



Office of the Town Manager  
Christopher Martino

**Warrenton Town Council**

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# STAFF REPORT

<b>Council Meeting Date:</b>	April 14 <sup>th</sup> , 2026
<b>Agenda Title:</b>	Town Code Update: Sidewalk Café
<b>Requested Action:</b>	Receive the Information
<b>Department / Agency Lead:</b>	Department of Public Works
<b>Staff Lead:</b>	John Ward, Director of Public Works

## **EXECUTIVE SUMMARY**

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Staff recommends that the Town Council review the proposed amendments to Town Code § 14-1(c) governing sidewalk cafes in the Central Business District. The existing ordinance, last substantively amended in 1998, no longer reflects current operational realities, ADA requirements, industry standards, or the administrative practices the Town has developed over the past two decades. These Phase 1 amendments modernize the regulatory framework while maintaining the Town's established commitment to a vibrant, pedestrian-safe downtown.

This is the first of two planned modernization efforts. Phase 2 amendments, which will address sidewalk café placement, encroachment allowances, and streetscape design standards affected by the upcoming Main Street construction project, will be brought forward once that project is completed and post-construction conditions are established.

## **BACKGROUND**

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The Town of Warrenton's sidewalk cafe program allows restaurants in the Central Business District to extend outdoor dining onto the public right-of-way. The program has been popular and is a recognized contributor to downtown economic vitality and the character of the historic streetscape.

The current ordinance (Code 1981, § 14-8; Ord. No. 1998-15, adopted October 13, 1998) has not been comprehensively updated over 27 years. Since that time, the Town has developed supporting administrative documents — including a permit application, a permit guide, and a fillable application form — to operationalize the program. However, these materials have evolved beyond what the code strictly authorizes, creating inconsistencies between the Town Code and day-to-day administration. The proposed amendments bring the code into alignment with current practice and incorporate best practices from comparable Virginia municipalities.

Staff has also reviewed the program in the context of the planned Main Street construction project. Given that the project will materially alter sidewalk widths, curb geometry, and pedestrian clearance conditions along the primary cafe corridor, staff recommend a two-phase approach: adopt the housekeeping and operational modernizations now (Phase 1) and defer design-standard revisions tied to post-construction sidewalk geometry until Phase 2.

Staff has identified the following deficiencies in the current § 14-1(c):

**1. Insurance Requirements Are Outdated**

The current code requires \$1,000,000 per occurrence / \$1,000,000 aggregate general liability coverage. The Town's revised permit application and guide have updated the minimum to \$1,000,000 per occurrence / \$2,000,000 aggregate, consistent with current municipal risk management standards. The code must be amended to reflect this requirement.

**2. No Seasonal or Hours-of-Operation Standards**

The existing ordinance contains no provisions governing when cafes may operate. The permit guide establishes an operational season of March 1 through November 30 and daily hours of 7:00 a.m. to 11:00 p.m., with limited exceptions for unseasonably warm weather. These standards have no code basis and are not enforceable as written. Phase 1 amendments codify these provisions.

**3. No Furniture Design or Appearance Standards**

The current code does not specify materials, colors, or design compatibility requirements for cafe furniture, barriers, umbrellas, or other furnishings. The permit guide has filled this gap administratively. Phase 1 amendments incorporate basic furniture and design standards consistent with the Town's historic district character.

**4. No Prohibition on Prohibited Items**

Planters, trash containers, serving stations, advertising signs, and logos on cafe furniture are currently prohibited only by administrative guidance. The proposed amendments codify these prohibitions.

**5. Application Process Not Fully Codified**

The current code requires submission of three copies of a plan and a certificate of insurance, but does not address electronic submission, Health Department approval as a prerequisite, ABC authorization requirements, adjoining property owner consent, or furniture photographs/descriptions — all of which are currently required by the permit guide. Phase 1 amendments align the code with current submittal requirements.

**6. Enforcement — Disqualification Period**

The existing code (§ 14-1(c)(5)(c)) provides for a one-year disqualification after permit revocation but does not include a 'whichever is greater' clause referencing the remainder of the current season. The proposed language adds this clause to prevent an operator from re-applying during the same season in which their permit was revoked.

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The following topics are acknowledged but deferred to Phase 2, to be initiated after completion of the Main Street construction project:

- Sidewalk café placement, width minimums, and encroachment allowances along the reconstructed Main Street corridor
- Streetscape furniture compatibility standards linked to new streetscape design elements
- Any geometry-dependent permit area calculations based on post-construction sidewalk dimensions
- Potential expansion of the sidewalk cafe zone to blocks affected by the streetscape improvements

Staff will return to Council with Phase 2 recommendations following the completion and acceptance of the Main Street project and a full survey of post-construction right-of-way conditions.

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#### **STAFF RECOMMENDATION**

Staff recommends the Town Council:

1. Consider the proposed Phase 1 amendments to Town Code § 14-1(c) as presented in the attached draft ordinance; and
2. Consider scheduling a Public Hearing for the May Town Council Meeting; and
3. Direct staff to return with Phase 2 amendments following the completion of the Main Street construction project.

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#### **Service Level/Collaborative Impact**

These amendments give staff clear, codified authority to administer the sidewalk cafe program consistently, replacing informal guidance that has accumulated outside the code for over two decades. The updated permit application and guide will streamline review and reduce incomplete submissions. The two-phase approach reflects active coordination between Public Works, the Town Attorney, and the Main Street project team.

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#### **Policy Direction/Warrenton Plan 2040**

The proposed amendments advance Plan 2040 goals for a vibrant, pedestrian-friendly, and accessible Central Business District. Codifying ADA clear zone requirements supports the Plan's walkability and equity objectives. Furniture design standards protect the historic streetscape character. The two-phase approach reflects the Plan's emphasis on coordinating regulatory updates with capital improvement timelines.

**Legal Impact**

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The proposed amendments are consistent with Virginia Code and the Town's Zoning Ordinance. The ADA pedestrian clear zone requirements are consistent with federal accessibility standards. Staff will coordinate with the Town Attorney's office in review of the drafting proposed ordinance language. ABC authorization requirements are governed by the Virginia Department of Alcoholic Beverage Control and are unaffected by these amendments.

**Fiscal Impact**

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The proposed amendments are administrative in nature and are not anticipated to have a material fiscal impact. Application fees are not established in the code and are set administratively; no change to the fee schedule is proposed at this time. Any fee adjustments may be considered during the Phase 2 review or as part of the annual budget process.

**ATTACHMENTS**

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- A. Draft Ordinance Amendment: Town Code § 14-1(c), Sidewalk Cafes
- B. Revised Sidewalk Cafe Permit Application
- C. Sidewalk Cafe Permit Guide
- D. Fillable Sidewalk Cafe Permit Application Form