

# ZOAM-2018-02

## ARTICLE 2

### Use Standards

February 4, 2019

#### **25.3.x Craft Beverage Establishments**

1. These standards apply to craft beverage establishments in the B-1 District only.
2. **Taxes & Licenses:** A craft beverage establishment shall obtain and retain all applicable licenses and permits, as well as pay all applicable taxes, to operate a brewery, distillery or winery and to sell food for on-site consumption.
3. **Alcohol Production:** A craft beverage establishment shall not exceed the production of 500 barrels of malt beverage, 5,000 gallons of distilled spirits, or 5,000 gallons of wine, cider, or mead annually. Businesses exceeding these production quantities shall be only in the Light Industrial District (LI-1) or the Planned Commercial Center District (PDDC).
4. **Retail Sales:** Retail sales may be permitted as an accessory use, provided the sales area is limited to 10% of the gross floor area of the establishment.
5. **Outdoor Storage:** A craft beverage establishment shall be in compliance with Section 7.10 and Section 7.11 of this Zoning Ordinance.
6. **Hours of Operation:** Craft Beverage Establishments in the B-1 District shall be open for business no earlier than 6 am and close by 11 pm in accordance with the Town Code. The exception is that a Craft Beverage Establishment shall close by 9 pm on Sunday to Thursday nights. A Craft Beverage Establishment may choose to close at 11 pm on the night before a federal holiday. A Craft Beverage Establishment may apply for a Special Event Hours Permit up to 5 times a year to allow closing hours at 12 am on a Friday, Saturday or Sunday night.
7. **Noise:** No person shall permit, operate or cause any source of sound to create a sound level emanating from a restaurant in excess of sixty (60) dB(A) when measured from any public area including, but not limited to, any public streets or sidewalks, or other private property. A restaurant may apply for a Special Event Amplification Permit up to 5 times a year to permit sound levels to not exceed seventy-five (75) dB(A) on a Friday, Saturday or Sunday night.

8. **Outside Service:** Outside service and consumption is permitted in accordance with Article 25, Section 25.3.x and with State Code
9. **Mobile Food Unit:** All Mobile Food Units shall have a valid permit from Loudoun County Department of Health. In addition, a Mobile Food Unit shall only be permitted as an accessory use to a Craft Beverage Establishment if the unit does not impact the ability of the business to meet the parking requirements. To receive approval for a Mobile Food Unit, the applicant shall submit to the Zoning Administrator a drawing of the parking lot (as well as a narrative) that can establish how the parking requirements will be met, along with an area set aside for the Mobile Food Unit. The Zoning Administrator will review the drawing paired with a narrative and provide a letter to the applicant approving or denying the Mobile Food Unit.
10. **Tasting Rooms:** Tasting Rooms are not full-service restaurants and shall comply with Virginia Department of Agriculture & Consumer Services (VDACS) who has authority to regulate breweries, wineries and distilleries serving food for public consumption in tasting rooms, not restaurants (per a 2015 Memorandum of Understanding between VDH and VDACS):
  - a. Tasting Rooms may serve packaged food items from approved sources that comply with the applicable law, such as sandwiches, crackers and similar Items that are served “as is” or require reheating only.
  - b. Tasting Rooms may serve ready to eat items from approved sources that comply with the applicable law that are unpackaged or have their packing removed to allow for limited preparation and/or reheating for immediate service only.
  - c. Food preparation shall be limited to cutting, slicing, and sandwich assembly (limited preparations).
  - d. Food operations that exceed “limited preparations” or expand food service beyond that which qualifies for inspection by VDACS are classified as restaurants and will be inspected, permitted and overseen by Virginia Department of Health.

### **25.3.6 Restaurants (Full Service or Carryout)**

1. The following standards are for restaurants (full service or carryout) outside of the B-1 District:
  - a. Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.

