Opening a Restaurant in Fairfax County
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Dear Prospective Restaurateur:

On behalf of the Board of Supervisors of Fairfax County and all of our residents, businesses and visitors, I am excited that you are interested in becoming a part of the county's restaurant community. Fairfax County is a highly desirable place to live, work, visit, do business, and dine. The county’s retail food businesses are a leading job creator, and our restaurants are an important component of our neighborhoods as they help create the places where people want to be.

Fairfax County has achieved an exceptionally strong local economy and high quality of life through its focus on, among other things, the economic development efforts of the community. These efforts have resulted in the county being the largest and strongest economy in the Washington Metropolitan area and one of the strongest in the nation. One goal of the Board of Supervisors’ Strategic Plan to Facilitate the Economic Success of Fairfax County is the implementation of actions to improve the speed, consistency, and predictability of the land development review process. Opening a restaurant was identified as a top initiative where there were opportunities to optimize the use of cross-agency resources and services to improve the experience for the restaurateur. In a dynamic market like Fairfax County, prospective business owners like you should expect excellence in our operations and customer service. It is our goal to partner with you to realize your vision of establishing a restaurant for our citizens.

I am pleased to introduce the Restaurant Start-Up Guide, a product of the collaboration of county departments involved in the process of opening a restaurant. The guide outlines a customer-focused, step-by-step approach to simplify and streamline the process for getting your restaurant started in Fairfax County.

Sincerely,

Sharon Bulova, Chairman, Fairfax County Board of Supervisors
INTRODUCTION

Fairfax County is an ideal location for opening a restaurant. Opening a restaurant is an exciting and challenging business proposition and we are here to help you succeed.

Fairfax County is dedicated to supporting economic development through business establishment and growth. Restaurants are not only a valuable piece of our economy but also provide a desired service and an entertainment venue within our community. To assist you in opening your restaurant, we have developed a variety of tools designed to guide your efforts.

This Restaurant Start up Guide (Guide) provides an overview of the important steps you need to take to succeed at opening a restaurant. Specifically, it includes information for those who are interested in either constructing and/or taking over or renovating an existing commercial building/space. In general, your easiest (fastest and least costly) avenue is to take over or renovate an existing restaurant.

IMPORTANT!

DO NOT sign a lease on a property or take out a loan until you have followed these steps and received preliminary approval from the County’s Department of Planning and Zoning. Signing a document prematurely may cost you thousands of dollars and put your dreams of opening a restaurant at risk!
These steps include:

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Throughout this Guide, we provide guidance to help you navigate the process smoothly and efficiently. The permitting and licensing processes can be complex but are necessary to provide safe restaurants for our residents.

As you progress through the review and approval processes, you will work with five County Agencies—Land Development Services (LDS), the Department of Planning and Zoning (DPZ), Health Department (HD), Fire and Rescue (Fire), and the Department of Tax Administration (DTA)—to
obtain the approvals needed for opening and operating your restaurant. Depending on where you begin, you can expect to receive: 1. Zoning approval, 2. Site approval, 3. Building approval, 4. Licensing, 5. Permits, and/or 6. Inspections.

We hope that this document will answer most of your questions and provide a straightforward guide to the required approvals and processes. Please feel free to contact County staff at any time to answer questions you have along the way. Contact information is at the end of this document. We also have information online, which you can access by going to www.fairfaxcounty.gov and searching “Start a restaurant”.

Finally, be sure to use other resources available to you and referenced here, such as those offered through the Virginia Small Business Development Council (SBDC) Network and the U.S. Small Business Administration (SBA).

So, let’s get started...

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STEP 1. DEFINING YOUR BUSINESS  

We hope that you have discovered this guide before you signed a lease, worked with an architect, or took out a loan. If not, we still highly recommend you begin right here so that even if you have missed some activities in the planning process, you can be sure to complete them now. Doing so can save you a great deal of time, money, and frustration down the road.

CONSIDER THE TYPE OF RESTAURANT

Take time to consider the following:

- What type of restaurant do you want to open? Fairfax County zoning categorizes restaurants as either:
  - Restaurant,
  - Carryout Restaurant,
  - Restaurant with Drive-through, or
  - Quick Service Food Store

Click on the link to view detailed definitions of each from the Fairfax County Zoning Ordinance.

It is important to correctly identify which of the categories your proposed use falls within, so that you can be confident that your use will be permitted in the location that you have selected.

You should also consider the following:

- Will you offer entertainment?
  - Will there be dancing, billiards, karaoke, hookah, or other similar activities in conjunction with your restaurant? Certain entertainment options such as those listed above may require additional approvals and/or may influence where your restaurant may be located.

