
MEMORANDUM

Date: September 21, 2026

To: Zoning Committee of the Planning Commission (ZOCO)

From: Jill Hunger, AICP, Assistant Director
Department of Community Planning, Housing and Development

Subject: Definitions of restaurant and food delivery – Zoning Ordinance Amendments

INTRODUCTION

At its October 13, 2026, meeting, the Planning Commission's Zoning Committee (ZOCO) will review amendments to the Arlington County Zoning Ordinance (ACZO). The proposed amendments to the definitions of restaurant and food delivery service are intended to clarify previous zoning ordinance changes adopted through the Commercial Market Resiliency Initiative (CMRI) and better reflect current business practices.

Draft amendments to the ACZO are found in Attachment 2.

BACKGROUND

On June 10, 2023, as part of the [Commercial Market Resiliency Initiative \(CMRI\)](#), the County Board approved amendments to the Arlington County Zoning Ordinance (ACZO) that simplified and consolidated restaurant-related use standards and definitions, including restaurant, limited; restaurant, general; restaurant, drive-through; and restaurant, fast food (these previous amendments are found in Attachment 1 and in the staff report [here](#)). These amendments consolidated multiple restaurant classifications into a single restaurant definition.

Retained and still-current definition (§18.2. General Terms Defined):

Restaurant. An establishment whose principal business is the sale of food and/or beverages using non-disposable plates, containers and non-disposable eating utensils, to customers in a ready to consume state, and whose principal method of operation includes one or both of the following characteristics:

- (1) Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and/or
- (2) A cafeteria-type operation where food and beverages generally are provided at a counter consumed at a table within the restaurant building.

The County Board also eliminated the use permit requirement for food delivery services and established food delivery as an accessory use to food establishments. This change reflected Arlington's support for business resilience and flexibility. In making this change,

the food delivery service definition was updated and reflected the expansive means of transportation used to deliver food.

Current definition (§ 18.2. General Terms Defined):

Food delivery service. A service provided by a food establishment, as specified in § 12.2.5.B, that delivers orders of prepared food and beverages to off-site locations for customers via automobile, pedestrian, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, moped.

DISCUSSION

Although the June 2023 amendments simplified restaurant terminology, the retained restaurant definition does not fully reflect the range of restaurant operations that resulted from consolidating the previous classifications. The current definition contains prescriptive language regarding restaurant operations and the types of service ware used by the restaurant. Prior to the June 2023 amendments, this language provided for differentiation from the now-deleted definitions for restaurant, drive-through and restaurant, fast food. Because those distinctions no longer exist in the zoning ordinance, the current definition no longer reflects the diversity of restaurant business models.

Staff drafted amendments that simplify the definition and remove unnecessary limitations on restaurant operations and service ware. Prior to proposing this amendment, staff conferred with the Department of Environmental Services (DES) to ensure that any change aligned with the [Solid Waste Management Plan](#), an implementation plan of the [Recycling Program Implementation Plan](#) element of the [Comprehensive Plan](#). Requirements related to reusable or disposable service ware are more appropriately addressed through DES programs, which provide businesses with technical assistance and compliance support.

Proposed amendment:

Restaurant. An establishment whose principal business is the preparation and sale of food and/or beverages ~~using non-disposable plates, containers and non-disposable eating utensils~~, to customers in a ready-to-consume state, ~~and whose principal method of operation includes one or both of the following characteristics:~~

- ~~(1) Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and/or~~
- ~~(2) A cafeteria type operation where food and beverages generally are provided at a counter consumed at a table within the restaurant building.~~

Restaurant. An establishment whose principal business is the preparation and sale of food and/or beverages to customers in a ready-to-consume state.

The emergence of autonomous delivery devices demonstrates that the current definition of food delivery service may not encompass all existing and future delivery methods. Staff therefore proposes replacing the list of transportation modes with the

phrase “a variety of modes of transportation” to provide flexibility and accommodate evolving delivery technologies.

