

Rezoning

Application Information for Conventional Zoning Districts (Residential, Commercial and Industrial)



ZONING EVALUATION DIVISION
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REZONING APPLICATION INFORMATION
For Conventional Zoning Districts
(Residential, Commercial and Industrial)

This publication contains information on how to process a rezoning application for a conventional Residential (R), Commercial (C), or Industrial (I) zoning district in Fairfax County. It includes instructions, a detailed list of submission requirements, an affidavit form, and a fee schedule. Additional copies of this publication are available from the Zoning Evaluation Division, Department of Planning and Development or from the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning/application-review>. Rezoning applications for Planned Developments (Planned Development Housing (PDH), Planned Development Commercial (PDC), Planned Residential Mixed Use (PRM), Planned Tysons Corner Urban (PTC) and Planned Continuing Care Facility District (PCC) are addressed in a separate publication.

REZONING: The rezoning of land is one of the instruments by which a change in land use occurs. A rezoning is typically a change in the zoning classification of a property from an existing district to a different district, such as from R-1 residential (1 dwelling unit per acre) to R-2 residential (2 dwelling units per acre).

The rezoning process consists of a number of steps as outlined below. Any rezoning proposal is subject to a detailed review and analysis by staff and public hearings before the Fairfax County Planning Commission and the Fairfax County Board of Supervisors. The rezoning of land can only be approved by the Board of Supervisors.

In order to request consideration of a rezoning, an application must be filed with the County by an authorized applicant, see subsection 8100.2.A(1), and must meet specific submission requirements.

SUBMISSION REQUIREMENTS: A rezoning application must meet the submission requirements as specified in Section 8101 of the Fairfax County Zoning Ordinance. A synopsis of the requirements is presented as page 6 of this package in a checklist format to provide a convenient way to ensure that all required items of the application package are collected prior to beginning the on-line application process. In general, the submission requirements include a plan of the property showing existing and proposed uses, a zoning section sheet, a soil map for residential uses, an affidavit disclosing ownership and other interests in the property, a written statement describing the proposed use, owner concurrence in the application, any applicable overlay district information, and a fee. You may request a copy of the submission requirements from the Zoning Evaluation Division, Department of Planning and Development, at 703-324-1290 or view the Zoning Ordinance from the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance>.

WHERE TO SUBMIT: All applications must be submitted electronically through the PLUS application portal. The first step will be to create an account in PLUS. For additional information on how to use the PLUS application portal, please visit the PLUS Support Center.

ASSISTANCE: For information on the application process, clarification of these instructions, or for help with a submission, please call the Zoning Evaluation Division at 703-324-1290.

Pre-application meetings with County staff may be available to anyone wanting to discuss a potential rezoning request. To determine if you are ready for a pre-application meeting, please contact the Zoning Evaluation Division at 703 324-1290. Such requests may then be filed through the PLUS system.

HELPFUL HINTS. The following “Helpful Hints” are provided to assist in the filing of a rezoning application:

- Each application is considered a “package,” the minimum required elements must be submitted. We recommend you use the checklist in this packet to make sure you have all the required elements before you begin.
- Please review your materials for completeness, correctness and coordination!
- Each applicant should designate a “single point of contact” who will be responsible for the application. This may be the applicant, agent, attorney, engineer, property owner, or other member of the application team. (The PLUS system will prompt you for this information.)

PROCESSING OF A REZONING APPLICATION

STEP 1 – SUBMISSION OF THE APPLICATION: A complete application package, containing all of the required items, must be submitted online through the PLUS system. Please contact the Zoning Evaluation Division (ZED) in the Department of Planning and Development (DPD) Monday through Friday from 8:00 a.m. to 4:30 p.m. if you have any specific question or concerns regarding the electronic filing process.

STEP 2 - APPLICATION ACCEPTANCE: An application will be reviewed for acceptance only when a complete application package that contains all required submission items is submitted.

The Applications Acceptance Section of the Zoning Evaluation Division will review all complete application packages in the order in which they are received. If deficiencies are found, a letter or email will be sent to the applicant or authorized agent regarding deficiencies that must be corrected. The rezoning application will be accepted when all Zoning Ordinance submission requirements are met, including payment of the applicable fee. Once the rezoning application has been accepted, a letter or email will be sent to the applicant/agent verifying such acceptance. The application is then assigned to a Staff Coordinator and distributed to various departments for their review. If you have any questions about your application prior to filing or acceptance, please call 703-324-1290, TTY 711.

STEP 3 – REZONING/SPECIAL EXCEPTION BRANCH: After a rezoning application is accepted, it is forwarded to the Rezoning/Special Exception Branch of the Zoning Evaluation Division for processing. At that time, a public hearing before the Planning Commission will be scheduled, unless a Chapter 870 TIA review is required. The application is assigned to a Staff Coordinator who will be responsible for managing the review process and will serve as the primary point of contact. The Staff Coordinator will contact the applicant/agent to provide public hearing and key milestone dates for the processing of the application. The public hearing date is generally 7 to 9 months from the date of acceptance, unless a deferral is requested by the applicant. If you have any questions about your application once it has been accepted, please call 703-324-1290, TTY 711.

STEP 4 - STAFF REVIEW PROCESS: Each rezoning application will be reviewed by staff according to Comprehensive Plan guidance, for compliance with the Zoning Ordinance and for its impacts on land use, transportation, environmental resources, public facilities and other factors. Once an application has been reviewed by the various agencies, County staff meet in a working session known as “staffing.” At this session, staff discusses the application and forms a recommendation. The Staff Coordinator will transmit to the applicant any requests for additional information needed to review the application and will provide staff comments about the application. When appropriate, staff might also meet with the applicant to discuss the application. Rezoning applicants typically submit specific commitments in writing known as “proffers” in accordance with applicable authority in the Virginia Code. Proffers are voluntary and may change during the review of the rezoning application. Proffers cannot be changed once the public hearing is called before the Board of Supervisors.

The Staff Coordinator evaluates the application as a whole and prepares a staff report describing the application, anticipated impacts of the development, and, when applicable, the proposed means of addressing those impacts. A recommendation of approval or denial of the application is made. The staff report is generally published two weeks prior to the Planning Commission’s public hearing, at which time it is made available to the public and on-line in the PLUS system.

