



FAIRFAX
COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Articles 4, 5, 6, 7, 8, 9, 10, 11, 13, 17, 20 and Appendices 1 and 7 – Restaurants

PUBLIC HEARING DATES

Planning Commission

November 30, 2017 at 8:15 p.m.

Board of Supervisors

January 23, 2018 at 4:00 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

October 24, 2017

CB



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STAFF COMMENT

The proposed amendment is identified on the 2017 Priority 1 Zoning Ordinance Amendment Work Program as part of the review of use categories under the Zoning Ordinance Modernization (zMOD) Project. The 2016 Priority 1 Work Program also included this topic as part of the Retail Initiative, and this topic was reflected in the 2015 “Strategic Plan to Facilitate the Economic Success of Fairfax County,” specifically Goal 3: Improving the Speed, Consistency, and Predictability of the Development Review Process. One of the recommendations of that goal is to consider revisions that accommodate the evolving nature of retail development and update outdated land use definitions. The zMOD project will conduct a comprehensive review of use definitions to combine them into broader categories with similar impacts to better accommodate new uses. This amendment represents a first step in that direction and focuses on restaurants since they are an important component of the brick-and-mortar retail economy. To these ends, the purpose of this amendment is to clarify and simplify the Zoning Ordinance regulations relating to restaurants to keep pace with the evolving food industry. Zoning Administration staff has researched the topic, reviewed the current zoning regulations relating to restaurants, and received input from industry and citizens. The amendment proposes new definitions that include all types of restaurants, establishes the zoning districts in which they can be located, and proposes changes to parking and other associated requirements to reflect the new definitions and delete unnecessary use limitations. The general framework for this amendment was presented to the Board’s Development Process Committee on July 18 and September 19, 2017.

Current Zoning Ordinance Provisions

The Zoning Ordinance currently defines restaurants as eating establishments, fast food restaurants or quick-service food stores. The definition of an eating establishment applies to traditional sit-down restaurants where customers are provided with a menu, use nondisposable plates and utensils, and full-service is provided by an employee at a table or counter. In contrast, a fast food restaurant usually provides service over a counter, uses disposable containers, and customers generally dispose of their own trash. In addition, any establishment with a drive-through is classified as a fast food restaurant. Because the definition of a fast food restaurant states that an establishment must only meet one of the characteristics included in the definition, restaurants whose operations blur the lines between the current definitions are generally deemed to be fast food. Finally, although the quick-service food store definition applies primarily to the typical concept of a convenience mart, specialty food places, such as a bakery or a small specialty food store, can be deemed to be quick-service food stores.

Eating Establishment: Eating establishments are permitted as follows:

- By right in the retail zoning districts (C-5 through C-9);
- By right, subject to use limitations, in certain office districts (C-3 and C-4);
- By right in planned development districts when shown on an approved development plan;
- By special exception in C-2, and in C-3 and C-4 when they do not meet the specified use limitations; and
- By special exception in certain industrial districts (I-2 through I-5).

Fast Food Restaurant: While eating establishments are broadly permitted in commercial areas, fast food restaurants are more limited. This has become challenging as recent trends find many establishments falling under the fast food restaurant definition, while performing more like an eating establishment or a hybrid of the two land uses. Fast food restaurants are permitted as follows:

- By right, subject to use limitations, in the retail districts;
- By right, subject to use limitations, when shown on an approved development plan in planned development districts (except Planned Development Housing, PDH); and
- By special exception in PDH, certain industrial districts (I-5 and I-6), and when they do not meet the use limitations in the retail districts or the Planned Development Commercial District (PDC).

The use limitations for fast food restaurants in the retail districts limit the size and location of such restaurants. A small establishment (1,500 square feet or less) is permitted if it is within a shopping center, occupies less than 35 percent of the building in which it is located, and does not have a drive-through. An establishment with 1500 to 2500 square feet is permitted if it is within a shopping center, occupies less than 25 percent of the building in which it is located, and does not have a drive-through. A larger establishment is permitted if it is within a building in a shopping center which contains at least six other uses which are not fast food (other than the smaller ones permitted), drive-in financial institutions or quick-service food stores.

Quick-service Food Store: Similar to fast food restaurants, quick-service food stores are permitted as follows:

- By right, subject to use limitations, in the retail districts;
- By right, subject to use limitations, when shown on an approved development plan in planned development districts; and
- By special exception in certain industrial districts (I-5 and I-6), and when they do not meet the use limitations in the retail districts.

Parking: The Zoning Ordinance requires parking for restaurants as follows:

- Eating establishments – 1 space/4 seats at tables, 1 space/2 seats at counters, and 1 space/2 employees. Eating establishments are parked at this rate whether or not they are located within a shopping center.
- Fast food restaurants – 1 space/2 seats; for restaurants without seating, 1 space/60 square feet of net floor area with a minimum of 10 spaces. Fast food restaurants that are located in a shopping center use the applicable shopping center rate, which is 4 to 4.8 spaces/1,000 square feet of gross floor area, depending on the size of the center.
- Quick-service food stores – 6.5 spaces/1,000 square feet of gross floor area. As with fast food restaurants, quick-service food stores located in a shopping center park at the applicable shopping center rate.

For a drive-in window, the Zoning Ordinance requires a total of 11 stacking spaces, with a minimum of 5 spaces for the ordering station.

The Zoning Ordinance also permits eating establishments, fast food restaurants, and quick-service food stores as accessory service uses in certain districts. These accessory uses are limited by the standards contained in Article 10 of the Zoning Ordinance and, except for revisions to reflect the names of the new uses, are not the subject of this amendment.

Proposed Amendment

Definitions

With the direction to consider broader and more inclusive definitions to accommodate current and future trends in restaurants, staff has drafted three new definitions to encompass all types of restaurants where food is prepared for onsite or off-site consumption: *restaurant*, *restaurant with drive-through*, and *carryout restaurant*. Any establishment as a principal use, which does not meet the definitions of a drive-through or carryout, would be a restaurant. The proposed definitions recognize that restaurant operations have and will continue to evolve. For example, the popular fast casual restaurants blur the current distinctions between the classic sit-down restaurant and the traditional fast food establishment. Many of these restaurants do not conform to the outdated operational characteristics included in the definitions of eating establishments or fast food restaurants, and staff notes that these are often difficult to enforce. Therefore, the proposed definitions do not contain operational characteristics.

Restaurant: Any restaurant as a principal use that does not have a drive-through, and is not primarily a carryout, would be a *restaurant*. Most establishments would be defined as a restaurant and, as stated above, this reflects the need to remove obsolete operational distinctions which are not indicative of land use impacts and present difficulties for permitting and enforcement. The new definition carries forward existing text from the definition for an eating establishment which limits entertainment areas to one-eighth of the floor area available for dining. Staff recommends reviewing this provision as part of a future amendment regarding public entertainment.

Restaurant with Drive-through: Any restaurant with a drive-through would fall under this definition. A drive-through facility includes circulation and stacking for ordering and pick-up services to customers in vehicles. Restaurants often offer curbside pick-up in designated spaces and/or carryout, which would not constitute a drive-through. Restaurants with a drive-through have a strong auto-orientation and can affect site access and on-site pedestrian and vehicular circulation. In many areas of the County, the Comprehensive Plan discourages freestanding, auto-oriented restaurants with a drive-through. As a result, it is important to maintain a separate definition for such uses, to apply appropriate regulations. Through the use limitations, fast food restaurants with drive-through facilities generally require special exception approval in the retail districts. As outlined below, the proposed amendment would always require special exception approval for restaurants with a drive-through in the retail districts. The existing provision in the definition for fast food restaurant that deems a food truck that does not comply with Sect. 2-510 of the Zoning Ordinance to be a fast food restaurant would be carried forward to the proposed definition for a restaurant with a drive-through.

Carryout Restaurant: A carryout restaurant would include any restaurant that prepares and sells food and/or beverages in a ready-to-consume state, primarily for consumption off the premises. A carryout restaurant will not include a drive-through. Recognizing that most carryout establishments include a limited number of seats, principally for waiting, a carryout may include up to eight seats; an establishment with more than eight seats would be classified as a restaurant.¹ This definition is intended to represent establishments where carryout is the essential use, such as many bakeries, pizzerias and ethnic take-out. Staff recognizes that most restaurants today include a carryout option, and this definition would not limit the ability of restaurants to offer the option for accessory carryout. Currently, carryout restaurants are considered to be either fast food restaurants or quick-service food stores for zoning purposes. As discussed below, the proposed amendment treats a carryout restaurant in many ways similar to a restaurant, thus providing for some additional flexibility, but with a few important distinctions. Defining carryouts as a separate use recognizes the difference in character of these establishments which are often more auto-oriented than general restaurants.

Quick-service food store, and Retail sales establishment: The definition of a quick-service food store, as adopted in 1979, was intended to address convenience stores. Over the years, it has been applied to additional uses, such as bakeries, butcher shops and small specialty grocery stores because the definition includes the sale of food or food and other items. The proposed revisions are intended to return the focus of the definition of a quick-service food store to the traditional concept of a convenience store. Depending on the specifics of the use, a bakery could be considered to be a retail establishment, restaurant or a carryout restaurant, while a small grocery store would be deemed to be retail sales.

Combined uses: While the definitions outlined above are intended to be broad and easy to interpret, uses do exist in combination, and these combinations are likely to evolve in the future. In some instances, one use is deemed to be the principal use with accessory use(s), such as a quick-service food store with an accessory fast food restaurant. In other cases, there may be two principal uses, which would require the zoning requirements to be met for both land uses.

New Uses – Zoning Districts Where Permitted

1. *Commercial Districts:* The Zoning Ordinance contains office (C-1 through C-4) and retail (C-5 through C-9) commercial districts.
 - a. C-2 (Limited Office) District: Presently, eating establishments require special exception approval in this district, while fast food restaurants are not permitted. The amendment proposes to permit restaurants and carryouts by special exception in the C-2 District. This change would allow a wider variety of establishments, but would continue the oversight of the special exception review and approval process. Staff considers the requirement for special exception approval to be appropriate since the purpose of the C-2 District is to provide for low intensity, transitional land uses between higher intensity commercial uses and residential uses.²

¹ The amendment is advertised to permit the Board to consider 0 to 15 seats in the definition.

² Based on the discussion at the Board's Development Process Committee on September 19, 2017, the amendment is advertised to allow the Board to consider permitting restaurants and carryouts by right in the C-2 District.

