



Opening a Restaurant in Fairfax County

A Fairfax County, Va., publication



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Dear Prospective Restaurateur,

On behalf of the Fairfax County Board of Supervisors, congratulations on taking the first step towards opening a new restaurant in Fairfax County. Our retail food businesses are a leading job creator and economic driver for the county, often drawing in customers from across the region. Our restaurants, large and small, are key in shaping the identity of our neighborhoods and work in tandem with our surrounding businesses across sectors to provide a sense of community for our residents.

The COVID-19 pandemic has tested our hospitality industries like no other sector. As a County, we made a commitment long before the pandemic to ensure our small business community has access to the resources and support needed to thrive. This commitment has not wavered throughout the pandemic, only strengthening the programs and resources our County provides to support our business community, including multiple rounds of small business grants provided as well as the implementation of a streamlined permitting process able to adapt more quickly to a changing market and retail landscape.

Home to a dynamic business community, Fairfax County has long been one of the strongest and soundest economies in the United States, with our residents enjoying a high quality of life. Our local businesses are integral to this success. With an eye towards innovation, agility, and efficiency, our Board knows we must maximize our county's resources across agencies to equip our business community, including restaurateurs such as yourself, with the tools needed to succeed.

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

Please consider both the County and the Board of Supervisors your partners in this effort. I hope that you will find this guide useful as you embark on this exciting journey, and I wish you the best.

Sincerely,

Jeffrey C. McKay
Chairman



IMPORTANT!

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

INTRODUCTION

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

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

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



These steps include:

- 1**  **Defining your business**
 NC RR CR CO
- 2**  **Selecting a site for your restaurant**
 NC RR CR CO
- 3**  **Getting your site approved if you need a zoning action**
 NC RR CR CO
- 4**  **Designing your site-related and building plans**
 NC RR CR
- 5**  **Submitting site-related plans and obtaining site permits**
 NC RR CR
- 6**  **Submitting building plans and obtaining building permits**
 NC RR CR
- 7**  **Preparing for construction**
 NC RR CR
- 8**  **Breaking ground**
 NC RR
- 9**  **Preparing for occupancy**
 NC RR CR CO
- 10**  **Moving in and running your restaurant**
 NC RR CR CO

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

As you progress through the review and approval processes, you will work with five County Agencies—Land Development Services (LDS), the Department of Planning and Development (DPD), Health Department, Office of the Fire Marshal, and the Department of Tax Administration (DTA)—to obtain the approvals needed for

-  New Construction
 -  Restaurant Renovation
 -  Change to a Restaurant
 -  Change of Owner
- Defined on page 4

opening and operating your restaurant. Depending on where you begin    , you can expect to receive: 1. Zoning approval, 2. Site approval, 3. Building approval, 4. Licensing 5. Permits, and/or 6. Inspections.

We hope that this document will answer most of your questions and provide a straightforward guide to the required approvals and processes. Please feel free to contact County staff at any time to answer questions you have along the way. Contact information is at the end of this document. We also have information online, which you can access by going to www.fairfaxcounty.gov and searching “start a business” for information and resources to help you start your business. Email Fairfax County’s Business Experience Partnership at BizEX@fairfaxcounty.gov if you need guidance with starting or growing your business. Also, search “start a restaurant” for restaurant-specific information.

There are federal, state and county requirements associated with starting any type of business. You can learn more at the Commonwealth of Virginia’s [Business One Stop](#) and on [Fairfax County’s Starting a Business webpage](#).

Tip: You do not need to register to read the information on the [Business One Stop](#) page. Just click the blue boxes.

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

So, let’s get started...

	New Construction
Refers to site preparation for and construction of entirely new structure whether or not the site was previously occupied.	
	Restaurant Renovation
Refers to site preparation for and construction of significant extensions and changes to existing structures whether or not the site was previously occupied.	
	Change to a Restaurant
Refers to an existing building or part of a building that is not a restaurant but will operate as a restaurant once renovations or remodeling occurs.	
	Change of Owner
Refers to a change in the ownership of an existing restaurant business that occupies a building that will not undergo any major renovations or remodeling.	

