

**PROPOSED CHANGES TO 2013-90 TEXT AMENDMENT – EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENTS
3-24-14**

| Topic | Section Number | Text (as of 2-7-14) of Section 12.546 | Proposed Text (as of 3-24-14) for Section 12.546 | Rationale |
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| Hours | Section 12.546(1) | “If food and beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 6:00 a.m. , the use is subject to one of the following prescribed conditions.....” | Changes the hours from ending at 6:00 am to ending at 8:00 am | Hours align with the Noise Ordinance for outdoor amplification. |
| | Section 12.546(2) | “If outdoor entertainment occurs at any time between the hours of 11:00 p.m. and 6:00 a.m. , then the following minimum separation distances shall be met, based on the zoning district in which the use is located...” | | |
| | Section 12.546(3)(a)(3) | “Provided outdoor entertainment between the hours of 11:00 p.m. and 6:00 a.m. ” | | |
| PED Separation Distance | Section 12.546(2)(b) | “Minimum 100-foot separation distance in the MUDD, UMUD, TOD, TS and PED zoning districts.” | Changes the separation distance in PED from 100’ to 250’: “Minimum 250-foot separation distance in the PED zoning district...” “Minimum 100-foot separation distance in the MUDD, UMUD, TOD, and TS zoning districts....” | Increases separation distance in PED. |
| Separation Distances Established in Pedscape Plans | Section 12.546(2)(b) | None | Adds new language referring to Pedscape Plans: “Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district, shall meet the separation distance standards established in an approved Pedscape Plan.” | References different separation distances established in adopted Pedscape Plans (Plaza Central and West Morehead) |
| Optional Provisions | Section 12.546(2)(a) and 12.546(2)(b) | None | Adds new language that in the MUDD, UMUD, PED, TOD and TS zoning districts regarding optional provisions: “The minimum required separation distance cannot be reduced as an optional provision through the rezoning process.” | Prohibits optional provisions from reducing required separation distances |
| Written Notification of Application for Certificate of Exemption; Written Comments; Decision | Section 12.546(3)(c)(1) | None | Adds a Notification of Application for a Certificate of Exemption process to the amendment: “The Planning Director, or her or his designee, shall mail a written notice and a copy of the submitted Certificate of Exemption application to property owners located within the designated separation distance required in Section 12.546(2). Written comments may be submitted to the Planning Director, or her or his designee, within fifteen (15) days of the date of notification.” | Adds a notification process for property owners located within the separation distance” Allows written comments to be submitted from property owners prior to action on the Certificate of Exemption. |
| | Section 12.546(3)(c)(2) | None | Adds language that the decision on the Certificate will be sent to property owners within the separation distance: | Mailing sent by the Planning Director, or designee |

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| | | | “The Planning Director, or her or his designee, shall mail a written notice informing property owners within the designated separation distance of the decision (approval or denial) of the Certificate of Exemption.” | |
| Appeals | Section 12.546 | “Appeal of a denial, approval, or revocation of a Certificate of Exemption must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.” | <p>Adds clarification on who can file an appeal:</p> <p>The land owner where the Certificate of Exemption is being requested, or a property owner of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) located within the specified separation distance, may appeal a denial, approval, or revocation of a Certificate of Exemption. Such appeal must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of such action.</p> | Clarifies who can file an appeal. |