



# Restaurant Ordinance

Amendments to Section 18-72 - Permitted  
Uses and 18-4 - Definitions

November 13, 2017

# History

- Restaurants originally allowed anywhere in the C-1 commercial zoning district

Sec. 12-7.12. The retail uses listed within this subsection are permitted provided (1) No industry or manufacturing shall be permitted except the making of articles to be sold at retail on the premises, no killing of poultry, or live-stock, and no wholesaling or jobbing shall be carried on, and no merchandise shall be stored other than that to be sold at retail on the premises; (2) such stores, shops or businesses shall be conducted wholly within an enclosed building; (3) all products produced, whether primary or incidental, shall be sold at retail on the premises; (4) such uses, operation or products are not objectionable due to odor, dust, smoke, noise, vibration, or other similar causes.

Bakery.

Barber shop or beauty parlor.

Book or stationery store.

Confectionary store.

Custom dressmaking or millinery shop.

Drug Store.

Electric appliance store.

Florist or gift shop.

Grocery, fruit or vegetable store.

Hardware store.

Jewelry store.

Laundry pick-up station, cleaning pick-up station or self-service laundry

Photographer.

Radio and television shop.

Restaurant, tea room or cafe (excluding dancing or entertainment).

Shoe store or shoe repair shop.

Tailor, clothing or wearing apparel shop.

1956 Zoning Ordinance



# History (continued)

- This changed in February 1971 with an amendment establishing requirements for where restaurants could be located
  - Allowed in freestanding buildings with at least 125 seats (which requires 31 parking spaces)
  - Allowed in shopping centers
  - Allowed as incidental part of a drug store, department store, motel, or similar businesses
  - Allowed in an office building principally occupied and used for professional services
  - Council also defined restaurant, drive-in restaurant, carry-out service restaurant, and carry-out food business
  - Also prohibited drive-in restaurants and established parking requirement of 1 space per 4 seats



- Intent
  - It is the intent of this section to encourage quality restaurants which will enhance the appearance of the Town; afford the opportunity for dining in an aesthetically pleasing atmosphere; and provide for a variety of restaurant types to appeal to the diverse tastes of a wide range of age, income and social groups.







**“Councilman Dingman stated the Town’s goals of (1) “holding the line” on drive-in/carry-out operations and (2) of attracting “quality” restaurants.”**

**“It was pointed out that Vienna has a number of small, quick-service restaurants and is “surrounded” by more. Since several of them have been business failures in recent years, it was questioned whether Vienna had reached saturation for this kind of restaurant.”**

- Council Work Session on Proposed Ordinance Relating to Restaurants, October 10, 1970