STEP 5 – NOTIFICATION: Before the Planning Commission and Board of Supervisors public hearings, the applicant/agent must send written notice to the property owners in the vicinity as required by the Zoning Ordinance. A package that contains instructions on how to complete the notification process will be sent by the County to the applicant/agent approximately 30 days before each public hearing. If you have any questions about notification, please call at 703-324-1290, TTY 711. It is extremely important that these instructions are followed exactly. A public hearing cannot be conducted unless the notification process is completed correctly and within the mandated timeframe by the applicant or the applicant’s authorized agent. Please see subsection of the Zoning Ordinance for additional information on required notification.

Between 21 and 14 days before the public hearing, County staff will advertise the public hearing in a local newspaper. A minimum of 15 days prior to the public hearing, County staff will also place one or more yellow sign boards on the application property notifying the public of the public hearing. The sign boards must not be removed from the property. After the public hearing, the sign boards will be removed by County staff.

STEP 6 - PUBLIC HEARINGS/PUBLIC PARTICIPATION: Public participation is typically a major aspect of rezoning applications. Applicants are encouraged to meet with adjacent neighbors, community associations, and land use committees. Applicants may also contact the Planning Commissioner and Board of Supervisors member of the District in which the property is located to request a meeting(s). Public hearings before the Planning Commission and the Board of Supervisors are required for all rezoning applications. The Planning Commission public hearing is typically scheduled once the application is accepted. Applications will be scheduled in the order in which they are accepted. The Planning Commission holds a public hearing on each application and makes a recommendation to the Board of Supervisors. The Board of Supervisors public hearing is typically scheduled after the Planning Commission makes its recommendation on the application. The Board of Supervisors holds its public hearing and makes the final decision on each application. The Planning Commission and the Board of Supervisors meetings are held in the Board Auditorium in the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA. Planning Commission meetings are held on Wednesday and Thursday nights commencing at 7:30 p.m. The Board of Supervisors meetings are held on Tuesdays. Public hearings are generally scheduled beginning at 3:00 p.m. The Planning Commission agenda can be viewed on the County web site at <https://www.fairfaxcounty.gov/planningcommission/meetingcalendar> 703-324-2865, TTY 711. The Board of Supervisors agenda can be viewed on the County web site at <https://www.fairfaxcounty.gov/boardofsupervisors/about-board-meetings> or by calling 703-324-1290, TTY 711.

To learn more about the public hearing process, applicants may want to view a meeting prior to their hearing date.

Televised Meetings: Fairfax County Cable Channel 16 broadcasts all Planning Commission and Board of Supervisors meetings live. For program listings, check the viewing guide at <https://www.fairfaxcounty.gov/cableconsumer/channel-16/fairfax-county-government-television/>, or call 703-324-5930, TTY 711.

Telephone Access: To listen by telephone while the public hearings are underway call 703-324-7700, TTY 711.

Public Access: For special accommodations or alternative information formats, call 703-324-3151, TTY 711.

Conduct of Public Hearings:

- The Chairman of the Planning Commission or the Board of Supervisors will call an application to be heard.
- The applicant/agent is required to be present at the public hearing and will be asked to come to the podium to state his/her name and to reaffirm the affidavit.
- Staff describes the location of the property and the request and presents other pertinent information.
- The applicant/agent presents the justification for the rezoning request, **including how the application satisfies the applicable Zoning Ordinance provisions and how it follows any relevant Comprehensive Plan guidance.**
- The public hearing is then opened for testimony in support of, or in opposition to, the request. Anyone wishing to provide testimony may speak at the public hearing or may submit written testimony to the Clerk to the Planning Commission or the Clerk to the Board of Supervisors, as appropriate.

Although not mandatory, as a courtesy and to ensure the accuracy of the record, those who wish to speak on a particular case are requested to sign up on the speaker's list prior to the day of the meeting by contacting either the Planning Commission at 703-324-2865, TTY 711 or <https://www.fairfaxcounty.gov/planningcommission/speaker>, or the Clerk to the Board of Supervisors, at 703-324-2321, TTY 711 or <https://www.fairfaxcounty.gov/bosclerk/speakers-form>, as appropriate, and identifying the application number, and the speaker's name, address and telephone number.

- At any time during the public hearing, a member of the Planning Commission or the Board of Supervisors may ask questions of the applicant/agent, staff or a speaker.
- At the close of the Planning Commission public hearing, the Planning Commission will vote to recommend that the Board of Supervisors approve or deny the application, continue the hearing to another date if it needs additional information, or defer decision to a later date. At the close of the Board of Supervisors public hearing, the Board will approve or deny the application, continue the hearing to another date if it needs additional information, or defer decision to a later date.

STEP 7 – LETTER OF DECISION: The Clerk to the Board of Supervisors will mail a letter to the applicant or the applicant's authorized agent containing the final decision of the Board of Supervisors, which, if the rezoning is approved, includes the accepted proffers. A rezoning runs with the land and does not expire unless a subsequent rezoning is approved. If the Board of Supervisors denies a rezoning request, a new rezoning application cannot be filed on the same property for one year, unless a waiver of the one-year wait period is granted by the Board.

STEP 8 -IMPLEMENTATION: After the approval of a rezoning, approval of additional plans and permits are typically required prior to any land development. These plans and permits are processed by Land Development Services at 12055 Government Center Parkway, Fairfax, VA 22035. For information about site plans call 703-324-1730 and about building permits call 703-222-0801, TTY 711.

Note: The approval of a rezoning does not interfere with, abrogate or annul any easement covenants, or other agreements between parties, as they may apply to the property subject to this application.

**SYNOPSIS OF THE SUBMISSION REQUIREMENTS
FOR A REZONING APPLICATION**

A rezoning application must meet all of the submission requirements specified in the Zoning Ordinance in order to be accepted for processing. To assist you in determining that you have all of the materials ready to submit a complete application prior to beginning the online process, a synopsis of these requirements is presented below.

A complete application package must be submitted online through our PLUS system before an application will be reviewed for compliance with the submission requirements by the Applications Acceptance Section of the Zoning Evaluation Division, Department of Planning and Development. If the application does not meet the submission requirements, a checklist letter outlining the deficiencies will be sent to the applicant or designated agent. The application will not be accepted and scheduled for a public hearing until all deficiencies have been resolved. When an application meets all the submission requirements, it will be accepted and scheduled for a public hearing and the applicant/agent will be notified.

