



**ZONING PERMIT APPLICATION**  
**RESIDENTIAL ACCESSORY USES AND OCCUPANCY**

*(City Code §110-6.20.)*

30.00 NON REFUNDABLE FEE

The following procedure is provided to assist you in obtaining the required permit that must be issued PRIOR to establishing an accessory use on your residential property. Please familiarize yourself with these procedures, and then prepare: 1) the completed application form, 2) required submission fee, and 3) signed compliance affidavit for your proposed use. Bring these documents to the City of Fairfax Zoning Division office at the above address and pay the required fee.

**ATTENTION**

‘Residential Accessory Use’ standards are provided separately from this application form depending on the proposed accessory use. The use standards may be found in City Code Section 110-3.5.5.D or on the City’s website at [www.fairfaxva.gov/government/community-development-planning/applications-for-download](http://www.fairfaxva.gov/government/community-development-planning/applications-for-download) or obtained by calling 703-385-7820 or visiting the Zoning Division office.

The required Zoning Permit **will not** be issued until steps 1-4 are completed:

- 1) **Application form.** The applicant submits a completed Zoning Permit application form to the Zoning Division office 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 compliance affidavit for the proposed RESIDENTIAL accessory use must be read and signed by the applicant to complete the application form.
- 2) **Zoning Review fee.** This non-refundable fee is due at the time of application submission.
- 3) **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.
- 4) **Staff Review.** The review for approval may take up to 15 days after the application is determined complete.
- 5) **Permit Issuance.**
  - **Minor Home Occupation** – the Zoning Permit certificate of approval will be sent to the Commissioner of the Revenue Office (703-385-788) to ensure that your business license application has been submitted. Once the business license application has been processed the Commissioner’s office will mail to you the Zoning Permit approval certificate along with the business license.
  - **Accessory Dwelling Unit** – the required initial inspection will be scheduled to occur when owner notifies the Zoning Division office that the unit is ready for occupancy or 30 days after issuance of the Zoning Permit certificate of approval whichever comes first.
  - **Keeping of Bees & Keeping of Chickens** – the signed Zoning Permit certificate of approval will be sent by US mail, first class.

*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)*



**ZONING PERMIT APPLICATION**  
**RESIDENTIAL ACCESSORY USES AND OCCUPANCY**

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**PROPERTY INFORMATION**

Property Address \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot # \_\_\_\_\_

**RESIDENTIAL USE TYPES      30.00 NON REFUNDABLE FEE**

**CHECK THAT WHICH APPLIES**

- MINOR HOME OCCUPATION** *(City Code §110-3.5.5.D.12)*  
Minor home occupation means the use of an area located within a dwelling unit for business or commercial purposes.
- KEEPING OF HONEY BEES** *(City Code §110-3.5.5.D.13)*  
Keeping of up to four beehives on an occupied residential lot.
- KEEPING OF CHICKENS** *(City Code §110-3.5.5.D.14)*  
Keeping of up to four chickens on an occupied single-family residential lot in the RL zoning district or a single-family residential lot with a minimum of 20,000 square feet.
- ACCESSORY DWELLING UNIT** *(City Code §110-3.5.5.D.1)*  
A dwelling, including separate kitchen, sleeping, and bathroom facilities, that is attached as part of a principal, single-family dwelling and is subordinate in size to the dwelling.

**PROPERTY OWNER INFORMATION**

Property Owner Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Property Owner/Agent Signature (REQUIRED) \_\_\_\_\_ Date \_\_\_\_\_

**APPLICANT INFORMATION**

Applicant Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Applicant Signature (REQUIRED) \_\_\_\_\_ Date \_\_\_\_\_

**\*\*\*OFFICE USE ONLY\*\*\***

Case# \_\_\_\_\_ Tax Map \_\_\_\_\_ FP  YES  NO RPA  YES  NO

Fee  \$30.00 Receipt # \_\_\_\_\_  RL  RM  RH  RT  RT-6  RMF  PD-M  PD-R

**\*\*\*ZONING OFFICIAL APPROVAL SIGNATURE\*\*\***

This Application is Approved By \_\_\_\_\_ Date \_\_\_\_\_

Zoning Official

ZONING OFFICIAL COMMENTS \_\_\_\_\_



**ZONING PERMIT**  
**MINOR HOME OCCUPATION**

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**HOME OCCUPATIONS STANDARDS (*City Code §110-3.5.5.D.12*)**