Proposed amendment:

Food delivery service. A service provided by a food establishment, as specified in § 12.2.5.B, that delivers orders of prepared food and beverages to off-site locations for customers via a variety of modes of transportation ~~automobile, pedestrian, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, moped.~~

Food delivery service. A service provided by a food establishment, as specified in § 12.2.5.B, that delivers orders of prepared food and beverages to off-site locations for customers via a variety of modes of transportation.

The proposed amendments are intended to clarify the zoning ordinance, reflect current restaurant and food delivery practices, and provide flexibility for future business and technological changes while maintaining consistency with broader County policies.

PUBLIC ENGAGEMENT

In addition to this Zoning Ordinance Committee of the Planning Commission (ZOCO) meeting, the proposed amendments to the definitions of food delivery service and restaurant will be circulated to several key interested parties including the Chamber of Commerce, CREDA (Commercial Real Estate Development Association), and the County’s Business Improvement Districts (BIDs) and Partnerships.

SCHEDULE

The anticipated public hearing schedule for the proposed amendments is as follows:

Date	Action
May 19, 2026	County Board Initiating Resolution for Definition of “Restaurant”
September 19, 2026	County Board Initiating Resolution for Definition of “Food Delivery Service”
October 17, 2026	County Board Request to Advertise
December 1, 2026	Planning Commission final consideration
December 12, 2026	County Board final consideration

ATTACHMENT 1

PREVIOUSLY APPROVED AMENDMENTS (June 10, 2023)

Staff Report

§12.5 Commercial/Mixed Use Standards

§12.5.22. **[Reserved] Restaurant, general**

~~Delivery of food and beverages to off-site locations is permitted when it involves less than 30 percent of the amount of the sales from these restaurants., subject to approval of a use permit pursuant to the requirements of §15.4~~

§12.5.23. **[Reserved] Restaurant, limited**

~~Less than 50 percent of the food is served to conventional restaurant tables at which customers sit to order and eat. Delivery of food and beverages to off-site locations is permitted when it involves less than 20 percent of the amount of the sales from these restaurants.~~

Article 18. Definitions

Food delivery service. **A service provided by a food establishment, as specified in §12.2.5.B, that preparation of food and beverages to fills delivers orders of prepared food and beverages to off-site locations for customers via automobile, pedestrian, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, moped.**

Restaurant, drive-through. Any restaurant constructed to sell, or which sells food and beverages to customers who are in a motor vehicle. See also "restaurant, fast food".

Restaurant, fast food. ~~A restaurant where the principal business is the sale of food and/or beverages in a ready-to-consume state for consumption and whose principal method of operation is characterized by the service of food and/or beverages in disposable containers, to be consumed either (1) Within the restaurant building; (2) Within a motor vehicle on the premises; or (3) Off premises as carry-out orders, including drive-through facilities. (See also §12.9.7)~~

ATTACHMENT 2

Attachment 2 – Article 18. Definitions – Draft Zoning Text

In this draft:

-Underline is used to denote text proposed to be added;

-~~Strikethrough~~ is used to denote text proposed to be removed.

-Explanatory notes are shown in yellow, as shown here, and are not meant to be adopted

Article 18. Definitions

* * *

§18.2. General Terms Defined

For the purposes of this zoning ordinance certain terms and words used herein shall be defined and interpreted as follows.

* * *

Food delivery service. A service provided by a food establishment, as specified in §12.2.5.B, that delivers orders of prepared food and beverages to off-site locations for customers via a variety of modes of transportation ~~automobile, pedestrian, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, moped.~~

* * *

Restaurant. An establishment whose principal business is the preparation and sale of food and/or beverages ~~using non-disposable plates, containers and non-disposable eating utensils,~~ to customers in a ready-to-consume state, ~~and whose principal method of operation includes one or both of the following characteristics:~~

~~(1) Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; and/or~~

~~(2) A cafeteria-type operation where food and beverages generally are provided at a counter consumed at a table within the restaurant building.~~