DESIGN CONCEPT

- Will you open a franchise location? A new concept restaurant?
  - Franchise – If you are considering a franchise, call the franchise headquarters to see what resources are available, such as help with location selection.
  - When your restaurant includes nonstandard items (e.g., firepits, special smokers, garage doors as egress) and other fresh ideas for type of service, environment, or menus, you should ensure you include this with your permit applications and discussions with staff. Early evaluation can allow staff to find the permitting solution with more convenient timing than if the unique operation or item is identified close to opening.
  - What types of resources will you need?
The important point is that you take time to develop your vision. If you would like assistance or guidance, below are some resources to assist you, including links to useful tips as you plan your venture.

Resources for starting a business:

- **SBA** – An independent agency of the federal government that provides personal assistance to start, build and grow businesses.
- **Startup tips and best practices**
- **Starting a business in Fairfax County**
- **Business startup resources**

**LOCATION – CONDUCT MARKET RESEARCH**

Once you have an idea of the type of establishment you would like to open, conduct market research to determine potential areas within the County where your venue will thrive. If you need assistance with your research, the Virginia Small Business Development Center (SBDC) Network may be able to assist you.

The Virginia SBDC Network is the largest and most effective provider of customized counseling and education for small businesses in the Commonwealth. To learn more, visit [https://www.virginiasbdc.org/](https://www.virginiasbdc.org/) (or contact one of the SBDC offices listed in the *Create a Business Plan* section).

For franchises, when you contact the corporate headquarters as recommended previously, ask for location recommendations. Often franchises have sophisticated calculations for where new sites should be located.

Once you have a few different locations in mind, you will be able to conduct zoning research to confirm that the type of establishment you envision can be approved for that site.

**CREATE A BUSINESS PLAN**

As noted, a business plan does not necessarily require months of development or need to be lengthy. When developing your business plan, the Virginia SBDC Network can partner you with a certified business analyst to discuss your specific needs.

You could also choose to attend small-group trainings for in-depth presentations on critical management topics. To learn more, visit [https://www.virginiasbdc.org/locations](https://www.virginiasbdc.org/locations) and simply contact the office that is most convenient from those listed.
STEP 2. SELECTING A SITE FOR YOUR RESTAURANT

Once you have decided on the type of establishment you want to open, conducted preliminary market research and captured your ideas in a Business Plan, it is time to search for an appropriate location.

IDENTIFY POTENTIAL SITES

Fairfax County is home to approximately 1.2 million people and consists of 400 square miles. To ensure orderly development, the County’s land development patterns are guided by a Comprehensive Plan. Among other things, the Comprehensive Plan includes a map which identifies designated areas for commercial, residential, industrial development as well as parkland. Generally, restaurants are considered appropriate in commercial districts and mixed use districts, although they are permitted in some industrial districts as well.

The Zoning Ordinance establishes Districts as either Residential, Commercial, Industrial or Planned Districts. The Planned Districts allow a mix of uses. Residential, Commercial and Industrial Districts are further delineated with a number, e.g., C-5, is a medium intensity commercial district, where C-1 is a low intensity commercial district. The higher the number, the more intense the allowable use is for the site. Each zoning district contains a list of permitted uses as well as uses permitted through special permit or special exception. The individual Districts also contain regulations for development, such as minimum lot size, maximum building height, setbacks, and minimum open space, as well as Use Limitations, which are conditions which apply to certain uses within that district. For example, all uses in the C-5 District are regulated by a height limitation of 40 feet. A Carryout Restaurant or Restaurant with Drive-through may be permitted by-right, if it is a certain size and located within a certain size building. A Carryout Restaurant or Restaurant with Drive-through that does not meet the use limitations to be by-right may be permitted by Special Exception (see below).

Please pay careful attention to the restaurant definitions referenced above.

As you search for a location for your new restaurant it is critical you confirm that the location is zoned for the type of restaurant you want to open or that it is feasible to file a zoning application to permit your use.
To do so, follow these steps:

**IMPORTANT NOTE:** Follow these steps *before* you sign any legal documents, leases or loans on the property!

1. **NC** For new construction, find land, often an open lot, where you would like to build a new structure. Or, it may be a location where you would like to redevelop a site.

2. **NC RR CR CO** Identify the addresses for any that you would like to explore.

### VERIFY THE APPROVED ZONING FOR YOUR SITE

Once you have an address or two in mind, you may contact the Zoning Permit Review Branch (ZPRB) at 703-222-1082 (TTY 711) and ask to speak with a ZPRB technician. The technician will ask a series of questions to confirm whether you need a special permit or a special exception. If you do, the technician may connect you with the Planner of the Day, who can provide further advice and explain the entitlement process.

The ZPRB staff will be able to help you determine the type of zoning approved for that piece of land and give you the steps required to get that land readied for use.

You can save some time by doing some preliminary research on your own. Before contacting the County, you may use the online zoning district analyzer to find out if the zoning of your desired location supports your proposed use.

- Did you know your selected location may have encumbrances that restrict what you can do with your restaurant?
- The site you select may have previously-approved zoning conditions on it. You will need to abide by these conditions or change them to match your use.
- Discuss this with zoning staff. It will need to be addressed in a pre-application meeting.

