uses	\$16375
Application for a:	
Category 1 special exception	\$16375
Category 2 special exception	\$16375
Category 3 special exception	
• Child care centers, nursery schools and private schools which have an enrollment of less than 100 students daily, churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or	\$1100

private school which has an enrollment of less than 100 students daily and independent living facilities for low income tenants, whether a new application or an amendment to a previously approved and currently valid application, with or without new construction, home child care facilities

• Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school which has an enrollment of 100 or more students daily	\$11025
• All other uses	\$16375
Category 4 special exception	\$16375
Category 5 special exception	\$16375
Category 6 special exception	
• Reduction of yard requirements for the reconsideration of certain single family detached dwellings that are destroyed by casualty	\$0
• Modification of minimum yard requirements for certain existing structures and uses; modification of grade for single family detached dwellings	\$910
• Modification of shape factor limitations	\$8180
• Waiver of minimum lot width requirements in a residential district	\$8180
• All other uses	\$16375

Extensions and amendments of the above application types:

• Extension of time for a special permit or special exception pursuant to Sections 8-012 and 9-012	1/8 of prevailing fee
• Amendment to a pending application for special permit, variance or special exception	1/10 of prevailing fee
• Amendment to a previously approved and currently valid special permit limited to a change in permittee	\$500 or 1/2 of prevailing fee, whichever is less
• Amendment to a previously approved and current valid special permit, variance or special exception with new construction	Prevailing fee for new application
• Amendment to a previously approved and current valid special permit, variance or special exception with no new construction	1/2 of prevailing fee

Note: Additional fees may be required for certain special permit and special exception uses to pay for the cost of regular inspections to determine compliance with performance standards. Such fees shall be established at the time the special permit or special exception application is approved.

When one application is filed by one applicant for two (2) or more special permit uses on the same lot, only one filing fee shall be required. Such fee shall be the highest of the fee required for the individual uses. This shall also apply to an application for two (2) or more special exceptions or two (2) or more variances or a combination of two (2) or more special permits and/or variances filed by one applicant on the same lot.

The fee for an amendment to a pending application for a special permit, variance, or special exception is only applicable when the amendment request results in a substantial revision, as determined by the Zoning Administrator.

2. Application for an amendment to the Zoning Map:

District Requested	Filing Fee
All R Districts	\$27280 plus \$570 per acre
All C, I and Overlay Districts	\$27280 plus \$910 per acre
PRC District	\$27280 plus \$910 per acre
• Application with concurrent filing of a PRC plan	\$27280 plus \$1345 per acre
• PRC plan	\$13640 plus \$435 per acre
• PRC plan concurrent with filing of a special permit and/or special exception	\$16375 plus \$435 per acre
PDH, PDC, PRM and PTC Districts	
• Application with conceptual development plan	\$27280 plus \$910 per acre
• Application with concurrent filing of conceptual and final development plans	\$27280 plus \$1345 per acre
• Final development plan	\$13640 plus \$435 per acre

Amendments to the above application types:

- Amendment to a pending application for an amendment to the Zoning Map in all Districts \$4545 plus applicable per acre fee for acreage affected by the amendment
- Amendment to a pending application for a final development plan or development plan amendment or PRC plan \$4130
- Amendments to a previously approved proffered condition and/or development plan, final development plan, conceptual development plan, PRC plan or concurrent conceptual/final development plan for:
 - Increase in fence and/or wall height on a single family lot; or \$435
 - A reduction of certain yard requirements on a single family lot; or \$910
 - Increase in fence and/or wall height on all other uses; or \$2500
 - A reduction of certain yard requirements on all other uses; or \$8180
 - The addition of or modification to an independent living facility for low income tenants. \$1100
- Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with new construction 1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment
- Amendment to a previously approved proffered condition and/or development plan, final development plan, conceptual development, PRC plan and/or concurrent conceptual/final development plan for all other uses with no new construction 1/2 of prevailing fee

Note: For purpose of computing acreage fees, any portion of an acre shall be counted as an acre.

The fee for an amendment to a pending application is only applicable when the amendment request results in a substantial revision, as determined by the Zoning Administrator.

3. Comprehensive sign plan: \$8260
Amendment to a comprehensive sign plan: \$4130
4. Refund of fees for withdrawal of applications shall be in accordance with the provisions of Sections 112, 208 and 308. There shall be no refund of fees for applications that have been dismissed in accordance with the provisions of Sections 113 and 209.
5. Fees for home occupations, sign permits and site plans shall be as specified in Articles 10, 12 and 17, respectively.
6. Zoning compliance letter:
Single family: \$ 115 for each lot requested
All other uses: \$320 for each lot requested
7. Modification to the Affordable Dwelling Unit Program: \$2755
8. Non-Residential Use Permit: \$70
9. Interpretation of approved zoning applications: \$520
10. Public hearing deferrals after public notice has been given under Sect. 110 above and which are related solely to affidavit errors:
Planning Commission: \$260 plus cost of actual advertising, not to exceed \$1000
Board of Supervisors: \$260 plus cost of actual advertising, not to exceed \$1000

This amendment shall become effective on April 24, 2013 at 12:01 a.m.

GIVEN under my hand this 23rd day of April, 2013.


CATHERINE A. CHIANESE
Clerk to the Board of Supervisors