ARLINGTON COUNTY
GUIDELINES FOR OUTDOOR CAFÉS

The following information is provided for informational purposes to assist the public, business owners and landowners. The intent of this document is not to create new regulations for outdoor cafés, but to clarify existing planning and zoning guidance for all outdoor cafés in Arlington. This document cannot cover every circumstance, and does not modify any ordinance, law, easement or special exception approval that applies to a property. It is intended as general information to help with understanding current practices and policies on new outdoor café requests. Outdoor cafés that already have obtained County approvals and do not meet these guidelines may continue operation in accordance with their approved permits. However, outdoor cafés that are subject to Use Permits that are currently on a County Board review and renewal schedule may be subject to changes in their conditions of approval based on these policies.

I. INTRODUCTION

Arlington County’s Master Transportation Plan, a part of the Comprehensive Plan, calls for streets and sidewalks that are comfortable and interesting places that encourage people to walk instead of drive, and to linger, socialize and patronize local businesses. Outdoor cafés, whether located on private property or on public sidewalks, are desirable features of the streetscape as long as adequate pedestrian movement is retained. Outdoor cafés provide activity for many hours of the day, and are increasingly seen as essential by restaurant businesses. At the same time, in order to implement the intent of the Zoning Ordinance, and to protect public property and adjacent properties, guidelines for outdoor cafés have evolved over time. As a result, County guidance for outdoor cafés has not been entirely clear to citizens and business owners. This document provides such guidance to business owners, citizens, and County staff on existing County policies on the use of outdoor café areas, both on private property and in public rights-of-way.

The guidelines in Section II apply to all outdoor cafés. Section III includes guidelines for outdoor cafés on private property with no public easements. Section IV is for outdoor cafés that require a special exception, usually because they are located in public sidewalks or other rights-of-way.
II. FOR ALL OUTDOOR CAFÉS

A. Outdoor cafés are permitted in Arlington only as accessory uses to the main use of a property as a restaurant. As such, they must be adjacent to the main use, either on private property or on a public sidewalk. (Note: Dining areas on rooftops are not considered outdoor cafés for the purposes of these guidelines).

1) Outdoor cafés consist of tables and chairs, placed for the consumption of food by customers. Service may be self-service or by a waiter.
2) Outdoor cafés are subject to the Arlington County Zoning Ordinance Section 12.5.24.
3) Because they are accessory uses, outdoor cafés shall have fewer seats than permitted by the certificate of occupancy for seating inside of the restaurant.
4) The hours of operation of an outdoor café shall not extend past the normal operating hours of the main restaurant.
5) Outdoor cafés shall not have permanent fixtures, tables or seating. (See below for requirements for barriers).
6) Tables, seating, barriers and other furniture are not required to be removed at the end of every business day, unless otherwise required as a condition of a special exception use permit.
7) Outdoor grills are not permitted in outdoor cafés.
8) Outdoor cafés shall follow any other applicable zoning regulations, such as signs, etc.
9) The outdoor café area must be delineated to scale on any application for a permit.

B. Outdoor cafés provide an alternative to sitting inside, but are not intended to be permanent expansions of a restaurant’s capacity.

1) Heating is permitted in outdoor café areas, as long as the heaters are portable and can be removed.
2) An outdoor café may be under a canopy or awning. Heating elements shall not be installed as part of the canopy or awning.
3) Outdoor cafés shall not be enclosed. “Enclosed” is defined in the Zoning Ordinance as: any roofed-over structure or attachment to a structure is enclosed if sides (other than the side or sides where a structure is attached to a main building) are more than forty (40) percent enclosed with any material other than customary wire or mesh screening.
4) An outdoor café that is “enclosed” according to the definition in the Zoning Ordinance shall be considered a permanent part of the restaurant and therefore subject to all setback, parking (and other applicable) requirements of the Zoning Ordinance.

III. OUTDOOR CAFÉS ON PRIVATE PROPERTY WITH NO PUBLIC EASEMENTS

A. Are permitted to remain open year-round.

B. Permanent fences or barriers may be installed where safety is a concern or where such permanence is required by building code. They shall be shown on all applications and permits.

C. Radios, televisions (whether or not the volume is off) and other electronic media either in or visible to outdoor cafés are permitted only between the hours of 9 a.m. to 10 p.m. Sundays through Thursdays, and 9 a.m. to 11 p.m. Fridays and Saturdays. Outdoor cafés located in properties subject to a special exception site plan may apply for a site plan amendment to amend these hours.
SPECIAL NOTES ABOUT CANOPIES

Canopies that are entirely on private property and do not project into any public right-of-way or easement: Please consult with the Zoning Division on rules for height and setback.

Canopies or awnings that project into a public easement or right of way: County staff is developing a process for the administrative approval of canopy or awning projections into the right of way. At the current time, canopies that encroach into the right of way will require an encroachment ordinance approved by the County Board in most circumstances.

IV. OUTDOOR CAFÉS PERMITTED BY USE PERMIT

A. Outdoor cafés in the public right of way or a public easement area always require use permit approval by the County Board. Outdoor cafés in the public right of way will no longer be approved at the time of initial site plan approval.

1) The County Board may impose conditions of approval on a special exception approval above and beyond these guidelines, including limitations on hours and on months of operation, limitations on outdoor music, or requirements for off-street parking.
2) Use permits for outdoor cafés in public rights of way or easements may generally contain conditions to close between December, January, and February.
3) Barriers shall not be permanent structures, and shall not be affixed to the sidewalk in any way.
4) All furnishings and barriers shall be completely removed at the end of the café season.
5) No fixtures in the sidewalk such as sleeve holes shall be permitted.
6) The use permit shall be subject to periodic reviews and renewals by the County Board. Such renewal periods shall generally be no longer than 5 or 10 years. (Existing use permits that have already been renewed by the County Board with no further scheduled County Board review may continue as such.)

B. Outdoor cafes in public right-of-way or easements require a “clear zone” for pedestrian passage (see diagram on page 6).

1) A clear zone is an area for unimpeded pedestrian mobility. The clear sidewalk cannot contain any obstructions, including but not limited to parking meters, street lights, street trees, tree pits and tree grates. Any part of the proposed seating, fencing or barriers and umbrellas associated with the outdoor café must also be outside of the clear zone.
IV. OUTDOOR CAFÉS PERMITTED BY USE PERMIT, CONTINUED

2) The proposed café shall have a minimum of six (6) feet clear zone of sidewalk area, unless a site plan, Sector Plan or the Master Transportation Plan calls for a greater width at a specific location. The clear zone will be measured along a straight path. Where the clear zone is not met consistently along a straight line, the clear zone is not met. A specific clear zone may be set as a condition of the outdoor café use permit approval.

3) Umbrellas, awnings, and canopies shall not hang over into the clear zone.

In the public right of way, movable barriers are mandatory. The barriers shown to the left are planters that can be removed at the end of a season.

On private property (such as shown on the left), permanent fences may be permitted where patron safety is an issue, such as an elevated patio. All other furniture shall be easily removable.
The Clear Zone is measured in a consistently straight path from the closest obstructions on both sides. Six feet minimum must be left clear for pedestrians. Site Plan Conditions or Sector Plans may call for a wider clear zone.

The Clear Zone must be a straight path. The Clear Zone cannot zigzag or be measured from varied obstruction points along the pedestrian path.