

### City of Fairfax, Virginia

Community Development & Planning

10455 Armstrong Street • Room 207A • Fairfax, VA 22030-3630 **P** 703.385.7820 • www.fairfaxva.gov

# How to submit applications to the Department of Community Development & Planning

EMAIL	Online via Email	Download an <u>application</u> , fill it out completely, and send it along with any other attachments to: <u>zoning@fairfaxva.gov</u> . You will receive an invoice via email to use when paying the application fee online.
MAIL	By Mail	Download an application, fill it out completely, and mail it along with a check (for the application fee noted on the top of the application) along with any other attachments to: City of Fairfax, 10455 Armstrong Street, Suite 207A, Fairfax VA 22030.  The check should be made payable to "City of Fairfax".
	In Person – By Appointment Only	In-person appointments may be requested for special circumstances when filing an application.  Appointments must be made at least one working day in advance. To schedule an appointment, please call 703-385-7820 or send a message to zoning@fairfaxva.gov.

Visit our website: <a href="www.fairfaxva.gov/zoning">www.fairfaxva.gov/zoning</a> for helpful information. You may contact zoning staff at <a href="zoning@fairfaxva.gov">zoning@fairfaxva.gov</a>.



Phone: 703-385-7820

http://www.fairfaxva.gov/government/zoning

#### TEMPORARY USE PERMIT

#### COMMERCIAL AND RESIDENTIAL

(City Code §110 - 6.15.)

The following procedure is provided to assist you in obtaining the required temporary use zoning permit which outlines conditions of operations that must be issued by a Zoning Official. Please familiarize yourself with these procedures and then prepare the completed application form and supplemental documents. Bring the application form, appropriate supplemental documents and submission requirements to the City of Fairfax Zoning Division office at the above address.

After steps 1- 6 are completed the requested permit may be issued:

- 1) **Application Form.** The applicant submits a completed Temporary Use application form to the Zoning Division with all information requested on the application filled in.
  - Two (2) signatures are required on the application form:
    - The applicant, and
    - The property owner or owner's agent affidavit.
  - The general standards applicant affidavit
  - The compliance affidavit for the proposed temporary use must be read and signed by the applicant and property owner (when applicable) to complete the application form.
- 2) **Temporary Use Review Fee.** A non-refundable fee is due at the time of the application submission. Organizations exempt from taxation pursuant to section 501(c)(8) or section 501(c)(19) of the Internal Revenue Code shall be exempt from the payment of fees for temporary use permits for said organization. (City Code §110 6.2.3.D.3)
- 3) **Temporary Use Description**. A detailed written description of the proposed temporary use/activities/structures must be submitted with the application form.
- 4) A Site Plan or House Location Survey. A site plan or house location survey must be submitted depicting the location of all temporary structures and parking that will be used for any of the following proposed temporary uses:

Pick-up and drop-off containers & facilities; construction offices; family health care structures; residential sales office and model home; residences; special events with tents, trailers, booths, stages; storage pods; vehicle storage.

- 5) **Completeness Review.** The application form will be reviewed for completeness within five business days of submission. If more information is required, the applicant will be notified of the additional information that remains outstanding.
- 6) **Staff Review.** The review for approval may take up to 15 days after the application is determined complete.
- 7) **Permit Issuance.** Upon approval, the applicant will be issued a temporary use permit. The applicant may then proceed with submitting any additional required permits applications after the permit is issued. (i.e. Building Permit Application or Building Construction Zoning Permit, Temporary Sign Application)

The City of Fairfax is committed to the letter and spirit of the Americans with Disabilities Act. To request a reasonable accommodation for any type of disability, please call 703-385-7930, (TTY 711)



