

Sidewalk Café Permit Guide

Historic Downtown District · Town of Warrenton, Virginia

A valid permit is required for any business to use public sidewalk space for sidewalk café dining within the Town of Warrenton. Permits are issued on a seasonal basis for months within the same calendar year. To apply, please contact the Department of Public Works.

1. PERMIT APPLICATION PROCESS

- 1 Submit a completed application and all required attachments by one of the following methods:

Mail: Send all materials with a check for the application fee payable to the Town of Warrenton to: Department of Public Works, 21 Main Street Street, Warrenton, VA 20186.

Email: Attach all materials as PDF and send to permittech@warrentonva.gov. Mail your application fee check to the address above, or pay in person at Town Hall.

In Person: Deliver all materials and payment to Town of Warrenton, 21 Main Street, Warrenton, VA 20186, Monday–Friday, 8:30 a.m.–4:30 p.m.

- 2 The initial review timeframe is approximately ten (10) business days. If alcoholic beverages are to be served, additional approval from the Virginia Department of Alcoholic Beverage Control (ABC) is required prior to final Town approval
- 3 Upon approval, the signed permit will be mailed or emailed to the applicant. The permit, along with any required Health Department and ABC approvals, must be kept on the premises and available for inspection at all times during operation.
- 4 Once established, Town staff will conduct periodic inspections to ensure ongoing compliance with the permit conditions and applicable provisions of the Town Code.
- 5 Upon expiration of the permit, all furnishings and objects must be removed immediately from the public right-of-way. Furnishings shall not be stacked or stored outdoors in the right-of-way. If not removed, the Town reserves the right to remove them without further notice. Renewal applications should be submitted prior to the current permit's expiration date.

2. SUBMITTAL REQUIREMENTS

- Completed Sidewalk Café Permit Application.
- Current Certificate of Insurance documenting a general commercial liability policy of at least **\$2,000,000**. The certificate must name the **Town of Warrenton** as an additional insured for the full permitted period. If insurance is cancelled, the applicant must notify the Town immediately and remove all furnishings within thirty (30) days.
- Written authorization from the Virginia ABC Board, if alcohol is to be served.
- Consent from the property owner, if the applicant is not the property owner.
- Consent letter from adjoining property owner(s) if the proposed café area extends beyond the subject property's frontage.
- Sketch Plan showing dimensions, square footage, furniture layout, barrier placement, exit paths, and the required pedestrian clear zone from the outer edge of the café to the back of curb. Barriers are required when alcohol is served.

- Furniture Design: photographs, product information, or descriptions of all proposed furnishings including barriers, tables, chairs, and umbrellas. Planters, trash containers, and serving stations are prohibited within the sidewalk café area. Logos, advertising, and signs are also prohibited on all café furniture.

3. OPERATIONAL, DESIGN & ENVIRONMENTAL REGULATIONS

The applicant must comply with all applicable rules, regulations, ordinances, laws, and statutes, including the Americans with Disabilities Act and those enforced by the Virginia ABC Board and the Town of Warrenton Zoning Ordinance.

Dates of Operation

- Sidewalk café dining is permitted from **March 1 through November 30** of each year. Applications may cover the full season or a portion thereof. Permits are only issued for months within the same calendar year.
- In the event of unseasonably warm weather from December 1 through February 28, sidewalk dining may be permitted at the Town's discretion; however, all furnishings must be removed once temperatures fall below 45°F or snow/freezing rain is imminent.

Hours of Operation

- Sidewalk café areas may be used daily from **7:00 a.m. until 11:00 p.m.**, subject to Town-sponsored events, declared snow emergencies, or other Town directives.
- Food and alcohol consumption must cease at closing time. All tables, chairs, and furnishings shall be removed or secured at the close of each business day.

Dining Area Layout

- If alcohol is served, an approved barrier shall be erected around the perimeter per ABC requirements.
- **Maximum Encroachment:** The sidewalk café area shall not extend more than **eight (8) feet** from the edge of the restaurant facility (building face or property line, whichever is more restrictive) into the public right-of-way. This limit is established in recognition of the minimum five (5) foot pedestrian accessibility passage required under the Americans with Disabilities Act and Town standards.
- **Minimum Pedestrian Clear Zone:** A minimum **5-foot unobstructed clear zone** must be maintained between the outer edge of the café area and the back of curb at all times, ensuring safe and accessible passage for all pedestrians including persons with disabilities. A 4-foot clear zone must be maintained around all other obstructions (e.g., trees, light fixtures, trash receptacles, signs). Failure to maintain required clearance may result in permit revocation.
- An aisle of at least 4 feet in width shall remain unobstructed at all active entrances, doorways, and emergency exits. Café areas shall not block alleyways.
- All furnishings must be located completely within the permitted café area and must not extend into the pedestrian clear zone, including umbrella spread.
- The café area must be contiguous to the applicant's business frontage. Use of space in front of an adjoining property requires written consent from that property owner.

Design of Furnishings

- **Barriers:** Wrought iron, plated metal (chrome, black, or bronze), or painted wood; must meet applicable building and fire codes and ABC regulations.
- **Tables & Chairs:** Metal, wood, fiberglass, or combination thereof in chrome, black, bronze, or painted wood.

- **Umbrellas:** Minimum 7-foot overhead clearance; must be fully contained within the café area including overhead spread. Maximum two (2) colors compatible with other furnishings.
- All furnishings must be compatible in color, material, and appearance with the storefront and adjacent buildings. Do not purchase furnishings prior to receiving Town approval.

