

# USE PERMIT APPLICATION

Arlington County Planning Division

**PROJECT NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SUBJECT PROPERTY IDENTIFICATION:**

- ADDRESS \_\_\_\_\_
- REAL PROPERTY CODE(S) \_\_\_\_\_
- AREA (SQ. FT./ACRES) \_\_\_\_\_ ZONING DISTRICT(S) \_\_\_\_\_
- OTHER PROPERTY IDENTIFIERS \_\_\_\_\_

**REQUEST TYPE:**

- ORIGINAL FILING     AMENDMENT TO EXISTING USE PERMIT     REVISION TO APPLICATION

IF AMENDMENT, IDENTIFY EXISTING USE PERMITS : \_\_\_\_\_

**REQUESTED USE:**

- CHILD CARE\*     TELECOMMUNICATIONS\*     OUTDOOR CAFÉ\*     LIVE ENTERTAINMENT\*
- TRANSITIONAL USE     SUBDIVISION PER §31. \_\_\_\_\_     KIOSK     COMPREHENSIVE SIGN PLAN
- OTHER AS SPECIFIED \_\_\_\_\_

\*NOTE: In addition to the information on this form, the applicant must also provide associated supplemental information as provided for in the attached "Supplemental Information" document.

**USE REQUESTED IS PERMITTED UNDER:**

- SECTION \_\_\_\_\_ SUBSECTION \_\_\_\_\_ OF THE ARLINGTON COUNTY ZONING ORDINANCE

**APPLICANT INFORMATION:**

- OWNER OF RECORD     CONTRACT OWNER\*\*     OCCUPANT\*\*

- NAME \_\_\_\_\_
- ADDRESS \_\_\_\_\_
- PHONE NUMBER \_\_\_\_\_ EMAIL \_\_\_\_\_
- SIGNATURE \_\_\_\_\_

\*\*NOTE: Property owner must consent to submission of this application in writing; include consent with application.

**IF APPLYING ON BEHALF OF APPLICANT PROVIDE THE FOLLOWING:**

- NAME \_\_\_\_\_ TITLE \_\_\_\_\_
- ADDRESS \_\_\_\_\_
- PHONE NUMBER \_\_\_\_\_ EMAIL \_\_\_\_\_

CONTINUED >

USE PERMIT APPLICATION



# SUPPLEMENTAL INFORMATION

Arlington County Planning Division

**WHERE NOT PREVIOUSLY PROVIDED, PLEASE PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION WITH SUBMITTAL OF THIS APPLICATION TO THE ZONING OFFICE**

**CHILD CARE USE PERMIT (11 COPIES)**

**YES NO**

- Child Care Center       Family Day Care Home
- Have you provided a Memorandum from Child Care Office indicating that you have been made aware of the requirements of Chapter 52 or Chapter 59 of the Arlington County Code.
- Is this an expansion of an existing Child Care Center or Family Day Care Home? If **YES**, provide associated permit number.     

Existing Use Permit Number: \_\_\_\_\_
- Is there an outdoor play area? If **YES**, provide the square footage of the outdoor play area below.     

Outdoor Play Area Square Footage: \_\_\_\_\_
- Is the outdoor play area fenced? If **YES**, provide description; include height, materials and finish.     

Fence Description: \_\_\_\_\_

\_\_\_\_\_
- Will there be care for children under 24-30 months of age? If **YES**, provide number below.     

Number of Children:    under 24 months of age: \_\_\_\_\_    under 30 months of age: \_\_\_\_\_
- Provide the number of staff onsite:    Existing \_\_\_\_\_    Proposed \_\_\_\_\_
- Provide the total number of children:    Existing \_\_\_\_\_    Proposed \_\_\_\_\_
- Provide a Final House Location Plat depicting all **EXISTING** site conditions/improvements. Plat must be scaled using an Engineer's Scale.
- Provide a House Location Plat depicting all **PROPOSED** site conditions/improvements. Plat must be scaled using an engineer's scale. Please note that a plat containing a Land Surveyor's or Engineer's seal is copyrighted and can not be altered without permission.
- If not provided in previous two plats/drawings please provide an additional scaled drawing (engineer's scale) depicting site parking, play area(s), fencing, additional structures and onsite circulation for pick up and drop off of the children.
- Provide a list of outdoor play equipment. Include photos or design details if able.
- Provide a scaled floor plan drawing (architect's scale) depicting all areas/rooms where children and their teachers/care takers will be present. Please be sure to note all exits that lead directly to the outside.
- Provide a Letter/Statement of Support from affected Civic Associations; If none, provide evidence of outreach to affected Civic Associations **OR** an explanation as to why no civic associations are affected by the proposed use.
- Provide Zoning Tabulations as necessary. (e.g. required and proposed parking, setbacks, height, lot coverage, etc.)