STEP 1. DEFINING YOUR BUSINESS

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

CONSIDER THE TYPE OF RESTAURANT

Take time to consider the following:

- What type of restaurant do you want to open? Fairfax County zoning categorizes restaurants as either:
 - Restaurant,
 - Carryout Restaurant,
 - Restaurant with Drive-through, or
 - Public Entertainment.

[Click on the link to view detailed definitions of each use from the Fairfax County Zoning Ordinance.](#)

Establishments which offer ready-to-eat foods may be permitted as retail from a zoning perspective. To be certain, contact the Department of Planning and Development for a Use Determination. Regardless of zoning category, such uses must comply with Health Department regulations.

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

You should also consider the following:

- Will there be dancing, live music, or other similar activities in conjunction with your restaurant? Certain entertainment options such as those listed above may be subject to limitations, require additional approvals and may influence where your restaurant may be located.
- Will there be hookah in conjunction with your restaurant? Be sure to check with the Building Division, Health Department, and Office of the Fire Marshal to understand the ventilation and inspection requirements.

DESIGN CONCEPT

- Will you open a franchise location? A new concept restaurant?
 - Franchise: If you are considering a franchise, call the franchise headquarters to see what resources are available, such as help with location selection.

Note: All franchise businesses must be registered with the [Virginia State Corporation Commission \(SCC\)](#).

Define Your Business:

1. Consider the type of restaurant you want to open
2. Conduct market research
3. Create a business plan



- When your restaurant includes nonstandard items (e.g., firepits, special smokers, garage doors as egress) and other fresh ideas for type of service, environment, or menus, you should ensure you include this with your permit applications and discussions with staff. Early evaluation can allow staff to find the permitting solution which can avoid delays later in the process.
- What types of resources will you need?

Take time to develop your vision. If you would like assistance or guidance, below are some resources to assist you, including links to useful tips as you plan your venture.

Resources for starting a business:

- [Fairfax County's Starting a Business](#)
- [Virginia's Business One Stop](#)
- [U.S. Small Business Administration](#)

LOCATION – CONDUCT MARKET RESEARCH

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

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

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

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

CREATE A BUSINESS PLAN

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



STEP 2. SELECTING A SITE FOR YOUR RESTAURANT



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

IDENTIFY POTENTIAL SITES

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

The [Zoning Ordinance](#) establishes districts as either Residential, Commercial, Industrial or Planned Districts.

The land use tables in Article 4 of the Zoning Ordinance include permissions for each use in the specific zoning districts (i.e. by right, special exception, special permit, or if shown on an approved development plan). These tables also include hyperlinks to applicable use-specific standards, which may include additional regulations applicable to the use. The individual districts also contain regulations for development, such as minimum lot size, maximum building height, and setbacks. For example, all uses in the C-5 District are regulated by a maximum height limitation of 40 feet.

Please pay careful attention to the restaurant definitions referenced above.

As you search for a location for your new restaurant it is critical you confirm that the location is zoned for the type of restaurant you want to open or that it is feasible to file a zoning application to permit your use.



Select a Site:

1. Identify potential sites
2. Verify the approved zoning for each site



NOTE:

Please pay careful attention to the definitions referenced above. The Zoning Ordinance defines several different types of food service establishments and the characteristics of each determine where they are allowed.

- Step 1
- Step 2
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To do so, follow these steps:

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

1.  For new construction, find land, often an open lot, where you would like to build a new structure. Or, it may be a location where you would like to redevelop a site.
2.     Identify the addresses for any that you would like to explore.

VERIFY THE APPROVED ZONING FOR YOUR SITE

Once you have an address or two in mind, if you are unsure of the permissions, you may contact the Zoning Permits Section (ZPS) at 703-222-1082 (TTY 711) and ask to speak with a ZPS technician. The technician will ask a series of questions to confirm whether your proposed restaurant may be permitted without additional zoning approvals or if you need a special permit or a special exception. The technician may connect you with the Planner of the Day, who can provide further advice and explain the zoning process, if the location requires one.