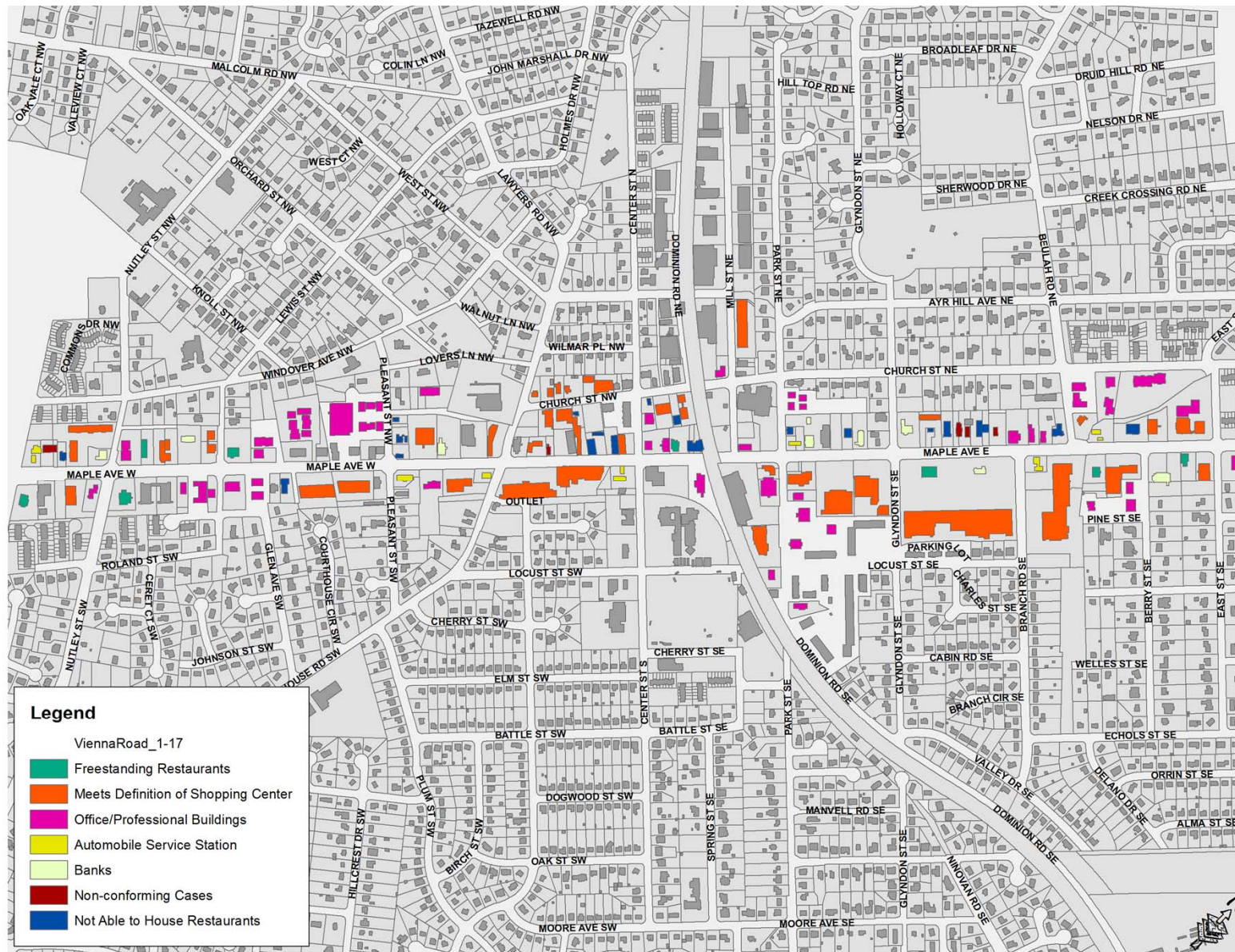


# Shopping Center Amendment

- Council amended the definition of Shopping Center in 2005 from being a group of not less than five contiguous retail stores having a total ground floor area of not less than 10,000 square feet to a group of not less than **four** retail stores **or** a building of contiguous retail stores having a total of not less than 10,000 square feet.