**TELECOMMUNICATIONS USE PERMIT (11 COPIES)**

**YES NO**

- Is this an expansion of an existing telecommunications facility? If **YES**, provide associated Use Permit number.     

Existing Use Permit Number: \_\_\_\_\_
- Is the proposed telecommunications equipment replacing existing telecommunications equipment? If **YES**, provide a list of the equipment to be replaced.
- Provide a list of the telecommunications equipment to be installed. Include antennae, equipment cabinets, mounting structures, etc.
- Provide photographs of existing site conditions. Label/identify existing telecommunications equipment and identify the location of the proposed telecommunication improvements.

# SUPPLEMENTAL INFORMATION

Arlington County Planning Division

**WHERE NOT PREVIOUSLY PROVIDED, PLEASE PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION WITH SUBMITTAL OF THIS APPLICATION TO THE ZONING OFFICE**

**TELECOMMUNICATIONS USE PERMIT—CONTINUED (11 COPIES)**

**YES    NO**

- Provide the type of proposed/existing telecommunications facility.
  - Building Rooftop     Monopole     Other as specified below

- Provide a Certified Plat or Site Plan depicting all EXISTING site conditions/improvements. Plat/ Site Plan must be scaled using an Engineer’s Scale.
- Provide a Plat/Site Plan depicting all PROPOSED site conditions/improvements. Plat must be scaled using an engineer’s scale. Please note that a plat containing a Land Surveyor’s or Engineer’s seal is copyrighted and can not be altered without permission.
- Provide the final height elevation of the proposed telecommunications improvements to include both mounting equipment and actual antennae. Be sure to note the highest point; i.e. if mounted antenna or associated equipment extends beyond the height of an existing monopole or rooftop mount, note the highest point.
- Provide a Letter/Statement of Support from affected Civic Associations; If none, provide evidence of outreach to affected Civic Associations OR an explanation as to why no civic associations are affected by the proposed use.
- Note: By way of information the applicant does not need to include electrical details or wiring diagrams for the purposes of this application.
- Note: A lease agreement is not sufficient documentation for owner’s consent and can not be used in place of the required letter of consent from property owner.

**OUTDOOR CAFÉ USE PERMIT (11 COPIES)**

**YES    NO**

- I have read the “Zoning Administrator’s Advice” dated November 1, 2010 regarding Outdoor Cafes (attached) OR (<http://www.arlingtonva.us/departments/CPHD/planning/zoning/page78940.aspx>)
- Provide the number of proposed outdoor seats and tables.
- Provide the hours of operation associated with each day of the week as well as the months in which the outdoor seating will be offered. (Note: outdoor seating is a SEASONAL USE)
- Does the proposed outdoor seating area contain any of the following amenities? If **YES**, provide a detailed description of said amenities to include photos, construction/design details and illustrative drawings as appropriate.

- |                     |                             |                                      |
|---------------------|-----------------------------|--------------------------------------|
| - Planters          | - Host Station              | - Lighting                           |
| - Umbrellas/Awnings | - Barriers (moveable/fixed) | - Bussing Station                    |
| - Signs/Menu Boards | - Portable heaters/fans     | - Speakers (identify directionality) |