From the online tool:

1. Enter the address in the search field

2. Click your mouse on the property location until it is outlined in light blue. Click on the solid arrow (indicated below).
3. Click on the solid arrow until you see the following information. The click on “More Info.” That will launch a PDF file that specifies how that property is zoned.

4. Within the PDF file, you will see three category headings: Permitted Uses, Special Permit Uses, and Special Exception Uses. Under each will be a list of allowable uses, such as Childcare Center, Eating Establishment, Hotel, etc.:

   - If your Restaurant, Carryout Restaurant, Restaurant with Drive-through, or Quick Service Food Store are permitted uses, you do not need any public hearings. This means your desired use is “by right.” As noted in the side bar, further research may be needed to determine if development conditions apply. For example, additional information would be needed if your site is in a “P – District”.
   
   - If your Restaurant, Carryout Restaurant, Restaurant with Drive-through, or Quick Service Food Store is listed as a use requiring a Special Permit, you will need one public hearing before the Board of Zoning Appeals and their approval before you can move forward.
   
   - Similarly, if your Restaurant, Carryout Restaurant, Restaurant with Drive-through, or Quick Service Food Store is listed as a use requiring a Special Exception, you will need two public hearings before you can move forward: one with the Planning Commission and one with the Board of Supervisors and their approval.

Although you can do some of this research on your own, Fairfax County zoning staff can help you to ensure you are aware of all the encumbrances on your site. You can call ZPRB at 703-222-1082 to speak to a technician who can help you.

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**Encumbrances On Your Land**

You may not know it, but your property may be subject to previously-imposed development conditions. These conditions are legally binding and may restrict or guide what you can do with your site (e.g., you cannot have a drive through). See Step 3 to read how you alter or remove encumbrances.
If you need a SPECIAL PERMIT, SPECIAL EXCEPTION, REZONING, OR PROFFER CONDITION AMENDMENT, this requires a zoning action. With a potential site and a good understanding of the zoning approved for each, you are ready to schedule a Pre-Application Meeting to confirm your site’s zoning and discuss filing a zoning application if needed.

**SCHEDULE A PRE-APPLICATION MEETING**

To do so, complete and return this questionnaire to the Zoning Evaluation Division (ZED) of DPZ. You will be contacted to schedule a meeting.

During the meeting, a Branch Chief will confirm your zoning and site history, conduct a high level analysis of your initial vision for your restaurant, review all of the necessary steps to obtain your desired zoning approval, and help to identify any issues that may exist with the site or that may arise as you pursue your application.

For the Pre-Application Meeting you should bring the following information with you:

- Property address
- Any details that will help explain your vision for your restaurant. Your responses to questions will enable the Branch Chief to determine or validate the type of zoning and business definition for your venture. List proposed use characteristics: number of seats, hours of operation, proposed entertainment/activities, and type of food service.
- A proposed layout of your site and your building if you have it. It can be a sketch and can be conceptual, but it is helpful to know where the access points are, where the parking will be, dumpster locations, sidewalks, etc.

Please note that the more information you can provide, the more useful the pre-application meeting will be.

**APPLY FOR A ZONING ACTION**

During the Pre-Application Meeting, you will receive guidance about the process for applying for a Special Exception or Special Permit. Be sure to follow the advice you are given, which includes hiring a civil engineer licensed by the Commonwealth of Virginia who can assist in putting the application together. Many applicants ask whether they need to hire an attorney or zoning agent to work with them through the zoning process. While a civil engineer is required whenever construction plans are required, it is possible for citizens to complete the zoning process without an attorney or agent. Some applicants are comfortable processing applications on their own while others prefer to have an expert do it for them.
Once it is complete, you will submit several copies to the ZED and pay all fees upon submission.

Click on this link to review application fees for each (see Section 18-106 of this link).

SPECIAL EXCEPTIONS AND USES

A Special Exception use is one that may be allowable after site-specific review of the proposed use on the specific site. Drive-thru uses are typically allowed only by Special Exception. A Special Exception application may also be filed in an instance where the use is permitted but the characteristics of the lot require a modification, such as a lot that does not meet the minimum lot size.

Applications are submitted to and reviewed by ZED staff, and public hearings are held by the Planning Commission and the Board of Supervisors (BOS). The Board of Supervisors is the approving authority. As part of the review, development conditions may be suggested to ensure compatibility within the community. Examples may include: hours of operation, lighting limitations, trash control and the like. As part of the review, you would be able to comment on such draft conditions. Once a site is approved with conditions, the conditions become a part of the zoning and cannot be changed without going back though the zoning process.

FIND OUT IF YOU NEED A SPECIAL PERMIT...

Click on this link for detailed instructions and a Special Permit application package.

Click on this link for detailed instructions and a Special Exception Use application package.

