

SPECIAL EXCEPTION

Application Information



ZONING EVALUATION DIVISION
Fairfax County
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 771 (Virginia Relay Center).

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SPECIAL EXCEPTION APPLICATION INFORMATION

This publication contains information on how to process a special exception application in Fairfax County. It includes instructions, a detailed list of submission requirements, an application form, an affidavit form, and a fee schedule. Additional copies of this publication are available from the Zoning Evaluation Division, Department of Planning and Development (DPD) or from the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning/application-review>. The materials contained in this package are also applicable to applications to amend previously approved special exceptions.

SPECIAL EXCEPTION: The Zoning Ordinance states that there are certain uses which by their nature or design can have an undue impact upon, or be incompatible with, other uses of land. In addition, there are times when standards and regulations specified for certain uses allowed within a given zoning district should be allowed to be modified, within limitations, in the interest of sound development. These uses, described as special exception uses in the Zoning Ordinance, may be allowed to locate within designated zoning districts under the controls, limitations and regulations of a special exception approved by the Board of Supervisors.

The Board of Supervisors may approve a special exception when it concludes that the proposed use complies with all specified standards, including the standards that such use will be in harmony with the Comprehensive Plan and will be compatible with existing and/or planned development in the general area. In addition, in approving a special exception, the Board may impose conditions and restrictions to ensure that the standards will be met. Where such cannot be accomplished, or when it is determined that the use is not in accordance with all applicable standards of the Zoning Ordinance, the Board will deny the special exception.

In order to request consideration of a special exception, an application must be filed with the County by an authorized person (see subsection 8100.3.C(2) of the Zoning Ordinance). A special exception must meet specific submission requirements, including the provision of a fee and an affidavit, as set forth in the Zoning Ordinance.

SUBMISSION REQUIREMENTS: A synopsis of the submission requirements for an application for a special exception is presented in this package in a checklist format as a convenient way to collect all required items and information prior to beginning the application process. In general, the submission requirements include a plat of the property showing existing and proposed uses, a zoning sectionsheet, photographs of the property, soil maps 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. In addition to these general submission requirements, specific additional or modified submission requirements are contained in the Zoning Ordinance for certain special exception categories or uses.

All special exceptions must meet the applicable General and any Use-Specific Standards specified in the Zoning Ordinance, which may be found on the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance>. A copy of the general standards is also included on page 3 of this package.

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 other assistance, please call the Zoning Evaluation Division at (703) 324-1290.

HELPFUL HINTS. The following “Helpful Hints” are provided to assist in the filing of a special exception 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 will prompt you for this information.)

ZONING ORDINANCE GENERAL STANDARDS FOR A SPECIAL EXCEPTION

All special exceptions must satisfy the following general standards found in subsection 4102.1.F(2) of the Zoning Ordinance in order for the Board of Supervisors to approve the application.

- (a) The proposed use at the specified location must be in harmony with the Comprehensive Plan.
- (b) The proposed use must be in harmony with the general purpose and intent of the zoning district where it is to be located.
- (c) The proposed use, including its design and operational characteristics, must not adversely affect the use or future development of neighboring properties and must be in accordance with the applicable zoning district regulations. The location, size and height of buildings, structures, walls and fences, as well as the nature and extent of screening, buffering and landscaping cannot hinder or discourage the appropriate development and use, or impair the value of, adjacent or nearby land or buildings.
- (d) Pedestrian and vehicular traffic associated with the use must not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- (e) Adequate utility, drainage, and other necessary facilities to serve the proposed use must be provided.
- (f) Signs are regulated by Article 7; however, the Board or BZA may impose stricter requirements for a given use than those set forth in this Ordinance.

In addition to the general standards outlined above, some types of special exceptions also have specific standards which must be met. These specific standards can be found in Section 4102 of the Zoning Ordinance, which is available on the County's web site at <https://www.fairfaxcounty.gov/planning-development/zoning-ordinance>.