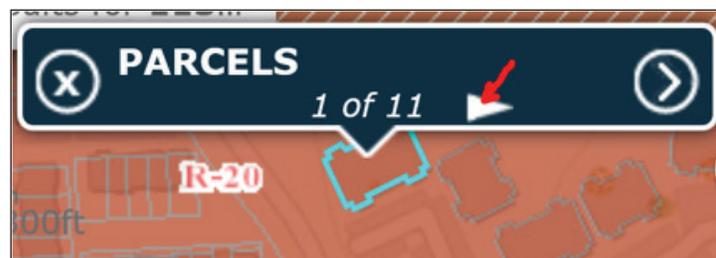
The ZPS staff will be able to help you determine the steps required to get that property ready.

You can save some time by doing some preliminary research on your own. You may use the [online zoning district](#) analyzer to find out if the zoning of your desired location supports your proposed use.

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

From the online tool:

1. Enter the address in the search field
2. Click your mouse on the property location until it is outlined in light blue. Click on the solid arrow (indicated below).



 New Construction  Restaurant Renovation  Change to a Restaurant  Change of Owner

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- Click on the solid arrow until you see the following information. Then click on "More Info." That will launch a PDF file that specifies how that property is zoned.



- Navigate to Article 4 of the Zoning Ordinance to find the Use Tables in Section 4101 [Document Viewer | Zoning Ordinance \(encodeplus.com\)](#):
 - All land uses are listed in the two tables in Section 4101. Table 4101.1 addresses the land uses allowed in the conventional zoning districts (the Residential, Commercial, and Industrial Districts) and Table 4101.2 addresses the land uses allowed in the Planned Districts (PDH, PDC, PRC, PRM, PCC, and PTC Districts). The land uses allowed in each zoning district are identified in those tables as permitted (i.e. by right), special exception, special permit, accessory, associated service, or administrative permit uses. Each use is subject to the applicable general and use-specific standards that are referenced in the right-most column of the tables, and to all other applicable requirements of this Ordinance.
 - If your restaurant, carryout restaurant, restaurant with drive-through, public entertainment, or convenience store is a permitted use, you do not need any public hearings. This means your desired use is "by right." As noted in the side bar, further research may be needed to determine if development conditions apply. For example, additional information would be needed if your site is in a "P – District".
 - Similarly, if your restaurant, carryout restaurant, restaurant with drive-through, public entertainment, or convenience store is listed as a use requiring a special exception, you will need two public hearings before you can move forward: one with the Planning Commission and one with the Board of Supervisors and their approval.

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

Encumbrances On Your Land

You may not know it, but your property may be subject to previously-imposed development conditions. These conditions are legally binding and may restrict or guide what you can do with your site (e.g., you cannot have a drive through). See Step 3 to read how you alter or remove encumbrances.

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STEP 3. GETTING YOUR SITE APPROVED IF YOU NEED A ZONING ACTION

If you need a SPECIAL EXCEPTION, REZONING, OR PROFFERED CONDITION AMENDMENT, this requires a zoning action. With a potential site and a good understanding of the zoning approved for each, you are ready to schedule a Pre-Application Meeting to discuss filing a zoning application if needed.

SCHEDULE A PRE-APPLICATION MEETING

To do so, visit the [Pre-Application Consultation website](#). Please be prepared to submit the following information:

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

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

You will be contacted to schedule a meeting.

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

APPLY FOR A ZONING ACTION

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

Once it is complete, you will submit your application through [PLUS](#) and pay all fees upon submission.



Get Your Zoning Action Approved:

1. Schedule a Pre-Application Meeting
2. Apply: Special Exception, Special Permit, Rezoning, or Proffer Condition Amendment



[Click on this link](#) to review application fees for each.

SPECIAL EXCEPTIONS

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

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

If you are going through a public hearing process, you will be expected to communicate with the neighbors. You should learn about this at your pre-application meeting.