A Special Permit typically involves a situation where you plan to offer unique activities at your venue, such as hookah, billiards, dancing, or karaoke which may also warrant special consideration, review and conditions. Similar to a Special Exception, an application must be submitted and reviewed by ZED staff, conditions will be negotiated, and a public hearing is held before the Board of Zoning Appeals, the approving authority for Special Permits.
REZONING VS. PROFFER CONDITION AMENDMENT

If you need to change the existing zoning designation of a parcel of land, you will need to apply for a rezoning. If your land has already been rezoned, you may have proffered conditions that limit your use of the land, such as specific types of restaurants allowed or requirements for transitional screening. If you want to change those conditions, you will need to file a Proffered Condition Amendment application. Applications are submitted to and reviewed by ZED staff, and public hearings are held by the Planning Commission and the Board of Supervisors (BOS). The Board of Supervisors is the approving authority. As part of the review, additional proffered conditions may be suggested to ensure compatibility within the community. Examples may include: hours of operation, lighting limitations and the like. As part of the review, you would be able to comment on such draft conditions. Once a site is approved with conditions, the conditions become a part of the zoning and cannot be changed without going back through the zoning process.

Click on these links for detailed instructions and application packages:

- Rezoning (Forms for Conventional or “P”-district)
- Proffered Condition Amendment
STEP 4. DESIGNING YOUR SITE-RELATED AND BUILDING PLANS

Once you have chosen a specific piece of land and have a solid understanding of your path to secure your zoning approval, if needed, you may proceed to Site-Related Plans and Building Plans. Typically, it is best to secure your zoning before proceeding with site and building plans, although it may be possible to plan some reviews concurrently. You should discuss this possibility during your pre-application meeting (see Step 3).

Both Site and Building Plans can be developed and submitted to the County at the same time. However, you must have your Zoning approved before you can get final site plan approval. Site and Building Plans can be reviewed concurrently, at your own risk. It can be an expensive choice because typically, changing one plan results in changes to all of them. You will need an approved site-related plan and its accompanying Land Disturbance Permit before you move dirt. Likewise, you will need an approved building plan and its accompanying building permit before you put hammer to nail.

HIRE LICENSED PROFESSIONALS

For site-related and building plans, the state and local laws require the use of civil engineers and architects who are licensed to practice in the Commonwealth of Virginia. You may also be required to use land surveyors and contractors who are licensed to practice in the Commonwealth of Virginia. Using local experts who are familiar with Fairfax County’s policies and practices will likely save you money, time, effort and frustration.

If you are a business owner or land developer located in a state other than Virginia, you are required to use a civil engineer or architect licensed in Virginia. To verify that a specific contractor is licensed in the Commonwealth of Virginia and to verify the License Class and Classification, click on this link.

When you find a licensed contractor, they will likely have a team of resources — architects, engineers, subcontractors — you can work with throughout the site planning and building process.
STEP 5. SUBMITTING SITE-RELATED PLANS AND OBTAINING SITE PERMITS

When building any new structure, you will disturb the land. Site-related plans show how this new construction and its corresponding land disturbance will comply with the applicable laws and ordinances. These are different from building plans, which are the architectural drawings. If you are simply renovating the interior of the restaurant and not adding any gross floor area, you likely do not need a site-related plan: skip to STEP 6. SUBMITTING BUILDING PLANS AND OBTAINING BUILDING PERMITS. If you are adding gross floor area, you may still need a site-related plan. The type of plan(s) you must submit depends on the area of land you disturb and the complexity of your project.

Site-related plans and building plans can be completed and submitted at the same time for concurrent review.

For example, the following are common site-related plans for restaurants:

- **NC** In Fairfax County, a site plan (SP) is a detailed engineering drawing of proposed commercial improvements to a given piece of land. You will usually need a SP if you are building a new building or adding over 2000 square feet or one-third of the gross floor area.

- **NC RR CR** A minor site plan (MSP) depicts the existing and proposed uses and improvements and can potentially be submitted in lieu of a site plan for smaller projects, such as parking tabulation for an expansion or use conversion.

- **A public improvement (PI) plan** depicts public improvements only, such as the addition of a sidewalk, streetlight, wastewater or stormwater infrastructure, or streetlights.

- **A rough grading plan** is used when you propose to regrade land already used for a restaurant, but you aren’t filing for a building permit or adding gross floor area (e.g., parking lot expansion).

- If you disturb more than 2,500 square feet of land, you will also need a Land Disturbance Permit.

- If you are not disturbing any land, you may not need a site-related plan, such as for interior alterations that don’t add any square footage. In that case, skip to STEP 6. SUBMITTING BUILDING PLANS AND OBTAINING BUILDING PERMITS.
What kind of plans will you need? To learn more about what is required with site-related plans, check out these resources:

- Land Development Services (LDS) Webpage on site development
- Checklists on Site-Related Plans:
  - Site Plan Cover Sheet: https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/pdf/forms/sp_cover.pdf

Fairfax County will not issue your building permit until you have an approved site-related plan or if the county has determined that a site-related plan is not required. Again, hire Virginia-licensed professionals to help you navigate the requirements and the process.