PROCESSING OF A SPECIAL EXCEPTION APPLICATION

STEP 1 – SUBMISSION OF THE APPLICATION: A complete special exception 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 electronically submitted. The Applications Acceptance Branch 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 will be sent to the applicant or authorized agent, regarding deficiencies that must be corrected. The special exception application will be accepted when all Zoning Ordinance submission requirements are met, including payment of the applicable fee. Once the special exception application has been accepted, an 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 special exception 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. The applicant/agent will be contacted by the staff coordinator to confirm this information. The public hearing date is generally 4 to 6 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: Upon acceptance of a special exception application, the application will be reviewed by staff for compliance with the Comprehensive Plan and the Zoning Ordinance and for its impacts on land use, transportation, environmental resources, public facilities and other factors. The review process is managed by a staff coordinator within the Zoning Evaluation Division who will be the primary point of contact for the application. The staff coordinator will transmit requests for additional information needed to review the application, will provide staff comments/issues on the request, facilitate the resolution of any issues which may be identified, and will respond to questions/inquiries about the application. A written staff report will be prepared documenting the analysis of each application and presenting a recommendation to the Planning Commission and the Board of Supervisors. The staff report is generally published 2 weeks prior to the Planning Commission's public hearing, at which time it is made available to the public and published on-line in the PLUS system.

STEP 5 – NOTIFICATION: Prior to 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 which contains instructions on how to complete the notification process will be sent by the County to the applicant/agent approximately 30 days prior to 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 8100.1.B(1) of the Zoning Ordinance for additional information on required notification.

Between 21 and 14 days prior to 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 hearings before the Planning Commission and the Board of Supervisors are required for all special exception applications. The Planning Commission public hearing is scheduled once the application is accepted. Applications will be scheduled generally 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 scheduled subsequent to the Planning Commission making its recommendation on the application. The Board of Supervisors holds its public hearing and makes the final decision on each application. Both 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, with public hearings generally in the afternoon. The Planning Commission agenda can be viewed on the County web site at <https://www.fairfaxcounty.gov/planningcommission/meetingcalendar> or more information is available by calling (703) 324-2865, TTY 711. More information about the Board of Supervisors meetings including links to the agenda can be found on the County web site at <https://www.fairfaxcounty.gov/boardofsupervisors/about-board-meetings> or by calling (703) 324-3151, TTY 711. Under extraordinary circumstances (such as a declaration of a state of emergency) meetings may be held electronically.

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 Supervisor's 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 address and to reaffirm the affidavit.
- Staff will describe the location of the property and the request, and present other pertinent information.
- The applicant/agent will present the justification for the special exception request, including how the application meets the Zoning Ordinance standards for the Special Exception.
- The public hearing will then be opened for testimony in support of, or in opposition to, the request. Anyone wanting to speak at the public hearing may do so 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) 324-3151, TTY 711 or <https://www.fairfaxcounty.gov/bosclerk/speakers-form>, as appropriate, and identifying the following:

- application number
 - the speaker's name
 - the speaker's 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.
 - The Planning Commission makes its recommendation, and the Board of Supervisors makes its determination, based on whether an application meets **all of the Zoning Ordinance Required Standards for a Special Exception** as found on page 3 of this publication, as well as any additional standards and other relevant Zoning Ordinance provisions. The Board of Supervisors will impose conditions on a special exception, as it deems necessary.
 - 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 special exception is approved, includes the imposed development conditions. If the Board of Supervisors denies a special exception request, a new special exception 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: A special exception virtually always has conditions which must be met prior to final establishment of the use, and usually requires additional processes such as site plans and occupancy permits which must be submitted and approved. Whenever a special exception is approved by the Board of Supervisors, the activity authorized must be established or any construction authorized must be commenced and diligently prosecuted within such time as the Board may specify in the approval, or, if no such time is specified, within thirty (30) months from the approval date of the special exception. If the use has not been established or construction has not commenced within such time, the special exception automatically expires, without notification by the County, pursuant to subsection 8100.3.D(6) of the Zoning Ordinance, unless additional time is approved by the Board of Supervisors. Should additional time be necessary to establish the approved special exception, a letter requesting additional time must be filed with the Zoning Administrator prior to the date of expiration of the special exception. The additional time request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation as to why additional time is required. If you have questions about the implementation of your special exception or about filing a request for additional time, please call (703) 324-1290, TTY 711.