REQUIREMENT	
1. A pdf of the certified plat. See the <i>Submission Requirements for Rezoning Plats</i> found on page 12 of this package, and subsection 8101.2A(1) of the Zoning Ordinance.	
2. A legal description of the property, including metes and bounds of each zoning district proposed.	
3. One (1) copy of the current Fairfax County Official Zoning Map , showing the subject property and an area of at least a 500 foot radius around the property. If more than one (1) Zoning Map sheet is required to cover the area, such sheets should be combined to create a single readable map. The boundaries of the subject site must be outlined in red. Fairfax County Official Zoning Map Sheet(s) can be obtained from the web at https://www.fairfaxcounty.gov/gisapps/DMV/Default.aspx by selecting Zoning Map and the appropriate map grid (such as 045-2).	
4. PDF of a map identifying the classification of soil types at a scale of one inch equals five hundred feet (1" = 500'), based on the County of Fairfax Soils Identification Map.	
5. A notarized affidavit (single sided) that is completed and signed by the applicant or the applicant's authorized agent. If the applicant's authorized agent completes the application or affidavit on the applicant's behalf, a certified statement from the applicant must be submitted showing the agent's authorization to act on his/her/its behalf. A copy of the affidavit form is found on pages 14-23 of this packet and at https://www.fairfaxcounty.gov/planning-development/zoning/affidavit-forms . After initial review by Applications Acceptance staff, you will be asked to provide the original document for review by the Office of the County Attorney. For questions concerning affidavits, please contact the Office of the County Attorney at (703) 324-2421, TTY 711. <i>The affidavit must be updated if there are any changes in the information up to the time of the public hearings. Prior to each public hearing on the application, the applicant or authorized agent must reaffirm the affidavit verbally.</i>	

REQUIREMENT	
<p>6. An application filed by an agent, contract purchaser or lessee must include a notarized written statement signed by the property owner indicating the owner’s endorsement of the application.</p> <p>After initial review by Applications Acceptance staff, you may be asked to provide the original document for review.</p>	
<p>7. A pdf of a Generalized Development Plan that is prepared and sealed by a professional land surveyor, engineer, architect or landscape architect licensed in the Commonwealth of Virginia. See the <i>Submission Requirements Excerpts: Plan Requirements</i> found on pages 9-11 of this package and subsection 8101.2.B of the Zoning Ordinance for details.</p>	
<p>8. A statement of justification, dated and signed, which should explain how the development complies with the criteria of the Comprehensive Plan.</p>	
<p>9. A statement explaining the relationship of the development to, and compliance with, the development criteria of the adopted Comprehensive Plan of the County.</p>	
<p>10. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia / Department of Waste Management Regulations VR 672-10-1 - Virginia Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.</p>	

** Reminder: One of the detailed submission requirements for special permit plats relates to stormwater management facilities. Any waivers for stormwater management to permit underground detention facilities in residential areas or for Resource Protection Area (RPA) exceptions should also be submitted concurrently with special permit applications. Waiver requests or RPA exceptions are to be submitted to Land Development Services at the Customer and Technical Support Center, located on the 2nd floor of the Herrity Building, 12055 Government Center Parkway. If you have any questions, please call 703-324-1730.*

REQUIREMENT	SUBMITTED
<p>11. A statement (which may be part of the aforementioned statement of justification) that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted and the justification for such provided.</p> <p>If the proposal includes a request for a waiver of the setbacks abutting certain principal arterial highways and railroad tracks, it must include a study showing projected noise impacts, proposed mitigation measures and their effectiveness</p>	
<p>12. Any additional information that the applicant may desire to proffer in the consideration of the application.</p>	
<p>13. Where applicable, any other information as may be required by subsection 3101.6.F, including the submission of the Archaeological Survey Data Form and a Phase I Archaeological Survey to the Fairfax County Park Authority as may be required for applications resulting in 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District.. A copy of the Archaeological Survey Data Form is included in the package on page 24-25</p>	
<p>14. Payment (via electronic check or credit card) in the amount shown on the fee schedule in Section 8102 of the Zoning Ordinance set forth on page 36 of this package. <i>Checks returned due to insufficient funds are subject to a fee (Fairfax County Code, §1-1-17; Va. Code § 15.2-106).</i></p>	
<p>15. Please refer to page 29 regarding Va. Code § 57-15 which references “Proceeding by trustees or members for similar purposes, exception for certain transfers.” If applicable, please provide this documentation.</p>	
<p>16. A notarized proffer legislation affidavit completed and signed by the applicant or the applicant’s authorized agent, found on pages 30-31. If the applicant’s authorized agent completes the application or affidavit on the applicant’s behalf, <u>an original signed and notarized</u> certified statement from the applicant must be submitted showing the agent’s authorization to act on his/her/its behalf. <i>** Note: For guidance, a memorandum dated March 30, 2017, is provided on pages 32-35.</i></p> <p>After initial review by Applications Acceptance staff, you may be asked to provide the original document for review.</p>	

** Reminder: Transportation Impact Analysis (TIA) checklist is required for Rezoning and Proffered Condition Amendments and must be submitted with the application package. A copy of the TIA checklist is included in this package on pages 26-28*

8101. Submission Requirements

EXCERPTS: Plan Requirements

1. General Requirements for All Applications

B. Regardless of the number of copies specified below, if the application is submitted electronically, only one copy of each submission requirement is needed, unless otherwise determined by the Zoning Administrator or Director. Staff may request one or more paper copies of any of the materials at any point in the process.

E. Submission requirements, except for the application form, legal description, affidavit, and application fee, if applicable, may be modified or waived by the Zoning Administrator or Director when one of them has determined that the requirement is not necessary for review of the application.