**SUBMIT SITE-RELATED PLANS FOR REVIEW**

You will need to bring seven copies if submitting a Minor Site Plan or 20 copies if submitting a Site Plan, along with your fees, in person, to the LDS offices (for questions about plan submissions or numbers of plan sets required contact CTSC at 703-222-0801). You will get a receipt which will contain a Site-Related Plan case tracking number for you. This will be important for you to hold on to throughout the process.

All necessary Fairfax County departments, including LDS, DPZ, and Health (if septic involved), Fire, the Virginia Department of Transportation and others will complete the site-related plan review. Once site review is complete, comments will be posted online within the Land Development System, Plans and Waivers Search, or LDS PAWS. To review comments, go to LDS PAWS and enter your Site-Related Plan case tracking number from the receipt that you received.

Review the posted comments with your civil engineer and potentially with your land use attorney. Then work together with them to revise the plans as necessary and resubmit with payment.

Review times are influenced by work load and complexity and quality of submitted plans, but generally, from first submittal to final technical approval, the approximate review times are as follows:

- Site-Related Plan: 60-120 days
- Minor Site Plan: 90 days
- Site Plan: 6-12 months

The timelines above include typical time for customers to submit corrections after primary review.
MEET POST-APPROVAL CONDITIONS
Before you can obtain your site permit, you may need to meet “post-approval conditions.” This may involve a number of situations, such as setting up bonds if you are constructing public improvements such as sidewalks. Or, you may need to grant an easement or agreement. Under such post-approval conditions, the County will not release the approved site plan until you demonstrate that you have met all requirements. To view all post-approval conditions, go to LDS PAWS and enter your Site Plan case tracking number.

You should anticipate that establishing your bonds and posting agreements can take anywhere from one week (if you have all your documents ready) to more than six months, if you have prior unfulfilled bond obligations or a complicated corporate structure. If you have cash proffers or other proffers that must be fulfilled before site plan approval, the county cannot accept your bond and agreement until those commitments are fulfilled.

Once you meet all the conditions, LDS will release the approved site plan to you with an owner’s copy. All other approving entities also receive copies.

OBTAIN SITE PERMITS FOR LARGE LAND DISTURBANCES NC
If you will be disturbing more than 2,500 square feet of land, you will need to apply for a land disturbance permit and submit a conservation agreement and escrow. For larger projects you will need to obtain General Permit coverage under the Land Disturbance Permit Application. For larger projects that add impervious area, you may need to obtain General Permit coverage under the Land Disturbance Permit Application and submit a conservation agreement. For smaller projects that do not require a site-related plan, your building permit is the authorization needed to begin construction.
STEP 6. SUBMITTING BUILDING PLANS AND OBTAINING BUILDING PERMITS

You can apply for a Building Permit concurrently with your site-related plan or after your site plan is approved. To obtain your required building permits, you will need approval from the Health Department as well as LDS. Depending on the extent of the construction to be done, you may also need approval from Fairfax County wastewater. All of these approvals are obtained through the building permitting process. The general steps to the building permitting process, described in detail below, include:

- Submit your building permit application and architectural plans for review.
- Address county comments on your building plans. Several county offices review your building plans: LDS, Fire Department, and the Health Department.
- Pay any outstanding fees and pick up your building permit as well as the stamped, approved plans.
- Apply for and obtain any trade permits needed: mechanical, electrical, and plumbing.

Processing time for building plan reviews can be found at the following site: https://www.fairfaxcounty.gov/landdevelopment/building-plan-review-times. Restaurants are most usually tenant layouts (in the case of existing space) or new commercial buildings or additions.

Timing of these reviews depends on the number of submissions necessary to achieve approval. As with all plans which require resubmission, don’t forget to factor in the time that your consultant will be spending revising the plans.

SUBMITTING YOUR BUILDING PERMIT APPLICATION

Apply for your permit by submitting your permit application, site-related plans, and building (also called architectural) plans to the Customer and Technical Support Center (CTSC) at LDS, located on the second floor of the Herrity Building, 12055 Government Center Pkwy, Suite 230, Fairfax, VA 22035. You may also begin the permitting process online at https://www.fairfaxcounty.gov/landdevelopment/fairfax-permit-q.

Submit three copies of your building plans, and be sure that you also have all required minimum submission documents by using correct cover sheet and minimum submission checklist, found at https://www.fairfaxcounty.gov/landdevelopment/land-development-services-forms:


Important Note:

On a new commercial building, Fairfax County charges sewer fees based on the number of plumbing fixtures (sinks, toilets, faucets) in incremental structure. These are payable prior to issuance of the building permit.
Once LDS logs your plan into the tracking system Fairfax Inspections Database Online (FIDO), you will be routed through a series of transactions. This process allows you to obtain multiple approvals in one visit:

- **Building-permit application items**: the description of work, intended use, construction type, and square footage.

- **Statement of Special Inspections**: Required as part of your minimum submission requirements, this form includes a schedule of special inspections applicable to the project. Once the Building Plan Review process is completed you will need to contact Critical Structures at 703-324-1060 to set up a Critical Structures Meeting prior to the plans being released.