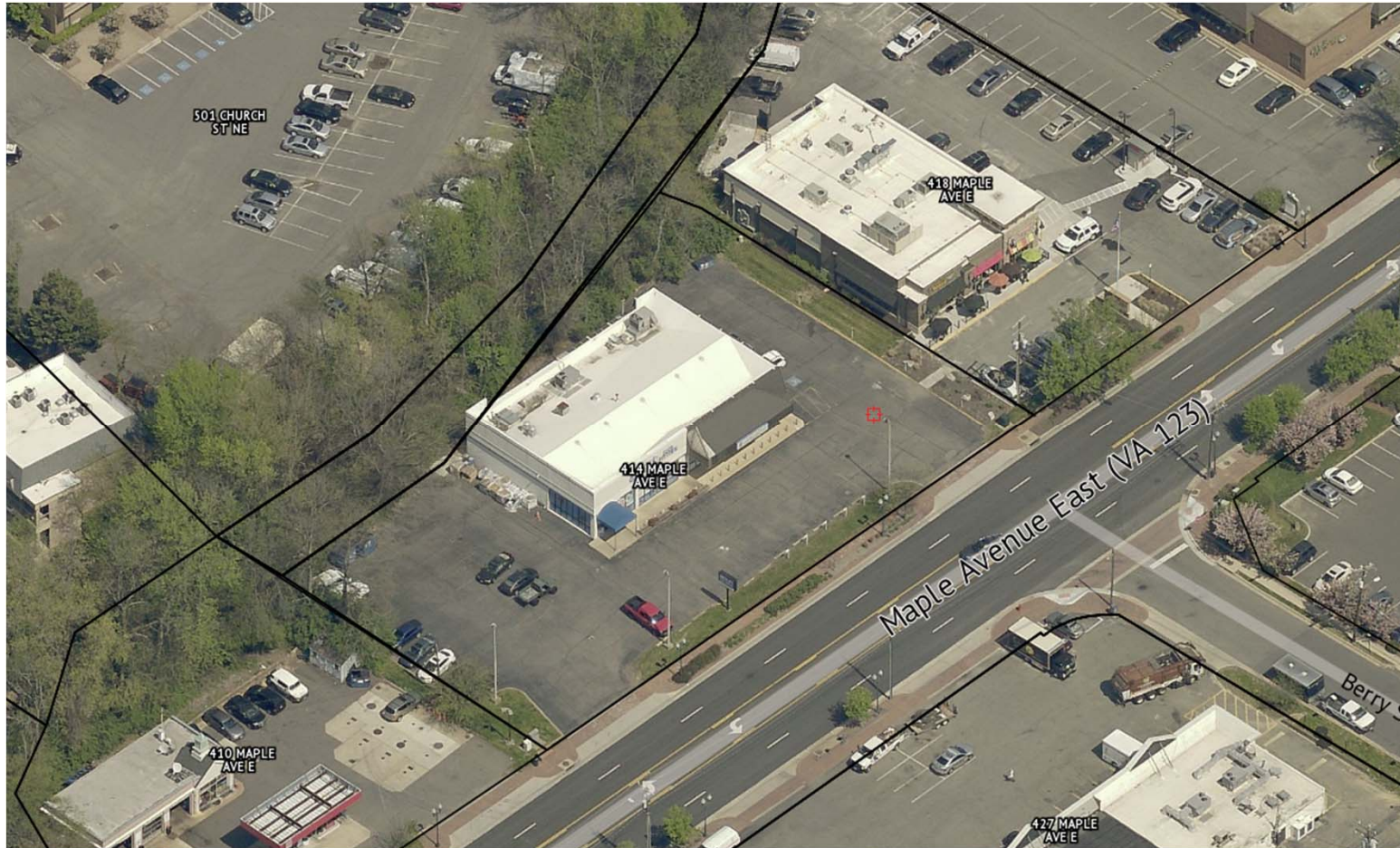


# Real World Examples





# 412-414 Maple Avenue East



- 2 tenant spaces
- Approximately 5,400 sq ft
- Approximately 33 parking spaces
- Currently does not meet definition of shopping center
- Not a freestanding building or office building
- If Code was changed, Leslie's Pool Supplies, for example, would be required to have 1 parking space for every 4 seats