G. Stormwater Management Plan:

For all generalized development plans, final development plans, PRC development plans, PRC plans, and, except where noted, for special exception and special permit plats, the following stormwater management information must be included on the plan or plat:

- (1)** The approximate location, size of the footprint in acres, and type of all proposed stormwater management facilities, including the full extent of side slopes, embankments, spillways, dams, and approximate water surface elevation for design storms, if applicable.
- (2)** A preliminary stormwater management plan with information about the adequacy of downstream drainage, including the capacity of any storm drainage pipes and other conveyances where the stormwater runoff from the site will be conveyed.
- (3)** In addition to the above, when there is 2,500 square feet or more of land disturbing activity occurs on the entire application property, the preliminary stormwater management plan must contain the following:

(a) A graphic depicting:

- 1.** The approximate footprint of the stormwater management facility and, where applicable, the height of the dam embankment and the location of the emergency spillway outlet for each stormwater management facility.
- 2.** The approximate on-site and off-site areas to be served by each stormwater management facility, along with the acreage draining to each facility.
- 3.** A preliminary layout of all on-site drainage channels, outfalls and pipes, including inlet and outlet pipes within the stormwater management facility.
- 4.** The approximate location or alternative locations, if any, of any maintenance access road or other means of access to the stormwater management facility, and the identification of the types of surfaces to be used for any such road.
- 5.** Proposed landscaping and tree preservation areas in and near the stormwater management facility.
- 6.** The approximate limits of clearing and grading on-site and off-site for the stormwater management facility, storm drainage pipes, spillways, access roads and outfalls, including energy dissipation, storm drain outlet protection or stream bank stabilization measures.

(b) A preliminary stormwater management narrative setting forth the following:

- 1.** Descriptions of how the water quantity, water quality, and adequate outfall requirements of the Stormwater Management Ordinance and Public Facilities Manual will be met.
- 2.** The estimated area and volume of storage of the stormwater management facilities proposed to meet water quantity, water quality, and adequate outfall requirements.
- 3.** For each watercourse into which drainage from the property is discharged, a description of the existing outfall conditions, including any existing ponds or structures in the outfall area. The outfall area must include all land located between the point of discharge from the property that is located farthest upstream, down to the point where the drainage area of the receiving watercourse exceeds 100 times the area of that portion of the property that drains to it or to a floodplain that drains an area of at least one square mile, whichever comes first.

2. Zoning Map Amendments (Rezoning)

B. Plan Requirements for Residential, Commercial, and Industrial Districts

Twenty-three copies of a Generalized Development Plan (GDP) must be submitted. The GDP and any resubmissions and supporting graphics, must be certified by a professional engineer, architect, landscape architect, or land surveyor authorized to practice as such by the State. The GDP must be on a maximum sheet size of 24" x 36", and if presented on more than one sheet, match lines must indicate where the several sheets join. In addition, one 8.5" x 11" reduction of the plan, and resubmissions and supporting graphics must be submitted. The GDP must include the following:

- (1)** Scale of not less than 1" = 100';
- (2)** North arrow, with north, to the extent feasible, oriented to the top of the plan;
- (3)** Except for single-family detached dwellings, the approximate location and dimensions of all proposed structures and uses, to include the maximum height in feet of all structures and penthouses;
- (4)** The proposed traffic circulation plan, including major streets and pedestrian, bike or bridle paths, and the location of all trails required by the Comprehensive Plan;
- (5)** Proposed major open space areas, including the percent of site area, and community and public facilities;
- (6)** Proposed plan for major sanitary sewer improvements;
- (7)** A stormwater management plan in accordance with subsection 8101.1.G;
- (8)** Location and width of all existing utility easements and the preliminary location(s) of new or relocated utilities;
- (9)** The number of required and provided parking spaces;
- (10)** Existing topography with a maximum contour interval of two feet and a statement indicating whether it is air survey or field run;
- (11)** A delineation of scenic areas or natural features deserving of protection or preservation, and a statement of how it will be accomplished;
- (12)** A statement or visual presentation of how adjacent and neighboring properties will be protected from adverse effects from the proposed development, to include vehicular access plans and dimensions of all peripheral yards;

- (13)** A delineation of all existing structures, their date of construction, if known, and whether they will be retained or demolished;
- (14)** The proposed maximum gross floor area and FAR for all uses other than residential;
- (15)** The proposed maximum number of dwelling units, and the density and open space calculations in accordance with subsections 5100.2.E and 5100.3;
- (16)** A statement of the proposed special amenities;
- (17)** A statement of the public improvements, both on and off-site, that are proposed for dedication or construction, and an estimate of the timing for the improvements;
- (18)** The approximate development schedule;
- (19)** Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County; delineation of any Resource Protection Area and Resource Management Area; the approximate delineation of any environmental quality corridor as defined in the Comprehensive Plan; and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor;
- (20)** Any proposed improvements to the public right(s)-of-way and delineation of the existing centerline of all streets abutting the property, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way;
- (21)** A plan showing existing vegetation, including the limits of clearing and vegetation to be preserved, and proposed landscaping and screening in accordance with the provisions of Section 5108, and an existing vegetation map when there is 2,500 square feet or more of land disturbing activity;
- (22)** Approximate delineation of any grave, object, or structure marking a place of known burials, and a statement indicating how the proposed development will impact the burial site.
- (23)** A statement that confirms the ownership of the property, and describes the applicant's interest; and
- (24)** A delineation of any existing dam break inundation zone and, when a state regulated impoundment is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone.

REZONING PLAT SUBMISSION REQUIREMENTS

1. PDF of a certified plat of the subject property with the following information:
 - A. Boundaries of the property, with bearings and distances of: (i) the perimeter property lines, and (ii) each existing and proposed zoning district.
 - B. Total area of property and each existing and proposed zoning district presented in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat.
 - D. Location of all existing buildings and structures.
 - E. Names and route numbers of all boundary roads or streets, and width of existing rights-of-way.
 - F. Seal and signature of person preparing the plat.

2. A legal description of the property, including metes and bounds of each zoning district proposed.

**MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION,
SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS**

The following information is required to be shown or provided in all zoning applications, or a waiver request of the submission requirement with justification shall be attached. Note: Waivers will be acted upon separately. Failure to adequately address the required submission information may result in a delay in processing this application.

This information is required under Zoning Ordinance subsection 8101.1.G.

1. Plat is at a minimum scale of 1"=50' (Unless it is depicted on one sheet with a minimum scale of 1"=100')
2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet(s)_____.

If infiltration is proposed the soils should be tested for suitability prior to submission of the development plan and results of the infiltration test provided as part of the description of the facility.