- **Site-related plan check**: Verification by the Site Applications Center that 1) either a site-related plan is not needed (such as for interior alterations only), 2) the site-related plan is already approved and is complete, or 3) you have opted for concurrent processing and are submitting the building plans concurrently with site-related plans.

- **Zoning check**: Verification by the Zoning Permits Review Branch, located on the 2nd floor, opposite from CTSC in Suite 250, that your description of work and both the building and site plans match the proposed work and comply with the Zoning Ordinance.

- **Paying fees**: You will need to pay a building permit application, a Health Department review fee, and potentially other review fees that are due. If you submit first to Building Plan Review, you will pay the minimum due (35% of the total permit fee), which is based on construction type and square footage. (For more fee details, see section titled Pay All Your Fees and Deposits.)

- After you pay fees, you will need to walk your plans up to the Building Plan Review counter on the third floor of the Herrity Building, Suite 324 to begin building plan review.

- Restaurant building plans go through reviews by several entities before approval:
  - The Health Department will review your building plans to ensure compliance with state code requirements. The county is able to complete its review with the same plans you have submitted for your building code requirements; however, you will need to provide site-specific information regarding restaurant operations, such as number of staff and training logs. See this link for Health Department forms.

**Important Note**: Because you are opening a restaurant, you may choose to submit all of your Building Plans to the Health Department at 10777 Main Street, Suite 100, Fairfax, VA 22030 (Located at the Kelly Square Office Complex). Phone: 703-246-2201. Doing so helps to streamline the process.
– LDS reviews the plans for structural, mechanical, electrical, egress, and plumbing requirements.

– The Fire Department and/or Fire Marshal’s Office reviews the plans for fire code requirements such as sprinklers, exhaust fans, and fire alarms.

– Are you located partially in another jurisdiction, such as the City of Fairfax or Town of Vienna? If so, they may need to review building plans, as well. Please discuss this with your building plan reviewer or call 703-631-5101 for more information.

Review turnaround for first time submissions, which is based on volume and resource availability, are posted online at https://www.fairfaxcounty.gov/landdevelopment/building-plan-review-times. You can check the status of your plans by clicking on this link http://www.fairfaxcounty.gov/fido.

Your plan will be graded Approved/Failed.

• If your plan is not approved, you will be able to read and review all of the building-code related comments in FIDO, the County’s online plan review database. You should also pick up your plans at the Health Department for a copy of health-code related comments.

• You will need to correct and resubmit your plans, continuing through the cycle until they are approved.

Once your plans are approved, you may pick them up on the third floor of the Herrity Building, Suite 324.

CRITICAL STRUCTURES REVIEW MEETING NC

If you are building a new building, you must attend a Critical Structures Meeting prior to the Building Permit being issued. You will need to hire a private inspection agency to attend this meeting with you, at your site, along with your architect, engineer and contractor. During that time, all parties, as well as the Fairfax County Inspector will discuss how to handle the building of specific structures, such as the footings. Fairfax County Certified Inspections program offers property owners and construction contractors of commercial construction projects the option for some construction inspections to be performed and certified by private third party engineers or contractors. More information can be found by clicking the following link, https://www.fairfaxcounty.gov/dpwes/forms/#site and going to publications.

To schedule a Critical Structures Meeting, you must call 703-222-0114 during normal business hours to request it. It cannot be scheduled on FIDO. Have all of your building permit numbers available for scheduling: look them up here by entering your address. You can call and schedule the meeting up to three weeks in advance. It typically takes one to two weeks to find an available appointment time — do not wait until the last minute to schedule this meeting.
PLAN AHEAD FOR INSPECTIONS

This link provides more information on inspections. Having inspections performed at specific intervals during construction ensures your project conforms to the scope of work, is built according to approved plans and complies with the Virginia Uniform Statewide Building Code. Every permit requires a final inspection.

PAY ALL YOUR FEES AND DEPOSITS

You will need to pay fees and deposits throughout the site-related plan and building permitting process. It is important to account for all of these fees and deposits as you are planning your overall budget.

To review current building fees, you can visit this webpage. Here is a list of major fees and deposits that may be required for your property.

- Fee for site-related plan review and inspection services (determined in STEP 5. SUBMITTING SITE-RELATED PLANS AND OBTAINING SITE PERMITS). These are listed in Appendix Q of the County Code.
- Pro-Rata Share Assessment for watershed improvements and maintenance which is based on the increase of impervious area (Site Application Center)
- Conservation Deposit and agreement that enable the county to stabilize land in case of project abandonment (Site Application Center)
- VDOT Permit and Bond if you have a new entrance to a state maintained road or are performing work in the VDOT right of way (Site Application Center)
- Stormwater fees as part of the Land Disturbance Permit (Site Application Center)
- Health Department Plan Review fees, as well as fees if your property is or will be served by a septic system or well
- Building Plan Review requires additional fees
- Building permit fee for building plan, wastewater fee and inspection services (Permit Application Center). The fee is 35% of total permit fee, based on construction type, square footage, and number of water fixtures (sinks, toilets, drains, etc.)
Before you begin construction, you will need to hire and work with licensed contractors. If you submitted a site-related plan to do grading you must also schedule a Pre-Construction Meeting with your site contractor and a County Site Inspector.