- b. No drive-through windows are allowed.
  - c. All site lighting, if any, shall utilize fully shielded cut-off fixtures and be designed and located so as to prohibit glare onto adjacent properties.
  - d. Any restaurant located adjacent to a property located in a residential district shall close to the public not later than 10:00 p.m. each day and shall not reopen earlier than 7:00 a.m.
  - e. Required parking for guests and employees shall be provided on-site, or through a shared parking agreement, in accordance with Article 12, Section 12.5
  - f. Applicants must clearly demonstrate that noise and odors created by the use shall not have an undue impact on neighboring properties.
  - g. Outdoor cafes are allowed, provided that they meet the following standards:
    - 1. To allow for pedestrian circulation, a minimum width of five (5) feet of sidewalk between the curb and the entrance to the establishment shall be maintained free of tables, chairs, or other obstacles.
    - 2. Planters, posts with ropes, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the cafe.
    - 3. Extended awnings, canopies, or large umbrellas shall be permitted if located to provide shade. Colors shall complement building colors.
    - 4. The operators of outdoor cafes shall maintain a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of cafe activity.
    - 5. Outdoor trash receptacles shall be provided.
    - 6. No additional signage is permitted for the outdoor cafe.
2. The following standards apply to restaurants (full service or carryout) in the B-1 District only:
- a. **Taxes & Licenses:** A restaurant shall obtain and retain all applicable licenses and permits, as well as pay all applicable taxes, to operate a restaurant, eating establishment, food preparation business and/or to sell food for on-site consumption.
  - b. **Alcohol Production:** Only a full-service restaurant can operate a brewery, winery or distillery as part of its operations if the restaurant acquires a brewery license, winery license or distillery license through the State of Virginia. It shall not to exceed the production of 500 barrels of malt beverage, 5,000 gallons of distilled spirits, or 5,000 gallons of wine, cider, or mead annually.

- c. **Retail Sales:** Retail sales may be permitted as an accessory use, provided the sales area is limited to 10% of the gross floor area of the establishment.
- d. **Outdoor Storage:** Restaurants shall be in compliance with Section 7.10 and Section 7.11 of this Zoning Ordinance.
- e. **Hours of Operation:** Restaurants in the B-1 District shall open for business no earlier than 6 am and close by 11 pm in accordance with the Town Code. The exception is that restaurants shall close by 9 pm on Sunday to Thursday nights. A restaurant may choose to close at 11 pm on the night before a federal holiday. A restaurant may apply for a Special Event Hours Permit up to 5 times a year to allow closing hours to close at 12 am on a Friday, Saturday or Sunday night.
- f. **Noise:** No person shall permit, operate or cause any source of sound to create a sound level emanating from a restaurant in excess of sixty (60) dB(A) when measured from any public area including, but not limited to, any public streets or sidewalks, or other private property. A restaurant may apply for a Special Event Amplification Permit up to 5 times a year to permit sound levels that shall not exceed seventy-five (75) dB(A) on a Friday, Saturday or Sunday night.
- g. **Design:** If a Change of Use Site Plan is required, applicants must clearly demonstrate to the Planning Commission that the traffic circulation, parking, and appearance will be compatible with the neighborhood.

### **25.3.X Mobile Food Units**

1. **Accessory Use:** Mobile Food Units are permitted as an accessory use to a commercial property in the B-1 District
2. **Hours:** Mobile Food Units are permitted outside of the hours of operation for the primary commercial business. It cannot operate at the same time as the primary commercial business. The exception is Craft Beverage Establishments are permitted to have a Mobile Food Units (see Use Standards for Craft Beverage Establishments). It also shall meet the hours of operation requirements set by the Town Code, so it must close by 10:00 pm and cannot open until 6:00 am.
3. **Seating:** The intent of a Mobile Food Unit is for picking up of food and drink orders to consume off premises. There shall be no seating established for the Mobile Food Unit inside or outside of the primary business. The exception is Craft Beverage Establishments and Special Events with an approved permit from the Town.

4. **County & State Permits:** All Mobile Food Units shall have a valid permit from Loudoun County Department of Health and any other permits required by the County & State
  
5. **Zoning Permit:** To receive approval for a Mobile Food Unit, the applicant shall submit to the Zoning Administrator a drawing of the parking lot (as well as a narrative) that shows the location of the Mobile Food Unit on the parking lot, access to the main road and parking space locations. The Zoning Administrator will review the drawing paired with a narrative and provide a letter to the applicant approving or denying the Mobile Food Unit.