3. Provide:

Facility Name/ Type & No. (E.g. dry pond, infiltration trench, underground vault, etc...)	On-site area served (acres)	Off-site area served (acres)	Drainage area (acres)	Footprint area (sf)	Storage volume (cf)	If pond, dam height (ft.)
Totals:						

4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet(s) . Pond inlet and outlet pipe systems are shown on Sheet(s)_____.
5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet(s)_____. Type of maintenance access road surface noted on the plat is_____ (asphalt, geoblock, gravel, etc.)
6. Landscaping and tree preservation in and near the stormwater management facility is shown on Sheet(s)_____.
7. Stormwater management and BMP narratives including Virginia Runoff Reduction Spreadsheet (Version 4.1 or later) and descriptions of how detention and best management practices requirements will be met are provided on Sheet(s) _____.

8. A description of existing conditions of each numbered site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet(s) _____. If the outfall is proposed to be improved off-site it should be specifically noted.
9. A detailed description and analysis of how the channel protection requirements and flood protection requirements of each numbered outfall will be satisfied per the Erosion and Stormwater Management Ordinance and Public Facilities Manual are provided on Sheet(s)_____.
10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheet(s) _____.
11. A submission waiver is required for _____.
12. Stormwater management is not required because _____.

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- [] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

(check if applicable) [] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a “Rezoning Attachment to Par. 1(c)” form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter “**NONE**” on the line below.)

(check if applicable) There are more interests to be listed and Par. 2 is continued on a “Rezoning Attachment to Par. 2” form.

REZONING AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) [] Applicant [] Applicant's Authorized Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this _____ day of _____ 20__ __, in the State/Comm. of _____, County/City of _____.

Notary Public

My commission expires: _____

Rezoning Attachment to Par. 1(a)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
--	---	--

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a “Rezoning Attachment to Par. 1(a)” form.

Rezoning Attachment to Par. 1(b)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(c)

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
“Rezoning Attachment to Par. 1(c)” form.

Rezoning Attachment to Par. 2

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(check if applicable)

There are more financial interests in the subject land to be listed and Par. 2 is continued further on a “Rezoning Attachment to Par. 2” form.

Rezoning Attachment to Par. 3

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number (s))

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a “Rezoning Attachment to Par. 3” form.

Archaeological Survey Data Form – Part B

If the Cultural Resource Management and Protection Section of the Fairfax County Park Authority determines that a Survey is required and a report of the survey results must be submitted prior to submission of any rezoning, development plan, special exception, special permit or variance application that involves 2500 square feet or more of land disturbing activity and where the application property is located wholly or partially within or contiguous to a Historic Overlay District, then a copy of the Executive Summary contained in the report must be printed in the space below (attach additional sheets if necessary).

EXECUTIVE SUMMARY:

I certify that the above Executive Summary is a true copy of the Executive Summary contained in the Report dated _____ submitted to the Cultural Resource Section.

Type/Print Name of Applicant

Signature of Applicant/Agent and Date

FOR OFFICIAL COUNTY USE ONLY

Date of Report submitted to the Park Authority _____

Report submitted and meets submission requirements. Staff recommendation forthcoming: _____

**State Checklist for Rezoning Applications
(24 VAC 30-155-40)**

Project Name: _____

Applicant Name: _____

Tax Map Parcel Reference: _____

Please check which apply:

- My rezoning application does not meet the thresholds according to 24 VAC 30-155-40. Please sign at the bottom of this sheet.

- My rezoning application meets the thresholds according to 24 VAC 30-155-40. Please complete checklist below to indicate the required material is included in your application package and sign at the bottom of this sheet. Please also complete the TIA Review Form.

- A COVER SHEET** containing:
 - Contact Information** for the
 - Locality,
 - Developer (or owner), if applicable;
 - Site Information**
 - Rezoning location,
 - Highways adjacent to the site,
 - Parcel number or numbers;
 - Proposal Summary** with the
 - Development's name,
 - Size (acreage),
 - Proposed zoning, and
 - Proposed types of land uses, including maximum number of lots or maximum business square feet;
- A Statement** regarding the proposal's compliance with the Comprehensive Plan.
- A TRAFFIC IMPACT ANALYSIS** in accordance with 24 VAC-30-155-60 **and a completed TIA Review Form (attached)**
- A CONCEPT PLAN** of the proposed development.
- ANY PROFFERED CONDITIONS** submitted by the applicant.
- FEES** (submitted directly to VDOT after acceptance of application)
 - For the initial or second review** of a rezoning proposal, a single fee for both reviews will be determined by the number of vehicle trips generated per peak hour of the generator, as follows:
 - 100 or less vehicles per peak hour - \$500
 - More than 100 vehicles per peak hour - \$1,000
 - For a third or subsequent submission** of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid.

Applicant Signature: _____ Date: _____

Chapter 870 TIA Review Form – Instructions

This spreadsheet can be used to capture details on the 870 reviews to facilitate data entry in LandTrack once that system goes live next month. Below you will find field-by-field instructions on how to complete this form.

Submission Details	<i>Instructions for each field</i>
Project Name	Enter the name of the project – usually on the TIA Cover.
Submission #	Is this the first submission for this project? 2 nd ? 3 rd ?
Locality Project ID	A tracking # created by the locality
District	Enter the VDOT District where the project is located.
Jurisdiction	Enter the Jurisdiction for the project.
Locality Contact	Who is the primary point of contact with the locality?
TIA Preparer	Who prepared the TIA? Can be the developer or engineering firm.
Scope Meeting Held?	Indicate whether or not a scope meeting has been held.
Location	
Route(s)	List the routes involved with this project.
Site Details	
<i>Submission Type(s):</i>	
Comprehensive Plan TIA Review?	Select yes or no if the review is this type.
Zoning TIA Review?	Select yes or no if the review is this type.
Site Plan TIA Review?	Select yes or no if the review is this type.
Subdivision TIA Review?	Select yes or no if the review is this type.
870 Review?	Does this TIA qualify as a 870 review?
Number of Units	How many units are involved in the development?
Square Feet of Units	What is the square footage of the development?
VPH (increase)	What increase is expected in VPH?
VDP (increase)	What increase is expected in VPD?
ITE Codes	Indicate the ITE Codes involved.
Acreage	What is the acreage of the development?
Parcel ID	What is the locality's parcel ID for the project?
Facility Type	Select the facility type for the TIA.

§ 57-15. Proceedings by trustees or members for similar purposes, exception for certain transfers.

