

## RETAIL, RESTAURANT, EATING &amp; DRINKING Sample Definitions

1. "Retail trade" means the process for selling to the consumer for direct consumption and not for resale. (Carlton)
2. "Retail" means activities which include the sale, lease or rent of new or used products to the general public or the provision of product repair for services for consumer and business goods. (Portland Metro Regional Urban Growth Management Plan)
3. "Retail": Private enterprises involved in the sale, lease, or rent of new or used products directly to the general public, this use includes but is not limited to retail sale of general merchandise, clothing and other apparel, flowers and household plants, dry goods, convenience foods, hardware and similar . This use does not include retail sales of any good for which sales facilities are listed as a separate use in the permitted use tables (such as boats, restaurants, or light vehicles). This use does not include personal services, construction equipment rental, or recreation uses. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. (Lake Oswego)
4. "Retail" means premises in which goods or commodities are sold, rented or leased directly to the final consumer. (Cannon Beach) No definition for eating and drinking establishment or restaurant.
5. "Retail Sales and Service" (City of Portland)

A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment or provide product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking.

C. Examples. Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and Farmers Markets; and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.

3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.

4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

#### D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

2. Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.

3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

5. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.

6. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter. See Community Services.

7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service or Agriculture.

8. Trade schools where industrial vehicles and equipment, including heavy

6. "Restaurant": An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by its customers seated at tables and/or counters either inside or outside the building thereon, and, as an accessory use thereto, may be engaged in providing customers with take-out service of food and beverages for off-site consumption. This includes a delicatessen and a brewery or brew pub. (City of Carmel, Indiana) no definition for retail or eating and drinking establishment.

7. "Restaurant": A business engaged in the retail sale of food and drinks for consumption on the premises or for carryout and may or may not include the sale of alcohol. Examples include full-service dining, fast food, coffee shop, juice bar, delicatessen, and similar or more specialized establishments. (Lake Oswego) No definition for eating and drinking establishment.
8. "Eating and Drinking Establishments": (City of Carmel Ca.) No "retail" definition
  1. All Eating and Drinking Establishments.
    - a. The sale of nonfood merchandise that is directly related to the use may be allowed when determined to be incidental to the primary use. The display of nonfood merchandise shall be ancillary to the primary use.
    - b. Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department.
    - c. At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.
  2. Drinking Places.
    - a. Minimum distance from another use selling distilled spirits intended for either on-site or off-site consumption: 200 feet.
    - b. Allowable locations: blocks numbered 70 through 77 inclusive, as shown on the map of Carmel-by-the-Sea.
    - c. Maximum number: three. See also Chapter 17.56 CMC, Restricted Commercial Uses.
    - d. See also subsection (I)(1) of this section, All Eating and Drinking Establishments.
  3. Restaurant, Full Line.
    - a. Any sale of alcoholic beverages shall be subordinate to this primary use.

- b. Drive-in, formula and fast food establishments are prohibited.
  - c. Substantially all foods from the standard menu shall be available for purchase during the hours that alcoholic beverages are being served.
  - d. The applications, menus and plans indicate that the business will primarily be a restaurant – full line, and that no more than 20 percent of the total number of seats are at a bar or in a separate bar room. If the use does not meet this standard, the standards in subsection (I)(2) of this section, Drinking Places, shall also apply to the use.
  - e. Customers shall be provided with individual menus while seated at a table or counter.
  - f. The maximum seating capacity shall not exceed the standards in the State Uniform Building and Fire Codes, the number of seats approved by the Planning Commission through public review, or the number of seats in the previous business, whichever is less. The seating capacity shall be posted on the premises.
  - g. Outside seating may be allowed subject to Chapter 17.58 CMC, Design Review.
  - h. Food sold for consumption off the premises shall be incidental to the primary use. Such food shall be placed in covered containers or wrappings, and all house-brand labeled food store goods such as vinegars, oils and salad dressings shall be prepackaged and sealed.
  - i. Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue: 15. See also Chapter 17.56 CMC, Restricted Commercial Uses.
  - j. See also subsection (I)(1) of this section, All Eating and Drinking Establishments.
  - k. Outdoor cooking devices are permitted on private property if designed and located to mitigate impacts to adjacent properties.
4. Restaurant, Specialty (Coffee Shops, Ice Cream Parlor, Etc.).
- a. Minimum size: 400 square feet.
  - b. Minimum number of customer seats on site: 14 seats. The customer seating area must be open to patron use during all hours of operation and the use must be managed to encourage on-premises consumption of food products.