# 234 Maple Avenue East

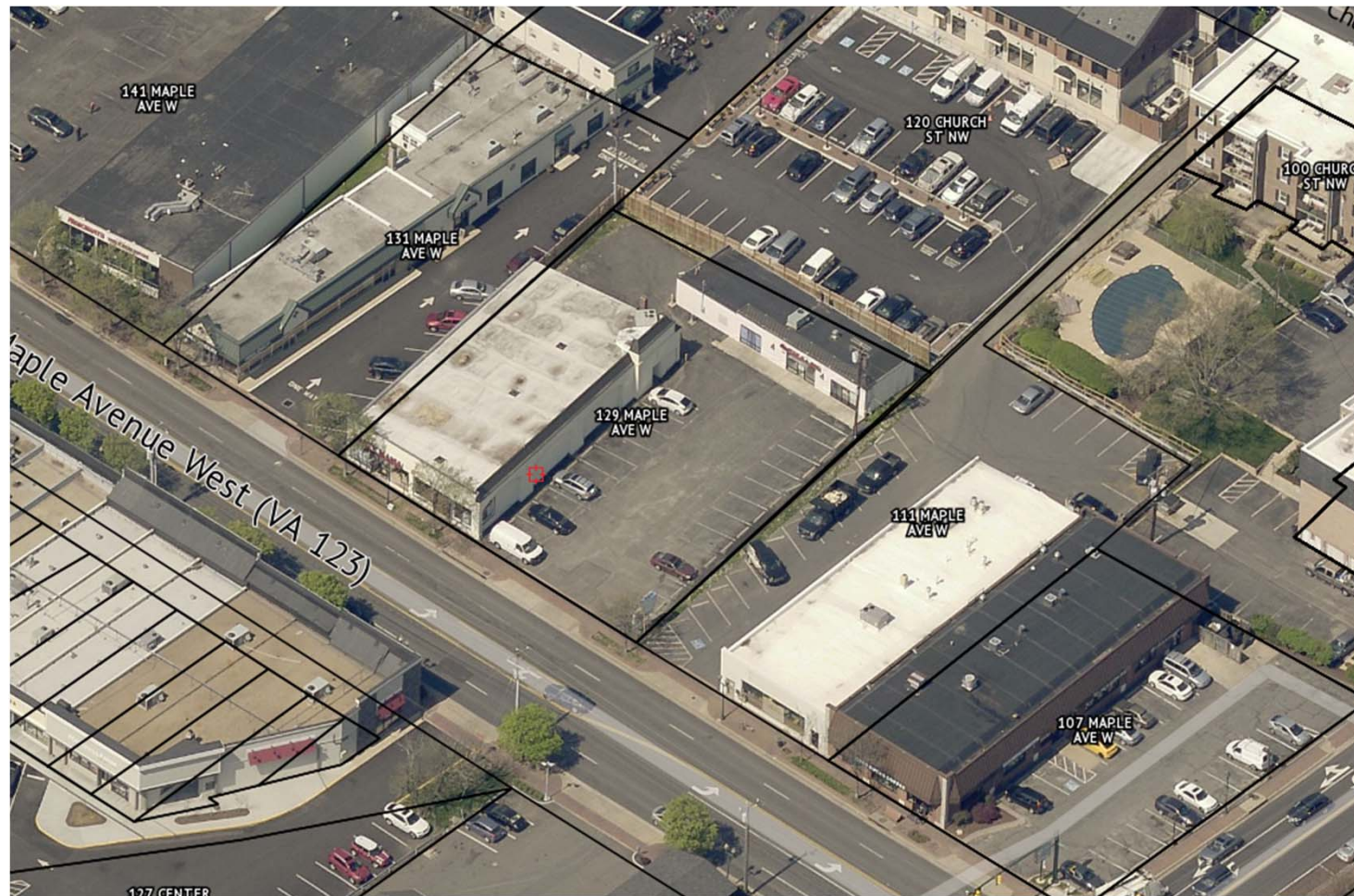


- 1 tenant space
- Approximately 3,000 sq ft
- 19 parking spaces
- Freestanding building that does not have enough parking spaces to accommodate 125 seats (would be required to have 32 parking spaces)
- If Code was changed would be required to have 1 parking space for every 4 seats
  - Max number of seats would be 76 seats





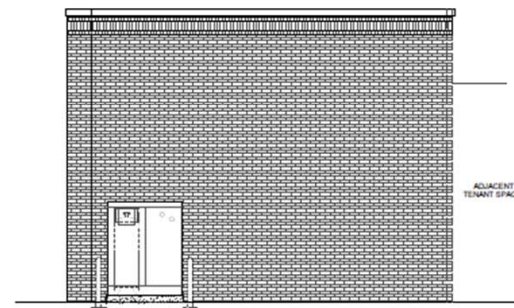
# 121-129 Maple Avenue West







**2** SOUTH ELEVATIONS  
1/8" = 1'-0"



- 3 tenant spaces
- 2 separate buildings
- Approximately 7,530 sq ft
- 24 parking spaces (38 would be required under today's requirements)
- Does not meet definition of shopping center
- If Code was changed would be required to have 1 parking space for every 4 seats
  - DPZ determines number of seats allowed based on multiplying sq ft of tenant space by .02
  - For example space considered by Five Guys is 2,700 sq ft, would be allowed 54 seats