Communicating early and often can keep your application processing on time.

FIND OUT IF YOU NEED A SPECIAL EXCEPTION

[Click on this link](#) for detailed instructions and a special exception application package.



REZONING VS. PROFFERED CONDITION AMENDMENT

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

Click on [these links](#) for detailed instructions and application packages.



New Construction	Restaurant Renovation	Change to a Restaurant	Change of Owner
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STEP 4. DESIGNING YOUR SITE-RELATED AND BUILDING PLANS

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

Both Site and Building Plans can be developed and submitted to the County at the same time. However, you must have your Zoning approved before you can get final site plan approval. Site and Building Plans can be reviewed concurrently, at your own risk. It can be an expensive choice because typically, changing one plan requires changes to all of them. If they are concurrently reviewed, the Site Plan must be approved before the Building Plan(s) will be approved.

You will need an approved site-related plan and its accompanying Land Disturbance Permit before you move dirt. Likewise, you will need an approved building plan and its accompanying building permit before begin construction.

HIRE LICENSED PROFESSIONALS

As you gather information about necessary plans and permits, pay careful attention to the credentials required for the person preparing and submitting the required information.

State and local laws require that certain professionals be licensed by the [Virginia Department of Professional Occupational Regulation](#) (DPOR). DPOR licenses architects, contractors, electricians, engineers, land surveyors, landscape architects, plumbers, painters, and other construction-related professionals.

Site-related and building plans **must** be sealed by civil engineers and architects licensed by DPOR. Land surveyors who are DPOR-licensed may submit plans.

In addition to hiring licensed professionals, consider selecting those who are familiar with Fairfax County policies and practices. This will likely save you money, time, effort and frustration.

When you find a licensed contractor, they will likely have a team of resources — architects, engineers, subcontractors — you can work with throughout the site planning and building process.



Plan Your Design:

1. Hire licensed professionals
2. Complete and submit your Site-Related Plans and Permit Applications
3. Complete and submit your Building Plans and Permit Applications



STEP 5. SUBMITTING SITE-RELATED PLANS AND OBTAINING SITE PERMITS



Plan Your Site:

1. Hire licensed professionals
2. Complete and submit your Site-Related Plans and Permit Applications
3. Complete and submit your Building Plans and Permit Applications

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

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

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

-  In Fairfax County, a **site plan (SP)** is a detailed engineering drawing of proposed commercial improvements to a given piece of land. You will usually need a SP if you are building a new building or adding over 2000 square feet or one-third of the gross floor area.
-  A **minor site plan (MSP)** depicts the existing and proposed uses and improvements and can potentially be submitted in lieu of a site plan for smaller projects, such as parking tabulation for an expansion or use conversion.
- A **public improvement (PI) plan** depicts public improvements only, such as the addition of a sidewalk, streetlight, wastewater or stormwater infrastructure, or streetlights.
- A **rough grading plan** is used when you propose to regrade land already used for a restaurant, but you aren't filing for a building permit or adding gross floor area (e.g., parking lot expansion).

 Step 1

 Step 2

 Step 3

 Step 4

 Step 5

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 Step 10

 New Construction

 Restaurant Renovation

 Change to a Restaurant

 Change of Owner

What kind of plans will you need? To learn more about what is required with site-related plans, check out these resources:

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

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

SUBMIT SITE-RELATED PLANS FOR REVIEW

You will need to submit your plan electronically using [ProjectDox](#). For more information on how to use ProjectDox, visit our [ePlans webpage](#).

All necessary Fairfax County departments, including LDS, DPWES, and Health Department (if septic involved), Office of the Fire Marshal, the Virginia Department of Transportation and others will complete the site-related plan review. Once site review is complete, comments will be posted online within the ProjectDox system. Please visit the [Tracking Your Plan](#) webpage for information on how to access and respond to comments.