- b. C-3 (Office) and C-4 (High Intensity Office) Districts: Restaurants and carryouts are considered compatible uses in these higher intensity office districts and would be permitted by right. The current use limitations which require a minimum building size of 100,000 square feet in C-3, and 90,000 square feet in C-4 would be deleted. Removing the minimum building size may assist with repositioning of smaller office buildings by allowing a restaurant as a principal use.
 - c. C-5 through C-8 Districts: Restaurants and carryouts would be permitted by right; drive-throughs would require special exception approval. The proposed amendment would delete complicated use limitations for fast food restaurants that limit the ability to locate by right, based on the size of the restaurant, the percentage of the building in which located, and the number of other uses. The amendment would also clarify that in all instances, establishments with drive-through facilities necessitate further review and approval by special exception. With respect to carryouts, most are small in size and located within shopping centers and, as such, generally conform to the existing use limitations. Therefore, it is appropriate to simplify their ability to locate by right in retail districts.
2. *Industrial Districts*: The amendment proposes to replace ‘eating establishment’ with ‘restaurant’ as a use permitted by special exception approval in the I-2 through I-5 Districts. The amendment would also permit a restaurant in the I-6 District with approval of a special exception. The amendment proposes to replace fast food restaurant with restaurant with drive-through as a use permitted by special exception in the I-5 and I-6 Districts. A quick-service food store is also permitted by special exception in the I-5 and I-6 Districts, and a carryout restaurant would be as well. It was discussed at the Development Process Committee meeting on September 19, 2017, whether restaurants should be permitted by right in the industrial districts. Staff believes that maintaining the special exception review is appropriate to ensure that when a restaurant, drive-through or carryout is proposed as a principal use, it is located in a manner that is in harmony with the general purpose and intent of the industrial district. Currently, eating establishments are permitted by right as accessory service uses in all industrial districts, and fast food restaurants are permitted as accessory service uses in the I-5 and I-6 Districts. The proposed amendment would broaden the types of establishments by permitting restaurants and carryouts as accessory service uses in all industrial districts, and given this opportunity, staff recommends future review of restaurants as permitted uses as part of the evaluation of use categories with the zMOD project.
 3. *Planned Development Districts*: Generally speaking, in the planned development districts, the uses specified as principal, secondary and/or special exception uses, have been updated to replace eating establishments with restaurants, fast food restaurants with restaurants with drive-through, and to add carryouts consistent with quick-service food stores.
 - a. Planned Development Housing (PDH) District: Restaurants would be principal uses, and therefore, a wider variety of establishments would be permitted with the new definition. Carryouts would be included as Category 5 secondary uses, and thus, subject to the applicable use limitations for all secondary uses. The Zoning Ordinance states that when a Category use is being considered for approval on a final development plan, the standards in

Article 9 for special exceptions are used as a guide. Also, Category uses may be approved by special exception or by final development plan. Restaurants with a drive-through would require special exception approval in the PDH District.

- b. Planned Development Commercial (PDC) District: The use substitutions would be as noted above, with restaurants replacing eating establishments as principal uses, restaurants with a drive-through replacing fast food restaurants as Category 5 secondary uses, and carryout restaurants added as Category 5 secondary uses. The PDC District currently includes use limitations on fast food restaurants addressing issues such as location, circulation, and compatibility. These limitations are not included in the standards for other planned development districts, and staff believes that the substantive issues are considered in the review and approval of the planned development district and its final development plan. Therefore, the proposed amendment deletes these use limitations.
- c. Planned Residential Community (PRC) District: The uses would be updated, with restaurants replacing eating establishments, restaurants with a drive-through replacing fast food restaurants as Category 5 uses, and carryout restaurants added as Category 5 uses in locations approved for Neighborhood Convenience Center, Village Center, Town Center and Convention/Conference Center.
- d. Planned Residential Mixed Use (PRM) District: The uses would be updated, with restaurants replacing eating establishments as secondary uses. Currently, fast food restaurants are Category 5 secondary uses, but a use limitation specifically prohibits drive-through facilities; therefore, the proposed amendment does not permit restaurants with a drive-through in the PRM District. Carryouts would be added as Category 5 secondary uses in the PRM District.
- e. Planned Tysons Corner Urban (PTC) District: In the list of permitted uses subject to final development plan approval, restaurants would replace eating establishments, restaurants with a drive-through would replace fast food as a Category 5 use, and carryouts would be added as a Category 5 use. No revisions are proposed to the existing use limitations on drive-through facilities.

Parking

As outlined above, the Zoning Ordinance includes minimum parking rates for eating establishments, fast food restaurants and shopping centers. The proposed amendment presents two options for updating the parking requirements to reflect the new use definitions. Because parking utilization studies have not been conducted at this time to verify whether the current requirements reflect current needs, both options rely on the existing rates, and should be considered as interim measures until a full review of current parking regulations is undertaken. Staff anticipates that parking studies may be completed as part of zMOD, which would enable a future review and, if necessary, revision to the Zoning Ordinance.

Option 1: This option retains the current rates as stated, replacing eating establishment with restaurant, and replacing fast food restaurant with restaurant with a drive-through. This option would

be applied as follows:

Outside a shopping center:

- Restaurants: 1 space/4 seats at tables, 1 space/2 seats at counters, and 1 space/2 employees
- Restaurants with drive-through: 1 space/2 seats³
- Carryouts: 6.5 spaces/1000 square feet of GFA (the quick-service food store rate)

Within a shopping center

Restaurants and restaurants with a drive-through that do not exceed 5,000 square feet of gross floor area (GFA) will be parked at the shopping center rate; larger restaurants and drive-throughs will be parked at the applicable rate for the use (see above). Carryouts, which are typically small in size, will be parked at the shopping center rate.

Option 1 would have no effect on the required parking for restaurants that are currently classified as eating establishments, or for fast food restaurants with a drive-through, which are not located within a shopping center. Within a shopping center, given that eating establishments, regardless of size, are currently required to tabulate at the eating establishment rate, proposed parking requirements may be reduced as compared to the current tabulations, depending on the individual mix of uses. The threshold of 5,000 square feet for requiring tabulation at the higher applicable rate is based on the upper limit of the size of existing fast food restaurants, in order to not impose an additional parking requirement on those uses which currently park at the shopping center rate. Overall, this approach recognizes that the parking demand cannot be predicted based on operational characteristics. Within a shopping center, most establishments should park at the shopping center rate, but the larger ones are more likely to represent a destination use, and have a longer turnover in customers, thus generating a greater demand for parking.

Option 2: This option would convert the basis or unit of measurement of the existing rates for eating establishments and fast food restaurants from seats and employees to square feet of gross floor area. The converted rates would then be applied as outlined for Option 1. This option is intended to create the closest equivalent rates to the current requirements. Using rates based on square footage has a number of significant advantages. They would be stable and verifiable for predictability in permitting and enforcement, and reduce the need for time-consuming and costly parking tabulations for new tenants. **Therefore, staff recommends Option 2.** Staff has reviewed data from parking tabulations and site plans, and while it is acknowledged that there are no square footage rates that result in exactly the same parking requirements as the existing provisions for all restaurants and shopping centers, staff recommends the following requirements:

- 10 parking spaces/1,000 square feet of gross floor area (GFA) for restaurants with a GFA of less than 5,000 square feet;
- 11 spaces/1,000 square feet for restaurants with a GFA of 5,000 square feet or more; and
- 12 parking spaces/1,000 square feet of GFA for restaurants with a drive-through

³ Based on discussion at the Board's Development Process Committee meeting on September 19, 2017, the amendment is advertised to allow the Board to consider parking Restaurants with drive-through at the same rate as Restaurants.

These rates are just above the averages of the required parking/1,000 GFA and, overall, would result in slightly higher parking requirements for the samples studied.⁴

Parking requirements for restaurants in other local jurisdictions are based on seats in some jurisdictions, and square footage in others. Although rates among other jurisdictions vary considerably, of those that use square footage, the proposed rates are similar to those adopted by Chesterfield and Henrico Counties and the City of Greensboro, NC. The proposed rates exceed those for Prince William County, the City of Fairfax, the City of Norfolk, Montgomery County, MD, and the City of Indianapolis/Marion County, IN; and are less than those for Loudoun County.

With either option, the amendment proposes to clarify that designated parking spaces for curb-side pick-up will not be counted toward meeting the minimum required number of parking spaces.

Outdoor Seating: Currently, the Zoning Ordinance requires parking for outdoor seating. The proposed amendment would not require additional parking for accessory outdoor seating for restaurants and restaurants with a drive-through, up to a maximum of 20 outdoor seats.⁵ Additional outdoor seating could be provided, with parking tabulated for the additional seats at the same rate as for the indoor seats. Outdoor seating provides many benefits, and when provided as an accessory amenity, generally does not generate additional parking demand. The Comprehensive Plan recommends outdoor dining as part of the streetscape to contribute to a high-quality pedestrian experience. Adding a limited amount of outdoor seating can add character, vibrancy and a sense of place, helping local establishments compete with online retail. Other jurisdictions that permit some outdoor seating without requiring additional parking include Arlington and Chesterfield Counties, the Cities of Fairfax and Norfolk, and Montgomery County, MD. This proposal addresses parking, and would not impact other requirements, such as access for fire or the Americans with Disabilities Act.

Miscellaneous Revisions

Various sections in the Zoning Ordinance have been updated as appropriate to reflect the new use definitions, including, but not limited to, the Noise Compatibility Table for the Airport Noise Impact Overlay District (Article 7), the Highway Corridor Overlay District (Article 7), Special Exceptions (Article 9), Accessory Uses (Article 10), and the Transitional Screening and Barrier Matrix (Article 13).

Craft Beverage Production Establishment: The Ordinance specifies that parking for the tasting room of a craft beverage production establishment will be in accordance with the requirements for an eating establishment. In order to maintain the same parking rate for this use, adopted on February 28, 2017, the rate will be specified in Article 11 under its own heading, and the references to the eating

⁴ The amendment is advertised to allow the Board to consider parking rates for Restaurants and Restaurants with drive-through in the range of 9 to 12 spaces/1,000 square feet of GFA.

⁵ Based on discussion at the Board's Development Process Committee meeting on September 19, 2017, the amendment is advertised to allow the Board to consider a range of 0 to 35 outdoor seats that could be exempt from parking calculations.

establishment rate in the applicable use limitations for a craft beverage establishment will be deleted. With these revisions, this amendment will not change the parking requirement for a craft beverage production establishment.

Super-Regional Retail Commercial District (C-9): This zoning district was created in 1992; however, no property is currently or anticipated to be zoned to this district. Instead, any future large-scale retail commercial would likely be part of a mixed-use development and zoned to a planned development district. Therefore, instead of revising the C-9 District to reflect the new definitions, the amendment proposes to delete the district and all references to it.

Conclusion

The proposed amendment seeks to classify restaurant establishments as either a *restaurant*, a *restaurant with drive-through*, or a *carryout restaurant*. Because the new definitions do not include operational characteristics and unnecessary use limitations are removed, the amendment clarifies and simplifies regulations. The new definitions have been reflected, as appropriate, throughout the Zoning Ordinance. The amendment proposes two options for applying the new definitions to the parking requirements: (i) retain the current rates based on seats and employees; or (ii) convert the rates to square footage of gross floor area. Staff believes that the proposed definitions and associated revisions are appropriate, given the changes in restaurant characteristics. The proposed amendment would not impact existing lawfully established restaurants; however, an expansion or enlargement would be required to conform to the zoning provisions in effect at that time. Therefore, staff recommends approval of the proposed amendment, to include **OPTION 2** where different options are presented, with an effective date of 12:01 a.m. on the day following adoption.

Because this amendment may impact certain existing establishments when there is a change in ownership or other modification, staff recommends the Board adopt the following:

- If the parking rates adopted with this amendment would result in the requirement for additional parking, the following shall be grandfathered:
 - (1) Special exceptions, rezonings, and parking reductions that were approved prior to the effective date of this amendment, when such approvals contain a specific parking rate or minimum number of parking spaces, and any Building Permits and site plans submitted pursuant to such special exceptions, rezonings, and parking reductions. Amendments to such special exceptions or rezonings may be approved, provided that, if any new uses or expansions increase seating capacity, parking will be calculated for the entire establishment based on the Zoning Ordinance rates in effect at the time of submission unless a parking reduction is approved by the Board.
 - (2) Applications for Building Permits, parking tabulations, and site plans submitted on or before the effective date of the amendment, provided: (a) such permit is issued, or such tabulation or plan is approved within twelve months of submission or the return of the initial submission to the applicant or agent; (b) the permit, tabulation, or plan remains valid; (c) Building Permits for the structures shown on the approved plan are issued; and (d) the structures and uses are constructed in accordance with such Building Permits, tabulations, and plans. Revisions to such permit,

tabulation, or plan may be approved provided that, if any new uses or expansions increase seating capacity, parking will be calculated for the entire establishment based on the Zoning Ordinance rates in effect at the time of submission.