- c. Sales of soup, salads and sandwiches may be allowed in an amount up to 10 percent of sales.
- d. The sale of alcohol is prohibited.
- e. Drive-in, fast food, take-out or formula establishments are prohibited.
- f. The service counter must be located within the interior of the business premises and arranged so that customers must first pass by or through the seating area to reach the counter and patron queues will be contained within the building.
- g. Outside seating may be allowed, subject to Chapter 17.58 CMC, Design Review.
- h. All products sold for consumption off the premises, other than frozen desserts, must be placed in covered containers or wrappings.
- i. Cooking equipment is limited to indoor stoves and ovens.
- j. Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue allowed: 15. See also Chapter 17.56 CMC, Restricted Commercial Uses.
- k. The operator of the use shall be responsible for the clean-up of all on-site and off-site litter generated by the use including twice-daily clean-up of all sidewalks and gutters within 50 feet of the storefront and twice-yearly steam cleaning of this area. A practical plan for monitoring and implementing this standard shall be submitted for review with the application for use permit, and will be adopted as a condition of approval of the use.
- l. See also subsection (I)(1) of this section, All Eating and Drinking Establishments.

## J. Food and Beverage Sales.

### 1. All Food and Beverage Sales.

- a. Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways.

### 2. Food Store, Full Line.

a. The use may be combined with liquor stores in the CC and SC districts upon meeting the requirements in subsection (J)(4) of this section, Liquor.

b. A delicatessen providing a broad range of bulk specialty items primarily for home or workplace consumption such as breads, cheeses, meats, prepared salads, dried goods, and limited take-out food such as sandwiches and salads may be allowed as an incidental use. Cooking equipment shall be limited to indoor stoves, ovens and outdoor grills.

c. A maximum of 12 seats may be provided indoors or outdoors on the site.

d. Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue: 15. See also Chapter 17.56 CMC, Restricted Commercial Uses.

e. See also subsection (J)(1) of this section, All Food and Beverage Sales.

### 3. Food Store, Specialty.

a. No specialty food store shall be permitted that is classified as a drive-in, fast food or formula food establishment as defined in this code.

b. All food sold for consumption off the premises shall be placed in covered containers or wrappings.

c. The use may be combined with liquor stores and beer in the CC and SC districts upon meeting the requirements of subsection (J)(4) of this section, Liquor.

d. Maximum number of food stores and/or restaurants within structures fronting on Ocean Avenue: 15. See also Chapter 17.56 CMC, Restricted Commercial Uses.

e. See also subsection (J)(1) of this section, All Food and Beverage Sales.

- maximum of 12 seats may be provided indoors or outdoors on the site.
- cooking equipment shall be limited to indoor stoves and ovens.

### 4. Liquor.

a. All food merchandise sold must be pre-packaged items only and not occupy more than 10 percent of the retail or window display area.

b. Minimum distance from another use selling distilled spirits intended for either on-site or off-site consumption: 200 feet.

c. Minimum distance from an R-1 district: 100 feet.

d. In the RC district, liquor sales are limited to off sale beer and wine and only as an accessory use in a full-line food store.

e. See also subsection (J)(1) of this section, All Food and Beverage Sales.

#### 5. Wine Tasting Shop.

a. Shall meet the standards of the City's adopted wine tasting room policy (Resolution 2015-020).

b. Minimum distance from another use selling distilled spirits intended for either on-site or off-site consumption: 200 feet.

c. Minimum distance from an R-1 district: 100 feet.

d. Permitted in the CC and SC districts with the issuance of a conditional use permit.