Note: The approval of a special exception 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 SPECIAL EXCEPTION APPLICATION

A special exception 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 must be submitted online through the 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 so notified.

REQUIREMENT	
1. PDF of the Special Exception Plats that are prepared and sealed by a professional land surveyor, engineer, architect or landscape architect licensed in the Commonwealth of Virginia. See the Submission Requirements for Special Exception Plats found on pages 10-11 of this package and Section 8101 of the Zoning Ordinance for details. <i>* In some instances, hard copies may be requested during review.</i>	
2. One (1) copy of the current Official Zoning Map Fairfax County , 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 this area, such sheets should be combined into a single readable map. The boundaries of the subject site must be outlined in red. The official Zoning Map Fairfax County may be found on the web at https://www.fairfaxcounty.gov/gisapps/DMV/Default.aspx by selecting <u>Zoning Map</u> and the appropriate map grid (e.g., 045-2).	
3. Photographs of the application property and abutting properties showing existing structures, terrain and vegetation as viewed from all lot lines and street lines of the application property. Provide the date, location and direction from which the photographs were taken in the description box when uploading. A single pdf document with all photos and information is preferred.	

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

REQUIREMENT	
4. For all applications proposing residential development, a map identifying classification of soil types at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use and showing the existing zoning classification for all land appearing on the map.	
<p>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.</p> <p>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.</p> <p>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 is required to reaffirm the affidavit verbally.</i></p>	
6. A written statement of justification describing the proposed use and other pertinent data which complies with the Zoning Ordinance found on page 13 of this package.	
<p>7. A statement from all owners of the subject property which confirms the ownership and the nature of the applicant's interest in the property.</p> <p>If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed.</p>	
8. Where applicable, any other information as may be required by the provisions of 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. The Archaeological Survey Data Form is included in this package on pages 24-25	
<p>9. 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 26 of this package.</p> <p>Checks returned due to insufficient funds are subject to a fee (Fairfax County Code, §1-1-17; Va. Code § 15.2-106).</p>	

* ***Reminder: One of the detailed submission requirements for special exception 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 be submitted concurrently with the application. The Board of Supervisors must act on the waiver request concurrently with the special exception. Waiver requests or RPA exceptions are to be submitted to the 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.***

SPECIAL EXCEPTION PLAT SUBMISSION REQUIREMENTS

A pdf of a plat and any supporting graphics, including any resubmissions, drawn to designated scale of not less than one inch equals fifty feet (1" = 50'), certified by a professional engineer, land surveyor, architect or landscape architect licensed by the State of Virginia, presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. If the proposal cannot be accommodated on one 24" x 36" sheet at a scale of 1" = 50', a scale not less than 1" = 100' may be used. If presented on more than one (1) sheet, match lines should clearly indicate where the sheets join. Such plat shall contain the following information (list starts at (5) to match Zoning Ordinance text):

- (5) Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
- (6) Total area of the property and of each zoning district in square feet or acres.
- (7) Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- (8) Location, dimensions and maximum height in feet, including penthouses, of all existing and proposed structures, and if known, the construction date(s) of all existing structures and an indication whether they will be retained or demolished.
- (9) All required minimum setbacks to include front, side and rear; distances from all existing and proposed structures to lot lines; and if applicable, transitional screening yards.
- (10) Public right(s)-of-way, indicating names, route numbers, width, any required or proposed improvements to the public right-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.
- (11) Proposed means of ingress and egress to the property from a public street.
- (12) Location of existing and proposed parking spaces, indicating minimum distance from the nearest property line(s), and the number of required and provided parking spaces.
- (13) Location of well and septic, or indication that the property is served by public water and sewer. Where applicable, a statement from the Fairfax County Health Department that available facilities are adequate for the proposed use.
- (14) Location and width of all existing utility easements and the preliminary location(s) of new or relocated utilities.
- (15) 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.
- (16) A stormwater management plan in accordance with subsection 8101.1;

