

**ZO 112.2-2024-7**

*ADOPTION OF AN AMENDMENT TO CHAPTER 112.2*

*(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 16, 2024, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112.2 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following:*

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

*Amend Chapter 112.2 (Zoning Ordinance), as follows:*

## 2105. Planned Districts (Effective July 1, 2024)

**Amend subsection 2105.2.B(4)(b) by increasing the minimum recreational facilities expenditure in the PDH District to \$2,150.**

- (b) As part of the open space to be provided in accordance with Table 2105.2 above, recreational facilities are required to be provided in all PDH Districts in conjunction with approval of a final development plan. Such facilities are subject to the provisions of subsection 8100.2.E(4), and those requirements are based on a minimum expenditure of \$2,150 per dwelling unit for the recreational facilities and either:
1. The facilities are provided on-site by the developer in substantial conformance with the approved final development plan; and/or
  2. The Board may approve facilities on land that is not part of the subject PDH District.

**Amend subsection 2105.4.B(4)(b) by increasing the minimum recreational facilities expenditure in the PDC District to \$2,150.**

- (b) In a PDC District development where dwelling units are proposed, as part of the open space to be provided in accordance with subsection (a) above, recreational facilities for the enjoyment of the residents of the dwelling units must be provided and shown on the final development plan. The required recreational facilities are subject to the provisions of subsection 8100.2.E(4), and must be based on a minimum expenditure of \$2,150 per dwelling unit and either:
1. The facilities are provided on-site by the developer in substantial conformance with the approved final development plan. In the administration of this provision, credit may be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses; or
  2. The Board may approve the provision of the facilities located on property that is not part of the subject PDC District.

**Amend subsection 2105.5.B(4)(b) by increasing the minimum recreational facilities expenditure in the PRM District to \$2,150.**

- (b) Recreational facilities must be provided in conjunction with approval of a final development plan. Provision of recreational facilities is subject to the provisions of subsection 8100.2.E(4); however, recreational facilities located on rooftops, deck areas, or areas within a building, such as swimming pools, exercise rooms, or health clubs, may be used to fulfill this requirement. The requirement for providing recreational facilities is based on a minimum expenditure of \$2,150 per dwelling unit for recreational facilities and either:
1. The facilities will be provided on-site by the developer in substantial conformance with the approved final development plan; or
  2. The Board may approve facilities on land that is not part of the subject PRM District.

**Amend subsection 2105.6.B(3)(b) by increasing the minimum recreational facilities expenditure in the PTC District to \$2,150.**

- (b) Recreational facilities must be provided in conjunction with approval of a final development plan. These facilities are subject to the provisions of subsection 8100.2.E(4); however, recreational facilities, such as

swimming pools, exercise rooms, or health clubs located on rooftops, deck areas, or areas within a building may be used to fulfill this requirement. The requirement for providing recreational facilities will be based on a minimum expenditure of \$2,150 per dwelling unit for recreational facilities and either:

1. The facilities will be provided on-site by the developer in substantial conformance with the approved final development plan; or
2. The Board may approve the provision of the facilities on land that is not part of the subject PTC District.

## 2105. Planned Districts (Effective July 1, 2025)

**Amend subsection 2105.2.B(4)(b) by increasing the minimum recreational facilities expenditure in the PDH District to \$2,400.**

- (c) As part of the open space to be provided in accordance with Table 2105.2 above, recreational facilities are required to be provided in all PDH Districts in conjunction with approval of a final development plan. Such facilities are subject to the provisions of subsection 8100.2.E(4), and those requirements are based on a minimum expenditure of \$2,400 per dwelling unit for the recreational facilities and either:
3. The facilities are provided on-site by the developer in substantial conformance with the approved final development plan; and/or
  4. The Board may approve facilities on land that is not part of the subject PDH District.