Phone: 703-385-7820

http://www.fairfaxva.gov/government/zoning

### **TEMPORARY USE APPLICATION**

COMMERCIAL \$210.00 RESIDENTIAL \$20.00 NON-REFUNDABLE FEE

PROPERTY INFORMA	TION		
Property Address			
Name of Business			
Subdivision/Project			Lot #
TEMPORARY USE TY	DEC		(City Code §110 - 3.5.6.)
CHECK ONE  ☐ Pick-up and dro	op-off containers and f	acilities, subject to	o §3.5.6.E
☐ Construction of	ffices, temporary, subj	ect to §3.5.6.F	
☐ Family health o	eare structure, tempora	ry, subject to §3.5.	.6.G
☐ Residential sale	es offices and model he	omes, temporary, s	subject to §3.5.6.H
□ Residences, ten	nporary, subject to §3.	5.6.I	
☐ Special events,	temporary, subject to	§3.5.6.J	
☐ Storage pods, to	emporary, subject to §	3.5.6.K	
□ Vehicle storage	e, temporary, subject to	§3.5.6.L (Subject	t to Special Use Permit review)
□ Other uses simi	ilar in nature to the one	es listed above, wit	th corresponding controls, limitations and
regulations, in	accordance with the ge	eneral standards of	`§3.5.6.D
	ماد ماد ماد	OFFICE LIGE ONL	1.1000
			LY***
			CU&O Number
FP □ YES □ NO RPA	A □ YES □ NO Histo	oric □ YES □ NO	<b>Transition</b> □ YES □ NO
$\square$ RL $\square$ RM $\square$ RH $\square$ R	$\Gamma \square RT-6 \square RMF \square CL$	$\square$ CO $\square$ CR $\square$ CU	$\square$ CG $\square$ IL $\square$ IH $\square$ PD-M $\square$ PD-R $\square$ PD-C $\square$ PD
Receipt #	□ \$210.00 □ \$20.00	Approved Site Plan #	# Approval Date
This Application is Approv	ed By		Date



APPLICANT SIGNATURE

#### City of Fairfax – Community Development and Planning – Zoning Division 10455 Armstrong Street #207A Fairfax, VA 22030

Phone: 703-385-7820

http://www.fairfaxva.gov/government/zoning

### THE STATEMENTS BELOW MUST BE SIGNED BY THE PROPERTY OWNER (OR THE OWNER AGENT ON BEHALF OF THE PROPERTY OWNER) AND THE APPLICANT AS SPECIFIED:

### I hereby certify that I have authority of the owner or agent to make this application, that the information is complete, and that if a permit is issued the construction and/or use will conform to the Zoning Ordinance, the Building Code, applicable laws and regulations including private building restrictions, if any, which relate to the property. I further certify that I have received and read the prohibited sign regulations. Applicant Signature (REQUIRED) Date Applicant Name (PRINTED) Phone Email PROPERTY OWNER OR OWNER AGENT SIGNATURE (ONE REQUIRED) I hereby authorize the temporary use activity as presented by the applicant to be conducted in conformance to the Zoning Ordinance, the Building Code, applicable laws and regulations, which relate to the property. PROPERTY OWNER Property Owner Signature \_\_\_\_\_ Date Property Owner Name (PRINTED) Phone Email **AGENT** (representing the owner) I hereby certify that I have the authority of the owner to sign this application and represent the owner's interest related to this application. Agent Signature Date Agent Name (PRINTED) Phone Email

The City of Fairfax is committed to the letter and spirit of the Americans with Disabilities Act. To request a reasonable accommodation for any type of disability, please call 703-385-7930, (TTY 711)

Please check the relationship to owner: 

Management Company 

Other:



Phone: 703-385-7820

http://www.fairfaxva.gov/government/zoning

### TEMPORARY USE PERMIT GENERAL STANDARDS

#### TEMPORARY USE GENERAL STANDARDS

(City Code §110-3.5.6.D.)

- 1. No temporary use shall be permitted unless the applicant demonstrates compliance with these standards to the satisfaction of the zoning administrator. The zoning administrator may impose reasonable conditions on the use to ensure compliance with these standards or other applicable provisions of law.
- 2. Temporary uses and temporary use permits may be approved for up to one year, unless otherwise specified.
- 3. Adjacent uses shall be suitably protected from any adverse effects of the use, including noise and glare.
- 4. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.
- 5. Adequate refuse management, security, emergency services and similar necessary facilities and services shall be available for the temporary use, and all sanitary facilities shall be approved by the appropriate health agency.
- 6. The site shall be suitable for the proposed use, considering flood hazard, drainage, soils and other conditions that may constitute a danger to life, health or safety.
- 7. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.
- 8. The use shall be maintained in an orderly manner.

#### APPLICANT AFFIDAVIT

I hereby affirm that I have received a copy of the Temporary Use General Standards contained in City Code Section			
§110-3.5.6.D. I agree to abide by the limitations, conditions, and the operational standards for a Temporary Use permit			
contained therein.			
Applicant Signature (REQUIRED)	Date		



Phone: 703-385-7820

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### TEMPORARY USE PERMIT PICK UP AND DROP OFF CONTAINERS AND FACILITES

#### PICK-UP AND DROP-OFF CONTAINERS AND FACILITIES STANDARDS

(City Code §110- 3.5,6,E.)