**(a) Prohibited home occupations**

The following uses are not permitted as home occupations:

- (1) Vehicle service;
- (2) Vehicle repair;
- (3) Plant nurseries and greenhouses;
- (4) Manufacturing, heavy, which relates to the handling, processing, packing, or serving of food directly or indirectly to the public;
- (5) Medical or dental laboratory;
- (6) Restaurant or food services;
- (7) Bulk storage of flammable liquids;
- (8) Funeral homes; and
- (9) Animal care facilities.

**(b) General**

All home occupations shall comply with the following requirements:

- (1) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure;
- (2) Any part of a dwelling may be utilized for a home occupation, provided that the total floor area utilized in the conduct of a home occupation shall not exceed 20 percent of the first floor area of the dwelling; accessory structures shall not be used for home occupation purposes;
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation;
- (4) No business, storage or warehousing of material, supplies or equipment shall be permitted outside of the primary dwelling unit;
- (5) No equipment or vehicles shall be used or regularly parked other than that normally used for domestic, hobby, and household or small office purposes in a single-family detached dwelling;
- (6) No equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference;
- (7) The storage of hazardous materials shall be prohibited;
- (8) The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service, or private vehicles with a gross vehicle weight rating of 40,000 pounds or less;
- (9) No display of products shall be visible from the street; and
- (10) No person shall conduct a home occupation without obtaining the appropriate business, service or occupational license required by law. All home occupations shall comply with applicable state, federal, and local regulations. Home occupations shall be subject to all applicable licenses and business taxes.

**(c) Minor home occupations**

Minor home occupation means the use of an area located within a dwelling unit for business or commercial purposes. Such uses shall comply with the following additional requirements:

- (1) No person other than a member of the family residing on the premises shall be engaged in the home occupation;
- (2) Student instruction, where allowed, shall be limited as follows:
  - (i) Such instruction shall be limited to a total of eight students per day, with no more than 40 total per week or six students present at any one time, between the hours of 8:00am and 9:00pm
  - (ii) Gatherings of students and families for exhibitions and group activities may take place on the premises no more than four times per year. Such gatherings shall be consistent with the residential character of the neighborhood and shall conform to all applicable regulations regarding noise and parking.
- (3) No signage shall be permitted.
- (4) The minor home occupation shall generate no greater volume of traffic than would normally be expected from a single-family detached residence, consistent with the residential character of the neighborhood;
- (5) The street address of a home occupation business shall not be advertised to the general public in newspaper, radio, television, worldwide web, or other advertisements. This provision shall not be construed to prohibit address listing in telephone directories, on business cards, or in communication with customers, suppliers or professional colleagues, nor shall it prohibit referrals to individual consultants from corporate Internet sites by customer inquiry.

**PROPERTY OWNER AFFIDAVIT**

I hereby affirm as the property owner that the Minor Home Occupation 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 home occupation must comply with all conditions contained in *City Code Section §3.5.5.D.12*

Property Owner/Agent Signature (REQUIRED) \_\_\_\_\_ Date \_\_\_\_\_

**APPLICANT AFFIDAVIT**

I hereby affirm that I have received a copy of the Minor Home Occupation Standards contained in *City Code Section §3.5.5.D.12*. I agree to abide by the limitations, conditions, and the operational standards for a minor home occupation permit as contained therein.

Applicant Signature (REQUIRED) \_\_\_\_\_ Date \_\_\_\_\_

**BUSINESS DETAILS**

Name of Business \_\_\_\_\_

Name of Business Owner \_\_\_\_\_

Street Address of Business \_\_\_\_\_

Business Email \_\_\_\_\_ Business Phone \_\_\_\_\_

What area of the home is used to conduct this business (i.e. bedroom/office/living) \_\_\_\_\_





**ZONING PERMIT AFFADAVIT**  
**KEEPING OF HONEY BEES**

**KEEPING OF HONEY BEES – BEST PRACTICES (*City Code §110-3.5.5.D.13*)**

Keeping of up to four beehives on an occupied residential lot shall be allowed provided:

- (1) Beehives will not be located any closer than 10 feet from any side or rear lot line.
- (2) All honey bee colonies shall be kept within types of hives with removable combs to facilitate inspection, and maintained in sound and usable condition.
- (3) A constant supply of fresh water shall be provided on the lot within 20 feet of all hives. The water source shall be maintained so as not to become stagnant.
- (4) A flyway barrier at least six feet in height but no greater than seven feet in height shall be erected parallel to the property line between the hive opening and any property line located 10 feet or less therefrom. The flyway barrier shall consist of a wall, solid fence, dense vegetation, or a combination thereof extending five feet beyond the hive in each direction. A flyway barrier of dense vegetation shall not be limited to seven feet in height provided that the initial planting is four feet in height and the vegetation normally reaches six feet in height or higher. Barriers shall be maintained in good condition so that all bees are forced to fly at an elevation of at least six feet above ground level.
- (5) Where a colony exhibits aggressive or swarming behavior, the beekeeper shall ensure that the colony is re-queened or removed. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.

**PROPERTY OWNER AFFIDAVIT**

I hereby certify as the property owner that the bee keeping applicant has the authority vested by me to maintain honey bee hives at the listed address. The information provided on this application is accurate to the best of my knowledge. I understand that the hive locations and maintenance must comply with all conditions of *City Code Section §110-3.5.5.D.13* Keeping of Honey Bees as well as all other zoning requirements.

Property Owner/Agent Signature (**REQUIRED**) \_\_\_\_\_ Date \_\_\_\_\_

**APPLICANT AFFIDAVIT**

I have read, understand and agree:

- a) To comply with *City Code Section §110-3.5.5.D.13* and best practices applicable to domestic beekeeping.
- b) The city manager's designee may revoke the permit and remove the hive(s) if the applicant fails to comply with the best practices as stipulated herein, this or any ordinance of the City Code, or any other applicable Virginia or local law or regulation pertaining to the keeping of bees.
- c) The city's designated inspector shall have the right to inspect the hives between 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the licensed beekeeper.

Applicant Signature (**REQUIRED**) \_\_\_\_\_ Date \_\_\_\_\_



**ZONING PERMIT AFFIDAVIT**  
**KEEPING OF CHICKENS**

**KEEPING OF CHICKENS BEST PRACTICES & APPLICABILITY (*City Code §110-3.5.5.D.14*)**

**(a) Applicability**

In addition to RL district lots, keeping of chickens shall be a permitted use on other single-family residential lots with a minimum of 20,000 square feet. The keeping of chickens on single-family residential lots with a minimum of 10,000 square feet in the RM and RH districts shall be subject to a special use review pursuant to §6.7.

**(b) General provisions**

Keeping of up to four chickens on an occupied single-family residential lot shall be allowed, provided that:

- (1) No person shall keep any rooster.
- (2) The chickens shall be used only for non-commercial household egg production. Selling eggs and slaughtering chickens shall be prohibited.
- (3) The chickens shall be provided with a clean, covered, well-ventilated enclosure that is secure from predators.
- (4) The chickens must be kept in the covered enclosure or within a fenced or walled area at all times.
- (5) No enclosure shall be located closer than 25 feet to an occupied, off-site residential dwelling.

**(c) Best practices**

Any person who keeps chickens under this section shall comply with all city and Virginia laws, ordinances, and regulations regarding care, shelter, sanitation, health, noise, cruelty, neglect, reasonable control, and any other requirements pertaining to the adequate care and control of animals in the city.

**PROPERTY OWNER AFFIDAVIT**

I hereby certify as the property owner that the keeping of chickens applicant has the authority vested by me to maintain the chicken enclosures at the listed address. The information provided on this application is accurate to the best of my knowledge. I understand that the chicken enclosure location and maintenance must comply with all conditions of *City Code Section §110-3.5.5.D.14* Keeping of Chickens as well as all other zoning requirements.

Property Owner/Agent Signature (**REQUIRED**) \_\_\_\_\_ Date \_\_\_\_\_

**APPLICANT AFFIDAVIT**

I have read, understand and agree:

- a) To comply with the City Code Section *§110-3.5.5.D.14* and best practices applicable to keeping of chickens.
- b) The city manager's designee may revoke the permit and remove the chicken enclosures if the applicant fails to comply with the best practices as stipulated herein, this or any ordinance of the City Code, or any other applicable Virginia or local law or regulation pertaining to the keeping of chickens.
- c) The city's designated inspector shall have the right to inspect the chicken keeping enclosures between 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the licensed chicken keeper.