# 320 Maple Avenue East



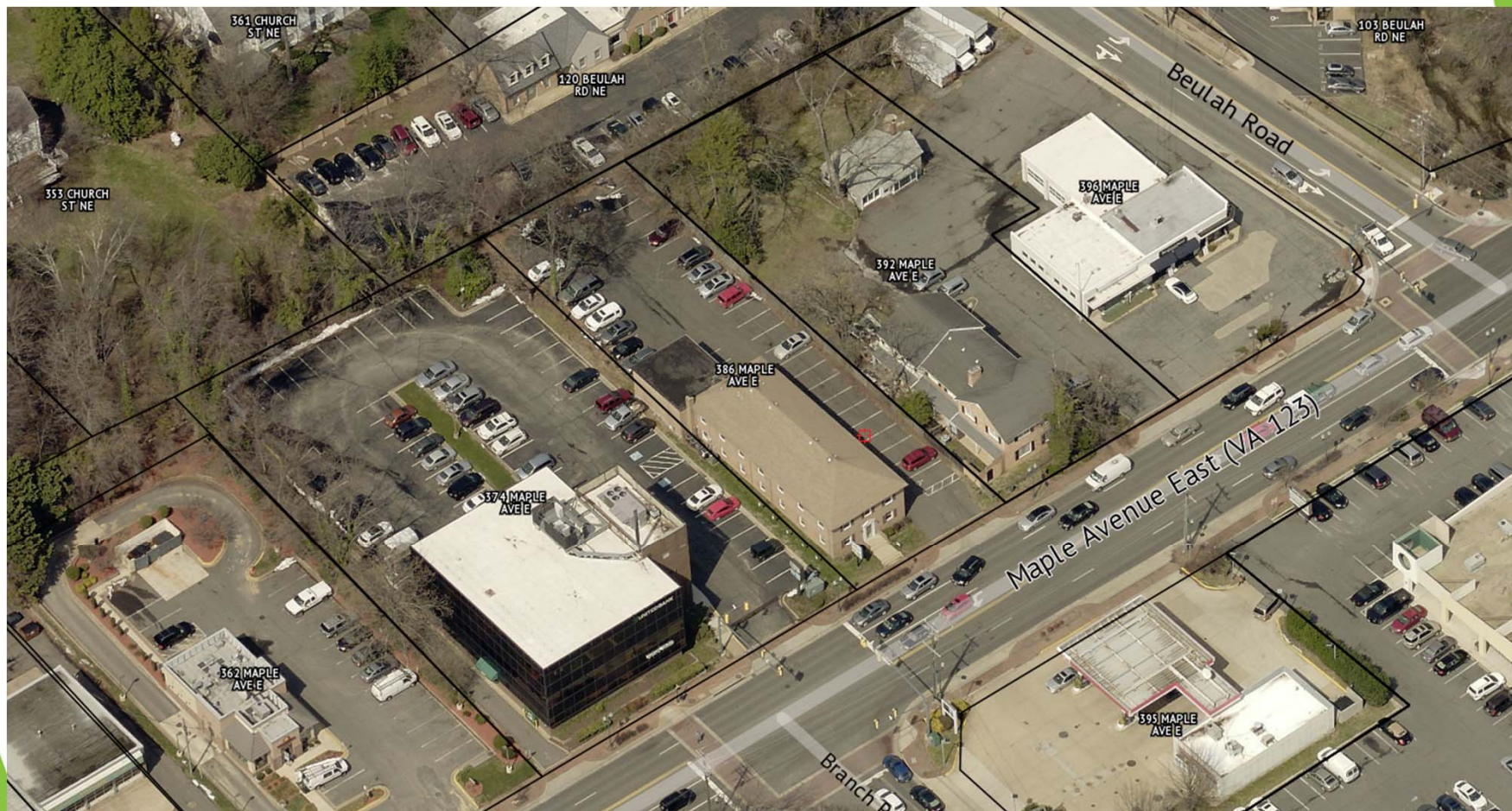


- 1 tenant spaces
- 1 freestanding building
- Approximately 2,080 sq ft
- 58 parking spaces
- Does not meet definition of shopping center and does not have enough parking for freestanding restaurant
- If Code was changed would be required to have 1 parking space for every 4 seats
  - DPZ determines number of seats allowed based on multiplying sq ft of tenant space by .02
  - Owner would be able to serve food at establishment for consumption





# 386 Maple Avenue East





- Office building
- Approximately 7,808 sq ft
- 38 parking spaces
- Currently only office uses and restaurants are allowed
- If Code was changed then all uses permitted in the commercial zone would be permitted on the ground floor
  - Commercial vehicles still would not be allowed



Note: Blue font changes represent formatting changes

## ARTICLE 11. - C-1 LOCAL COMMERCIAL ZONE REGULATIONS

Sec. 18-72. - Permitted uses.

A. The following uses shall be permitted in the C-1 zone:

General business enterprises consisting of sales

Home installation services associated with sales

Limited repairing, manufacturing, processing or assembly

Offices

Recreation

Restaurants

Restaurants, carry-out

AB. The uses permitted within the C-1 zone must meet all of the following criteria in addition to all other requirements specified in this article except those hereinafter expressly prohibited and those designated with special conditional limitations:

~~1. General business enterprises consisting of sales; home installation services associated with sales; offices; recreation; limited repairing, manufacturing, processing or assembly; shall be permitted; provided, however, that:~~

A1. The entire operation of the business or activity shall be conducted wholly within an enclosed building.

