

# Draft ZOAM-2018-02

(Restaurants & Craft Beverage Establishments)

## Article 2 Definitions

February 4, 2019

1. **CRAFT BEVERAGE ESTABLISHMENT:** A brewery, distillery or winery licensed in accordance with Title 4.1 of the Code of Virginia, as amended, in which beer, cider, mead, wine, distilled spirits, or other similar beverages are brewed, fermented, or distilled in quantities limited by the standards outlined in this Zoning Ordinance.
2. **BARREL, MALT BEVERAGE:** The barrel used to contain a malt beverage with a volume of 31 gallons.
3. **BREWERY:** A craft beverage establishment licensed in accordance with Title 4.1 of the Code of Virginia used for the annual production, packaging, and distribution of any malt beverage, on or off premise. The annual production, packaging, and distribution of any malt beverage is 500 or fewer barrels, of which at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. A brewery is not required to have a restaurant license. A brewery may include a tasting room or retail space to sell the products to patrons for on-site or off-site consumption.
4. **DISTILLERY:** A craft beverage establishment licensed in accordance with Title 4.1 of the Code of Virginia used for the production of distilled spirits for distribution, retail, or wholesale, on or off premise. The annual production, packaging, and distribution of distilled spirits is 0 to 5,000 gallons, of which at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. A distillery does not have a restaurant license. A distillery may include a tasting room or retail space to sell the products to patrons for on-site or off-site consumption.
5. **WINERY:** A craft beverage establishment licensed in accordance with Title 4.1 of the Code of Virginia used for the production and packaging of wine, cider or mead for distribution, retail or wholesale, on or off premise. The annual production, packaging, and distribution of distilled spirits is 0 to 5,000 gallons, of which at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. A winery does not have a restaurant license. A winery may include a tasting room or retail space to sell the products to patrons for on-site or off-site consumption.

6. **RESTAURANT, CARRYOUT:** Any food establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state, primarily for consumption off the premises. A carryout restaurant shall not include drive-through facilities. A carryout restaurant may have up to eight (8) seats for on-site consumption and/or customer waiting.
7. **RESTAURANT, FULL SERVICE:** Any food establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state for consumption primarily on the premises. A full-service restaurant shall not include drive-through facilities.
8. **RESTAURANT, DRIVE-THROUGH:** any establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state for consumption on or off the premises, and which contains a drive-through facility.
9. **RETAIL SALES ESTABLISHMENT:** any establishment wherein the primary occupation is the sale of merchandise for use or consumption by the immediate purchaser; or for the rendering of personal services. This term shall also include establishments such as antique shops, art galleries, bookstores, clothing stores, florist shops, general merchandise stores, gift shops, jewelry shops, small grocery, specialty or gourmet food stores. For the purpose of this ordinance, retail sales establishment shall not be deemed to include quick-service food stores or automobile service establishments.
10. **QUICK-SERVICE FOOD STORE:** any building, which contains less than 5000 square feet of net floor area and which is used for the retail sale of food or food and other items. A quick-service food store, also referred to as a convenience store, is characterized by the frequent turnover of customers, and the retail sale of food, beverages, and other frequently needed items for household use or consumption. This definition shall not include an automobile service station; and is not intended to include small grocery, specialty or gourmet food stores, which are deemed retail sales establishments.
11. **CONVENIENCE STORE:** See Quick-Service Food Store
12. **DRIVE-THROUGH FACILITIES:** the use of land, buildings or structures to provide or dispense products or services through an attendant, window or automated machine to persons remaining in motorized vehicles that are in a designated stacking lane.

**13. TASTING ROOM:** An accessory use to a craft beverage establishment licensed by Virginia Alcohol Beverage Control and operated by an alcohol beverage manufacturer wherein alcoholic drinks (made on-site) are provided to customers to sample on-site. Such facilities may include an option for customers to purchase closed containers of alcohol for off-site consumption. Limited food service operations in tasting rooms are permitted in compliance with Virginia Department of Health (VDH) and Virginia Department of Agriculture and Consumer Services (VDACS) regulations.

**14. MOBILE FOOD UNIT:** a food establishment mounted on wheels (excluding boats in the water) readily moveable from place to place and shall include, but not be limited to, pushcarts, trailers, trucks, or vans. The unit, all operations, and all equipment must be integral to and be within or attached to the unit. The unit shall have all required permits by the Town, County and State.

**15. FOOD ESTABLISHMENT:** For a list of exclusions and exceptions see the Virginia Department of Health Food Regulations (12VAC5-421). A food establishment is defined by the Virginia Department of Health, as an operation that:

- 1) stores, prepares, packages, serves, or sells food directly to the consumer or otherwise provides food to the public for human consumption, such as a restaurant, and
- 2) relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of orders or restaurant takeout orders, or delivery service that is provided by common carriers, and
- 3) conducts in a mobile, stationary, temporary, or permanent facility or location where consumption is on or off the premises and regardless of whether there is a charge for the food.