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

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

- Site Plan: 60-120 days
- Minor Site Plan: 90 days
- Other Plan Types (Geotech, Waivers, etc.): 6-12 months

The timelines above include typical time for customers to submit corrections after primary review.



MEET POST-APPROVAL CONDITIONS

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

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

Once you meet all the conditions, LDS will release the approved site plan to the applicant. All other approving entities also receive copies.

OBTAIN SITE PERMITS FOR LARGE LAND DISTURBANCES 

If you will be disturbing more than 2,500 square feet of land, you will need to apply for a land disturbance permit and submit a conservation agreement and escrow. For larger projects that add impervious area, you may need to obtain General Permit coverage under the [Land Disturbance Permit Application](#) and submit a [conservation agreement](#). For smaller projects that do not require a site-related plan, your building permit is the authorization needed to begin construction.



STEP 6. SUBMITTING BUILDING PLANS AND OBTAINING BUILDING PERMITS



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

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

Processing time for building plan reviews can be found at the following site: [Development Review Times](#). Restaurants are most usually tenant alterations (in the case of existing space) or new commercial buildings or additions.

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

SUBMITTING YOUR BUILDING PERMIT APPLICATION



Apply for your permit by submitting your permit application, site-related plans, and building (also called architectural) plans at www.fairfaxcounty.gov/fido.

After you apply and pay for your permit application, you will be prompted to "upload an eplan." Once you click on this link, you will receive an invitation to ProjectDox. You will then use ProjectDox to upload your building plans, site-related plans, correct cover sheet, and any other required submissions. Be sure that you also have all required minimum submissions documents by using the minimum submission checklist, found at <https://www.fairfaxcounty.gov/plan2build/forms-publications-library>.

- Building plan new cover sheet: <https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/Assets/Documents/forms/building-plan-review-cover-sheet.pdf>
- Building Plan minimum submission requirements: <https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/Assets/Documents/forms/permit-plan-checklist.pdf>



Important Note:

On a new commercial building, Fairfax County charges sewer fees based on the number of plumbing fixtures (sinks, toilets, faucets) in incremental structure. These are payable prior to issuance of the building permit.

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Once your plans have been uploaded into ProjectDox, you will be routed through a series of transactions. This process allows you to obtain multiple approvals in one visit:

- **Building-permit application items:** the description of work, intended use, construction type, and square footage.
- **Statement of Special Inspections:** Required as part of your minimum submission requirements, this form includes a schedule of special inspections applicable to the project. Once the Building Plan Review process is completed you will need to contact Critical Structures at 703-324-1060 to set up a Critical Structures Meeting prior to the plans being released.
- **Site-related plan check:** Verification by the Site Applications Center that 1) either a site-related plan is not needed (such as for interior alterations only), 2) the site-related plan is already approved and is complete, or 3) you have opted for concurrent processing and are submitting the building plans concurrently with site-related plans.
- **Zoning check:** Verification by the Zoning Permits Section that your description of work and both the building and site plans match the proposed work and comply with the Zoning Ordinance.
- **Paying fees:** You will need to pay a building permit application, a Health Department review fee, and potentially other review fees.
- Restaurant building plans go through reviews by several entities before approval:
 - The Health Department will review your building plans to ensure compliance with state code requirements. You will need to provide site-specific information regarding restaurant operations, such as number of staff and training logs. [See this link](#) for Health Department forms.
 - LDS reviews the plans for structural, mechanical, electrical, egress, and plumbing requirements.
 - The Fire and Rescue Department’s Office of the Fire Marshal reviews the architectural plans for life safety requirements. Please note that shop drawings must be submitted directly to the Office of the Fire Marshal for items such as fire sprinklers, fire alarms and commercial hood suppression systems. Additional information can be found [here](#).
 - Are you located partially in another jurisdiction, such as the City of Fairfax or Town of Vienna? If so, they may need to review building plans, as well. In most situations, the county will route it to those jurisdictions. Please discuss this with your building plan reviewer or call 703-631-5101 for more information.



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Reminder: You can check the status of your plans by logging into [ProjectDox](#).