#### **Applicability**

Temporary use permits for pick-up and drop-off containers and facilities may be approved for up to three years, and the permit may be renewed, in the following locations and circumstances:

- (a) In CL, CO, CR, CU, and CG districts on lots containing not less than 40,000 square feet;
- (b) In commercial areas of planned districts, when ancillary to the principal use, and only when shown on an approved master development plan;
- (c) In residential districts where the principal use of the development is not residential, and only when such containers and facilities are shown on an approved site plan; and
- (d) When such container and facilities is specifically identified on approved master development plans.

#### **Maximum size and number**

A maximum of two donation drop-off boxes shall be permitted on any one lot and shall be located within a contiguous area of not more than 120 square feet, with no individual drop-off box exceeding the dimensions of seven feet in height, six feet in width or six feet in length.

#### Location

- (a) Pick-up and drop-off containers and facilities shall be permitted in any yard except the minimum required front or side (street) yard.
- (b) Such containers and facilities shall not be located in any required recreation and open space, transitional yard, required landscaped area, on any private street, sidewalk or trail, in any required parking space, or in any location that blocks or interferes with vehicular and/or pedestrian circulation. Donation drop-off boxes shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the visual clearance provisions of §4.3.4.

#### Design, management and maintenance

- (a) Donation drop-off boxes shall be weather-proof, constructed of painted metal, plastic, or other similarly noncombustible material, properly maintained in good repair and in a manner that complies with all applicable building code and fire code regulations, and secured from unauthorized access.
- (b) All donated items shall be collected and stored in the donation drop-off box which shall be emptied as needed or within 48 hours of a request by the property owner or authorized agent.
- (c) Items and materials including trash shall not be located outside or in proximity to a donation drop-off box for more than 24 hours and shall be removed by the property owner, operator of the donation drop-off box or their authorized agent.

#### **Screening**

Pick-up and drop-off containers and facilities shall be screened in accordance with the requirements of §4.5.8.E.

#### Signage and information

Donation drop-off boxes shall display the following information in a permanent and legible format that is clearly visible from the front of the container:

- (a) Specific items and materials requested;
- (b) Name of the operator or owner of the container;
- (c) Entity responsible for the maintenance of the container and the removal of donated items, including any abandoned materials and trash located outside the donation drop-off box;
- (d) Phone number where the owner, operator or agent of the owner or operator may be reached at any time; and
- (e) Notice stating that no items or materials shall be left outside of the donation drop-off box and the statement, "Not for refuse disposal. Liquids are prohibited."

#### PROPERTY OWNER AFFIDAVIT

I hereby affirm as the property owner that the Pick-up and Drop-off Container and Facilities applicant has the authority vested by me to operate at the listed address. The information provided on this application is accurate to the best of my knowledge. I understand that the temporary use must comply with all conditions contained in *City Code Section* §110-3.5.6.E.

<u></u>	
Property Owner Signature (REQUIRED)	Date
APPLICANT AFFIDAVIT	CONTAINER OWNER/OPERATOR
	o and Drop-off Containers and Facilities Standards contained in <i>City</i> ations, conditions, and the operational standards for a pick-up and ein.
Applicant Signature (REQUIRED)	Date
CONTAINER DIMENSIONS	
The following container dimensions are required:  HEIGHTfeet WIDTHfeet	LENGTH feet SQUARE FEET feet
REQUESTED DATES	
Start Date (mm/dd/yy)	Concluding Date (mm/dd/yy)

#### SPECIFIC SUBMISSION REQUIREMENTS

(City Code §110 - 6.2.3.C.3



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### TEMPORARY USE PERMIT CONSTRUCTION OFFICES

#### CONSTRUCTION OFFICES STANDARDS

(City Code §110 – 3.5.6.F.)

An industrialized building may be used as a temporary office, security shelter, or shelter for materials or tools necessary for construction on or development of the premises upon which the temporary construction office is located. Such use shall be strictly limited to the time construction or development is actively underway.

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I hereby affirm that I have received a copy of the Construction Offices Standards contained in *City Code Section §110-3.5.6.F.* I agree to abide by the limitations, conditions, and the operational standards for construction offices permit as contained therein.

Applicant Signature (REQUIRED)	Date
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#### SPECIFIC SUBMISSION REQUIREMENTS

(City Code §110 - 6.2.3.C.3)



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### TEMPORARY USE PERMIT FAMILY HEALTH CARE STRUCTURE

#### FAMILY HEALTH CARE STRUCTURE STANDARDS

(City Code §110 - 3.5.6.G.)