B2. No sales or services of any kind, type or nature, comprising or relating to the business shall be conducted on the premises outside of a wholly-enclosed building. Nor shall any sales be permitted for consumption on the premises outside of a wholly-enclosed building, with the exception of restaurants, subject to limitations listed under incidental uses.

C3. No storage or display of merchandise, equipment, or other material will be wholly-permitted outside of an enclosed building, regardless of whether the storage or display area is a public thoroughfare or is privately owned.

D4. Repairing, processing, manufacturing, washing, drying, dry cleaning, fabricating, forming, finishing or assembly shall be limited to those which are incidental to home consumption or use and services to other commercial enterprises when such services are not performed for or do not result in the resale by the recipient thereof. Such a use, however, shall not be permitted if there is any emission of smoke, odor or noise which is detectable outside of the building beyond the boundaries of the lot on which the building housing such use is located.

E5. Office buildings, with the exception of the ground floor, shall be occupied solely for professional use or the administrative activities accessory to other than professional uses. No such ~~professional or administrative~~ activity in office buildings shall be considered as a

permitted use if it involves storage or parking on the premises of trucks, buses, taxis, equipment, or other commercial vehicles other than passenger automobiles incidental to the professional use or required for the use of persons engaged in the purely administrative activities accessory to the non-professional use.

F6. No business shall be considered as a permitted use if it involves the killing of poultry or other livestock or the processing of animal products. This restriction shall not include the cutting and preparation of animal products when performed for retail sale on the premises as food for consumption; and the killing or cutting of animals, other than human, incidental to medical practice or medical research.

G7. Where a building contains office space as well as other commercial enterprises, the applicable criteria in this section for office buildings shall apply to that portion of the building consisting of offices and the other criteria shall apply to the other commercial enterprises.

### ~~2. Restaurants.~~

~~a. Intent. It is the intent of this subsection to encourage quality restaurants which will enhance the appearance of the Town; afford the opportunity for dining in an aesthetically pleasing atmosphere; and provide for a variety of restaurant types to appeal to the diverse tastes of a wide range of age, income and social groups.~~

~~b. Where permitted. Restaurants shall be permitted where:~~

~~(1) Such restaurant, when the sole occupant of a free-standing building, has a seating capacity for 125 or more persons inside the enclosed structure, such seating to be at tables or booths of the following minimum top surface sizes in square inches: for two people (720); for two to four people (1,008); or~~

~~(2) Such restaurant does not occupy a freestanding building but either is:~~

~~(a) Located in an office building which principally is occupied and used for professional and administrative offices; or~~

~~(b) Is operated as an incidental part of a drug store, department store, motel, or similar business; or~~

~~(c) Is the sole occupant of a separate unit within a shopping center group of structures divided by party walls.~~

~~c. Additional requirements. The off-street parking provisions of section 18-130(H); site plan control provisions of section 18-250; and architectural design control provisions of chapter 4, particularly, and all other pertinent sections of this chapter generally shall apply.~~

### ~~3C. Incidental uses.~~

A1. In any restaurant ~~which meets the requirements of subsections 2.b(1) or (2) of this section~~, there shall be permitted as an additional incidental use thereto the operation of a bona fide, licensed catering service or a carry-out service, as herein defined, provided either or both such service is conducted wholly within the enclosed structure in which the restaurant is located.

B2. In any restaurant, ~~as defined herein, which meets the requirements of subsection 2.b(1) or (2) of this section:~~

~~(1a) Meals may be served for consumption on a roof garden of such building or at sidewalk tables directly adjoining such building, subject to the provisions of article 21 of this chapter; and~~

~~(2b) Live entertainment and patron dancing may be permitted subject to article 21 of this chapter.~~



# Summary of Proposed Changes

## ARTICLE 11. - C-1 LOCAL COMMERCIAL ZONE REGULATIONS

### **Section 18-72. – Permitted uses**

- Allow restaurants in all commercial and industrial zones
- Allow restaurants and C-1 zone uses on the ground floor of office buildings

## ARTICLE 2. – DEFINITIONS

Sec. 18-4. – Definitions.

~~Carry-out food business means any establishment, other than a drive-in restaurant, at which prepared food, beverages or refreshments are sold primarily for consumption off the premises.~~

~~Restaurant, carry-out-service, means any establishment, other than a drive-in restaurant, at which prepared food, beverages or refreshments are sold primarily the preparation and sale of food for consumption off the premises when such service is incidental to the principal function of a restaurant.~~