Your plan will be either “Approved” or “Failed.”

- If your plan is not approved, you will be able to read and review all of the building-code related comments in Project Reports. The name of the report is Checklist Items.
- You will need to correct and resubmit your plans, continuing through the cycle until they are approved.

Once your plans are approved, you will receive an email instructing you on how to print your approved plans and permits.

CRITICAL STRUCTURES REVIEW MEETING

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

To schedule a Critical Structures Meeting, you must [schedule online at Nintex Workflow Cloud](#). **Have all of your building permit numbers available for scheduling: [look them up here by entering your address](#)**. Do not wait until the last minute to schedule this meeting.



PLAN AHEAD FOR INSPECTIONS   

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

PAY ALL YOUR FEES AND DEPOSITS

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

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

- Fee for site-related plan review and inspection services (determined in STEP 5. SUBMITTING SITE-RELATED PLANS AND OBTAINING SITE PERMITS). These are listed in [Appendix Q of the County Code](#).
- [Pro-Rata Share Assessment](#) for watershed improvements and maintenance which is based on the increase of impervious area (Site Application Center).
- [Conservation Deposit and agreement](#) that enable the county to stabilize land in case of project abandonment (Site Application Center).
- [VDOT Permit and Bond](#) if you have a new entrance to a state-maintained road or are performing work in the VDOT right of way (Site Application Center).
- Stormwater fees as part of the [Land Disturbance Permit](#) (Site Application Center).
- [Health Department Plan Review fees](#), as well as fees if your property is or will be served by a [septic system or well](#).
- Building Plan Review requires additional fees.
- Building permit fee for building plan, wastewater fee and inspection services (Permit Application Center).



Break Ground:

1. Get the Trade Permits You Need
2. Schedule Inspections



STEP 7. PREPARING FOR CONSTRUCTION   

Before you begin construction, you will need to hire and work with licensed contractors. If you submitted a site-related plan to do grading you must also schedule a Pre-Construction Meeting with your site contractor and a County Site Inspector.

HIRE AND WORK WITH LICENSED CONTRACTORS

Just as you did when you hired a civil engineer, and based on the size of your construction project, you must hire contractors that are licensed in both the Commonwealth of Virginia and the County.

The Virginia Department of Professional and Occupational Regulation (DPOR) issues different classes of license and classifications to contractors, have completed various [licensing requirements](#). To verify that a specific contractor is licensed in the Commonwealth of Virginia and to verify the License Class and Classification, [click on this link](#).

You can learn more about hiring licensed professionals at the Virginia Department of Professional and Occupational Regulations website at www.dpor.virginia.gov/Consumers.



Prepare for Construction:

1. Hire and Work with Licensed Contractors
2. Schedule and Attend the Pre-Construction





Important Note:

Because all parties involved in the land disturbance activities must attend this meeting, you can only schedule it after you have identified and hired your contractors.

STEP 8. BREAKING GROUND

SCHEDULE AND ATTEND THE PRE-CONSTRUCTION MEETING

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

To schedule a Pre-Construction Meeting with the Site Inspector, complete the online form [found here](#). **Have your site-related plan number available for scheduling.**

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

SCHEDULE INSPECTIONS

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

To schedule these inspections, [click on the link](#). You must have **all permit numbers available for scheduling**: [look them up here by entering your address](#). Normally, the response is one business day after the request is made. Inspection contact information is also located at the bottom of every individual permit.

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

To schedule a Fire Trade Permit (sprinkler or fire alarm) inspection, please contact 703-246-4821 and have your Fire Permit number available. For Fire Lane inspections, please contact 703-246-4871.

During each inspection, ensure that:

- Your **address is clearly visible** from the street
- You have a **copy of the permit, approved site, and building plans** at the job site, and approved plans for fire and sprinkler systems available to the inspector during the review.

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When your construction project is completed and code compliance is determined, the inspector schedules a final inspection. The final inspection validates that your project has met the minimum safety standards as required by code.