A temporary family health care structure shall be allowed in accordance with the requirements of Code of Virginia, § 15.2-2292.1.

#### VIRGINIA STATE CODE REGULATIONS

(Virginia State Code §15.2-2292.1)

The standards that staff must consider when reviewing your temporary use permit application include section §15.2-2292.1. of the Code of Virginia. Below is a version of this section of the Code as amended through 2013. Please review on an official website the current sections of this State Code section prior to your submission of the application. What follows may have been updated and revised.

A. Zoning ordinances for all purposes shall consider temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

#### B. For purposes of this section:

"Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

"Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in §63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth. "Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in §63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§36-70 et seq.) and the Uniform Statewide Building Code (§36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- C. Any person proposing to install a temporary family health care structure shall first obtain a permit from the local governing body, for which the locality may charge a fee of up to \$100. The locality may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The locality may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
- D. Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- E. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- F. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.
- G. The local governing body, or the zoning administrator on its behalf, may revoke the permit granted pursuant to subsection C if the permit holder violates any provision of this section. Additionally, the local governing body may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

I hereby affirm that I have received a copy of the Family Health Care Str	ucture Standards contained in <i>City</i>	
Code Section §110-3.5.6.G. and Virginia State Code §15.2-2292.1. I agree to	o abide by the limitations, conditions,	
and the operational standards for a family health care structure permit as contained therein.		
Applicant Signature (REQUIRED)	Date	
	<del></del>	

#### SPECIFIC SUBMISSION REQUIREMENTS

APPLICANT AFFIDAVIT

(City Code §110 - 6.2.3.C.3)



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### TEMPORARY USE PERMIT RESIDENTIAL SALES OFFICES AND MODEL HOMES

#### RESIDENTIAL SALES OFFICES AND MODEL HOMES STANDARDS

(City Code §110 - 3.5.6.H)

- 1. Temporary residential sales offices and model homes may be located within a residential district as part of an ongoing residential development. Such offices and homes shall be removed or converted to a use permitted within the district when use as a sales office or model home has ceased.
- 2. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased. Upon sale the home shall comply with applicable residential parking standards.

#### APPLICANT AFFIDAVIT

I hereby affirm that I have received a copy of the Residential Sales Offices and Model Homes Standards contained in *City Code Section §110-3.5.6.H.* I agree to abide by the limitations, conditions, and the operational standards for a residential sales office and model homes permit as contained therein.

Applicant Signature (REQUIRED)	Date
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#### SPECIFIC SUBMISSION REQUIREMENTS

(City Code §110 - 6.2.3.C.3)



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(City Code §110 - 3.5.6.I.)

## TEMPORARY USE PERMIT RESIDENCES (EMERGENCY ONLY)

RESIDENCES STANDARDS	

No recreational vehicle, trailer, tent, garage, barn or other similar vehicle or building erected on any lot shall be used as a residence for more than 10 days within a six month period, provided that the City Council may approve longer time frames in cases of significant calamity or natural disaster.

APPLICANT AFFIDAVIT	
I hereby affirm that I have received a copy of the Residences St to abide by the limitations, conditions, and the operational stand	,
Applicant Signature (REQUIRED)	Date
REQUESTED DATES	
Start Date (mm/dd/yy)	Concluding Date (mm/dd/yy)

#### SPECIFIC SUBMISSION REQUIREMENTS

(City Code §110 - 6.2.3.C.3)



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# TEMPORARY USE PERMIT SPECIAL EVENT

#### SPECIAL EVENT STANDARDS

(City Code §110-3.5.6.J)

Temporary events, including but not limited to car shows, carnivals, circuses, dog shows, festivals, fairs, fireworks shows, horse shows, tent revivals and similar events, regardless of whether or not admission is charged, or events not meeting the provisions of §3.5.C.1.a or b, may be permitted subject to the following standards:

- 1. Temporary use permit for such activities shall be issued for not more than 10 days, in any six-month period.
- 2. No such activity shall be located closer than 300 feet to a residential use, without the approval of city council. This provision shall not apply to public, civic and institutional use-sponsored events, and indoor events.
- 3. Adequate provisions must be made for parking, and safe ingress and egress must be provided.
- **4.** Night operations shall be permitted only if there is a lighting plan that provides for safe lighting without excessive glare into streets or residential areas.
- 5. Signs for temporary special events shall comply with §110-4.6.12.G

