

**ZOA 13-04**  
Adopted May 18, 2013

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY ARLINGTON COUNTY ZONING ORDINANCE SECTIONS 1, 19, 20, 26A, 28, AND 31, TO PROVIDE A DEFINITION OF OUTDOOR CAFES, TO REVISE REGULATIONS FOR OUTDOOR CAFES THAT ARE NOT ON PUBLIC RIGHTS-OF-WAY OR EASEMENTS FOR PUBLIC USE TO CODIFY EXISTING PRACTICES, AND TO REGULATE THE USE OF ELECTRONIC MEDIA IN OR VISIBLE TO OUTDOOR CAFES, TO REDUCE OR PREVENT CONGESTION IN STREETS, TO FACILITATE THE CREATION OF A CONVENIENT, ATTRACTIVE, AND HARMONIOUS COMMUNITY; AND FOR OTHER REASONS REQUIRED BY THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND GOOD ZONING PRACTICE.**

*Be it ordained that the Arlington County Zoning Ordinance Sections 1, 19, 20, 26A, 28, and 31. are hereby amended, reenacted, and recodified to provide a definition for outdoor cafes, revise the regulations for outdoor cafes that are not on public rights-of-way or easements for public use to codify existing practices and to regulate the use of electronic media in or visible to outdoor cafes, to reduce or prevent congestion in streets, to facilitate the creation of a convenient, attractive, and harmonious community, and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:*

\* \* \*

In the proposed amendment:

- Text denoted with underline is text proposed to be added.
- Text denoted with ~~striketrough~~ is text proposed to be deleted.
- Text denoted with ~~double-striketrough~~ or double-underline is text proposed to be ~~deleted~~ from one place and moved to another.
- Text denoted with **highlighting** was added at the County Board meeting of May 18, 2013.

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SECTION 1. DEFINITIONS

\* \* \*

**A. [Terms Defined.]**

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Outdoor café: An area that contains portable seating and tables, intended solely for the consumption of food and beverages that are also included in the standard menu of the restaurant, outside the exterior walls of a restaurant (excluding rooftops).

\* \* \*

SECTION 19. "C-1" LOCAL COMMERCIAL DISTRICTS

\* \* \*

**A. Uses Permitted.**

\* \* \*

26. ~~Restaurant, including outdoor cafes associated with such uses~~ (excluding restaurants with drive-through windows and dancing or entertainment, except as provided for in subsection B.6). Delivery of food and beverages to off-site locations is permitted when it involves less than thirty [30] percent of the amount of sales from these restaurants.

\* \* \*

34. Outdoor café associated with a restaurant, pursuant to 31.A.

\* \* \*

SECTION 20 "CP-FBC" -- COLUMBIA PIKE FORM BASED CODE DISTRICTS

\* \* \*

**A. Uses Permitted.**

\* \* \*

45. ~~Restaurant, including outdoor cafes associated with such uses~~ (excluding restaurants with drive-through windows and dancing or entertainment, except as provided for in subsection B.8 6 and B.1210). Delivery of food and beverages to off-site locations is permitted when it involves less than thirty (30) percent of the amount of sales from these restaurants.

\* \* \*

58. Outdoor cafe associated with a restaurant, pursuant to 31.A.11.

\* \* \*

SECTION 26A “C-TH” COMMERCIAL TOWN HOUSE DISTRICTS

\* \* \*

**A. Uses Permitted.**

\* \* \*

37. ~~Restaurant, including outdoor cafes associated with such uses~~ (excluding restaurants with drive-through windows and dancing or entertainment, except as provided for in subsection B). Delivery of food and beverages to off-site locations is permitted when it involves less than thirty (30) percent of the amount of sales from these restaurants.

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46. Outdoor cafe associated with a restaurant, pursuant to 31.A.11.

SECTION 28. “CM” LIMITED INDUSTRIAL DISTRICTS

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**B. Uses Permitted.**

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7. Conditional uses: The following use may also be permitted subject to securing a use permit as provided for in Section 36, subsection G.:
- a. Outdoor cafes, pursuant to Section 31.A.11, temporarily enclosed for up to ten (10) months per year. In considering applications for use permits to enclose cafes, the County Board may require on- or off-site parking to be provided for the café up to the rate required for restaurant use.

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SECTION 31. SPECIAL PROVISIONS

\* \* \*

**A. Use.**

\* \* \*

11. Outdoor Cafes: In this Ordinance, outdoor cafes are permitted only where they are associated with a restaurant and therefore are permitted as accessory uses only.

Where outdoor cafes are permitted, they shall be allowed subject to the following requirements, **unless otherwise modified by site plan pursuant to Section 36.H.:**

- a. For outdoor cafes not located within public rights-of-way or easements for public use:
- (1) An Outdoor cafes, including any canopy or cover associated with such a café, shall be permitted within the required setback.
  - (2) Except as may be required by site plan or use permit condition, outdoor cafes are not required to be closed during a season and may be open any day during the year. Outdoor cafes ~~within the required setback~~ shall not be enclosed, except as specified elsewhere in the ordinance, and all fixtures and furnishings in the outdoor café including, but not limited to, tables, chairs, bar, server stations and sources of heat shall be portable and not affixed to the ground, building or other permanent structures. Permanent railings or fences may be permitted only where and to the extent that the building code requires an affixed fence for safety purposes. ~~Outdoor cafes may be permitted within public rights-of-way or easements for public use if a use permit is obtained as provided for in Section 36.~~
  - (3) As accessory uses, outdoor cafes shall have fewer seats than the indoor portion of the restaurant, and the hours of operation of an outdoor café shall not extend past the normal operating hours of the main use, the restaurant.
  - (4) Outdoor cafes located in side or rear yards adjacent to or across an alley from an “R” or “RA” District shall not operate before 9:00 a.m. or after 11:00 p.m.
  - (5) Unless otherwise required by the County Board, outdoor cafes shall be exempt from any parking requirement. ~~Outdoor cafes located in side or rear yards adjacent to or across an alley from an “R” or “RA” District shall not operate before 9:00 a.m. or after 11:00 p.m.~~
  - (6) No sound or audio or video entertainment, including but not limited to television or radio playing of music and/or sports events, may be piped into, or played so as to be visible or audible from the outdoor café area before 9 a.m. or after 11 p.m. on Fridays and Saturdays and before 9 a.m. or after 10 p.m. on Sundays through Thursdays.
- b. Outdoor cafes may be permitted within public rights-of-way or easements for public use if a use permit is obtained as provided for in Section 36.