- Provide a Certified Plat or Site Plan depicting all EXISTING site conditions/improvements. Plat/ Site Plan must be scaled using an Engineer’s Scale.
- Provide a Plat/Site Plan depicting all PROPOSED site conditions/improvements. The Plat/Site Plan shall be inclusive and show the location of seats, tables, points of access/egress and all additional amenities (identified above) as appropriate. Plat must be scaled using an engineer’s scale. Please note that a plat containing a Land Surveyor’s or Engineer’s seal is copyrighted and can not be altered without permission.
- Provide a Letter/Statement of Support from affected Civic Associations; If none, provide evidence of outreach to affected Civic Associations OR an explanation as to why no civic associations are affected by the proposed use.
- Please initial in space provided acknowledging that you are aware that all Outdoor Café(s) located in the Public Right of Way need to obtain approval and/or a permit from the Department of Environmental Services (DES). Questions, call DES at 703.228.3629

# SUPPLEMENTAL INFORMATION

Arlington County Planning Division

**WHERE NOT PREVIOUSLY PROVIDED, PLEASE PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION WITH SUBMITTAL OF THIS APPLICATION TO THE ZONING OFFICE**

**LIVE ENTERTAINMENT USE PERMIT (11 COPIES)**

**YES    NO**

- I have read the “Zoning Administrator’s Advice” dated November 1, 2010 regarding Live Entertainment (attached) OR (<http://www.arlingtonva.us/departments/CPHD/planning/zoning/page78939.aspx>)
  
- The Subject Property wherein the proposed live entertainment is to take place has been established as a  Restaurant or  Nightclub (check one) and has obtained a Certificate of Occupancy as a Restaurant or Nightclub. If **YES**, please enclose a copy of said Certificate of Occupancy and Capacity Certificate. If **NO**, please know the Arlington County Zoning Ordinance only permits live entertainment (with Use Permit approval) in association with a restaurant and/or nightclub
  
- Provide the type of proposed live entertainment to include a detailed description.
  - Musical Ensemble     Solo Performers     Deejays (DJ)     Karaoke
  - Comics/Comedians     Theatrical             Dancing             Other as specified below

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- Will the proposed live entertainment use amplified audio equipment? If **YES**, provide a brief description below.

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- Will the proposed live entertainment be offered  indoors or  outdoors? (check one)
- Provide the hours live entertainment will be offered in association with each day of the week and current business hours of establishment wherein the live entertainment is provided.
- Provide a scaled floor plan drawing (architect’s scale) depicting all areas/rooms where live entertainment will be setup/offered. This plan shall include the location of all equipment associated with live entertainment. (i.e. stage, DJ booth, karaoke machine, speakers, etc.)
- Provide a Letter/Statement of Support from affected Civic Associations; If none provide an explanation as to why no civic associations are affected by the proposed use.
- Note: If a dance floor or a space wherein patrons will be encouraged to dance is proposed, the applicant must also pursue and obtain a Dance Hall Permit from the Zoning Office.

# DISCLOSURE STATEMENT

Arlington County Planning Division

**SUBJECT PROPERTY IDENTIFICATION:**

**DATE:** \_\_\_\_\_

- ADDRESS \_\_\_\_\_
- REAL PROPERTY CODE(S) \_\_\_\_\_
- AREA (SQ. FT./ACRES) \_\_\_\_\_ ZONING DISTRICT(S) \_\_\_\_\_
- LOT(S) \_\_\_\_\_ BLOCK \_\_\_\_\_
- SECTION \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

**OWNERSHIP:**

**YES**   **NO**

- Is the owner of said real estate a corporation whose stock is traded on a national or local stock exchange and having more than five hundred (500) shareholders? If **YES**, give the name of the corporation and proceed to certification portion of this form.

- If **NO**, provide a list of the names, addresses and nature of interest of ALL persons having equitable ownership of the real estate to be affected. Include, in the case of corporate ownership, the names of stockholders, officers, directors and ALL parties in interest. If aforementioned information does not fit in the space provided, please attach an additional document as necessary.

PARCEL ADDRESS	NAME	ADDRESS	NATURE OF INTEREST

SEE ATTACHED

**CERTIFICATION:**

- I hereby certify that this is a true and accurate disclosure of all persons having equitable ownership in the real estate to be affected and of all parties in interest.