(3) Lawfully existing eating establishments and fast food restaurants as of the effective date of this amendment or grandfathered pursuant to paragraph (2) above regardless of changes in ownership or tenant layout; however, any expansion or enlargement of such eating establishment or fast food restaurant that increases seating capacity shall require parking to be calculated for the entire establishment at the Zoning Ordinance rates in effect at the time of submission.

- The new definitions shall be applied to Rezoning, Final Development Plan and Special Exception Applications that are approved prior to the effective date of this amendment, as follows: (1) If approved for an eating establishment, it shall be recognized as a restaurant; (2) If approved for fast food with a drive-through, it shall be recognized as a restaurant with drive-through; (3) If approved for fast food without a drive-through and with more than eight seats, it shall be recognized as a restaurant; and (4) If approved for fast food without a drive-through and with eight or fewer seats, it shall be recognized as a carryout restaurant.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of October 24, 2017, and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3,**
2 **Definitions, as follows:**

- 3
- 4 - **Delete the definitions for EATING ESTABLISHMENT; FAST FOOD RESTAURANT;**
5 **RESTAURANT; RESTAURANT, FAST FOOD; SHOPPING CENTER, SUPER-**
6 **REGIONAL and SUPER-REGIONAL SHOPPING CENTER in their entirety.**
- 7
- 8 - **Add the following new definitions in their proper alphabetical sequence, as follows:**
- 9

10 CARRYOUT RESTAURANT: Any establishment that provides, as a principal use, the
11 preparation and sale of food and/or beverages in a ready-to-consume state, primarily for
12 consumption off the premises. A carryout restaurant shall not include drive-through
13 facilities, and up to eight (8) seats may be provided for on-site consumption and/or
14 customer waiting. A restaurant with more than eight seats, and which does not contain a
15 drive-through, shall be deemed a RESTAURANT. A QUICK-SERVICE FOOD STORE
16 or CRAFT BEVERAGE PRODUCTION ESTABLISHMENT shall not be deemed to be
17 a CARRYOUT RESTAURANT. [Advertised to permit the Board to consider 0 to 15
18 seats in the definition.]

19

20 RESTAURANT: Any establishment that provides, as a principal use, the preparation and
21 sale of food and/or beverages in a ready-to-consume state for consumption on or off the
22 premises. A RESTAURANT WITH DRIVE-THROUGH, CARRYOUT
23 RESTAURANT, QUICK-SERVICE FOOD STORE, or CRAFT BEVERAGE
24 PRODUCTION ESTABLISHMENT as defined herein, shall not be deemed to be a
25 RESTAURANT.

26 This use shall not be deemed to include a snack bar or refreshment stand at a
27 public or non-private recreational facility which is operated solely by the agency or group
28 operating the recreational facility as an accessory use for the convenience of the patrons
29 of the facility.

30 Entertainment that is provided for the enjoyment of the patrons shall be
31 considered accessory to a restaurant, to include dancing by patrons, provided the space
32 made available for such dancing shall not be more than one-eighth (1/8) of that part of the

1 floor area available for dining. Provisions for dancing made available under this
 2 definition shall be subject to the licensing requirements of Chapter 27 of The Code.

3
 4 RESTAURANT, CARRYOUT: See CARRYOUT RESTAURANT

5
 6 RESTAURANT WITH DRIVE-THROUGH: Any establishment that provides, as a
 7 principal use, the preparation and sale of food and/or beverages in a ready-to-consume
 8 state for consumption on or off the premises, and which contains a drive-through. A
 9 FOOD TRUCK that does not comply with the provisions set forth in Sect. 2-510 shall be
 10 deemed a RESTAURANT WITH DRIVE-THROUGH.

11
 12 - **Revise the definitions of QUICK-SERVICE FOOD STORE; RETAIL SALES**
 13 **ESTABLISHMENT; HOTEL, MOTEL; MARINA; AND THEATER, as follows:**

14
 15 QUICK-SERVICE FOOD STORE: Any building, ~~except a service station or service~~
 16 ~~station/mini mart,~~ which contains less than 5000 square feet of net floor area and which is
 17 used for the retail sale of ~~food or~~ food and other items. A quick-service food store, also
 18 referred to as a convenience store, is characterized by the frequent turnover of customers,
 19 and the retail sale of food, beverages, and other frequently needed items for household
 20 use or consumption. This definition shall not include a SERVICE STATION or
 21 SERVICE STATION/MINI-MART; and is not intended to include small grocery,
 22 specialty or gourmet food stores, which are deemed a RETAIL SALES
 23 ESTABLISHMENT.

24
 25 RETAIL SALES ESTABLISHMENT: Any establishment wherein the primary
 26 occupation is the sale of merchandise for use or consumption by the immediate purchaser.
 27 This term shall also include establishments such as television and tool rental
 28 establishments, ~~and~~ photographic and portrait studios, and small grocery, specialty or
 29 gourmet food stores. For the purpose of this Ordinance, however, retail sales
 30 establishment shall not be deemed to include AUTOMOBILE-ORIENTED USES,
 31 HEAVY EQUIPMENT AND SPECIALIZED VEHICLE, SALE, RENTAL AND
 32 SERVICE ESTABLISHMENTS, RETAIL SALES ESTABLISHMENTS-LARGE,
 33 QUICK-SERVICE FOOD STORES, VEHICLE LIGHT SERVICE
 34 ESTABLISHMENTS, OR VEHICLE SALE, RENTAL AND ANCILLARY SERVICE
 35 ESTABLISHMENTS.

36
 37 HOTEL, MOTEL: A building or portion thereof or a group of buildings which provide
 38 sleeping accommodations in six (6) or more separate units or rooms for transients on a
 39 daily, weekly or similar short-term basis, whether such establishment is designated as a
 40 hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court,
 41 tourist home or otherwise. A hotel or motel shall be deemed to include any establishment
 42 which provides residential living accommodations for transients on a short-term basis,
 43 such as an apartment hotel. A hotel or motel may contain one or more ~~eating~~
 44 ~~establishments-restaurants~~ as a subordinate use, provided that such establishment is
 45 located within the principal hotel/motel structure, and meeting rooms and/or conference

1 facilities.

2
3 MARINA:

4
5 - COMMERCIAL OR CLUB-TYPE: A marina designed and operated for profit,
6 or operated by any club or organized group where hull and engine repairs, boat
7 and accessory sales, packaged food sales, ~~eating establishments~~ restaurants,
8 personal services, fueling facilities, storage and overnight guest facilities or any
9 combination of these are provided.

10
11 THEATRE: A building or structure designed for the enactment of dramatic performances
12 and/or showing of motion pictures. For the purpose of this Ordinance, a dinner theatre
13 shall be deemed ~~an EATING ESTABLISHMENT~~ a RESTAURANT, and a drive-in
14 motion picture theatre and an adult mini motion picture theatre shall be deemed separate
15 and distinct uses.

16
17
18 **Amend Article 4, Commercial District Regulations, as follows:**

19
20 - **Amend Part 2, C-2 Limited Office District, as follows:**

21
22 **OPTION 1:**

23
24 - **Amend Sect. 4-202, Permitted Uses, by adding new Paragraphs 2 and 11 to read as**
25 **follows, and renumbering all affected paragraphs:**

26
27 2. Carryout restaurants.

28
29 11. Restaurants.

30
31 - **Amend Sect. 4-204, Special Exception Uses, by deleting Par. 4C, and re-lettering the**
32 **subsequent paragraphs accordingly:**

33
34 4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

35
36 ~~C. Eating establishments~~

37
38 **OPTION 2:**

39
40 - **Amend Sect. 4-204, Special Exception Uses, by deleting Par. 4C, adding new**
41 **Paragraphs 4A and 4F to read as follows, and re-lettering all affected paragraphs**
42 **accordingly:**

43
44 4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

45

1 A. Carryout restaurants

2
3 ~~C. Eating establishments~~

4
5 F. Restaurants

6
7 ***STAFF RECOMMENDS OPTION 2***

8
9 - **Amend Part 3, C-3 Office District, as follows:**

10
11 - **Amend Sect. 4-302, Permitted Uses, by deleting Par. 5, adding new Paragraphs 2**
12 **and 16 to read as follows, and re-numbering all affected paragraphs:**

13
14 2. Carryout restaurants.

15
16 ~~5. Eating establishments, limited by the provisions of Sect. 305 below.~~

17
18 16. Restaurants.

19
20 - **Amend Sect. 4-303, Special Permit Uses, by deleting Par. 3A, and re-lettering the**
21 **subsequent paragraph accordingly:**

22
23 3. Group 7 – Older Structures, limited to:

24
25 A. Restaurants

26
27 ~~B. Rooming houses~~

28
29 - **Amend Sect. 4-304, Special Exception Uses, by deleting Par. 4C, and re-lettering all**
30 **subsequent paragraphs accordingly:**

31
32 4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

33
34 ~~C. Eating establishments~~

35
36 - **Amend Sect. 4-305, Use Limitations, by revising Par. 1 to read as follows, deleting**
37 **Par. 5, and re-numbering all subsequent paragraphs:**

38
39 1. All business, service, storage, and display of goods shall be conducted within a
40 completely enclosed building, except outdoor seating provided in association with
41 ~~an eating establishment, a restaurant,~~ those permitted uses, accessory uses set
42 forth in Part 1 of Article 10, and special permit and special exception uses which
43 by their nature must be conducted outside a building.

44
45 ~~5. Eating establishments shall be permitted by right only when such use is located in~~

~~a building which has a gross floor area of at least 100,000 square feet and is designed to contain at least one or more other uses permitted by right. Eating establishments which do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.~~

- Amend Part 4, C-4 High Intensity Office District, as follows:

- **Amend Sect. 4-402, Permitted Uses, by deleting Par. 6, adding new Paragraphs 2 and 18 to read as follows, and re-numbering all affected paragraphs accordingly:**

2. Carryout restaurants.

~~6. Eating establishments, limited by the provisions of Sect. 405 below.~~

18. Restaurants.

- **Amend Sect. 4-403, Special Permit Uses, by deleting Par. 3A, and re-lettering the subsequent paragraph accordingly:**

3. Group 7 – Older Structures, limited to:

A. Restaurants

~~B. Rooming houses~~

- **Amend Sect. 4-404, Special Exception Uses, by deleting Par. 4C, and re-lettering all affected paragraphs accordingly:**

4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

~~C. Eating establishments~~

- **Amend Sect. 4-405, Use Limitations, by revising Par. 1 to read as follows, deleting Par. 5, and re-numbering all affected paragraphs accordingly:**

1. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, except outdoor seating provided in association with ~~an eating establishment, a restaurant,~~ those permitted uses, accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building.

~~5. Eating establishments shall be permitted by right only when such use is located in a building which has a gross floor area of at least 90,000 square feet and is designed to contain at least one or more other uses permitted by right. Eating establishments which do not meet these limitations may be allowed by special~~

exception in accordance with the provisions of Article 9.