APPLICANT AFFIDAVIT					
I hereby affirm that I have received a copy of the Special Events Standards contained in <i>City Code Section §110-3.5.6.J.</i> I agree to abide by the limitations, conditions, and the operational standards for a special events permit as contained therein.					
Applicant Signature (REQUIRED)	Applicant Signature (REQUIRED)Date				
SPECIAL EVENT INFORMATION					
1) Event:					
2) Street Address Where Event Will Take Place:_					
3) Date of Event: Sta	rt Time of Event:	End Time of Event:			
Rain Date: Star	rt Time of Event:	End Time of Event:			
4) Organization or Sponsor of this Event:					
5) Contact Person:					
6) Contact Persons Address:					
City, State and Zip:					
7) Contact Persons email address:		Phone Number:			
8) Projected number of persons attending event: Number of volunteers (day of)					
9) Total number of signs requested: <u>SUBMIT A TEMPORARY SIGN PERMIT APPLICATION FOR ANY REQUESTED SIGNAGE</u>					

#### **EVENT DESCRIPTION**

Describe the event on a separate sheet in detail. Please include the following information if applicable:

- a. Any methods of advertising/publicity materials used for this event (attach any flyers or ads)
- b. Any peddler/vendors, food sales, alcohol sales and current permit status (Fairfax County Health Dept. and Virginia ABC regulate food and alcohol sales)

#### SPECIFIC SUBMISSION REQUIREMENTS

(City Code §110 - 6.2.3.C.3)



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### TEMPORARY USE PERMIT STORAGE PODS

#### STORAGE PODS STANDARDS

(City Code §110 - 3.5.6.K.)

(City Code §110 - 6.2.3.C.3)

Storage pods, crates and similar storage units may be allowed subject to compliance with the following requirements.

- 1. Storage pods for off-site storage of household or other goods located in a yard are permitted for:
  - (a) A maximum of 30 days within a six-month period on a single-family lot; seven consecutive days within a six-month period on other residential sites; and
  - **(b)** On active construction sites, provided they are removed within 30 days of completion of construction.
- 2. Storage pods used for the purpose of storing excess inventory to be sold in connection with an established retail business on the same lot.
- 3. The proposed storage pod location shall not impede pedestrian traffic, or be located within required landscaped areas.
- 4. Stacking of storage pods is prohibited.

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SPECIFIC SUBMISSION REQUIREMENTS

Applicant Signature (REQUIRED)	Date
CONTAINER DIMENSIONS	
The following container dimensions are required:	
HEIGHTfeet WIDTHfeet	LENGTH feet
REQUESTED DATES	
Start Date (mm/dd/yy)	Concluding Date (mm/dd/yy)



Phone: 703-385-7820

http://www.fairfaxva.gov/government/zoning

### TEMPORARY USE PERMIT VEHICLE STORAGE

#### VEHICLE STORAGE STANDARDS

(City Code §110 - 3.5.6.L.)

Temporary vehicle storage may be allowed in nonresidential districts, subject to special use review pursuant to *City Code Section §110-6.7.* 

#### APPLICANT AFFIDAVIT

I hereby affirm that I have received a copy of the Vehicle Storage Standards contained in *City Code Section* §110-3.5.6.L. I agree to abide by the limitations, conditions, and the operational standards for a vehicle storage permit as contained therein.

Applicant Signature (REQUIRED)	Date

#### SPECIFIC SUBMISSION REQUIREMENTS

City Code §110 - 6.2.3.C.3)



Phone: 703-385-7820

http://www.fairfaxva.gov/government/zoning

### TEMPORARY USE PERMIT OTHER USES SIMILAR IN NATURE

#### STANDARDS FOR OTHER USES SIMILAR IN NATURE

(City Code §110 - 3.5.6.D.)

Other uses similar in nature to the ones listed in Section 3.5.6.D., Temporary Use Standards, with corresponding controls, limitations and regulations, in accordance with the general standards of §110 - 3.5.6.D.

APPLICANT AFFIDAVIT	APPI	LICANT	AFFIDA	VIT
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I hereby affirm that I have received a copy of the Other Uses Similar in Nature Standards contained in *City Code Section §110-3.5.6.D*. I agree to abide by the limitations, conditions, and the operational standards for a similar use permit as contained therein.

Applicant Signature (REQUIRED)	Date
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#### SPECIFIC SUBMISSION REQUIREMENTS

(City Code §110 - 6.2.3.C.3)