

Arlington County Zoning Ordinance
Section 36. Administration and Procedures

G. Use Permits.

1. Use permits may be issued for any of the special exceptions or conditional uses for which a use permit is required by the provisions of this ordinance; provided, that the County Board shall find that after a duly advertised hearing, the use will not: (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use; (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood; (3) be in conflict with the purposes of the master plans of the county. In granting any use permit the County Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the foregoing requirements and that such use will continue to do so.
2. Construction or operation shall be commenced within one (1) year of date of issuance or the use permit becomes void; provided, however, that in granting a use permit the County Board may extend this period to up to three (3) years upon its determination that additional time may be needed to commence construction or operation. If after a use permit has been used and the use for which the use permit was obtained is discontinued for more than one (1) year, the use permit becomes void.
3. No application for a use permit for the same lot shall be considered by the County Board within a period of three hundred sixty (360) days from its last consideration. This provision, however, shall not impair the right of the County Board to propose a use permit on its own motion.
4. Written application for a use permit shall be filed with the Zoning Administrator. An application for Unified Residential Development approval shall comply with the applicable portion of administrative regulation 4.11, Unified Residential Development Use Permit Approval Procedure, as amended. Use permits shall be heard at the first regular meeting of each month, except the County Board may establish, on its own motion, another time for the use permit hearing, which hearing may be at any County Board meeting.
 - a. Requests for family home day care use permits shall be accompanied by a fee of one hundred dollars (\$100.00).
 - b. Schools, including private, elementary, or secondary schools, and kindergartens, nursery schools, child care centers, and any other programs regulated by Chapter 52 of the Arlington County Code with a total enrollment that is equal to, or less than, one hundred (100) students shall be accompanied by a fee of one hundred fifteen dollars (\$115.00).
 - c. Schools, including private, elementary, or secondary schools, and kindergartens, nursery schools, child care centers, and other programs regulated by Chapter 52 of the Arlington County Code with a total enrollment that exceeds one hundred (100) students but is equal to, or less than, two hundred fifty (250) students shall be accompanied by a fee of two hundred and seventy-five dollars (\$275.00).
 - d. Every other application for a noncommercial or commercial use, except requests that include construction of a new building for the purposes of conducting the use and requests for commercial uses that include substantial alteration of structures or sites (which shall include alterations affecting more than fifty (50) percent of the total floor area of the structure, resulting in the expansion of the first floor plan by more than twenty (20) percent or resulting in the disturbance of more than fifty (50) percent of the site), request for restaurants with drive-through windows, requests for automobile service stations with or without vehicle repair service, or requests for live entertainment, public garages and food delivery

- services, shall be accompanied by a fee of one thousand five hundred dollars (\$1,500.00).
- e. Requests for commercial uses that include substantial alteration to structures and site, restaurants with drive-through windows, or automobile service stations with or without vehicle repair services shall be accompanied by a fee of seven thousand dollars (\$7,000.00), plus six hundred dollars (\$600.00) for the Department of Public Works review.
 - f. Requests for live entertainment, public garages and food delivery services shall be accompanied by a fee of one thousand dollars (\$1,000.00).
 - g. Requests for use permits of any type that include construction of a new building excluding one-family dwellings under Unified Residential Development, Unified Commercial Development or Columbia Pike Form-based Code, for the purposes of conducting the proposed use shall be accompanied by a fee of seven thousand dollars (\$7,000.00).
 - h. Requests for use permits for Unified Residential Development shall be accompanied by a fee of two thousand twenty dollars (\$2,020.00) per use permit, plus five dollars (\$5.00) per dwelling unit plus one thousand two hundred dollars (\$1,200.00) for the Department of Public Works review.
 - i. Requests for use permits for Unified Commercial Development or Columbia Pike Formbased Code shall be accompanied by a fee of one (1) dollar per one (1) square foot of the gross floor area of the entire building, not to exceed five thousand dollars (\$5,000.00) plus one thousand two hundred dollars (\$1,200.00) for the Department of Public Works review.

The time of the hearing shall be the first regular meeting of each month, except the County Board may establish, on its own motion, another time for the use permit hearing, which hearing may be at any County Board meeting.

5. Every applicant for a use permit which would allow the construction of a new structure shall file with his application information as defined in Section 36, paragraph J. (2/7/04)
6. Every applicant for a use permit which would allow the construction of: (1) a new structure; or (2) a parking area for more than ten (10) automobiles, shall file with his application information as defined in Section 36, paragraph J.
7. Administrative change: The Zoning Administrator may approve minor modifications to approved use permits which comply with the spirit of this Code, the intent of the County Board in its approval of the use permit and the general purpose of the comprehensive plan for the development of the area.
8. Every applicant for a use permit or use permit amendment, including a petitioner whose request was authorized on the County Board's own motion, shall file with his application a complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the names of stockholders, officers, and directors and, in any case, the names and addresses of all of the parties in interest, provided that the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and has more than five hundred (500) stockholders.