HIRE AND WORK WITH LICENSED CONTRACTORS

Just as you did when you hired a civil engineer, and based on the size of your construction project, you must hire contractors that are licensed in both the State of Virginia and the County. Finding licensed professionals also ensures that you have contractors who are familiar with building codes and regulations.

Click on the link to learn more about how to locate and verify licensed contractors.

The Department of Professional and Occupational Regulation also has online resources to assist you in locating and verifying licenses.
STEP 8. BREAKING GROUND

SCHEDULE AND ATTEND THE PRE-CONSTRUCTION MEETING

As part of the condition of your Land Disturbance Permit, which you received after your Site Plan was approved, you must contact the Site Inspections office to schedule a Pre-Construction Meeting. This must be done before any land disturbance.

To schedule a Pre-Construction Meeting with the Site Inspector, call 703-324-1720, during normal business hours. Have your site-related plan number available for scheduling.

The Pre-Construction Meeting takes place at the site and involves all parties or contractors who will do site-related work. For example, this may involve a sewer system installer and paving contractors. You and your construction team will meet with the Site Inspector collectively as a group, to ensure that everyone is on the same page before you break ground.

SCHEDULE INSPECTIONS

Each major phase of construction (e.g., foundation, framing, etc.) must be inspected by a Fairfax County Inspector to make certain the work conforms to the code, the permit and the approved plans.

To schedule these inspections, click on the link. You must have all permit numbers available for scheduling: look them up here by entering your address. Normally, the response is one business day after the request is made. Inspection contact information is also located at the bottom of every individual permit. You may also go in person to the 3rd Floor of the Herrity Building, Suite 324 to request an inspection.

On the morning of each of your scheduled inspections, you may call 703-631-5101, TTY 711, beginning at 7:30 a.m., to receive an estimated inspection time.

To schedule a Fire Permit inspection, please contact 703-246-4821 and have your Fire Permit number available.

During each inspection, ensure that:

- Your address is clearly visible from the street
- You have a copy of the permit, approved site, and building plans at the job site, and approved plans for fire and sprinkler systems available to the inspector during the review.
When your construction project is completed and code compliance is determined, the inspector schedules a final inspection. For restaurants, in addition to final structural inspections, a Pre-Occupancy Inspection is conducted by both the Health Department and Fire Marshal’s Office. Steps for applying and scheduling a Pre-Occupancy Inspection appear in this guide’s next section, *Preparing for Occupancy*.

The final inspection validates that your project has met the minimum safety standards as required by code.

Click on the links to check your inspection status: [by permit](https://www.fairfaxcounty.gov/) | [by address](https://www.fairfaxcounty.gov/)

For more information on inspections, [click on this link](https://www.fairfaxcounty.gov/).

**THIRD PARTY INSPECTIONS**

Fairfax County offers a Certified Third Party Inspection Program. It allows specific buildings and most commercial inspections (except final inspections) to be conducted by an approved third party. To consider this option for your project, check out the [Certified Inspections Program](https://www.fairfaxcounty.gov/) publication.
As you near completion of your project, it is time to secure your Occupancy Permits and Business Licenses. Important Note: New business owners are required to file within a specific time period, usually within 75 days.

**APPLY FOR A BUSINESS LICENSE**

You may download the Business Professional Occupational License (BPOL) application by clicking on this link. Once you have completed the application, you may fax it to 703-324-3505 or send it via mail to the Department of Tax Administration, 12000 Government Center Parkway, Suite 223, Fairfax, VA 22035.

When you apply, you will receive a Temporary Certificate for a BPOL. The official certificate will be mailed to you within 30 days.

Have questions about business licenses and taxes? Click on the link to check out the FAQ page.

**APPLY FOR A FOOD SERVICE PERMIT**

To apply for your Food Service Permit, complete the Permit to Operate a Food Service Establishment Application. Submit a printed copy of this application and a copy of your Temporary BPOL Certification, along with your application fee to the Fairfax County Health Department.

This can be done in person, by mail, fax or email: Fairfax County Health Department, Division of Environmental Health, Consumer Protection Program, and 10777 Main Street, Suite 111, Fairfax, VA 22030. Fax: 703-653-9448; Email: hdehd@fairfaxcounty.gov.

**SCHEDULE YOUR FINAL INSPECTION**

You may call the Fairfax County Health Department at 703-246-2444 to schedule the Final Inspection. The following requirements must be met before the inspection can be conducted:

- Plumbing, Mechanical, and Electrical Final Approvals must be available
- Fire Trade Permit Inspection approvals must be available for the Building Inspector
- Proof of the certification of at least one employee as a Certified Food Manager must be provided. (What is this?)
- The restaurant must be clean with no construction material in kitchen and related areas.
Upon completing a successful final inspection, the Health Department will issue a permit to operate. Within 5 to 7 days, an official Food Establishment Permit will be mailed to the address on record. The Food Establishment Permit must be posted in a location in the food establishment that is conspicuous to customers.