APPLICANT'S NAME \_\_\_\_\_ TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

SIGNATURE \_\_\_\_\_

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, TO WITNESS \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary \_\_\_\_\_

My commission expires \_\_\_\_\_

DISCLOSURE STATEMENT

# ZONING ADMINISTRATOR'S ADVICE

Arlington County Zoning Administration

## OUTDOOR CAFÉS

November 1, 2010

### ■ ISSUE:

The Arlington County Zoning Ordinance (ACZO) does not define “outdoor cafe”. The following advice is provided as to how the term is generally defined and to provide my understanding of the consistent administrative practice in applying this term.

### ■ RESPONSE:

Only §31.A.11 speaks to an Outdoor Café and provides some regulation. In addition, some zoning districts permit restaurants “with outdoor cafes” (e.g. C-1). The following guidance is provided:

- Based upon the Zoning Ordinance requirements, outdoor cafés are seasonal in nature because they are not permitted to be enclosed and because no parking is required.
- As dictionary definitions make clear, an outdoor café is typified by tables and chairs. If alcohol is being served, it will also include a barrier of some kind, such as a short fence or rope/chain with periodic supports in order to also be compliant with ABC laws.
- Also, since outdoor cafes are neither enclosed nor permanent, food and beverage preparation would occur inside the building housing the principal use (i.e. a restaurant or grocery store) and brought to the customer or carried by the customer to the outdoor café.
- The seasonal nature of outdoor cafes, and the requirement of no enclosure suggest an impermanent facility; thus all fixtures associated with an outdoor café must be portable and related, as well as limited to, food service (e.g. tables, chairs, serving trays, soiled dish bins and the like). These requirements are also consistent with the fact that outdoor cafes can be permitted in the public right-of-way by use permit, and should not be permanent on county-owned property.
- An outdoor café is associated with a restaurant or a grocery store which also retails prepared food in a ready to consume state (e.g. deli sections like Whole Foods or Giant provides with ready made sandwiches or meals) and no other use.
- Outdoor cafes are typically located immediately adjacent to the building housing the principal use, typically on the sidewalk or on a deck/porch (e.g. Liberty Tavern or Freddie’s Beach Bar & Bistro)

If outdoor dining is offered in a manner inconsistent with the above referenced bullets, the use is mostly likely not an outdoor café and must be treated in the same manner as the use to which it is associated. By way of example, if the use is enclosed in some manner or has permanent fixtures and is associated with a restaurant, then the seating must meet the parking requirements as established in §33 and setback requirements as established in §32.

In any event, any application for a Certificate of Occupancy or Building Permit for an outdoor café that is inconsistent with the bullets listed above must be reviewed by the Zoning Administrator or a Deputy Zoning Administrator prior to “zoning approval”.

The foregoing statement is advice of the Zoning Administrator, only, and is subject to change and is not subject to appeal. It is provided solely for information and in an effort to assist the public. It may not be relied upon as legal advice or as creating any vested right to any use.

# ZONING ADMINISTRATOR'S ADVICE

Arlington County Zoning Administration

## LIVE ENTERTAINMENT

November 1, 2010

### ■ ISSUE:

The Arlington County Zoning Ordinance (ACZO) does not define “live entertainment”. Based upon the language of the ordinance, and the consistent administrative practice, how is this term applied?

### ■ RESPONSE:

It has been the consistent administrative practice to define “Live Entertainment” as follows: any entertainment involving performances, or delivery of entertainment by one or more persons. Examples include:

- A musical ensemble
- Solo performers
- Deejays
- Karaoke
- Comics/Comedians
- Theatrical acts (when performed in a venue other than a theatre)
- Dancing

Although every set of facts must necessarily be determined individually, live entertainment would not usually include things like piped-in background music, where no “live” person is actively involved in the playing of the music. Please note that the ACZO only permits “live entertainment” in association with a restaurant and after the approval of a Use Permit by the County Board. Additionally, dancing is only permitted per the County Code where a live entertainment use permit has been granted.

The foregoing statement is advice of the Zoning Administrator, only, and is subject to change and is not subject to appeal. It is provided solely for information and in an effort to assist the public. It may not be relied upon as legal advice or as creating any vested right to any use.

Some districts permit “nightclub or restaurant”. Webster defines a nightclub as including a restaurant, and therefore a nightclub would be permitted to apply for a live entertainment use permit.