A. The trustees of such a church diocese, congregation, or church or religious denomination, or society or branch or division thereof, in whom is vested the legal title to such land held for any of the purposes mentioned in § [57-7.1](#), may file their petition in the circuit court of the county or the city wherein the land, or the greater part thereof held by them as trustees, lies, or before the judge of such court in vacation, asking leave to sell, encumber, extend encumbrances, improve, make a gift of, or exchange the land, or a part thereof, or to settle boundaries between adjoining property by agreement. Upon evidence being produced before the court that it is the wish of the congregation, or church or religious denomination or society, or branch or division thereof, or the constituted authorities thereof having jurisdiction in the premises, or of the governing body of any church diocese, to sell, exchange, encumber, extend encumbrances, make a gift of, or improve the property or settle boundaries by agreement, the court shall make such order as may be proper, providing for the sale of such land, or a part thereof, or that the same may be exchanged, encumbered, improved, or given as a gift, or that encumbrances thereon be extended, and in case of sale for the proper investment of the proceeds or for the settlement of such boundaries by agreement.

When any such religious congregation has become extinct or has ceased to occupy such property as a place of worship, so that it may be regarded as abandoned property, the petition may be filed either by the surviving trustee or trustees, should there be any, or by any one or more members of such congregation, should there be any, or by the religious body which by the laws of the church or denomination to which the congregation belongs has the charge or custody of the property, or in which it may be vested by the laws of such church or denomination. The court shall either (i) make a decree for the sale of the property or the settlement of boundaries between adjoining properties by agreement, and the disposition of the proceeds in accordance with the laws of the denomination and the printed acts of the church or denomination issued by its authority, embodied in book or pamphlet form, shall be taken and regarded as the law and acts of such denomination or religious body or (ii) at the request of the surviving trustees and after notice in accordance with law to all necessary parties, make such order as may be proper providing for the gift of such property to any willing local, state or federal entity or to a willing private, nonprofit organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, provided the court finds that (a) the property includes a historic building or landmark so designated by the Commonwealth and (b) the purpose of such gift is historical preservation of the property.

The court may make such order as to the costs in all these proceedings as may seem proper.

B. As an alternative to proceeding under subsection A, (i) the trustees of a church or religious body that incorporate may transfer the title to the real and personal property of the church or religious body held by them to the incorporated church or religious body; and (ii) the trustees of a church or religious body that do not incorporate under subdivision (i) hereof may transfer title to the real and personal property of the church or religious body held by them to a corporation created pursuant to § [57-16.1](#) without, in either instance, obtaining court permission if the transfer is authorized in accordance with the church's or religious body's polity. If no petition seeking to set such a transfer aside is filed within one year of the recordation of the trustees' deed transferring title to the real estate, or the date of the transfer of any personal property, it shall be conclusively presumed that the transfer was made in accordance with the church's or religious body's polity insofar as a good faith purchaser or lender is concerned.

C. No transfer made pursuant to subsection A or B shall operate as a transfer for purposes of a provision contained in any note or deed of trust that purports to accelerate an indebtedness upon a transfer of title. Any such transfers of real estate shall be entitled to the exemptions set forth in § [58.1-811](#).

D. Any transfer of real or personal property made pursuant to subsection B, and any similar transfer made pursuant to subsection A after April 23, 2002, shall be deemed to assign to the incorporated church or religious body, or the corporation created pursuant to § [57-16.1](#), as the case may be, the beneficial interest in every policy of insurance of every kind, type, and description, relating to the property transferred, contemporaneously with the transfer, and the transferee shall have all of the rights and obligations of the transferor relating thereto.

(Code 1919, § 46; 1924, p. 535; 1938, p. 179; 1962, c. 516; 1974, c. 138; 1983, c. 542; 1993, c. 370; 1998, c. [258](#); 2005, c. [772](#).)

AFFIDAVIT

I, _____, hereby state the following under oath:

By indicating my response to each of the following questions, I hereby state under oath that each response is true to the best of my knowledge and that this affidavit may be entered as evidence in any future proceeding, including, without limitation, any appeal or proceeding before the Board of Supervisors of Fairfax County or a federal or state court. The following states the positions of the applicant(s) and/or owner(s) who are identified below and who have authorized me to execute this affidavit on their behalf:

- 1. The application filed in conjunction with this affidavit (“the application”)
 - a. Requests rezoning and was filed **on or after July 1, 2019**, or
 - b. Requests a proffer condition amendment, and the relevant rezoning was applied for **on or after July 1, 2019**.

I agree with the preceding statement. _____ I do not agree. _____

- 2. The application requests a proffer condition amendment, and the relevant rezoning was applied for **on or after July 1, 2016, but before July 1, 2019**.

I agree with the preceding statement. _____ I do not agree. _____

- 3. The application requests a proffer condition amendment, and the relevant rezoning was applied for **before July 1, 2016**.

I agree with the preceding statement. _____ I do not agree. _____

- 4. The application seeks approval of new residential development or new residential use, on residentially zoned property, as these terms are defined in Virginia Code § 15.2-2303.4.

I agree with the preceding statement. _____ I do not agree. _____

- 5. The proposed new residential development or new residential use would be located outside the exempt areas described in Virginia Code § 15.2-2303.4(E)(i), (ii), or (iii) and identified in the Comprehensive Plan.

I agree with the preceding statement. _____ I do not agree. _____

If you disagree with statement 5, please identify which of the following three exempt

*** areas describes where the new residential development or new residential use would occur (check all that apply):**

_____ “an approved small area comprehensive plan in which the delineated area is designated as a revitalization area, encompasses mass transit as defined in § 33.2-100, includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof” (Virginia Code § 15.2-2303.4(E)(i))

_____ “an approved small area comprehensive plan that encompasses an existing or planned

Metrorail station, or is adjacent to a Metrorail station located in a neighboring locality, and allows additional density within the vicinity of such existing or planned station”

(Virginia Code § 15.2-2303.4(E)(ii))

_____ “an approved service district created pursuant to § 15.2-2400 that encompasses an existing or planned Metrorail station” (Virginia Code § 15.2-2303.4(E)(iii))

6. For this application, I

_____ am the applicant. (Each applicant or applicant’s agent must submit an affidavit.)

_____ own all of the subject property.

_____ own part of the subject property. (Each owner or owner’s agent must submit an affidavit.)

_____ have full and complete authority from the applicant(s) and/or owner(s) listed below to make this affidavit on their behalf as well as my own. (Include proof of authority to sign for any applicant(s) and or owner(s).)