**Amend subsection 2105.4.B(4)(b) by increasing the minimum recreational facilities expenditure in the PDC District to \$2,400.**

- (c) In a PDC District development where dwelling units are proposed, as part of the open space to be provided in accordance with subsection (a) above, recreational facilities for the enjoyment of the residents of the dwelling units must be provided and shown on the final development plan. The required recreational facilities are subject to the provisions of subsection 8100.2.E(4), and must be based on a minimum expenditure of \$2,400 per dwelling unit and either:
3. The facilities are provided on-site by the developer in substantial conformance with the approved final development plan. In the administration of this provision, credit may be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses; or
  4. The Board may approve the provision of the facilities located on property that is not part of the subject PDC District.

**Amend subsection 2105.5.B(4)(b) by increasing the minimum recreational facilities expenditure in the PRM District to \$2,400.**

- (c) Recreational facilities must be provided in conjunction with approval of a final development plan. Provision of recreational facilities is subject to the provisions of subsection 8100.2.E(4); however, recreational facilities located on rooftops, deck areas, or areas within a building, such as swimming pools, exercise rooms, or health clubs, may be used to fulfill this requirement. The requirement for providing recreational facilities is based on a minimum expenditure of \$2,400 per dwelling unit for recreational facilities and either:
3. The facilities will be provided on-site by the developer in substantial conformance with the approved final development plan; or

4. The Board may approve facilities on land that is not part of the subject PRM District.

**Amend subsection 2105.6.B(3)(b) by increasing the minimum recreational facilities expenditure in the PTC District to \$2,400.**

- (c) Recreational facilities must be provided in conjunction with approval of a final development plan. These facilities are subject to the provisions of subsection 8100.2.E(4); however, recreational facilities, such as swimming pools, exercise rooms, or health clubs located on rooftops, deck areas, or areas within a building may be used to fulfill this requirement. The requirement for providing recreational facilities will be based on a minimum expenditure of \$2,400 per dwelling unit for recreational facilities and either:
3. The facilities will be provided on-site by the developer in substantial conformance with the approved final development plan; or
  4. The Board may approve the provision of the facilities on land that is not part of the subject PTC District.

**Amend Table 8102.1 to increase fees by 17.5 percent and rounded to the nearest \$5, except for appeals (which increases by 10 percent) and Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act and Family Health Care Structures (no increase).**

## 8102. Fee Schedule

TABLE 8102.1: FEE SCHEDULE		This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.	
APPLICATION TYPE		Effective July 1, 2024	Effective July 1, 2025
<b>MISCELLANEOUS PERMITS AND APPROVALS</b>			
<b>General</b>			
Interpretation of Approved Zoning Application or Minor Variation to Proffered Conditions		\$610	\$700
Modification to the Affordable Dwelling Unit Program		\$3,235	\$3,720
Nonresidential Use Permit (NonRUP)		\$80	\$95
Zoning Compliance Letter	Dwelling, Single-Family, Per Lot	\$135	\$155
	All Other Uses, Per Lot	\$375	\$430
General Public Facilities	2232 Review with Public Hearing	\$1,765	\$2,025
	2232 Review without Public Hearing	\$880	\$1,015
Sign Permits		\$110	\$130
<b>Wireless Telecommunications</b>			
Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act		\$500	\$500
Wireless Facilities	Standard Process Project	\$7,285	\$8,370
<b>Variance [2]</b>			
Increase in Maximum Fence or Wall Height	Residential District	\$510	\$585
	Commercial or Industrial District	\$2,940	\$3,375
Modification of Residential Setback		\$1,070	\$1,230