Environmental & Cleanliness Standards

- Garbage, trash, refuse, and other waste materials shall be **frequently monitored** to maintain a clean and usable space and to protect the public right-of-way from damage.
- Any food, drink, or other material spilled on the right-of-way must be promptly cleaned and removed. It is not permissible to sweep or rinse waste into the street, gutter, or municipal storm sewer system.
- Commercial outdoor heaters are permitted so long as their use complies with all applicable building and fire codes and does not present a threat to public health, safety, or welfare. Access to Town outdoor electrical outlets is prohibited.

4. CLEANLINESS & AREA MAINTENANCE REQUIREMENTS

The café operator shall be responsible at all times for the maintenance of an attractive, clean, and safe café area and for any necessary maintenance of the café area.

- ★ **The café operator shall maintain the café area in a clean, orderly, and presentable condition before, during, and after all periods of operation, including upon vacating the space at the close of each business day.**
- ★ **The café area shall be left free of debris, waste, and any evidence of café activity at the conclusion of each use. This includes, but is not limited to, food residue, spilled beverages, disposable packaging, and loose signage.**
- ★ **All movable objects or equipment (e.g., tables, chairs, furnishings, and fixtures) required to operate the café shall be removed from the café area and stored out of public view during the winter months and during nonbusiness hours.**
- ★ **Failure to maintain the café area in accordance with this section — including failure to remove equipment or restore the area as required — shall constitute a violation subject to enforcement under Section 5 of this ordinance.**

5. ENFORCEMENT

a.
The Town Manager, or his designee, shall have the authority to inspect sidewalk cafés at any time and to take all necessary steps to enforce the provisions of this section. In the event that the Town Manager suspects that a sidewalk café operator has failed to comply with any provision of this section, any provision of its permit, or any other provision of law, the Town Manager or designee shall provide the operator with a written notice of violation, detailing the violations and giving the permittee a minimum of **forty-eight (48) hours** to remedy such violation(s).

b.
If a café operator fails to correct any violation specified in a notice of violation within the time period set forth herein, the Town Manager or designee shall have the right to **revoke the operator's permit** for cause upon an administrative hearing held with at least two (2) weeks prior written notice. The Town Manager's decision following such hearing shall be final.

c. (New)

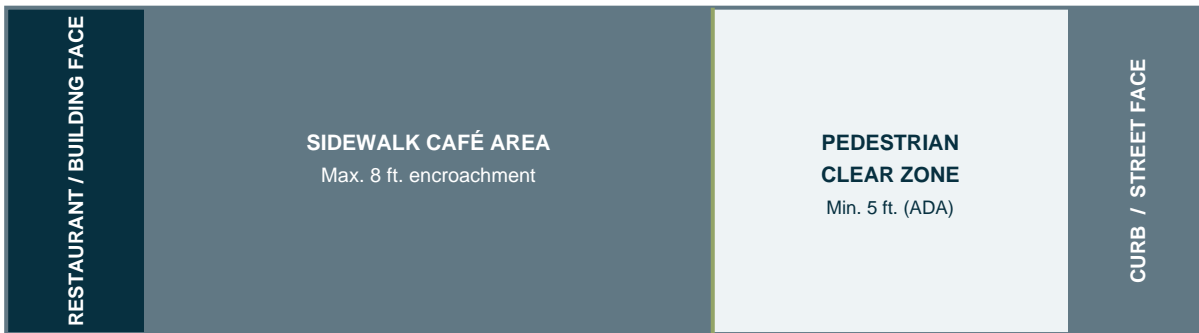
Any café operator whose permit has been revoked pursuant to subsection (b) above shall be **disqualified from applying for or receiving a sidewalk café permit for a period of one (1) year from the date of revocation or the remainder of the current café season, whichever period is greater.** Upon the conclusion of the disqualification period, the former operator may reapply for a permit in accordance with the standard application procedures set forth in this section; provided, however, that the Town Manager or designee may consider the prior revocation in evaluating any subsequent application.

- d.**
The Town Manager or designee shall have the right to terminate any permit for the convenience of the Town upon **ninety (90) days'** prior written notice to the operator.

- e.**
The Town Manager or designee shall have the authority to require the permittee to suspend or limit café operations or to relocate or alter all or part of the café structure or improvements, either temporarily or permanently, in order to facilitate or allow Town operations upon public property.

- f.**
In the event of an emergency, the Town Manager or designee shall have the authority to require the **immediate suspension of operations** of a sidewalk café and/or the removal of all physical improvements constituting the café structure.

6. ENCROACHMENT LIMIT & CLEAR ZONE DIAGRAM



Key Dimensions: Maximum café encroachment from building face = **8 ft.** | Minimum ADA pedestrian clear zone = **5 ft.** | Total minimum sidewalk width required = **13 ft.**

Note: Where existing sidewalk width does not accommodate both the maximum 8-foot encroachment and the required 5-foot pedestrian clear zone, the pedestrian clear zone requirement shall take precedence and the permitted café area shall be reduced accordingly. The Town Manager or designee may impose additional restrictions based on site conditions, pedestrian volume, or public safety.

7. IMPORTANT NOTICES

- Sidewalk café permits shall be revocable with or without cause at the discretion of the Town Manager.

- The Town maintains the right to enter the sidewalk café area at any time for inspections or to make repairs to sidewalks or streets.
- Permits are non-transferable and apply only to the applicant's approved location and business.
- All permit conditions remain in effect for the full duration of the permitted period. Operators are responsible for ensuring that employees and contractors comply with all applicable requirements.
- Questions regarding this permit process should be directed to the Department of Public Works at (540) 347-1858 or permittech@warrentonva.gov.

Diagram showing Minimum Clear Zone Requirements