- Amend Part 5, C-5 Neighborhood Retail Commercial District, as follows:

- **Amend Sect. 4-502, Permitted Uses, by deleting Paragraphs 11 and 12, adding new Paragraphs 3 and 27 to read as follows, and re-numbering all affected paragraphs accordingly:**

3. Carryout restaurants.

~~11. Eating establishments.~~

~~12. Fast food restaurants, limited by the provisions of Sect. 505 below.~~

27. Restaurants.

- **Amend Sect. 4-504, Special Exception Uses, by deleting Par. 4G, adding new Par. 4M to read as follows, and re-lettering all affected paragraphs accordingly:**

4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

~~G. Fast food restaurants~~

M. Restaurants with drive-through

- **Amend Sect. 4-505, Use Limitations, by revising Paragraphs 1 and 11C to read as follows:**

1. ~~Fast food restaurants,~~ Drive-in financial institutions and quick-service food stores shall be permitted by right in accordance with the following:

~~A. Fast food restaurants without any drive-through facilities shall be permitted by right:~~

~~(1) — When located in a shopping center, and the fast food restaurant does not occupy (a) more than 1500 square feet of gross floor area and (b) more than thirty five (35) percent of the gross floor area of the building in which located; or~~

~~(2) — When located in a shopping center of 25,000 square feet or more of gross floor area, the fast food restaurant may occupy more than 1500 square feet but not to exceed 2500 square feet of gross floor area, provided that the fast food restaurant does not occupy more than twenty five (25) percent of the gross floor area of the building in which located.~~

1
2 ~~B.A.~~ Fast food restaurants, other than those permitted under Par. 1A above,
3 ~~drive-in financial institutions; and quick-service food stores shall be~~
4 permitted by right when:

- 5
6 (1) Such use is located within a building of a shopping center, which
7 building contains at least six (6) other uses which are not ~~fast food~~
8 ~~restaurants, other than those permitted by Par. 1A above,~~ drive-in
9 financial institutions; or quick-service food stores; and
10
11 (2) All uses within that building are connected by party walls or
12 partitions to form one continuous structure.

13
14 ~~C.B.~~ For all of the above, the shopping center and the building in which such
15 drive-in financial institution, ~~fast food restaurant,~~ or quick-service food
16 store is located shall be subject to an approved unified site plan. In
17 addition, vehicular access to the use shall be provided only via the internal
18 circulation system of the shopping center.

19
20 Drive-in financial institutions, ~~fast food restaurants~~ and quick-service food stores
21 which do not meet the limitations set forth above may be allowed by special
22 exception in accordance with the provisions of Article 9.

23
24 11. Craft beverage production establishments shall be permitted by right in
25 accordance with the following:

26
27 C. Parking shall be provided in accordance with the requirements ~~for an~~
28 ~~eating establishment pursuant to~~ of Sect. 11-104 of the Zoning Ordinance.
29

30 - **Amend Part 6, C-6 Community Retail Commercial District, as follows:**

31
32 - **Amend Sect. 4-602, Permitted Uses, by deleting Paragraphs 11 and 12, adding new**
33 **Paragraphs 3 and 29 to read as follows, and re-numbering all affected paragraphs**
34 **accordingly:**

35
36 3. Carryout restaurants.

37
38 ~~11. Eating establishments.~~

39
40 ~~12. Fast food restaurants, limited by the provisions of Sect. 605 below.~~

41
42 29. Restaurants.

43
44 - **Amend Sect. 4-604, Special Exception Uses, by deleting Par. 4H, adding new Par.**
45 **4O to read as follows, and re-lettering all affected paragraphs accordingly:**

1
2 4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

3
4 ~~H. Fast food restaurants~~

5
6 O. Restaurants with drive-through

7
8 - **Amend Sect. 4-605, Use Limitations, by revising Paragraphs 1 and 13C as follows:**

9
10 1. ~~Fast food restaurants, d~~Drive-in financial institutions, quick-service food stores
11 and vehicle light service establishments shall be permitted by right in accordance
12 with the following:

13
14 A. ~~Fast food restaurants without any drive-through facilities shall be~~
15 ~~permitted by right:~~

16
17 (1) ~~When located in a shopping center, and the fast food restaurant~~
18 ~~does not occupy (a) more than 1500 square feet of gross floor area~~
19 ~~and (b) more than thirty five (35) percent of the gross floor area of~~
20 ~~the building in which located; or~~

21
22 (2) ~~When located in a shopping center of 25,000 square feet or more of~~
23 ~~gross floor area, the fast food restaurant may occupy more than~~
24 ~~1500 square feet but not to exceed 2500 square feet of gross floor~~
25 ~~area, provided that the fast food restaurant does not occupy more~~
26 ~~than twenty five (25) percent of the gross floor area of the building~~
27 ~~in which located.~~

28
29 ~~B.A.~~ B.A. ~~Fast food restaurants, other than those permitted under Par. 1A above,~~
30 ~~d~~Drive-in financial institutions; and quick-service food stores shall be
31 permitted by right when:

32
33 (1) Such use is located within a building of a shopping center, which
34 building contains at least six (6) other uses which are not ~~fast food~~
35 ~~restaurants, other than those permitted by Par. 1A above,~~ drive-in
36 financial institutions; or quick-service food stores; and

37
38 (2) All uses within that building are connected by party walls or
39 partitions to form one continuous structure.

40
41 ~~C.B.~~ C.B. Vehicle light service establishments shall be permitted by right when
42 located within the main structure of a regional shopping center.

43
44 ~~D.C.~~ D.C. For all of the above, the shopping center and the building in which such
45 drive-in financial institution, ~~fast food restaurant,~~ quick-service food store

1 or vehicle light service establishment is located shall be subject to an
 2 approved unified site plan. In addition, vehicular access to the use shall be
 3 provided only via the internal circulation system of the shopping center.
 4

5 Drive-in financial institutions, ~~fast food restaurants~~, quick-service food stores and
 6 vehicle light service establishments which do not meet the limitations set forth
 7 above may be allowed by special exception in accordance with the provisions of
 8 Article 9.
 9

10 13. Craft beverage production establishments shall be permitted by right in
 11 accordance with the following:
 12

13 C. Parking shall be provided in accordance with the requirements ~~for an~~
 14 ~~eating establishment pursuant to~~ of Sect. 11-104 of the Zoning Ordinance.
 15

16 - **Amend Part 7, C-7 Regional Retail Commercial District, as follows:**
 17

- 18 - **Amend Sect. 4-702, Permitted Uses, by deleting Paragraphs 14 and 15, adding new**
 19 **Paragraphs 6 and 34 to read as follows, and re-numbering all affected paragraphs**
 20 **accordingly:**
 21

22 6. Carryout restaurants.

23 ~~14. Eating establishments.~~

24 ~~15. Fast food restaurants, limited by the provisions of Sect. 705 below.~~

25 34. Restaurants.
 26
 27

- 28 - **Amend Sect. 4-704, Special Exception Uses, by deleting Par. 4J, adding new**
 29 **Paragraph 4P to read as follows, and re-lettering all affected paragraphs**
 30 **accordingly:**
 31
 32

33 4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:
 34

35 J. ~~Fast food restaurants~~

36 P. Restaurants with drive-through
 37

- 38 - **Amend Sect. 4-705, Use Limitations, by revising Paragraphs 1 and 15C to read as**
 39 **follows:**
 40

41 1. ~~Fast food restaurants, d~~Drive-in financial institutions, quick-service food stores
 42 and vehicle light service establishments shall be permitted by right in accordance
 43 with the following:
 44
 45

1
2 A. ~~Fast food restaurants without any drive-through facilities shall be~~
3 ~~permitted by right:~~

4
5 (1) ~~When located in a shopping center, and the fast food restaurant~~
6 ~~does not occupy (a) more than 1500 square feet of gross floor area~~
7 ~~and (b) more than thirty-five (35) percent of the gross floor area of~~
8 ~~the building in which located; or~~

9
10 (2) ~~When located in a shopping center of 25,000 square feet or more of~~
11 ~~gross floor area, the fast food restaurant may occupy more than~~
12 ~~1500 square feet but not to exceed 2500 square feet of gross floor~~
13 ~~area, provided that the fast food restaurant does not occupy more~~
14 ~~than twenty-five (25) percent of the gross floor area of the building~~
15 ~~in which located.~~

16
17 ~~B.A.~~ ~~Fast food restaurants, other than those permitted under Par. 1A above,~~
18 ~~drive-in financial institutions, and quick-service food stores shall be~~
19 ~~permitted by right when:~~

20
21 (1) Such use is located within a building of a shopping center, which
22 building contains at least six (6) other uses which are not ~~fast food~~
23 ~~restaurants, other than those permitted by Par. 1A above,~~ drive-in
24 financial institutions; or quick-service food stores; and

25
26 (2) All uses within that building are connected by party walls or
27 partitions to form one continuous structure.

28
29 ~~C.B.~~ Vehicle light service establishments shall be permitted by right when
30 located within the main structure of a regional shopping center.

31
32 ~~D.C.~~ For all of the above, the shopping center and the building in which such
33 drive-in financial institution, ~~fast food restaurant,~~ quick-service food store
34 or vehicle light service establishment is located shall be subject to an
35 approved unified site plan. In addition, vehicular access to the use shall be
36 provided only via the internal circulation system of the shopping center.

37
38 Drive-in financial institutions, ~~fast food restaurants,~~ quick-service food stores and
39 vehicle light service establishments which do not meet the limitations set forth
40 above may be allowed by special exception in accordance with the provisions of
41 Article 9.

42
43 15. Craft beverage production establishments shall be permitted by right in
44 accordance with the following:
45

1 C. Parking shall be provided in accordance with the requirements for an
 2 eating establishment pursuant to of Sect. 11-104 of the Zoning Ordinance.

3
 4 - Amend Part 8, C-8 Highway Commercial District, as follows:

- 5
 6 - Amend Sect. 4-802, Permitted Uses, by deleting Paragraphs 15 and 16, adding new
 7 Paragraphs 6 and 35 to read as follows, and re-numbering all affected paragraphs
 8 accordingly:

9
 10 6. Carryout restaurants.

11
 12 ~~15. Eating establishments.~~

13
 14 ~~16. Fast food restaurants, limited by the provisions of Sect. 705 below.~~

15
 16 35. Restaurants.

- 17
 18 - Amend Sect. 4-804, Special Exception Uses, by deleting Par. 4I, adding new Par. 4P
 19 to read as follows, and re-lettering all affected paragraphs accordingly:

20
 21 4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

22
 23 I. ~~Fast food restaurants~~

24
 25 P. Restaurants with drive-through

- 26
 27 - Amend Sect. 4-805, Use Limitations, by revising Paragraphs 1 and 17C to read as
 28 follows:

29
 30 1. ~~Fast food restaurants, a~~Automobile-oriented uses, drive-in financial institutions,
 31 quick-service food stores and vehicle light service establishments shall be
 32 permitted by right in accordance with the following:

33
 34 A. ~~Fast food restaurants without any drive-through facilities shall be~~
 35 ~~permitted by right:~~

36
 37 (1) ~~When located in a shopping center, and the fast food restaurant~~
 38 ~~does not occupy (a) more than 1500 square feet of gross floor area~~
 39 ~~and (b) more than thirty five (35) percent of the gross floor area of~~
 40 ~~the building in which located; or~~

41
 42 (2) ~~When located in a shopping center of 25,000 square feet or more of~~
 43 ~~gross floor area, the fast food restaurant may occupy more than~~
 44 ~~1500 square feet but not to exceed 2500 square feet of gross floor~~
 45 ~~area, provided that the fast food restaurant does not occupy more~~

than twenty five (25) percent of the gross floor area of the building in which located.

~~B.A.~~ Fast food restaurants, other than those permitted under Par. 1A above, automobile-oriented uses, drive-in financial institutions, and quick-service food stores shall be permitted by right when:

(1) Such use is located within a building of a shopping center, which building contains at least six (6) other uses which are not fast food restaurants, other than those permitted by Par. 1A above, automobile-oriented uses, drive-in financial institutions, or quick-service food stores; and

(2) All uses within that building are connected by party walls or partitions to form one continuous structure.