Agreed and affirmed (sign): _____

Name of Affiant (print or type): _____

Title: _____

_____ Applicant Owner Applicant’s authorized agent

Owner’s authorized agent

Subscribed and sworn to before me in the City/County of _____,
State/Commonwealth of _____.

_____ Date

_____ Notary Public

My Commission expires: _____

7/1/2019



County of Fairfax, Virginia



DATE: March 30, 2017

RECEIVED
Department of Planning & Zoning

TO: Board of Supervisors

MAR 30 2017

FROM: Marianne Gardner, Director, Planning Division,
Department of Planning and Zoning

Zoning Evaluation Division

SUBJECT: Recent Comprehensive Plan Amendments Related to Proffer Legislation

Virginia code section, 15.2-2303.4 (*Provisions Applicable to Certain Conditional Rezoning Proffers*) took effect on July 1, 2016 and applies to all rezoning and proffered condition amendment applications filed on and after that date. This memo provides updated Comprehensive Plan guidance relating to the legislation and updates the March 22, 2016 memo entitled "2016 Proffer Legislation, Exempt Areas."

Comprehensive Plan Amendment 2016-II-M2, adopted by the Board of Supervisors on November 1, 2016, replanned a portion of the McLean Community Business Center by adding an option for an intensity of 3.0 FAR, resulting in this revitalization area becoming exempt from the Proffer Reform Legislation. This change is shown on the list of exempt areas and on the attached map.

Comprehensive Plan Amendment 2016-CW-3CP, adopted by the Board of Supervisors on March 14, 2017, was designed to add clarity to the Comprehensive Plan regarding the proffer legislation and included the following changes:

- 1) Added text to confirm that recommendations in the Comprehensive Plan are not a request for, requirement of, or suggestion of a proffer within areas subject to the proffer legislation:

"On July 1, 2016, Code of Virginia Section 15.2-2303.4 became law. This statute applies to certain applications for rezoning and proffered condition amendments related to new residential development and uses, including those that are part of mixed-use development. Although there are recommendations and guidance for residential development and uses throughout the Comprehensive Plan, the Comprehensive Plan does not and should not be read to suggest, request, or require any proffered condition for any particular site, development, or use."

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5507
Phone 703-324-1380
Fax 703-653-9447
www.fairfaxcounty.gov/dpzi



DEPARTMENT OF
PLANNING
& ZONING

2) Added a definition of Small Area Plan:

"SMALL AREA PLAN: A geographic subcategory of the Comprehensive Plan. Small Area Plans provide recommendations for defined areas to accommodate and guide future growth consistent with the Concept for Future Development."

3) Identified those areas within the Comprehensive Plan that are exempt from the provisions of the legislation:

"Section 15.2-2303.4 exempts new residential development or use when it occurs within a small area plan, approved as part of the Comprehensive Plan that meets certain criteria set out in the statute. The following areas meet those criteria and are exempt:

1. Tysons Urban Center
2. Reston (includes the Herndon Transit Station Area, Reston Town Center Transit Station Area, and Wiehle-Reston East Transit Station Area)
3. Merrifield Suburban Center (includes the Dunn Loring Transit Station Area)
4. Franconia-Springfield Area (includes the Springfield Community Business Center and Franconia-Springfield Transit Station Area)
5. Dulles Suburban Center (includes the Innovation Center Transit Station Area)
6. Huntington Transit Station Area
7. Vienna Transit Station Area
8. Van Dom Transit Station Area
9. West Falls Church Transit Station Area
10. Fairfax Center Area (includes Fairfax Center Suburban Center)
11. Annandale Community Business Center
12. Baileys Crossroads Community Business Center
13. Seven Comers Community Business Center

14. Richmond Highway Corridor Area (includes the Community Business Centers of North Gateway, Penn Daw, Beacon/Groveton, Hybla Valley/Gum Springs, South County Center, and Woodlawn, and adjacent Suburban Neighborhoods)

15. McLean Community Business Center"

- 4) Updated all maps, text, and graphics in the Comprehensive Plan to show and describe certain small area plans as fully encompassing existing or planned Metrorail stations or as adjacent to Metrorail stations located in neighboring localities.

Non-Exempt Mixed Use Areas

The following mixed use areas are not exempt from the provisions of the proffer legislation because they currently do not fall within one of the exemption categories provided in the legislation:

1. Centreville Suburban Center
2. Flint Hill Suburban Center
3. Lorton-South Route 1 Suburban Center
4. Kingstowne CBC

The attached map shows the locations of each of the exempt mixed use areas. Larger scale versions of this map will be provided upon request.

Any questions regarding this memorandum should be directed to me or Kristen Hushour, Senior Planner, Planning Division. We can both be reached at 703-324-1380.

Enc: Proffer Legislation Exempt Mixed-Use Small Areas Map

cc: Fairfax County Planning Commission
Edward L. Long, County Executive
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation
Barbara Byron, Director, Office of Community Revitalization
Thomas Fleetwood, Director, Department of Housing and Community Development
Bill Hicks, Director, Land Development Services
Kirk Kincannon, Director, Fairfax County Park Authority
James Patteson, Director, Department of Public Works and Environmental Services
David Stoner, Deputy County Attorney, County Attorney Office
Fred Selden, Director, Department of Planning and Zoning (DPZ)
Leslie Johnson, Zoning Administrator, DPZ
Tracy Strunk, Acting Director, Zoning Evaluation Division, DPZ
Kristen Hushour, Senior Planner, Planning Division, DPZ

