



Planning and Development Services • Zoning Division
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Eating and Drinking Establishment, Type 2

An establishment operating later than 12:00 AM, having as its predominant use the preparation, serving, and consumption of food and/or beverages. Alcohol may be consumed and entertainment may be provided on the premises. Excluded from Type 2 eating and drinking establishments are sexually-oriented businesses and other uses in the Entertainment use category, hotels and motels, and community recreation centers.

Sec. 17-4.2(c)(3)

A Type 2 eating and drinking establishment shall comply with the following standards.

(i) Location

If alcohol is sold on the premises, the establishment shall be located at least the minimum distance established in state law from any place of worship, school, or playground.

(ii) Special Exception

If a Type 2 eating and drinking establishment is proposed to be located in a new building or in an existing building that has not been used as a Type 2 eating and drinking establishment within the previous 12 consecutive months, or if an expansion of an existing Type 2 eating and drinking establishment is proposed, the Type 2 eating and drinking establishment **shall only be permitted as a special exception** in accordance with Sec. 17-2.5(e), Special Exception Permit. In addition to the requirements for the special exception, the applicant shall provide the following information and the Board shall make it a part of the conditions of approval of the special exception permit:

- (a) Days and hours of operation
- (b) Staffing schedule
- (c) Menu and hours of food service
- (d) Parking for customers and employees
- (e) Type of entertainment and duration
- (f) Seating Plan, drawn to scale that demonstrates proposed occupancy and seating layout.

(iii) Administrative Review for Existing Business at Time of Adoption

Any Type 2 eating and drinking establishment that was in operation prior to August 30, 2021 is permitted to continue operation as originally permitted **until such time there is a change of ownership** that requires zoning compliance review of the business license for the same use. Upon application for the change of ownership for the same use, the applicant shall provide the information required in part 2 (ii) of this section to the Zoning Administrator prior to any business license approvals.

(iv) On-site Brewing

A Type 2 eating and drinking establishment that produces ales, beers, meads, and similar beverages for sale on the premises shall comply with the following standards.

- (a) The establishment shall produce no more than 15,000 barrels or 475,000 gallons per year of ales, beers, meads, and similar beverages.

(b) The minimum area of the eating, drinking, and entertainment area of the establishment shall be 45 percent of the total square footage of the establishment, or 1,500 square feet, whichever is greater.

(c) Outdoor storage is prohibited. This prohibition includes the use of portable storage units, cargo containers, and tractor trailers.

(d) Access and loading areas facing any street, adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies, and finished products into and out of the building.

(e) Crushing and fermentation operations shall be managed in such a way that byproducts are contained and disposed of in a way that does not result in spill-over impacts on adjacent property, public spaces, or public rights-of-way.