Applicant Signature (**REQUIRED**) \_\_\_\_\_ Date \_\_\_\_\_



**ZONING PERMIT**  
**ACCESSORY DWELLING UNIT**

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**ACCESSORY DWELLING UNIT (*City Code §110-3.5.5.D.1*)**

**1. Accessory dwelling units**

Accessory dwelling units, as is defined in **§9.3.1**, shall comply with the following standards:

- (a) No more than one accessory dwelling unit shall be allowed per single-family dwelling unit.
- (b) Accessory dwelling units shall be located within the structure of a single-family dwelling unit; and any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.
- (c) The gross floor area of an accessory dwelling unit shall not exceed 35 percent of the total gross floor area of the principal dwelling.
- (d) No accessory dwelling unit shall contain more than two bedrooms.
- (e) Occupancy of an accessory dwelling unit and the principal dwelling shall be as follows:
  - (1) One of the dwellings (principal or accessory dwelling unit) shall be owner-occupied;
  - (2) At least one of the dwelling units shall be occupied by:
    - (i) Any person 55 years of age or over; and/or
    - (ii) Any person with a handicap as defined in the 1988 amendments to the federal Fair Housing Act, to include a person with a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.
    - (iii) The combined occupancy of the single-family dwelling unit and the accessory dwelling unit shall consist of one family only, which is defined as one person or a group of persons related by blood or marriage, plus not exceeding three additional unrelated persons.
- (f) Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for a special use permit. Generally, reasonable access and mobility for physically handicapped persons shall include:
  - (1) Uninterrupted access to one entrance; and
  - (2) Accessibility and usability of one bathroom.
- (g) No more than two vehicles utilized by residents of the accessory dwelling unit shall be allowed.
- (h) In no instance shall approval of an accessory dwelling unit be deemed a subdivision of the principal unit.
- (i) Any accessory dwelling unit shall meet the applicable regulations for zoning, building, safety, health, and sanitation.
- (j) The owner shall make provisions to allow inspections of the property by city personnel during reasonable hours upon prior notice. An initial inspection of a new accessory dwelling unit will be conducted by a zoning administrator, in addition to any renewal of the accessory dwelling unit use or transfer of ownership of the subject property.

- (k) The zoning administrator may inspect the property if there is a complaint registered with the city or if the official has other reason to believe that the owner or occupants of the property are in violation of the accessory dwelling unit approval.
- (l) Upon transfer of ownership of the subject property, the new owner shall be required to certify in writing to the zoning administrator that either:
  - (1) Continued use of the accessory dwelling unit will comply with the conditions of the previous approval for the accessory dwelling unit use; or
  - (2) Use of the accessory dwelling unit will not be continued, and the use of the space as a separate dwelling unit will cease in accordance with §1.1.1.A.1(m), below.
- (m) If there is a change in occupancy of the accessory dwelling unit that does not comply with the conditions under which the accessory dwelling unit was approved, use of the space as a separate dwelling unit shall cease, the physical arrangement of the space that created an independent housekeeping unit shall be integrated into the primary dwelling unit, and the space shall not be independently leased as a separate dwelling unit.

**PROPERTY OWNER AFFIDAVIT**

I have read, understand and agree:

- a) To comply with *City Code Section 110-3.5.5.D.1* for an accessory dwelling unit defined as a dwelling, including separate kitchen, sleeping, and bathroom facilities, that is attached as part of a principal, single-family dwelling and is subordinate in size to the dwelling (not exceeding 35% of the total gross floor area of the principal dwelling).
- b) To allow inspection of the property by City personnel during reasonable hours upon prior notice, beginning with an initial inspection of the new ADU, and prior to any renewal or transfer of ownership.
- c) To notify the Zoning Administrator of any change in occupancy of the ADU.

Property Owner/Agent Signature (**REQUIRED**) \_\_\_\_\_ Date \_\_\_\_\_

**NOTARY PUBLIC SIGNATURE**

COMMONWEALTH OF VIRGINIA  
CITY OF FAIRFAX

Subscribed and sown before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