Fairfax County, Virginia

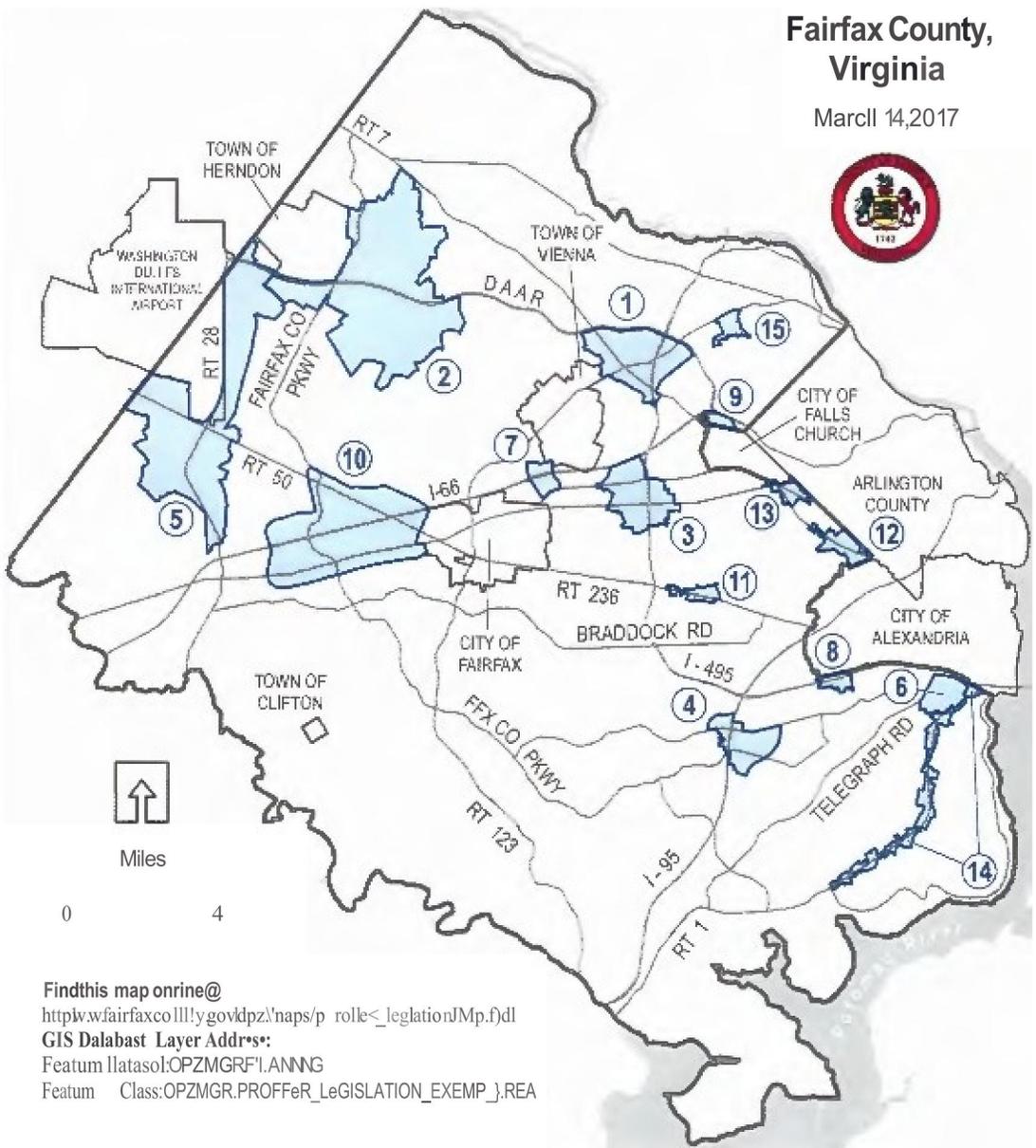
March 14, 2017



Proffer Legislation Exempt Mixed-Use Small Areas

- 1) Tysons Urban Center
- 2) Reston
Includes Herndon Transit Station Area, Reston Town Center Transit Station Area, and Wiehle-Reston East Transit Station Area
- 3) Merrifield Suburban Center
Includes Dunn Loring Transit Station Area
- 4) Franconia-Springfield Area
Includes Springfield Community Business Center and Franconia-Springfield Transit Station Area
- 5) Dulles Suburban Center
Includes Innovation Center Transit Station Area
- 6) Huntington Transit Station Area
- 7) Vienna Transit Station Area
- 8) Van Dorn Transit Station Area
- 9) West Falls Church Transit Station Area
- 10) Fairfax Center Area
Includes Fairfax Center Suburban Center
- 11) Annandale Community Business Center
- 12) Baileys Crossroads Community Business Center
- 13) Seven Corners Community Business Center
- 14) Richmond Highway Corridor Area
Includes:
North Gateway Community Business Center
Penn Daw Community Business Center
Beacon/Groveton Community Business Center
Hybla Valley/Gum Springs Community Business Center
South County Center Community Business Center
Woodlawn Community Business Center
and adjacent Suburban Neighborhoods
- 15) McLean Community Business Center

Map prepared by UY.: Fairfax County Department of Planning & Zoning to illustrate boundary changes resulting from Amendment 2013-4/ (21)1-CW-3CP, adopted 11/14/2011.



Find this map online@
<http://www.fairfaxcounty.gov/dpzi/naps/portal/legislation/Map.fdl>
GIS Databast Layer Address:
 FeatureID:OPZMGRF1.ANNG
 Feature Class:OPZMGR.PROFFER_LeGSLATION_EXEMP_.REA

Document Path: G:\projects\opz\p\projects\2013\Proffer_Legislation_Mapping_for_FSI\Proffer Legislation Map_2017\profferexempt_bump-out-dulles_expansion.mxd

Fee Schedule *Available Online*

The Fee Schedule can be found in Table 8102 of the Zoning Ordinance. Visit www.fairfaxcounty.gov and search for Zoning Ordinance to find the Ordinance. Once you open the Ordinance, you can search for 8102 or call our offices at (703) 324-1290 for further assistance.

Visual Guide

Visit: [Fairfax County Zoning Ordinance | Planning Development](#)

VIEW THE ZONING ORDINANCE ON ENCODE

Select:

VIEW ZO

Select:

Article 8

Select:

8102. Fee Schedule

See Fee Schedule:

The screenshot displays the Fairfax County Zoning Ordinance website. The navigation bar includes links for HOME, VIEW ZO, SEARCH, ARCHIVES, MAPS, RESOURCES, and TABLES. The left sidebar shows a table of contents with '8102. Fee Schedule' highlighted. The main content area shows the title '8102. Fee Schedule' and a paragraph explaining that all applications and appeals must be accompanied by the filing fee set forth in the table, unless otherwise waived. Below the text is a table titled 'TABLE 8102.1: FEE SCHEDULE' with columns for 'APPLICATION TYPE' and 'FEE (\$)'. The table lists 'MISCELLANEOUS PERMITS AND APPROVALS' with a fee of 'General'. A large red 'EXAMPLE' watermark is overlaid on the bottom half of the screenshot.