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		Effective July 1, 2024	Effective July 1, 2025
Modification of Residential Accessory Structure Use or Location Standards per subsection 4102.7		\$1,070	\$1,230
Modification of Grade for Single-Family Detached Dwelling		\$1,070	\$1,230
Increase in Building Height for a Single-Family Detached Dwelling		\$1,070	\$1,230
All Other Variances		\$9,610	\$11,045
<b>Appeal</b>			
Appeal to BZA		\$660	\$660
Appeal to Board		\$660	\$660
<b>ADMINISTRATIVE PERMITS</b>			
General Fee Unless Otherwise Listed		\$240	\$275
<b>Accessory Uses</b>			
Accessory Living Unit	Permit	\$235	\$270
	Renewal Fee	\$80	\$95
Agritourism Tier 4	Permit	\$240	\$275
	Renewal Fee	\$60	\$70
Family Health Care Structure		\$100	\$100
Home-Based Business		\$120	\$135
Limited Riding or Boarding Stable		\$60	\$70
Short-Term Lodging	Two Year Permit	\$235	\$270
<b>Temporary Uses</b>			
Community Garden	Permit	\$240	\$275
	Two Year Renewal Fee	\$60	\$70
Farmer's Market	Permit	\$240	\$275
	Two Year Renewal Fee	\$60	\$70
Food Truck	One Year Operation Permit	\$120	\$135
	Location Permit	\$120	\$135
Portable Storage Container		\$0	\$0
<b>SPECIAL PERMITS [2]</b>			
Standard fees for special permit approvals are listed below.			
General Fee Unless Otherwise Listed		\$19,240	\$22,105
<b>Principal Uses</b>			
Community Swim, Tennis and Recreation Club		\$4,800	\$5,515
Group Household or Religious Group Living		\$1,295	\$1,485
Marina, Private Noncommercial		\$4,800	\$5,515
Religious Assembly		\$1,295	\$1,485
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,295	\$1,485
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$12,955	\$14,885

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		Effective July 1, 2024	Effective July 1, 2025
Stable, Riding or Boarding		\$9,610	\$11,045
<b>Accessory and Temporary Uses</b>			
Accessory Living Unit	Special Permit	\$510	\$585
	Renewal Fee	\$80	\$95
Community Garden		\$510	\$585
Home Day Care Facility		\$510	\$585
Home-Based Business		\$510	\$585
Special Event for longer than 21 days		\$4,805	\$5,520
<b>Other Special Permits</b>			
Accessory Structures on Through Lots		\$1,070	\$1,230
Increase in the Cumulative Square Footage of Freestanding Accessory Structures		\$1,070	\$1,230
Increase in Fence or Wall Height	Dwelling, Single-Family	\$510	\$585
	All Other Uses	\$2,940	\$3,375
Increase in Flagpole Height		\$510	\$585
Increase in the Height of a Freestanding Accessory Structure		\$1,070	\$1,230
Increase in Percentage of Rear Setback Coverage		\$1,070	\$1,230
Installation or Modification of a Noise Barrier on a Single Residential Lot		\$1,070	\$1,230
Modification of Grade for Single-Family Detached Dwelling		\$1,070	\$1,230
Modification of Limits to Keeping of Animals		\$510	\$585
Modification of Minimum Setback Requirements	Error in Building Location	\$1,070	\$1,230
	Certain Existing Structures and Uses	\$1,070	\$1,230
	Certain Additions to Existing Single-Family Detached Dwelling	\$1,070	\$1,230
	Reduction of Required Setbacks for a Single-Family Lot	\$1,070	\$1,230
	All Other Uses	\$9,610	\$11,045
<b>SPECIAL EXCEPTIONS [2]</b>			
Standard fees for special exception approvals are listed below.			
General Fee Unless Otherwise Listed		\$19,240	\$22,105
<b>Principal Uses</b>			
Adult Day Care Center	Fewer Than 100 Adults	\$1,295	\$1,485
	100 or More Adults	\$12,955	\$14,885
Adult Day Support Center	Fewer Than 100 Adults	\$1,295	\$1,485
	100 or More Adults	\$12,955	\$14,885
Agritourism		\$4,805	\$5,520
Alternative Use of Historic Building		\$9,610	\$11,045
Bed and Breakfast		\$9,610	\$11,045
Child Care Center	Fewer Than 100 Children	\$1,295	\$1,485
	100 or More Children	\$12,955	\$14,885