Restaurants also require a Pre-Occupancy Inspection by both the Health Department and the Office of the Fire Marshal.

Steps for applying and scheduling a Pre-Occupancy Inspection appear in this guide's next section, *Preparing for Occupancy*.

THIRD PARTY INSPECTIONS

Fairfax County offers a Certified Third- Party Inspection Program. It allows specific buildings and most commercial inspections (except final inspections) to be conducted by an approved third party. To consider this option for your project, check out the [Certified Inspections Program](#) publication.

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STEP 9. PREPARING FOR OCCUPANCY



Preparing for Occupancy:

1. Apply for a Business License
2. Apply for a Food Service Permit
3. Schedule a Pre-Opening Inspection

As you near completion of your project, it is time to secure your Occupancy Permits and Business Licenses.

APPLY FOR A BUSINESS LICENSE

BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE (BPOL)

The [Business, Professional Occupational License \(BPOL\) application](#) must be filed within 75 days of starting a new business. The application may be filed online or can be downloaded from the [Department of Tax Administration website](#) and sent via email, fax or postal mail. Please note that issuance of a BPOL is contingent upon a complete application and full payment of fees. It may take up to 30 days to process and issue the license. A temporary certificate can be obtained by contacting the Department of Tax Administration (see below).

BUSINESS TANGIBLE PROPERTY TAXES

Businesses must pay an annual tax on all furniture, fixtures, machinery, tools, and computer equipment that is owned by and used to operate businesses located in Fairfax County, as well as in the Towns of Herndon, Vienna or Clifton as of January 1 each year. Businesses must file a Return of Business Personal Property before May 1, declaring the personal property owned by the business. Business personal property payments are due by October 5.

First time applicants may download the Business Return of Tangible Personal Property, Machinery and Tools from the [Department of Tax Administration website](#). The form may be submitted via email, fax, or postal mail.

If you have specific questions about what qualifies as tangible property, please contact Department of Tax Administration.

MIXED BEVERAGE LICENSE

Any establishment located in Fairfax County which holds a mixed beverage license granted by the Commonwealth of Virginia is also required to obtain a local mixed beverage license annually from the Fairfax County Department of Tax Administration. This also includes restaurants located within hotels and motels.

The license tax is based on the seating capacity of the restaurant:

- The tax for businesses with a seating capacity of 50-100 is \$200.
- The tax for businesses with a seating capacity of 101-150 is \$350.
- The tax for businesses with a seating capacity over 150 is \$500.
- The tax for a private, non-profit club operating a restaurant on the premises of the club is \$350. The non-profit classification by the State Alcoholic Beverage Control Board (ABC) determines the non-profit status for local license applicants.

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The filing form can be found on the Department of Tax Administration’s [Other County Licenses page](#).

ANNUAL RENEWAL INFORMATION

BPOL: Businesses that filed for BPOL with the Department of Tax Administration the previous year will automatically receive a renewal form in the mail in January, which is due to be filed and paid in full by March 1 each year.

Business Tangible Property Taxes: Businesses that filed with the Department of Tax Administration the previous year will receive a renewal form in the mail in January. The declaration form must be filed annually by May 1, and business personal property payments are due by October 5.

Only renewal Business Tangible Personal Property Returns and supporting documentation should be mailed to:

County of Fairfax
 Department of Tax Administration
 PO Box 529
 Southampton, PA 18966-0529

Mixed Beverage License: Renewal applications are mailed at the end of each year, and must be filed and paid by January 31.



APPLY FOR A FOOD ESTABLISHMENT PERMIT

To apply for your Food Establishment Permit, submit construction plans through the [PLUS electronic review portal](#). The application will prompt you to attach all required documents such as architectural plans, BPOL, equipment specification, layout and menu. Once the application has been submitted, you will receive an email notification that a fee is due. Login to the PLUS system to make a payment. Please visit the Health Permits for [New Food Establishments webpage](#) for details and application training materials. If you have additional questions, contact the Fairfax County Health Department, Division of Environmental Health at 703-246-2201, option 2.