~~C.B.~~ Vehicle light service establishments shall be permitted by right when located within the main structure of a regional shopping center.

~~D.C.~~ For all of the above, the shopping center and the building in which such automobile-oriented use, drive-in financial institution, fast food restaurant, quick-service food store or vehicle light service establishment is located shall be subject to an approved unified site plan. In addition, vehicular access to the use shall be provided only via the internal circulation system of the shopping center.

Automobile-oriented uses, drive-in financial institutions, fast food restaurants, quick-service food stores and vehicle light service establishments which do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

17. Craft beverage production establishments shall be permitted by right in accordance with the following:

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to of Sect. 11-104 of the Zoning Ordinance.

Delete Part 9, C-9 Super-Regional Retail Commercial District, in its entirety, and all references to the C-9 District throughout the Ordinance, to include:

- Par. 4 of Sect. 7-608
- Paragraphs 1 and 2 of Sect. 8-302
- Par. 2 of Sect. 8-402
- Paragraphs 1 and 2 of Sect. 8-502
- Par. 1 of Sect. 8-902

- 1 - Paragraphs 1 and 2 of Sect. 9-302
- 2 - Par. 2 of Sect. 9-402
- 3 - Paragraphs 1 and 2 of Sect. 9-502
- 4 - Introduction to Par. 4 and Par. 4A of Sect. 9-505
- 5 - Par. 3 of Sect. 9-509
- 6 - Par. 2 of Sect. 9-515
- 7 - Sections 9-533, 9-607 (introductory paragraphs)
- 8 - Par. 1E of Sect. 9-622
- 9 - Par. 1 of Sections A7-104, A7-204, A7-304, A7-404, A7-504

- 10
- 11 - **Revise the introductory paragraph to Sect. 9-610, Provisions for Waiving Minimum**
- 12 **Lot Size Requirements, to read as follows:**

13
14 The Board may approve, either in conjunction with the approval of a rezoning or as a
15 special exception, the waiving of the minimum district size and/or lot width requirement
16 for an R District, except for all cluster subdivisions, the minimum lot area and/or lot
17 width requirements for a C district ~~or the minimum district size requirement for the C-9~~
18 ~~District~~, and the minimum district size, lot area and/or lot width requirements for an I
19 district, but only in accordance with the following:

- 20
- 21 - **Revise Par. 34A(1) of Sect. 10-102, Permitted Accessory Uses, to read as follows:**
- 22

23 34. Donation drop-off boxes, but subject to the following:

24 A. Donation drop-off boxes shall be permitted:

- 25
26
27 (1) In the C-5 through ~~C-9~~C-8 districts on a lot containing not less
28 than 40,000 square feet;

- 29
- 30 - **Revise Par. 14 of Sect. 17-104, Uses Exempt from a Site Plan or a Minor Site Plan,**
- 31 **to read as follows:**
- 32

33 14. Temporary public uses not to exceed 875 square feet of gross floor area for a
34 maximum time period of two (2) continuous years, and quasi-public athletic fields
35 in the C-1 thru ~~C-9~~C-8 and I-1 thru I-6 Districts as an interim use.

- 36
- 37 - **Revise the last paragraph of the definition of PLANT NURSERY in Article 20 to**
- 38 **read as follows:**
- 39

40 Establishments growing nursery stock and retailing nursery stock and other items
41 in the retail commercial districts (C-5 through ~~C-9~~C-8 Districts) shall be deemed a
42 RETAIL SALES ESTABLISHMENT. The growing and/or maintenance of nursery stock
43 for wholesale sales shall be deemed to be AGRICULTURE.
44
45

1 **Amend Article 5, Industrial District Regulations, as follows:**

2
3 **- Amend Part I, I-1 Industrial Institutional District, as follows:**

4
5 **- Amend Par. 3 of Sect. 5-I02, Permitted Uses, to read as follows:**

- 6
7 3. ~~Eating establishments~~ Restaurants as an accessory service use, subject to the use
8 limitations presented in Sect. I05 below.

9
10 **- Amend Par. 6 of Sect. 5-I05, Use Limitations, to read as follows:**

- 11
12 6. ~~Eating establishments~~ Restaurants and health clubs, spas, sauna and steam baths,
13 swimming pools, tennis courts, and other such similar facilities, as accessory
14 service uses, shall be permitted in accordance with the following:

15
16 **- Amend Part 1, I-1, Light Industrial Research District, Par. 3 of Sect. 5-105, Use
17 Limitations, to read as follows:**

- 18
19 3. All operations, activities and storage shall be conducted within a completely
20 enclosed building, except for biological research when exposure to sunlight is
21 required, and outdoor seating provided in association with ~~an eating establishment~~
22 a restaurant, those permitted uses, accessory uses set forth in Part 1 of Article 10
23 and special permit and special exception uses which by their nature must be
24 conducted outside a building.

25
26 **- Amend Part 2, I-2 Industrial Research District, as follows:**

27
28 **- Amend Sect. 5-204, Special Exception Uses, by deleting Par. 5B, adding new Par. 5F
29 to read as follows, and re-lettering all affected paragraphs accordingly:**

- 30
31 5. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

32
33 B. ~~Eating establishments~~

34
35 F. Restaurants

36
37 **- Amend Sect. 5-205, Use Limitations, to read as follows:**

- 38
39 2. All operations, activities and storage shall be conducted within a completely
40 enclosed building, except for biological research when exposure to sunlight is
41 required, and outdoor seating provided in association with ~~an eating~~
42 ~~establishment~~, a restaurant, those permitted uses, accessory uses set forth in Part 1
43 of Article 10 and special permit and special exception uses which by their nature
44 must be conducted outside a building.

45

1 - **Amend Part 3, I-3 Light Intensity Industrial District, as follows:**

2
3 - **Amend Sect. 5-304, Special Exception Uses, by deleting Par. 5E, adding new Par. 5M to read as follows, and re-lettering all affected paragraphs accordingly:**

4
5
6 5. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

7
8 E. ~~Eating establishments~~

9
10 M. Restaurants

11
12 - **Amend Sect. 5-305, Use Limitations, by revising Paragraphs 2 and 8B to read as follows:**

13
14
15 2. All operations, activities and storage shall be conducted within a completely enclosed building, except for biological research when exposure to sunlight is required, and outdoor seating provided in association with ~~an eating establishment,~~ a restaurant, those permitted uses, accessory uses set forth in Part 1 of Article 10 and special permit and special exception uses which by their nature must be conducted outside a building.

16
17
18
19
20 8. Craft beverage production establishments shall be permitted by right in accordance with the following:

21
22
23
24
25 B. Parking for the portion of the establishment devoted to production activities shall be provided in accordance with the parking requirements for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning Ordinance. Parking for a tasting room shall be provided in accordance with the requirements ~~for an eating establishment pursuant to~~ of Sect. 11-104 of the Zoning Ordinance.

26
27
28
29
30
31 - **Amend Part 4, I-4 Medium Intensity Industrial District, as follows:**

32
33 - **Amend Sect. 5-404, Special Exception Uses, by deleting Par. 5E, adding new Par. 5M to read as follows, and re-lettering all affected paragraphs accordingly:**

34
35
36 5. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

37
38 E. ~~Eating establishments~~

39
40 M. Restaurants

41
42 - **Amend Sect. 5-405, Use Limitations, by revising Paragraphs 2 and 9B to read as follows:**

43
44
45

1 2. All operations, activities and storage shall be conducted within a completely
 2 enclosed building, except for biological research when exposure to sunlight is
 3 required, and outdoor seating provided in association with ~~an eating~~
 4 ~~establishment, a restaurant,~~ those permitted uses, accessory uses set forth in Part 1
 5 of Article 10 and special permit and special exception uses which by their nature
 6 must be conducted outside a building. All storage of vehicles and activities
 7 associated with a vehicle transportation service establishment shall be conducted
 8 within a completely enclosed building.

9
 10 9. Craft beverage production establishments shall be permitted by right in
 11 accordance with the following:

12
 13 B. Parking for the portion of the establishment devoted to production
 14 activities shall be provided in accordance with the parking requirements
 15 for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning
 16 Ordinance. Parking for a tasting room shall be provided in accordance
 17 with the requirements ~~for an eating establishment pursuant to~~ of Sect. 11-
 18 104 of the Zoning Ordinance.

19
 20 - **Amend Part 5, I-5 General Industrial District, as follows:**

21
 22 - **Amend Sect. 5-504, Special Exception Uses, by deleting Paragraphs 5F and 5G,
 23 adding new Paragraphs 5C, 5N, and 5O to read as follows, and re-lettering all
 24 affected paragraphs accordingly:**

25
 26 5. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

27
 28 C. Carryout restaurants

29
 30 F. ~~Eating establishments~~

31
 32 G. ~~Fast food restaurants~~

33
 34 N. Restaurants

35
 36 O. Restaurants with drive-through

37
 38 - **Amend Sect. 5-505, Use Limitations, by revising Par. 10B to read as follows:**

39
 40 10. Craft beverage production establishments shall be permitted by right in
 41 accordance with the following:

42
 43 B. Parking for the portion of the establishment devoted to production
 44 activities shall be provided in accordance with the parking requirements
 45 for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning

1 Ordinance. Parking for a tasting room shall be provided in accordance
 2 with the requirements ~~for an eating establishment pursuant to~~ of Sect. 11-
 3 104 of the Zoning Ordinance.

4
 5 - **Amend Part 6, I-6 Heavy Industrial District, as follows:**

- 6
 7 - **Amend Sect. 5-604, Special Exception Uses, by deleting Par. 5F, adding new**
 8 **Paragraphs 5C, 5O, and 5P to read as follows, and re-lettering all affected**
 9 **paragraphs accordingly:**

10
 11 5. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

12
 13 C. Carryout restaurants

14
 15 ~~F.~~ ~~Fast food restaurants~~

16
 17 O. Restaurants

18
 19 P. Restaurants with drive-through

- 20
 21 - **Amend Sect. 5-605, Use Limitations, by revising Par. 9B to read as follows:**

22
 23 9. Craft beverage production establishments shall be permitted by right in
 24 accordance with the following:

25
 26 B. Parking for the portion of the establishment devoted to production
 27 activities shall be provided in accordance with the parking requirements
 28 for a manufacturing establishment pursuant to Sect. 11-105 of the Zoning
 29 Ordinance. Parking for a tasting room shall be provided in accordance
 30 with the requirements ~~for an eating establishment pursuant to~~ of Sect. 11-
 31 104 of the Zoning Ordinance.

32
 33
 34 **Amend Article 6, Planned Development District Regulations, as follows:**

- 35
 36 - **Amend Part 1, PDH Planned Development Housing District, as follows:**

- 37
 38 - **Amend Sect. 6-103, Secondary Uses Permitted, by deleting Par. 7, and adding new**
 39 **Paragraphs 4B and 18 to read as follows, and re-numbering and re-lettering all**
 40 **affected paragraphs:**

41
 42 4. Commercial and industrial uses of special impact (Category 5), limited to:

43
 44 B. Carryout restaurants

45

1 7. ~~Eating Establishments~~

2
3 18. Restaurants.

4
5 - **Amend Sect. 6-105, Special Exception Uses, by revising Par. 2C to read as follows:**

6
7 2. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

8
9 C. ~~Fast food restaurants~~ Restaurants with drive-through

10
11 - **Amend Part 2, PDC Planned Development Commercial District, as follows:**

12
13 - **Amend Sect. 6-202, Principal Uses Permitted, by deleting Par. 2, adding new Par. 11**
14 **to read as follows, and re-numbering all affected paragraphs accordingly:**

15
16 ~~2. Eating establishments.~~

17
18 11. Restaurants.