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		Effective July 1, 2024	Effective July 1, 2025
Club, Service Organization, or Community Center		\$4,800	\$5,515
Congregate Living Facility		\$9,610	\$11,045
Farm Winery, Limited Brewery, or Limited Distillery	R-C District: Development of a new use or expansion of an existing use for any agricultural building or structure: That does not permit access by any member of the public, whether a customer, guest, or attendee at a public or private event or activity	\$1,175	\$1,350
	R-C District: Establishment of a new use or expansion of an existing use with construction of buildings or structures over 400 SF in GFA or no land disturbance over 2,500 SF	\$4,805	\$5,520
	R-C District: Establishment of a new use or expansion of an existing use with construction of buildings or structures over 400 SF in GFA or land disturbance over 2,500 SF	\$9,610	\$11,045
	R-A, R-C, R-E, and R-1 District: Modification of the number of attendees, frequency, or duration of events or activities	\$4,805	\$5,520
Group Household or Religious Group Living		\$1,295	\$1,485
Independent Living Facilities for Low Income Tenants per Subsection 4102.4.P(1)(c) [3]		\$1,295	\$1,485
Marina, Private Noncommercial		\$4,800	\$5,515
Quasi-Public Park, Playground, or Athletic Field		\$9,610	\$11,045
Religious Assembly		\$1,295	\$1,485
Religious Assembly with Private School, Specialized Instruction Center, or Child Care Center	Private School, Specialized Instruction Center, or Child Care Center with fewer than 100 children	\$1,295	\$1,485
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$12,955	\$14,885
School, Private	Fewer than 100 students	\$1,295	\$1,485
	100 or more students	\$12,955	\$14,885
Specialized Instruction Center	Fewer than 100 students	\$1,295	\$1,485
	100 or more students	\$12,955	\$14,885
Stable, Riding or Boarding		\$9,610	\$11,045
<b>Accessory Uses and Other Special Exceptions</b>			
Home Day Care Facility		\$510	\$585
Modification of Shape Factor		\$9,610	\$11,045
Modification of Grade for Single-Family Detached Dwellings		\$1,070	\$1,230
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses	\$1,070	\$1,230
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	\$0	\$0
Sign Modifications		\$9,705	\$11,150
Amendment to Approved Sign Modifications		\$4,855	\$5,575

**TABLE 8102.1: FEE SCHEDULE**

This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.

APPLICATION TYPE		Effective July 1, 2024	Effective July 1, 2025
Waiver of Minimum Lot Size Requirements		\$9,610	\$11,045
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of May 10, 2023, in a Floodplain		\$9,610	\$11,045
<b>ZONING MAP AMENDMENTS [5]</b>			
<b>District Requested</b>			
Residential District		\$32,055 plus \$670 per acre	\$36,830 plus \$770 per acre
Commercial, Industrial, or Overlay District		\$32,055 plus \$1,070 per acre	\$36,830 plus \$1,230 per acre
PRC District	Rezoning with Concurrent Development Plan	\$32,055 plus \$1,070 per acre	\$36,830 plus \$1,230 per acre
	Rezoning with Concurrent Development Plan and PRC Plan	\$32,055 plus \$1,580 per acre	\$36,830 plus \$1,815 per acre
	PRC Plan	\$16,025 plus \$510 per acre	\$18,415 plus \$585 per acre
	PRC Plan with Concurrent DPA, PCA, Special Exception, or Special Permit	\$19,240 plus \$510 per acre	\$22,105 plus \$585 per acre
PDH, PDC, PRM, PTC, and PCC Districts	Rezoning with Concurrent Conceptual Development Plan	\$32,055 plus \$1,070 per acre	\$36,830 plus \$1,230 per acre
	Rezoning with Concurrent Conceptual and Final Development Plans	\$32,055 plus \$1,580 per acre	\$36,830 plus \$1,815 per acre
	Final Development Plan after Prior Approval of Rezoning and Conceptual Development Plan	\$16,025 plus \$510 per acre	\$18,415 plus \$585 per acre
<b>AMENDMENTS TO PENDING AND PREVIOUSLY APPROVED APPLICATIONS AND EXTENSIONS OF TIME [4][5]</b>			
<b>Applications for Variance, SP, or SE Approvals</b>			
Extension of Time for a Special Permit or Special Exception Per Subsection 8100.3.D(3) or 8100.4.D(3)		1/8 of Application Fee	
Amendment to a Pending Application for a Variance, Special Permit, or Special Exception		1/10 of Application Fee	
Amendment to a Previously Approved and Currently Valid Application	Change of Permittee Only (SP)	The lesser of \$590 or 1/2 of Application Fee	The lesser of \$675 or 1/2 of Application Fee
	With No New Construction (Variance, SP, or SE)	1/2 of New Application Fee	
	With New Construction (Variance, SP, or SE)	New Application Fee	