- (17) A statement setting forth the maximum gross floor area and FAR proposed for all uses other than residential, and the maximum density of dwelling units, if applicable;
- (18) Existing topography with a maximum contour interval of two feet, and a statement indicating whether it is an air survey or field run;
- (19) 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;
- (20) 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;
- (21) Where applicable, seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, outdoor lighting, and loudspeakers;
- (22) Location of all trails required by the Comprehensive Plan; and
- (23) The extent of any dam break inundation zone of a state-regulated impounding structure must be identified and labeled with the name of the impoundment and the date of the study that established the inundation zone. This requirement does not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the County as of the time of submission of the plan. When a state-regulated impounding structure is proposed to be constructed or altered, an approximate delineation of the future dam break inundation zone must be provided.

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. <small>(E.g. dry pond, infiltration trench, underground vault, etc...)</small>	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 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 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 _____.

Revised: 8/4/2015 Zoning Ordinance Citation only revised 7/1/2021

SPECIAL EXCEPTION STATEMENT OF JUSTIFICATION

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

- A. Type of operation(s).
- B. Hours of operation.
- C. Estimated number of patrons/clients/patients/pupils/etc.
- D. Proposed number of employees/attendants/teachers/etc.
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
- F. Vicinity or general area to be served by the use.
- G. Description of building facade and architecture of proposed new building or additions.
- H. 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 Virginia Department of Environmental Quality 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.
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

It is the applicant's responsibility to show that the proposed use complies with all Zoning Ordinance requirements related to the use, including how the proposed special exception is in conformance with the general standards and the specific category standards, as well as any additional standards for the particular special exception use.

SPECIAL EXCEPTION AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

I, _____, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
 ☐ applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): _____
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

=====

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print 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 on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION 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:

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and 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)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION 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, and 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 "Special Exception Affidavit 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.

SPECIAL EXCEPTION 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 “Special Exception Attachment to Par. 2” form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

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 “Special Exception 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: _____

Special Exception 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 "Special Exception Attachment to Par. 1(a)" form.

Special Exception 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 SHAREHOLDERS: (enter first name, middle initial, and last name)

=====

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)

=====

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a “Special Exception Attachment to Par. 1(b)” form.

Special Exception 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
“Special Exception Attachment to Par. 1(c)” form.

Special Exception 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 “Special Exception Attachment to Par. 2” form.

Special Exception 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 the listed for Par. 3, and Par. 3 is continued further on a “Special Exception Attachment to Par. 3” form.

Archaeological Survey Data Form – Part A

In order to determine the existing on-site conditions, the following information must be provided to the Cultural Resource Management and Protection Section of the Fairfax County Park Authority, James Lee Community Center 2855 Annandale Road, Room 124, Falls Church, VA, 22042, 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. Following the County's review of available files and GIS information for the application property, a determination will be made as to the probability of the application property to yield significant archaeological resources. The Cultural Resource Management and Protection Section will reply to the applicant within fifteen (15) working days of receipt of the following required information:

APPLICANT	Name
	Mailing Address
	Phone Home () Work () Mobile ()
PROPERTY INFORMATION	Property Address
	Tax Map and Parcel Number: Size (acre/sq.ft.)
	Zoning District: Magisterial District
	Proposed Zoning if concurrent with rezoning application:
HISTORIC OVERLAY DISTRICT ARCHAEOLOGICAL SURVEY REQUEST INFORMATION	Provide the following: One (1) copy of the current Fairfax County Zoning Section Sheet(s) at a scale of one inch equals five hundred feet (1" = 500'), covering the area within at least a 500 foot radius of the proposed use, showing the existing zoning classification for all land appearing on the map. If more than one (1) Zoning Section Sheet is required to cover the area, such sheets shall be attached so as to create an intelligible map. The boundaries of the subject site shall be outlined in red thereon.
	Description of the proposal including type of application and proposed use, and a graphic drawn to scale showing the dimensions of all existing buildings and their distance from property lines (attach additional sheets, as necessary):
AGENT/CONTACT INFORMATION	Name
	Mailing Address
	Phone Home () Work () Mobile ()
MAILING	Send all correspondence to (check one): ____ Applicant or ____ Agent/Contact
<div style="display: flex; justify-content: space-between; margin-top: 0;"> <div style="width: 45%;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Type/Print Name of Applicant </div> <div style="width: 45%;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Signature of Applicant/Agent </div> </div>	

FOR OFFICIAL COUNTY USE ONLY

Date all required information received: _____

No probability. No Survey Required. _____

Low probability. Survey Required (): _____

Medium to high probability. Survey Required (): _____

Comments (attach additional sheets, if necessary): _____

Date of response to applicant: _____

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

Use this form to capture data about TIA Review to be entered into LandTrack

Submission Details		Enter your values below
Project Name		
Submission #		
Locality Project ID		
District		
Jurisdiction		
Locality Contact		
TIA Preparer		
Scope Meeting Held?		
Location		
Route(s)		
Site Details		
Submission Type(s):		
Comprehensive Plan TIA Review:		
Zoning TIA Review?		
Site Plan TIA Review?		
Subdivision TIA Review?		
870 Review?		
Number of Units		
Square Feet of Units		
VPH (increase)		
VPD (increase)		
ITE Codes		
Acreage		
Parcel ID		
Facility Type (pick one)		
<input type="checkbox"/> Commercial – Banks / Drug Store <input type="checkbox"/> Commercial – Cinema <input type="checkbox"/> Commercial – Fast Food Restaurant <input type="checkbox"/> Commercial – Grocery Store <input type="checkbox"/> Commercial – Health / Fitness Center <input type="checkbox"/> Commercial – Industrial <input type="checkbox"/> Commercial – Mixed Type <input type="checkbox"/> Commercial – Office <input type="checkbox"/> Commercial – Other <input type="checkbox"/> Commercial – Shopping Center <input type="checkbox"/> Commercial – Superstore <input type="checkbox"/> Commercial – Gas Station <input type="checkbox"/> Commercial – Sit Down Restaurant <input type="checkbox"/> Mixed Use – Commercial / Residential <input type="checkbox"/> Residential – Mixed Type <input type="checkbox"/> Residential – Multi Family <input type="checkbox"/> Residential – Single Family <input type="checkbox"/> Residential – Town House <input type="checkbox"/> Local Policy Change		

Checks should be made payable to the "Treasurer of Virginia". A copy of this form, completed by the applicant and stamped by Fairfax County should accompany the check.

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	Instructions for each field
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](#).)

8102. Fee Schedule

1. Fee Schedule

All applications and appeals provided for in this Ordinance and requests for zoning compliance letters must be accompanied by the filing fee set forth in the following table unless otherwise waived by the Board for good cause shown; except that no fee is required where the applicant is the County of Fairfax or any agency, authority, commission or other body specifically created by the County, State or Federal Government. All fees must be made payable to the County of Fairfax. Receipts for fees paid will be issued in duplicate, and one of the duplicates will be maintained on file with the Department of Planning and Development.

