



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:
Drop-off containers & facilities; construction offices; family health care structures; residential sales office and model homes; 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)



TEMPORARY USE APPLICATION

NON-REFUNDABLE FEE

PROPERTY INFORMATION

Property Address _____

Name of Business _____

Subdivision/Project _____ Lot # _____

TEMPORARY USE TYPES

(City Code §110 - 3.5.6.)

CHECK ONE

- Donation drop-off containers, subject to §3.5.6.E
- Construction offices, temporary, subject to §3.5.6.F
- Family health care structure, temporary, subject to §3.5.6.G
- Residential sales offices and model homes, temporary, subject to §3.5.6.H
- Residences, temporary, subject to §3.5.6.I
- Special events, temporary, subject to §3.5.6.J (use Permit Portal)
- Storage pods, temporary, subject to §3.5.6.K
- Vehicle storage, temporary, subject to §3.5.6.L (Subject to Special Use Permit review)
- Other uses similar in nature to the ones listed above, with corresponding controls, limitations and regulations, in accordance with the general standards of §3.5.6.D

OFFICE USE ONLY

Case # _____ Tax Map Number _____ CU&O Number _____

FP YES NO RPA YES NO Historic YES NO Transition YES NO

RL RM RH RT RT-6 RMF CL CO CR CU CG IL IH PD-M PD-R PD-C PD-I

Receipt # _____ Approved Site Plan # _____ Approval Date _____

This Application is Approved By _____ Date _____

Zoning Official

ZONING OFFICIAL COMMENTS _____



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:

APPLICANT SIGNATURE

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 _____

Please check the relationship to owner: Management Company Other: _____

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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 as contained therein.

Applicant Signature (REQUIRED) _____ Date _____



TEMPORARY USE PERMIT **DONATION DROP-OFF CONTAINERS**

PICK-UP AND DROP-OFF CONTAINERS AND FACILITIES STANDARDS

(City Code §110- 3.5.6.E.)

Applicability

Temporary use permits for donation drop-off containers 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 containers 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 container exceeding the dimensions of seven feet in height, six feet in width or six feet in length.

Location

- (a) Donation drop-off containers shall be permitted in any yard except the minimum required front or side (street) yard.
- (b) Such containers 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 containers 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 containers 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 container 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 container for more than 24 hours and shall be removed by the property owner, operator of the donation drop-off container or their authorized agent.

Screening

Donation drop-off containers shall be screened in accordance with the requirements of §4.5.8.E.

Signage and information

No advertising of any type may be placed donation drop-off containers, however each container 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/beneficiary 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 container;
- (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 container and the statement, "Not for refuse disposal. Liquids are prohibited."

PROPERTY OWNER AFFIDAVIT

I hereby affirm as the property owner that the Donation Drop-off Container 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*.

Property Owner Signature (REQUIRED) _____ Date _____

APPLICANT AFFIDAVIT

CONTAINER OWNER/OPERATOR

I hereby affirm that I have received a copy of the Donation Drop-off Containers Standards contained in *City Code Section §110-3.5.6.E*. I agree to abide by the limitations, conditions, and the operational standards for a pick-up and drop-off containers and facilities permit as contained therein.

Applicant Signature (REQUIRED) _____ Date _____

CONTAINER DIMENSIONS

The following container dimensions are required:

HEIGHT _____ feet **WIDTH** _____ feet **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)

Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted.



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.

APPLICANT AFFIDAVIT

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 _____

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.

APPLICANT AFFIDAVIT

I hereby affirm that I have received a copy of the Family Health Care Structure Standards contained in *City Code Section §110-3.5.6.G. and Virginia State Code §15.2-2292.1*. I agree to abide by the limitations, conditions, and the operational standards for a family health care structure permit as contained therein.

Applicant Signature (**REQUIRED**) _____ Date _____

SPECIFIC SUBMISSION REQUIREMENTS

(City Code §110 - 6.2.3.C.3)

Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted.



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 _____

SPECIFIC SUBMISSION REQUIREMENTS (City Code §110 - 6.2.3.C.3)

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TEMPORARY USE PERMIT
RESIDENCES (EMERGENCY ONLY)

RESIDENCES STANDARDS

(City Code §110 - 3.5.6.I)

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 Standards contained in *City Code Section §110-3.5.6.I*. I agree to abide by the limitations, conditions, and the operational standards for a residences permit as contained therein.

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)

Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted.



TEMPORARY USE PERMIT
STORAGE PODS

STORAGE PODS STANDARDS (City Code §110 - 3.5.6.K.)

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) On construction sites with an active building permit in all districts, provided they are removed within 30 days of completion of construction; and
 - (b) On single-family lots for a maximum of 30 days within a six-month period; on other residential sites, for seven consecutive days within a six-month period; or for projects not requiring a building permit, as determined by the zoning administrator.
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.

APPLICANT AFFIDAVIT

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

Applicant Signature (**REQUIRED**) _____ Date _____

CONTAINER DIMENSIONS

The following container dimensions are required:

HEIGHT _____ feet **WIDTH** _____ feet **LENGTH** _____ feet

REQUESTED DATES

Start Date (mm/dd/yy) _____ Concluding Date (mm/dd/yy) _____

SPECIFIC SUBMISSION REQUIREMENTS (City Code §110 - 6.2.3.C.3)

Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted.



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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)

Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted.



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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.B., Temporary Use Standards, with corresponding controls, limitations and regulations, in accordance with the general standards of §110 - 3.5.6.D.

APPLICANT AFFIDAVIT

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 _____

SPECIFIC SUBMISSION REQUIREMENTS

(City Code §110 - 6.2.3.C.3)

Staff has the flexibility to specify submission requirements for each application and to waive requirements that are irrelevant to specific situations. The applicant shall rely on the review official as to whether more or less information should be submitted.