

ANC 6A Proposed Changes to Eating Establishment Definitions

~~Restaurant - a place of business where food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include but not be limited to an establishment known as a café, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises.~~

(a) General definition. A “restaurant” is place of business that prepares and serves food or beverages on nondisposable plates and containers with nondisposable eating utensils to seated customers. A restaurant is designed and operated so that its customers consume the food or beverages while seated at tables or counters on the premises. A restaurant shall include but not be limited to an establishment known as a café, lunch counter, or other similar business. A restaurant may provide carryout service as an accessory use without being deemed a fast food restaurant only if its carryout facilities are clearly subordinate to its primary use as a restaurant. A restaurant shall not include a fast food restaurant.

(b) Characteristics. A restaurant will generally have the following characteristics:

- (1) A restaurant employee serves food and beverage items at the same table or counter at which customers order and consume said items;
- (2) The establishment provides an individual printed menu to each customer;
- (3) The establishment does not provide trash receptacles in or around seating or queuing areas for disposal of trash by customers; and
- (4) The establishment requires payment only after consumption.

(c) Exceptions. Notwithstanding other provisions of this definition, a restaurant shall include a cafeteria where food or beverages for consumption on premises are served exclusively on nondisposable plates and containers with nondisposable eating utensils and any carryout facilities are clearly subordinate to its primary use as a restaurant.

~~Restaurant, fast food - a place of business devoted to the preparation and retail sale of ready to consume food or beverages for consumption on or off the premises. A restaurant will be considered a fast food restaurant if it has a drive through. A restaurant will be considered a fast food restaurant if the floor space allocated and used for customer queuing for self service for carry out and on premises consumption is greater than ten percent (10%) of the total floor space on any one (1) floor that is accessible to the public, and it exhibits one (1) of the two (2) following characteristics:~~

~~—— (a) At least sixty percent (60%) of the food items are already prepared or packaged before the customer places an order; and/or~~

~~—— (b) The establishment primarily serves its food and beverages in disposable containers and provides disposable tableware.~~

~~(This definition does not include an establishment known as a retail grocery store, convenience store, ice cream parlor, delicatessen, or other business selling food or beverages as an accessory use or for off-premises preparation and consumption.)~~

ZONING COMMISSION
CASE No. 14-23
District of Columbia
EXHIBIT No. 20
CASE NO. 06-23
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(a) **General definition.** A “fast food restaurant” is a place of business devoted to the preparation and retail sale of ready-to-consume or quickly-prepared food or beverages for consumption on or off the premises.

(b) **Characteristics.** An establishment shall be a fast food restaurant if it has any one or more of the following characteristics:

- (1) Customer orders are taken from a service window or a walk-up service counter that lacks fixed customer seating;
- (2) It presents food or beverages solely on one or more printed signs, placards, posters, or boards that are permanently affixed in conspicuous places in the building;
- (3) It provides one or more trash receptacles within the building for customers to deposit the disposable packaging in which the establishment provides its food or beverages;
- (4) It has a drive-through;
- (5) It customarily serves its food or beverages in disposable containers and provides disposable tableware; and/or
- (6) Facilities for carryout service are not clearly subordinate to facilities for on premises consumption. Any establishment that derives more than twenty-five percent (25%) of its sales from carryout service will be considered a fast food restaurant in all cases.

(c) **Exclusions.** A fast food restaurant shall not include:

- (1) any establishment that sells food or beverages either only as an accessory use or only for preparation and consumption off the premises, such as a retail grocery store, convenience store or delicatessen, movie theater, and performing arts theater (qualifies under accessory use)
- (2) a coffee shop, delicatessen or ice cream parlor, but only if any other use is clearly subordinate to this primary use.

Delicatessen – a place of business devoted to the retail sale of meats, cheeses, and other food items by weight for off-premises preparation and consumption. A delicatessen may also sell food or beverages for consumption on or off the premises as an accessory use. Any delicatessen that derives more than twenty-five percent (25%) of its sales for consumption of food and beverages off the premises will be considered a fast food restaurant in all cases. A delicatessen is not a restaurant or a fast food restaurant.

Coffee Shop – a place of business devoted to the retail sale of coffee, tea, and other nonalcoholic beverages for consumption on or off the premises, which may also include the sale of a limited number of food items as an accessory use. Any coffee shop that derives more than twenty-five percent (25%) of its sales for consumption of food and beverages off the premises will be considered a fast food restaurant in all cases. A coffee shop is not a restaurant or a fast food restaurant.