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		FEE [1]
MISCELLANEOUS PERMITS AND APPROVALS		
General		
Interpretation of Approved Zoning Application or Minor Variation to Proffered Conditions		\$610
Modification to the Affordable Dwelling Unit Program		\$3,235
Nonresidential Use Permit (NonRUP)		\$80
Zoning Compliance Letter	Dwelling, Single-Family, Per Lot	\$135
	All Other Uses, Per Lot	\$375
General Public Facilities	2232 Review with Public Hearing	\$1,765
	2232 Review without Public Hearing	\$880
Sign Permits		\$110
Wireless Telecommunications		
Wireless Reviews to Determine Compliance with Sect. 6409 of the Spectrum Act		\$500
Wireless Facilities	Standard Process Project	\$7,285
Variance [2]		
Increase in Maximum Fence or Wall Height	Residential District	\$510
	Commercial or Industrial District	\$2,940
Modification of Residential Setback		\$1,070
Modification of Residential Accessory Structure Use or Location Standards per subsection 4102.7		\$1,070
Modification of Grade for Single-Family Detached Dwelling		\$1,070
Increase in Building Height for a Single-Family Detached Dwelling		\$1,070
All Other Variances		\$9,610
Appeal		
Appeal to BZA		\$660
Appeal to Board		\$660
ADMINISTRATIVE PERMITS		
General Fee Unless Otherwise Listed		\$240
Accessory Uses		

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		FEE [1]
Accessory Living Unit	Permit	\$235
	Renewal Fee	\$80
Agritourism Tier 4	Permit	\$240
	Renewal Fee	\$60
Family Health Care Structure		\$100
Home-Based Business		\$120
Limited Riding or Boarding Stable		\$60
Short-Term Lodging	Two Year Permit	\$235
Temporary Uses		
Community Garden	Permit	\$240
	Two Year Renewal Fee	\$60
Farmer's Market	Permit	\$240
	Two Year Renewal Fee	\$60
Food Truck	One Year Operation Permit	\$120
	Location Permit	\$120
Portable Storage Container		\$0
SPECIAL PERMITS [2]		
Standard fees for special permit approvals are listed below.		
General Fee Unless Otherwise Listed		\$19,240
Principal Uses		
Community Swim, Tennis and Recreation Club		\$4,800
Group Household or Religious Group Living		\$1,295
Marina, Private Noncommercial		\$4,800
Religious Assembly		\$1,295
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
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more	\$12,955
Stable, Riding or Boarding		\$9,610
Accessory and Temporary Uses		
Accessory Living Unit	Special Permit	\$510
	Renewal Fee	\$80
Community Garden		\$510
Home Day Care Facility		\$510
Home-Based Business		\$510
Special Event for longer than 21 days		\$4,805
Other Special Permits		
Accessory Structures on Through Lots		\$1,070

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			FEE [1]
Increase in the Cumulative Square Footage of Freestanding Accessory Structures			\$1,070
Increase in Fence or Wall Height	Dwelling, Single-Family		\$510
	All Other Uses		\$2,940
Increase in Flagpole Height			\$510
Increase in the Height of a Freestanding Accessory Structure			\$1,070
Increase in Percentage of Rear Setback Coverage			\$1,070
Installation or Modification of a Noise Barrier on a Single Residential Lot			\$1,070
Modification of Grade for Single-Family Detached Dwelling			\$1,070
Modification of Limits to Keeping of Animals			\$510
Modification of Minimum Setback Requirements	Error in Building Location		\$1,070
	Certain Existing Structures and Uses		\$1,070
	Certain Additions to Existing Single-Family Detached Dwelling		\$1,070
	Reduction of Required Setbacks for a Single-Family Lot		\$1,070
	All Other Uses		\$9,610
SPECIAL EXCEPTIONS [2]			
Standard fees for special exception approvals are listed below.			
General Fee Unless Otherwise Listed			\$19,240
Principal Uses			
Adult Day Care Center	Fewer Than 100 Adults		\$1,295
	100 or More Adults		\$12,955
Adult Day Support Center	Fewer Than 100 Adults		\$1,295
	100 or More Adults		\$12,955
Agritourism			\$4,805
Alternative Use of Historic Building			\$9,610
Bed and Breakfast			\$9,610
Child Care Center	Fewer Than 100 Children		\$1,295
	100 or More Children		\$12,955
Club, Service Organization, or Community Center			\$4,800
Congregate Living Facility			\$9,610
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