19
20 - **Amend Sect. 6-203, Secondary Uses Permitted, by deleting Par. 4G, adding new**
21 **Paragraphs 4D and 4M to read as follows, and re-lettering all affected paragraphs**
22 **accordingly:**

23
24 4. Commercial and industrial uses of special impact (Category 5), limited to:

25
26 D. Carryout Restaurants

27
28 ~~G. Fast food restaurants~~

29
30 M. Restaurants with drive-through

31
32 - **Amend Sect. 6-205, Special Exception Uses, by deleting Par. 2B, as follows:**

33
34 2. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

35
36 ~~B. Fast food restaurants~~

37
38 - **Amend Sect. 6-206, Use Limitations, by deleting Par. 10, re-numbering all**
39 **subsequent paragraphs accordingly, and revising renumbered Par. 16C to read as**
40 **follows:**

41
42 ~~10. Fast food restaurants shall be permitted only in accordance with the following:~~

43
44 ~~A. Fast food restaurants may be permitted as a secondary use when shown on~~
45 ~~an approved final development plan, and provided such use is located in a~~

1 structure containing at least one (1) other permitted principal or secondary
2 use, in accordance with the following:

3
4 (1) — Such fast food restaurants shall be oriented to cater primarily to
5 occupants and/or employees in the structure in which located, or of
6 that structure and adjacent structures in the same building complex
7 which are accessible via a clearly designated pedestrian circulation
8 system; and

9
10 (2) — Such use(s) shall comprise not more than fifteen (15) percent of the
11 approved gross floor area of the planned development.

12
13 (3) — No drive through facilities shall be permitted when such fast food
14 restaurant is located in a building with any residential uses.

15
16 B. — Fast food restaurants not permitted under the provisions of Par. A above
17 may be permitted as a secondary use by special exception, in accordance
18 with the following:

19
20 (1) — The structure containing the fast food restaurant shall be designed
21 as an integral component of a building complex, and shall be
22 reviewed for compatibility with the approved PDC development;
23 and

24
25 (2) — The fast food restaurant shall be safely and conveniently accessible
26 from surrounding uses via a clearly defined pedestrian circulation
27 system which minimizes points of conflict between vehicular and
28 pedestrian traffic. Pedestrian ways shall be prominently identified
29 through design features such as, but not limited to, the use of
30 special pavement treatments for walkways and crosswalks, and/or
31 the use of consistent and distinctive landscaping. Vehicular access
32 to the use shall be provided via the internal circulation system of
33 the building complex, and no separate entrance to the use shall be
34 permitted from any thoroughfare intended to carry through traffic.

35
36 16.17. Craft beverage production establishments shall be permitted only in accordance
37 with the following:

38
39 C. Parking shall be provided in accordance with the requirements for an
40 eating establishment pursuant to of Sect. 11-104 of the Zoning Ordinance.

41
42 - **Amend Part 3, PRC Planned Residential Community District, as follows:**

43
44 - **Amend Sect. 6-302, Permitted Uses, by deleting all references to Fast food**
45 **restaurants and Eating establishments in Paragraphs B, C and E; adding Carryout**

1 **restaurants, Restaurants with drive-through and Restaurants to read as follows,**
2 **and re-numbering and re-lettering the paragraphs accordingly:**
3

4 B. The following uses are permitted in those locations approved for a
5 Neighborhood Convenience Center, which should be neighborhood-
6 oriented in scope and location. A neighborhood convenience center should
7 be oriented to both pedestrian and vehicular access.
8

9 (2) Commercial and industrial uses of special impact (Category 5),
10 limited to:

11 (c) Carryout restaurants

12 (e) ~~Fast food restaurants~~

13 (h) Restaurants with drive-through

14 (6) ~~Eating establishments.~~

15 (14) Restaurants.

16 C. The following uses are permitted in those locations approved for a Village
17 Center which should be a central location for activity of retail, community
18 and leisure uses on a scale serving a number of neighborhoods. A village
19 center should be easily accessible to both vehicles and pedestrians. Within
20 such a center, the primary emphasis should be on the pedestrian circulation
21 system. A village center should contain uses such as professional offices, a
22 supermarket, a hardware store, specialty shops and other uses as listed
23 below.
24

25 (3) Commercial and industrial uses of special impact (Category 5),
26 limited to:

27 (d) Carryout restaurants

28 (f) ~~Fast food restaurants~~

29 (j) Restaurants with drive-through

30 (8) ~~Eating establishments.~~

31 (19) Restaurants.

32 E. The following uses are permitted in those locations approved for a
33 Convention/Conference Center, which should have the facilities to
34
35
36
37
38
39
40
41
42
43
44
45

1 accommodate conventions or large meetings and retail or commercial
 2 establishments necessary to serve the people using such facilities and any
 3 residents of the Center.
 4

5 (3) Commercial and industrial uses of special impact (Category 5),
 6 limited to:

7
 8 (c) Carryout restaurants

9
 10 (e) ~~Fast food restaurants~~

11
 12 (g) Restaurants with drive-through

13
 14 (8) ~~Eating establishments.~~

15
 16 (18) Restaurants.
 17

18 - **Amend Sect. 6-305, Use Limitations, by revising Par. 15C to read as follows:**

19
 20 15. Craft beverage production establishments shall be permitted only in accordance
 21 with the following:

22
 23 C. Parking shall be provided in accordance with the requirements ~~for an~~
 24 ~~eating establishment pursuant to~~ of Sect. 11-104 of the Zoning Ordinance.
 25

26 - **Amend Part 4, PRM Planned Residential Mixed Use District, as follows:**

27
 28 - **Amend Sect. 6-403, Secondary Uses Permitted, by deleting Paragraphs 5B and 9,**
 29 **adding new Paragraphs 5A and 20 to read as follows, and re-numbering and**
 30 **lettering all affected paragraphs accordingly:**

31
 32 5. Commercial and industrial uses of special impact (Category 5), limited to:

33
 34 A. Carryout restaurants

35
 36 ~~B. Fast food restaurants~~

37
 38 ~~9. Eating establishments.~~

39
 40 20. Restaurants.
 41

42 - **Amend Sect. 6-406, Use Limitations, by revising Par. 14C to read as follows:**

43
 44 14. Craft beverage production establishments shall be permitted only in accordance
 45 with the following:

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to of Sect. 11-104 of the Zoning Ordinance.

Amend Part 5, PTC Planned Tysons Corner Urban District, as follows:

- **Amend Sect. 6-502, Permitted Uses, by deleting Paragraphs 5E and 11, adding new Paragraphs 5C, 5K, and 27 to read as follows, and re-numbering and lettering all affected paragraphs accordingly:**

5. Commercial and industrial uses of special impact (Category 5), limited to:

C. Carryout restaurants

~~E. Fast food restaurants~~

K. Restaurants with drive-through

~~11. Eating establishments.~~

27. Restaurants.

- **Amend Sect. 6-505, Use Limitations, by revising Par. 20C to read as follows:**

20. Craft beverage production establishments shall be permitted only in accordance with the following:

C. Parking shall be provided in accordance with the requirements for an eating establishment pursuant to of Sect. 11-104 of the Zoning Ordinance.

- **Amend Sect. 6-509, Off-Street Parking and Loading, by revising Par. 1B (1), as follows:**

(1) In the TOD Districts, there shall be no minimum number of parking spaces required and the rates set forth in such Sections shall serve as the maximum number of parking spaces permitted. In a multiple story structure, the first 5,000 square feet of gross floor area located on the ground or street level for the following uses shall not be included in the calculation of required parking: retail, personal/business services, ~~fast food restaurant~~, quick-service food store, restaurant, carryout restaurant and/or ~~eating establishment~~ restaurant with drive-through.

Amend Article 7, Overlay and Commercial Revitalization District Regulations, as follows:

- 1
2 - **Amend Part 4, Airport Noise Impact Overlay District, NOISE COMPATIBILITY**
3 **TABLE, by deleting the entry, “Eating establishments, commercial recreation**
4 **restaurants and fast food restaurants,” and adding the entry, “Restaurants, carryout**
5 **restaurants, restaurants with drive-through, and commercial recreation restaurants,”**
6 **in the appropriate alphabetical sequence, to read as follows:**

Uses	Noise Impact Areas (DNL dBA)		
	75+	70-75	65-70
Eating establishments, commercial recreation Restaurants and fast food restaurants	P2	P3	P
<u>Restaurants, carryout restaurants, restaurants with drive-through, and commercial recreation restaurants</u>	P2	P3	P

- 19
20 - **Amend Part 6, Highway Corridor Overlay District, as follows:**

- 21
22 - **Amend Sect. 7-601, Purpose and Intent, by deleting Par. 2, adding new Par. 3 to**
23 **read as follows, and re-numbering all affected paragraphs accordingly:**

- 24
25 ~~2. Fast food restaurants~~
26
27 3. Restaurants with drive-through.
28

- 29 - **Amend Sect. 7-604, Administration, to read as follows:**

30
31 The administration of the provisions of the Highway Corridor Overlay District shall be as
32 provided for in Article 9 for drive-in financial institutions, ~~fast food~~ restaurants with
33 drive-through, quick-service food stores, service stations and service station/mini-marts
34 and as provided for in Article 18 for all other uses.
35

- 36 - **Amend Sect. 7-607, Special Exception Uses, by revising Par. 2 to read as follows:**

- 37
38 2. Except as permitted by right pursuant to Sections 4-502, 4-602, 4-702, 4-802, 4-
39 ~~902~~ and 10-202, drive-in financial institutions, ~~fast food~~ restaurants with drive-
40 through, quick-service food stores, service stations, and service station/mini-marts
41 subject to the provisions of Part 6 of Article 9 and Sect. 608 below.
42

- 43 - **Amend Sect. 7-608, Use Limitations, by revising the introductory paragraph to read**
44 **as follows:**
45

1 All uses shall be subject to the use limitations set forth in the underlying zoning
 2 district(s), and, in addition, drive-in financial institutions, ~~fast food~~ restaurants with drive-
 3 through, quick-service food stores, service stations, and service station/mini-marts shall
 4 be subject to the following use limitations:
 5
 6

7 **Amend Article 8, Special Permits, Part 7, Older Structures, Sect. 8-702, Districts in Which**
 8 **Group 7 Uses May be Located, by deleting the reference to Restaurants in the C-3 and C-4**
 9 **Districts as follows:**

10
 11 Group 7 uses may be allowed by special permit in the following districts:

12
 13 R-P, R-C Districts: Limited to uses 3 and 5

14 R-E, R-1 Districts: All uses

15 R-2, R-3, R-4 Districts: Limited to uses 1, 2, 4 and 5

16
 17 C-1, C-2, ~~C-3, C-4~~ Districts: Limited to uses 3 and 4

18 C-3, C-4 Districts: Limited to use 4
 19

20
 21 **Amend Article 9, Special Exceptions, as follows:**

22
 23 - **Amend Part 5, Commercial and Industrial Uses of Special Impact, as follows:**

- 24
 25 - **Amend Sect. 9-501, Category 5 Special Exception Uses, by deleting Paragraphs 9**
 26 **and 11, revising Par. 13N, and adding new Paragraphs 44, 45 and 46 to read as**
 27 **follows:**

28
 29 9. ~~Eating establishments.~~

30
 31 11. ~~Fast food restaurants.~~

32
 33 13. Heavy industrial uses, to include:

34
 35 N. Garbage incineration other than in municipal plants or incidental to the
 36 operation of hotels; ~~eating establishments~~ and dwellings.

37
 38 44. Restaurants.

39
 40 45. Carryout restaurants.