A Fire Marshal Pre-Occupancy inspection is required prior to submitting your Non-RUP Application, please contact the Fire Inspections Branch at 703-246-4849. You must bring a passed copy of the inspection report to Zoning.

**APPLY FOR A NON-RESIDENTIAL USE PERMIT**

All food establishments must obtain a Non-Residential Use Permit, (Non-RUPs), from the Department of Planning and Zoning before commencing operations. [Click on the link to download the Application for a Non-RUP.](https://www.fairfaxcounty.gov/)

Complete the form by typing in the requested information in the fields provided (you may save the completed file to your computer) and printing out the completed form. The completed form is required to be signed by the business owner or its representative and submitted in person to the Zoning Permit Review Branch (ZPRB) of the DPZ. Requests for Non-RUPs must include payment of the required fee. You may file between the following hours: Monday-Thursday, 8 a.m. to 4 p.m. Friday, 9:15 a.m. to 4 p.m. at the Herrity Building, ZPRB, and Suite 250.
Congratulations! By the time you receive your Business License and Non-RUP, you have completed all of the steps necessary to open a new restaurant in Fairfax County.

Now that you have reached this important milestone, it is important to comply with food safety regulations on an ongoing basis. Failing to do so may compromise health and food safety as well as result in serious liabilities to your business. To help ensure success, take advantage of county resources and always be prepared for ongoing inspections.

**STAY CURRENT WITH INFORMATION IMPORTANT TO RESTAURATEURS**

The County wants you to succeed. We post important information for food establishments, including recalls and alerts. Click on the link to check out these resources.

**PREPARE FOR ONGOING INSPECTIONS**

Throughout the life of your restaurant business, you will be subject to periodic, unannounced inspections by the Health Department. Food establishments are inspected using a risk-based inspection system. Based on the complexity of the food preparation and the history of compliance, an establishment may be routinely inspected from one to three times per 12 month period. Other inspections may be conducted as needed.

After your business has been opened for 10 days, please contact the Office of the Fire Marshal to schedule your Post Occupancy Inspection. An inspector from the office will inspect your business and determine if there are any necessary Operational Permits required for the business. These may include open flames, assembly uses, and the like. The Fire Inspector will leave a Fire Prevention Code Permit Application with the owner/manager of the business. Please mail this application with payment to the Fire Marshal’s Office, 12099 Government Center Pkwy., 3rd Floor, Fairfax, Virginia, 22035. This is an Annual Permit, renewable every year, with an accompanying inspection. Also, if you have a Fire Protection System, regularly scheduled witness testing is required.
In addition to the Pre-Opening Inspection, five other types of inspections may be performed:

- **Routine**: A comprehensive, unannounced inspection to evaluate foodborne illness risk factors, public health interventions and good retail practices to determine compliance.
- **Risk Factor Assessment Inspection**: A specialized, unannounced inspection to determine compliance with specific critical and non-critical sections of the regulations.
- **Complaint Inspection**: An inspection conducted in response to a complaint received by the Health Department.
- **Follow-Up Inspection**: An inspection conducted for the specific purpose of re-inspecting items that were not in compliance at the time of a previous inspection.
- **Training Inspection**: A scheduled inspection to provide formal food safety training to the foodservice employees. Training inspections can be initiated by the Health Department or at the request of the foodservice operator.
- **Foodborne Illness Investigation**: An inspection conducted in response to a report of a possible foodborne illness.

Any time a food service establishment is found to pose an imminent hazard to the public health, the Permit to Operate is suspended until the health hazard is removed. An imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent foodborne illness outbreak, a gross unsanitary occurrence or condition or any other circumstance that may endanger public health.

**CONCIERGE SERVICE**

Do you still have questions? Feel free to contact the *Fairfax County Concierge on Opening a Restaurant* at 703-246-2205. Our concierge will be able to assist you with:

- Where to start.
- Who to contact.
- Where to find key applications and required documents.
- Directions to Fairfax County Government agencies.
- Help resolve snags in the process you may encounter.
CONTACT INFORMATION
Contacts for County Agencies:

- Department of Planning and Zoning (DPZ):
  - Zoning Permit Review Branch (703-222-1082)
  - Zoning Administration Division/Ordinance Administration Branch (703-324-1314)
  - Zoning Inspections Branch (703-324-4300)
  - Zoning Evaluation Division (703-324-1290)
- Land Development Services (LDS):
  - Site Development and Inspection Division (703-324-1720)
  - Customer Technical Support Center: Site and Addressing Center and Permit Application Center (703-222-0801)
- Department of Tax Administration (703-222-8234)
- Health Department (703-246-2201)
- Fire Marshal Office (703-246-4849)