<b>Applications for Zoning Map and Related Plan Approvals</b>			
Amendment to a Pending Amendment to Zoning Map in all Districts		\$5,340 plus applicable per acre fee for acreage affected by the amendment	\$6,135 plus applicable per acre fee for acreage affected by the amendment
Pending Application for a Final Development Plan or Development Plan Amendment or PRC Plan		\$4,855	\$5,575
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 or Wall Height on a Single-Family Lot	\$510	\$585
	Increase in Fence or Wall Height on All Other Uses	\$2,940	\$3,375
	Reduction of Certain Setback Requirements on a Single-Family Lot	\$1,070	\$1,230
	Reduction of Certain Yard Requirements on All Other Uses	\$9,610	\$11,045
	Increase in Coverage Limitation for Minimum Required Rear Setbacks	\$1,070	\$1,230
	The Addition of or Modification to an Independent Living Facility for Low Income Tenants	\$1,295	\$1,485
	All Other Uses With New Construction	1/2 of prevailing fee plus applicable per acre fee for acreage affected by the amendment	
	All Other Uses Without New Construction	1/2 of prevailing fee	
Deletion of Land Area Only		1/4 of prevailing fee	
<b>Deferrals of Public Hearings</b>			
Before the Planning Commission or Board of Supervisors	After Public Notice Has Been Given and that are Related Solely to Affidavit Errors	\$305 plus actual costs of advertising, up to a maximum of \$1,175	\$350 plus actual costs of advertising, up to a maximum of \$1,350
<b>Notes:</b>			
[1] In calculating fees that based on acreage, any portion of an acre will count as a full acre.			
[2] When one application is filed by one applicant for (1) two or more Variances on the same lot, or (2) two or more Special Permit uses on the same lot, or (3) two or more Special Exception uses on the same lot, or (4) a combination of two or more Variances or Special Permits on the same lot, only one filing fee will be required, and that fee will be the highest of the fees required for the individual uses included in the application.			
[3] Applies to a new application or an amendment to a previously approved and currently valid application, with or without new construction.			
[4] 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.			
[5] For purposes of computing acreage fees, any portion of an acre is counted as an acre.			

Add 2.b(4) to Appendix 1 as shown below:

## APPENDIX 1 - PROVISIONS RELATING TO PREVIOUS APPROVALS

### 2. Specific Provisions Regarding Previous Approvals

#### B. Amendments Adopted After May 10, 2023

##### (4) Zoning Application Fees and Planned District Recreational Minimum Expenditure (ZO 112.2-2024-7)

- (a) Any application filed before July 1, 2024, is subject to the previous applicable zoning application fee. Any application filed on or after July 1, 2024, is subject to the new application fee.
- (b) Any rezoning application or proffered condition amendment application proposing to add dwelling units in the PDH, PDC, PRM, and PTC zoning districts that is filed before July 1, 2024, is subject to the previous \$1,900 per dwelling unit minimum expenditure for recreational facilities. Any rezoning or proffered condition amendment application proposing to add dwelling units that is filed on or after the effective date is subject to the minimum expenditure for recreational facilities of \$2,150 per dwelling unit.

*This amendment shall become effective on July 1, 2024, at 12:01 a.m. and July 1, 2025, at 12:01 a.m.*

*GIVEN under my hand this 16<sup>th</sup> day of April, 2024.*



Jill G. Cooper  
Clerk for the Board of Supervisors