41
 42 46. Restaurants with drive-through.
 43

- 1 - **Amend Sect. 9-502, Districts in Which Category 5 Uses May be Located, by deleting**
 2 **all references to uses 9 (Eating establishments) and 11 (Fast food restaurants) in**
 3 **Paragraphs 1 and 2, and adding references to new uses 44, 45, and 46, as follows:**
 4

5 **OPTION 1:**
 6

- 7 1. Category 5 uses may be permitted by right or as an accessory service use in the
 8 following districts:
 9

10 **Add use 44 (Restaurants) to the following districts: PDH, PDC, PRC, PRM,**
 11 **PTC, C-2, C-3, C-4, C-5, C-6, C-7, C-8, and I-I;**

12 **Add use 45 (Carryout restaurants) to the following districts: PDH, PDC,**
 13 **PRC, PRM, PTC, C-2, C-3, C-4, C-5, C-6, C-7, and C-8; and**

14 **Add use 46 (Restaurants with drive-through) to the following districts: PDC,**
 15 **PRC, and PTC.**
 16

- 17 2. Category 5 uses may be allowed by special exception in the following districts:
 18

19 **Add use 44 (Restaurants) to the following districts: I-2, I-3, I-4, I-5, and I-6;**
 20

21 **Add use 45 (Carryout restaurants) to the following districts: I-5, and I-6; and**
 22

23 **Add use 46 (Restaurants with drive-through) to the following districts: PDH,**
 24 **C-5, C-6, C-7, C-8, I-5, and I-6.**
 25

26 **OPTION 2:**
 27

- 28 1. Category 5 uses may be permitted by right or as an accessory service use in the
 29 following districts:
 30

31 **Add use 44 (Restaurants) to the following districts: PDH, PDC, PRC, PRM,**
 32 **PTC, C-3, C-4, C-5, C-6, C-7, C-8, and I-I;**

33 **Add use 45 (Carryout restaurants) to the following districts: PDH, PDC,**
 34 **PRC, PRM, PTC, C-3, C-4, C-5, C-6, C-7, and C-8; and**
 35

36 **Add use 46 (Restaurants with drive-through) to the following districts: PDC,**
 37 **PRC, and PTC.**
 38

- 39 2. Category 5 uses may be allowed by special exception in the following districts:
 40
 41
 42
 43
 44

1 Add use 44 (Restaurants) to the following districts: C-2, I-2, I-3, I-4, I-5, and
2 I-6;

3
4 Add use 45 (Carryout restaurants) to the following districts: C-2, I-5, and I-
5 6;

6
7 Add use 46 (Restaurants with drive-through) to the following districts: PDH,
8 C-5, C-6, C-7, C-8, I-5, and I-6.

9
10 ***STAFF RECOMMENDS OPTION 2***

- 11
12 - Amend Sect. 9-505, by revising the section name, and Paragraphs 6 and 7 to read as
13 follows:

14
15 **9-505 Additional Standards for Automobile-Oriented Uses, Car Washes, Drive-In**
16 **Financial Institutions, Drive-Through Pharmacies, ~~Fast Food Restaurants,~~**
17 **Quick-Service Food Stores, Restaurants, Restaurants with Drive-Through,**
18 **Carryout Restaurants, Service Stations, and Service Stations/Mini-Marts**

- 19
20 6. In the PDH ~~and PDC~~ Districts, in addition to Par. 1 above:

21
22 A. ~~In the PDH District, fast food r~~Restaurants with drive-through may be
23 permitted only in accordance with the provisions of Sect. 6-106 and the
24 following:

- 25
26 (1) Such use may be permitted only upon a finding by the Board that
27 the planned development is of sufficient size to support the
28 proposed use, and that the use is designed to serve primarily the
29 needs of the residents of the development.
30
31 (2) Such use shall be designed and located so as to maintain the
32 intended secondary nature of the use, and so that the associated
33 impacts, including but not limited to associated on-site and off-site
34 vehicular traffic, noise, odors, and visual impact, will not adversely
35 affect the residential character of the development and surrounding
36 properties.
37
38 (3) All direct vehicular access to the use shall be provided via the
39 internal circulation system of a commercial area of the PDH
40 development, which commercial area shall contain not less than
41 three (3) non-automobile-related commercial establishments.
42
43 (4) The proposed development shall provide clearly designated
44 pedestrian facilities for safe and convenient access from
45 surrounding residential and commercial uses.

1
2 B. ~~In the PDC District, fast food restaurants may be permitted only in~~
3 ~~accordance with the provisions of Sect. 6-206.~~

- 4
5 7. In the PTC District, car washes, drive-in financial institutions, drive-through
6 pharmacies, ~~fast food~~ restaurants with drive-through, carryout restaurants, quick-
7 service food stores, service stations and service stations/mini-marts may only be
8 permitted in accordance with the provisions of Sect. 6-505.

9
10 - **Amend Sect. 9-526, Additional Standards for Bed and Breakfasts Uses, by revising**
11 **Par. 3 to read as follows:**

- 12
13 3. A bed and breakfast shall not include ~~an eating establishment~~ a restaurant,
14 however breakfast and other light fare may be provided for resident guests. In
15 addition, this provision shall not preclude the filing and approval of a separate
16 Group 7 special permit application for a restaurant.

17
18 - **Amend Part 6, Miscellaneous Provisions Requiring Board of Supervisors' Approval,**
19 **Sect. 9-601, Special Exception Uses, by revising Paragraphs 7 and 8 to read as follows:**

- 20
21 7. Approval of drive-in financial institutions, ~~fast food~~ restaurants with drive-
22 through, quick-service food stores, service station and service station/mini-marts
23 in a Highway Corridor Overlay District.
24
25 8. Approval of the enlargement, extension, relocation or increase in intensity of
26 existing drive-in financial institutions, ~~fast food~~ restaurants with drive-through,
27 quick-service food stores and service stations in a Highway Corridor Overlay
28 District.

29
30 - **Amend Sect. 9-611 to read as follows:**

31
32 **9-611 Provisions for Approving Drive-In Financial Institutions, ~~Fast Food~~**
33 **Restaurants with Drive-through, Quick-Service Food Stores, Service**
34 **Stations, and Service Station/Mini-Marts in a Highway Corridor Overlay**
35 **District**

36
37 The Board may approve a special exception for the establishment or for the
38 enlargement, extension, relocation or increase in intensity of a drive-in financial
39 institution, ~~fast food~~ restaurant with drive-through, quick-service food store,
40 service station or service station/mini-mart in a Highway Corridor Overlay
41 District, but only in accordance with the provisions of Part 6 of Article 7.

42
43
44 **Amend Article 10, Accessory Uses, Accessory Service Uses and Home Occupations, as**
45 **follows:**

1
2 - **Amend Part 1, Accessory Uses and Structures, Sect. 10-102, Permitted Accessory Uses,**
3 **by revising Par. 1 to read as follows:**
4

- 5 1. Amusement machines, but only accessory to ~~eating establishments~~restaurants,
6 motels, hotels, bowling alleys, skating facilities, and establishments for billiards,
7 ping pong, indoor archery, and other indoor games of skill, and retail sales
8 establishments with greater than 5000 square feet of floor area open to the general
9 public.

10
11 - **Amend Part 2, Accessory Service Uses, as follows:**
12

13 - **Amend Sect. 10-202, Permitted Accessory Service Uses, by deleting Paragraphs 1A,**
14 **2C, and 3B, adding new Paragraphs 1E, 2B, 2K to read as follows, and re-lettering**
15 **all affected paragraphs accordingly:**
16

- 17 1. Accessory to a principal use of multiple family dwellings in the R-12, R-16, R-20,
18 R-30 and in the PDH, PDC and PRC Districts when such dwelling or dwelling
19 complex has a minimum of 250 dwelling units.

20
21 ~~A.~~ Eating establishments.

22 E. Restaurants.
23

- 24 2. Accessory to a principal use of offices, industrial establishments, or institutional
25 buildings in the C-1, C-2, C-3, C-4, I-1, I-2, I-3, I-4, I-5 and I-6 Districts:

26
27 B. Carryout restaurants.

28 ~~C.~~ ~~Eating establishments.~~

29 K. Restaurants.
30

- 31 3. Accessory to a principal use of offices or industrial establishments in the I-5 and
32 I-6 Districts, in addition to the uses set forth in Par. 2 above:

33
34 ~~B.~~ ~~Fast food restaurants.~~
35

36 - **Amend Sect. 10-203, Use Limitations, by revising Paragraphs 3, 4 and 6 to read as**
37 **follows:**
38

- 39 3. Accessory service uses in the C-4 District may be located in a freestanding
40 building separate from the principal use, and ~~an eating establishment~~ a restaurant
41 in the I-1 through I-5 Districts may also be located in a freestanding building; but
42 such freestanding buildings shall be allowed only in those locations shown on an
43 approved development plan or site plan for an office facility or industrial park.

44 Those accessory service uses set forth in Par. 2E of Sect. 202 above, which
45 by their nature must be conducted outside a building, shall be located on the same

1 lot as the principal use.

2
3 4. Drive-in financial institutions, ~~fast food~~ restaurants, and quick-service food stores
4 in the I-5 and I-6 Districts may be located in a freestanding building; provided,
5 however, that such uses shall not have frontage or direct access to a street defined
6 in the adopted comprehensive plan as a major or minor arterial, and such uses
7 shall be an integral design element of a site plan for an industrial building or
8 building complex containing not less than 30,000 square feet of gross floor area.

9
10 6. No accessory service use shall be located above the second floor of the building in
11 which located, with the exception of:

12
13 A. The residence of a proprietor or owner, which may be located on any floor.

14
15 B. ~~An eating establishment~~ restaurant which may be located in a rooftop
16 penthouse.

17
18 - **Amend Sect. 10-303, Home Occupations Not Permitted, by revising Par. 3 to read as**
19 **follows:**

20
21 3. ~~Eating establishments~~ Restaurants.

22
23
24 **Amend Article 11, Off-Street Parking and Loading, Private Streets, as follows:**

25
26 - **Amend Part 1, Off-Street Parking, Sect. 11-104, Minimum Required Spaces for**
27 **Commercial and Related Uses, to establish parking and stacking requirements for**
28 **Restaurant, Carryout Restaurant, Restaurant with Drive-through, Craft Beverage**
29 **Production Establishment and Outdoor Seating by revising Paragraphs 7, 8, 9, 17, 23,**
30 **to read as follows:**

31
32 **OPTION 1:**

33
34 7. ~~Eating Establishment~~ Restaurant, Craft Beverage Production Establishment or
35 Commercial Recreation Restaurant:

36
37 One (1) space per four (4) seats plus one (1) space per two (2) employees
38 where seating is at tables,

39
40 and/or

41
42 One (1) space per two (2) seats plus one (1) space per two (2) employees
43 where seating is at a counter

44
45 Spaces designated for curb-side pickup cannot be counted toward the

minimum required number of parking spaces.

8. ~~Fast Food~~ Restaurant with Drive-through:

One (1) space per two (2) seats for table and/or counter seating, whether such seating facilities are inside or outside: ***[Advertised to permit the Board to consider parking Restaurant with Drive-through at the same rate as Restaurant]***, plus eleven (11) stacking spaces for the drive-through window, with a minimum of five (5) such spaces designated for the ordering station. Such spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting street. For fast food restaurant with no seating facilities, one (1) space per sixty (60) square feet of net floor area with a minimum of ten (10) spaces

Spaces designated for curbside pickup cannot be counted toward the minimum required number of parking spaces.