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			FEE [1]
	With no construction of buildings or structures over 400 SF in GFA or no land disturbance over 2,500 SF		\$4,805
	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
	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
Group Household or Religious Group Living			\$1,295
Independent Living Facilities for Low Income Tenants per Subsection 4102.4.P(1)(c) [3]			\$1,295
Marina, Private Noncommercial			\$4,800
Quasi-Public Park, Playground, or Athletic Field			\$9,610
Religious Assembly			\$1,295
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
	Private School, Specialized Instruction Center, or Child Care Center with 100 children or more		\$12,955
School, Private	Fewer than 100 students		\$1,295
	100 or more students		\$12,955
Specialized Instruction Center	Fewer than 100 students		\$1,295
	100 or more students		\$12,955
Stable, Riding or Boarding			\$9,610
Accessory Uses and Other Special Exceptions			
Home Day Care Facility			\$510
Modification of Shape Factor			\$9,610
Modification of Grade for Single-Family Detached Dwellings			\$1,070
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses		\$1,070
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty		\$0
Sign Modifications			\$9,705
Amendment to Approved Sign Modifications			\$4,855
Waiver of Minimum Lot Size Requirements			\$9,610

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		FEE [1]
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of May 10, 2023, in a Floodplain		\$9,610
ZONING MAP AMENDMENTS [5]		
District Requested		
Residential District		\$32,055 plus \$670 per acre
Commercial, Industrial, or Overlay District		\$32,055 plus \$1,070 per acre
PRC District	Rezoning with Concurrent Development Plan	\$32,055 plus \$1,070 per acre
	Rezoning with Concurrent Development Plan and PRC Plan	\$32,055 plus \$1,580 per acre
	PRC Plan	\$16,025 plus \$510 per acre
	PRC Plan with Concurrent DPA, PCA, Special Exception, or Special Permit	\$19,240 plus \$510 per acre
PDH, PDC, PRM, PTC, and PCC Districts	Rezoning with Concurrent Conceptual Development Plan	\$32,055 plus \$1,070 per acre
	Rezoning with Concurrent Conceptual and Final Development Plans	\$32,055 plus \$1,580 per acre
	Final Development Plan after Prior Approval of Rezoning and Conceptual Development Plan	\$16,025 plus \$510 per acre
AMENDMENTS TO PENDING AND PREVIOUSLY APPROVED APPLICATIONS AND EXTENSIONS OF TIME [4][5]		
Applications for Variance, SP, or SE Approvals		
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
	With No New Construction (Variance, SP, or SE)	1/2 of New Application Fee
	With New Construction (Variance, SP, or SE)	New Application Fee
Applications for Zoning Map and Related Plan Approvals		
Amendment to a Pending Amendment to Zoning Map in all Districts		\$5,340 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
Amendments to a Previously Approved Proffered Condition and/or Development Plan, Final Development Plan, Conceptual Development Plan, PRC Plan or Concurrent Conceptual/Final	Increase in Fence or Wall Height on a Single-Family Lot	\$510
	Increase in Fence or Wall Height on All Other Uses	\$2,940
	Reduction of Certain Setback Requirements on a Single-Family Lot	\$1,070

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		FEE [1]
Development Plan for:	Reduction of Certain Yard Requirements on All Other Uses	\$9,610
	Increase in Coverage Limitation for Minimum Required Rear Setbacks	\$1,070
	The Addition of or Modification to an Independent Living Facility for Low Income Tenants	\$1,295
	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
Deferrals of Public Hearings		
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
Notes: <ul style="list-style-type: none"> [1] In calculating fees that are 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. 		

(Ord. 112.2-2023-3, adopted 11/21/2023, effective 11/22/2023; Ord. 112.2-2024-7, adopted 04/16/2024, effective 07/01/2024)