SCHEDULE YOUR FINAL INSPECTION

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

- Plumbing, Mechanical, and Electrical Final Approvals must be available
- Fire Trade Permit Inspection approvals must be available for the Building Inspector
- Proof of the certification of at least one employee as a Certified Food Manager must be provided. ([What is this?](#))
- The restaurant must be clean with no construction material in kitchen and related areas.

Upon completing a successful final inspection, the Health Department will issue a permit to operate. Within 5 to 7 days, an official Food Establishment Permit will be mailed to the address on record. The Food Establishment Permit must be posted in a location in the food establishment that is conspicuous to customers.

A Fire Marshal Pre-Occupancy inspection is required prior to submitting your Non-RUP Application, please contact the Fire Inspections Branch at 703-246-4849. This inspection must be passed prior to issuance of a Non-RUP.

APPLY FOR A NONRESIDENTIAL USE PERMIT

All establishments must obtain a Nonresidential Use Permit, (Non-RUP), from the Department of Planning and Development before commencing operations. These permits issued to the tenant/operator.

[See here to locate the NonRUP application form, fee information and instructions to file.](#)



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STEP 10. MOVING IN AND RUNNING YOUR RESTAURANT



Congratulations! You are ready to open your restaurant.

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

Be sure that you have complied with all Virginia business requirements (registrations, licenses, sales tax, employer obligations, alcohol permits) as outlined on the [Virginia Business One Stop](#).

STAY CURRENT WITH INFORMATION IMPORTANT TO RESTAURATEURS

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

PREPARE FOR ONGOING INSPECTIONS

Throughout the life of your restaurant business, you will be subject to periodic, unannounced inspections by the Health Department. Food establishments are inspected using a risk-based inspection system. Based on the complexity of the food preparation and the history of compliance, an establishment may be routinely inspected from 1-3 times per 12-month period. Other inspections may be conducted as needed.

After your business has been open for 10 days, please contact the Office of the Fire Marshal to schedule your Post Occupancy Inspection. An inspector from the office will inspect your business and determine if there are any necessary Operational Permits required for the business. These may include commercial cooking, open flames, assembly uses, and others. Please send this form electronically to Fire.RevenuePermits@fairfaxcounty.gov. This is an Annual Permit, renewable every year, with an accompanying inspection. Also, if you have a Fire Protection System, regularly scheduled maintenance records are required to be submitted.

In addition to the Pre-Opening Inspection, five other types of inspections may be performed:

- **Routine:** A comprehensive, unannounced inspection to evaluate foodborne illness risk factors, public health interventions and good retail practices to determine compliance.
- **Risk Factor Assessment Inspection:** A specialized, unannounced inspection to determine compliance with specific critical and non-critical sections of the regulations.
- **Complaint Inspection:** An inspection conducted in response to a

Move In and Run Your Restaurant:

1. Take Advantage of County Resources
2. Prepare for Ongoing Inspections



complaint received by the Health Department.

- **Follow-Up Inspection:** An inspection conducted for the specific purpose of re-inspecting items that were not in compliance at the time of a previous inspection.
- **Training Inspection:** A scheduled inspection to provide formal food safety training to the food service employees. Training inspections can be initiated by the Health Department or at the request of the food service operator.
- **Foodborne Illness Investigation:** An inspection conducted in response to a report of a possible foodborne illness.

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

CONCIERGE SERVICE

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

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

CONTACT INFORMATION

Contacts for County Agencies:

- Department of Planning and Development (DPD):
 - Zoning Permit Section (703-222-1082)
 - Zoning Administration Division/Ordinance Administration Section (703-324-1314)
 - Zoning Evaluation Division (703-324-1290)
- Land Development Services (LDS):
 - Site Development and Inspection Division (703-324-1720)
 - Customer Technical Support Center: Site Application Center and Permit Application Center (703-222-0801)
- Department of Tax Administration (703-222-8234, option 4)
- Health Department (703-246-2201)
- Office of the Fire Marshal (703-246-4849)



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