9. ~~Fast Food Restaurant With Drive-In Facilities~~ Outdoor Seating:

~~As required in Par. 8 above, plus eleven (11) stacking spaces for the drive-in window, with a minimum of five (5) such spaces designated for the ordering station. Such spaces shall be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting street~~

As required for Restaurant, Restaurant with Drive-through, or Shopping Center, except that parking will not be required for outdoor seating that is accessory to a Restaurant or a Restaurant with Drive-through, up to a maximum of twenty (20) outdoor seats. Parking will be required for outdoor seating in excess of twenty (20) seats, in accordance with the applicable standards for such uses. ***[Advertised to allow the Board to exempt 0 to 35 outdoor seats from parking calculations.]***

17. Quick-Service Food Store or Carryout Restaurant:

Six and one half (6.5) spaces per 1000 square feet of gross floor area

Spaces designated for curbside pickup cannot be counted toward the minimum required number of parking spaces.

23. Shopping Center:

- A. 100,000 square feet of gross floor area or less: Four and three-tenths (4.3) spaces per 1000 square feet of gross floor area
- B. Greater than 100,000 but equal to or less than 400,000 square feet of gross floor area: Four (4) spaces per 1000 square feet of gross floor area

- 1
2 C. Greater than 400,000 but less than 1,000,000 square feet of gross floor
3 area: Four and eight tenths (4.8) spaces per 1000 square feet of gross floor
4 area
5
6 D. 1,000,000 square feet of gross floor area or more: Four (4) spaces per 1000
7 square feet of gross floor area
8

9 For purposes of determining whether Par. A, B, C or D above is applicable, the
10 size of the shopping center shall be based on the definition of gross floor area as
11 set forth in Article 20, and shall be inclusive of any gross floor area devoted to
12 offices, ~~eating establishments~~ restaurants, restaurants with drive-through and
13 hotels. The gross floor area calculation as qualified in Sect. 102 above shall then
14 be used to determine the required number of parking spaces.

15 The off-street parking requirement set forth above shall be applicable to all
16 uses in a shopping center, except that the area occupied by offices, ~~eating~~
17 ~~establishments~~ any individual restaurant or restaurant with drive-through that
18 exceeds 5000 square feet of gross floor area, and hotels shall be parked in
19 accordance with the applicable standards for such uses as set forth in this Section.
20 For shopping centers subject to Par. A, B or C above, the area occupied by
21 theaters shall be parked in accordance with the applicable shopping center
22 requirement, provided that for theaters with more than 2000 seats, an additional
23 three-tenths (0.3) space shall be provided for each seat above 2000 seats. For
24 shopping centers subject to Par. D above, the area occupied by theaters shall be
25 parked in accordance with the applicable shopping center requirement, provided
26 that for theaters with more than 750 seats, an additional six (6) spaces shall be
27 provided for each 100 seats above 750 seats.

28 In addition, for all shopping centers, stacking spaces as required by this
29 Part shall be provided for those uses which have drive-in or drive-through
30 facilities. Spaces designated for curb-side pickup cannot be counted toward the
31 minimum required number of parking spaces.
32

33 **OPTION 2:**

- 34
35 7. ~~Eating Establishment or~~ Craft Beverage Production Establishment or Commercial
36 Recreation Restaurant:
37

38 One (1) space per four (4) seats plus one (1) space per two (2) employees
39 where seating is at tables,
40

41 and/or
42

43 One (1) space per two (2) seats plus one (1) space per two (2) employees
44 where seating is at a counter
45

1 8. ~~Fast Food Restaurant~~ Restaurant or Restaurant with Drive-through:

2
3 A. Restaurant:

4
5 (1) Ten (10) spaces per 1000 square feet of gross floor area for
6 restaurants with a gross floor area of less than 5000 square feet

7
8 (2) Eleven (11) spaces per 1000 square feet of gross floor area for
9 restaurants with a gross floor area of 5000 square feet or more

10
11 (3) Spaces designated for curb-side pickup cannot be counted toward
12 the minimum required number of parking spaces

13
14 B. Restaurant with Drive-through:

15
16 ~~One (1) space per two (2) seats for table and/or counter seating, whether~~
17 ~~such seating facilities are inside or outside. For fast food restaurant with no~~
18 ~~seating facilities, one (1) space per sixty (60) square feet of net floor area~~
19 ~~with a minimum of ten (10) spaces~~

20 Twelve (12) spaces per 1000 square feet of gross floor area, plus eleven (11)
21 stacking spaces for the drive-through window, with a minimum of five (5)
22 such spaces designated for the ordering station. Such spaces shall be
23 designed so as not to impede pedestrian or vehicular circulation on the site
24 or on any abutting street.

25
26 Spaces designated for curb-side pickup cannot be counted toward the
27 minimum required number of parking spaces.

28
29 *[Advertised to allow the Board to consider parking rates for Restaurant and Restaurant*
30 *with Drive-through in the range of 9 to 12 spaces per 1000 square feet of gross floor*
31 *area.]*

32
33 9. ~~Fast Food Restaurant With Drive-In Facilities~~ Outdoor Seating:

34
35 ~~As required in Par. 8 above, plus eleven (11) stacking spaces for the drive-in~~
36 ~~window, with a minimum of five (5) such spaces designated for the ordering~~
37 ~~station. Such spaces shall be designed so as not to impede pedestrian or~~
38 ~~vehicular circulation on the site or on any abutting street~~

39 As required for Restaurant, Restaurant with Drive-through, or Shopping
40 Center, except that parking will not be required for outdoor seating that is
41 accessory to a Restaurant or a Restaurant with Drive-through, up to a
42 maximum of twenty (20) outdoor seats. Parking will be required for outdoor
43 seating that exceeds twenty (20) seats, based on the area of such seating, in
44 accordance with the applicable standards for such uses. [Advertised to allow
45 the Board to exempt 0 to 35 outdoor seats from parking calculations.]

1
2 17. Quick-Service Food Store or Carryout Restaurant:

3
4 Six and one half (6.5) spaces per 1000 square feet of gross floor area

5
6 Spaces designated for curbside pickup cannot be counted toward the
7 minimum required number of parking spaces.

8
9 23. Shopping Center:

10
11 A. 100,000 square feet of gross floor area or less: Four and three-tenths (4.3)
12 spaces per 1000 square feet of gross floor area

13
14 B. Greater than 100,000 but equal to or less than 400,000 square feet of gross
15 floor area: Four (4) spaces per 1000 square feet of gross floor area

16
17 C. Greater than 400,000 but less than 1,000,000 square feet of gross floor
18 area: Four and eight tenths (4.8) spaces per 1000 square feet of gross floor
19 area

20
21 D. 1,000,000 square feet of gross floor area or more: Four (4) spaces per 1000
22 square feet of gross floor area

23
24 For purposes of determining whether Par. A, B, C or D above is applicable, the
25 size of the shopping center shall be based on the definition of gross floor area as
26 set forth in Article 20, and shall be inclusive of any gross floor area devoted to
27 offices, ~~eating establishments~~ restaurants, restaurants with drive-through and
28 hotels. The gross floor area calculation as qualified in Sect. 102 above shall then
29 be used to determine the required number of parking spaces.

30 The off-street parking requirement set forth above shall be applicable to all
31 uses in a shopping center, except that the area occupied by offices, ~~eating~~
32 ~~establishments~~ any individual restaurant or restaurant with drive-through that
33 exceeds 5000 square feet of gross floor area, and hotels shall be parked in
34 accordance with the applicable standards for such uses as set forth in this Section.
35 For shopping centers subject to Par. A, B or C above, the area occupied by
36 theaters shall be parked in accordance with the applicable shopping center
37 requirement, provided that for theaters with more than 2000 seats, an additional
38 three-tenths (0.3) space shall be provided for each seat above 2000 seats. For
39 shopping centers subject to Par. D above, the area occupied by theaters shall be
40 parked in accordance with the applicable shopping center requirement, provided
41 that for theaters with more than 750 seats, an additional six (6) spaces shall be
42 provided for each 100 seats above 750 seats.

43 In addition, for all shopping centers, stacking spaces as required by this
44 Part shall be provided for those uses which have drive-in or drive-through
45 facilities. Spaces designated for curbside pickup cannot be counted toward the

1 minimum required number of parking spaces.

2
3 **STAFF RECOMMENDS OPTION 2**

- 4
5 - **Amend Sect. 11-103, Minimum Required Spaces for Residential and Lodging Uses,**
6 **as follows:**

7
8 6. Hotel, Motel:

9
10 One (1) space per rental unit, plus four (4) spaces per fifty (50) rental units, plus
11 such spaces as are required for ~~eating establishments~~ restaurants, assembly
12 rooms and affiliated facilities as determined by the Director

- 13
14 - **Amend Sect. 11-104, Minimum Required Spaces for Commercial and Related Uses,**
15 **as follows:**

16
17 1. Bowling Alley:

18
19 Four (4) spaces per alley, plus one (1) space per employee, plus such additional
20 spaces as may be required herein for affiliated uses such as ~~eating~~
21 ~~establishments~~ restaurants

- 22
23 - **Amend Sect. 11-106, Minimum Required Spaces for Other Uses, as follows:**

24
25 20. Tennis Club:

26
27 Four (4) spaces per court, plus such additional spaces as may be required herein
28 for affiliated uses such as ~~eating establishments~~ restaurants

- 29
30 - **Amend Part 2, Off-Street Loading, Sect. 11-203, Minimum Required Spaces, by**
31 **deleting Par. 5, and adding new Par. 16, and re-numbering all affected paragraphs**
32 **accordingly:**

33
34 ~~5. Eating Establishment, Fast Food Restaurant or Commercial Recreation~~
35 ~~Restaurant: Standard D.~~

36
37 16. Restaurant, Carryout Restaurant, Restaurant with Drive-through or Commercial
38 Recreation Restaurant: Standard D.

39
40
41 **Amend Article 13, Landscaping and Screening, by revising the uses in the Transitional**
42 **Screening and Barrier Matrix, replacing Eating establishments with Restaurants and**
43 **Carryout restaurants in Par. 8, and replacing Fast food restaurants with Restaurants with**
44 **drive-through in Par. 9, in their appropriate alphabetical sequence.**

45

1
2 **Amend Appendix 1, Historic Overlay Districts, as follows:**

3
4 - **Amend Part 1, Pohick Church Historic Overlay District, Sect. A1-102, Permitted, Special Permit and Special Exception Uses, by revising Par. 2 to read as follows:**

- 5
6
7 2. Commercial uses shall be limited to local serving and tourist-oriented uses such as
8 libraries, professional offices, craft shops, ~~eating establishments~~ restaurants, and
9 antique shops. No service stations, service station/mini-marts, vehicle light
10 service or major service establishments, ~~fast food~~ restaurants with drive-through
11 or quick-service food stores shall be permitted.
12

13 - **Amend Part 2, Woodlawn Historic Overlay District, Sect. A1-202, Permitted, Special Permit and Special Exception Uses, by revising Par. 2 to read as follows:**

- 14
15
16 2. Commercial uses shall be limited to offices and tourist-oriented uses, including
17 but not limited to antique shops, craft shops, ~~eating establishments~~ restaurants,
18 hotels and motels. No service stations or ~~fast food~~ restaurants with drive-through
19 shall be permitted.
20

21 - **Amend Part 13, Centreville Historic Overlay District, Sect. A1-1302, Permitted, Special Permit and Special Exception Uses, by revising Par. 2 to read as follows:**

- 22
23
24 2. Automobile-oriented uses, car washes, drive-in financial institutions, drive-
25 through pharmacies, ~~fast food~~ restaurants with drive-through facilities, service
26 stations, service station/mini-marts, vehicle light service establishments and
27 vehicle transportation service establishments shall not be permitted for properties
28 not contiguous to Route 29.
29
30