

9-20-11 SURVEY OF NIGHTCLUB, BAR, RESTAURANT DEFINITIONS AND PRESCRIBED CONDITIONS

CITY	Nightclub/Bar Definition	Zoning/Conditions	Restaurant Definition	Zoning Conditions																																																											
Charlotte, NC	<p><b>Nightclub, bars, lounges</b> any commercial establishment serving alcoholic beverages and providing entertainment for patrons <u>including bars, lounges, and cabarets.</u></p>	<p><b>Nightclubs Permitted under prescribed conditions:</b></p> <table border="1" data-bbox="864 368 1619 735"> <thead> <tr> <th>Zoning Districts</th> <th>Conditions</th> </tr> </thead> <tbody> <tr> <td>B-1, B-2</td> <td>400' from residential use or district</td> </tr> <tr> <td>I-1, I-2</td> <td>Up to 70,000 sq. ft. in I-1; Up to 25,000 sq. ft in I-2. 400' from residential use or district</td> </tr> <tr> <td>RE-3</td> <td>400' from any residential district.</td> </tr> <tr> <td>MUDD &amp; UMUD</td> <td>100' from residential structure in a residential district</td> </tr> <tr> <td>NS</td> <td>400' from residential use or district</td> </tr> <tr> <td>PED Overlay</td> <td>400' from any residential structure in a residential district or any residential district. An adopted streetscape plan may reduce this.</td> </tr> </tbody> </table>	Zoning Districts	Conditions	B-1, B-2	400' from residential use or district	I-1, I-2	Up to 70,000 sq. ft. in I-1; Up to 25,000 sq. ft in I-2. 400' from residential use or district	RE-3	400' from any residential district.	MUDD & UMUD	100' from residential structure in a residential district	NS	400' from residential use or district	PED Overlay	400' from any residential structure in a residential district or any residential district. An adopted streetscape plan may reduce this.	<p><b>Restaurant</b>- an establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.</p>	<p><b>Permitted by right in some districts, and with prescribed conditions in others:</b></p> <table border="1" data-bbox="2340 294 3024 973"> <thead> <tr> <th colspan="3">Restaurants</th> </tr> <tr> <th>Zoning Districts</th> <th>Allowed by Right</th> <th>Allowed with prescribed conditions</th> </tr> </thead> <tbody> <tr> <td>Multi-family</td> <td></td> <td>X</td> </tr> <tr> <td>Institutional</td> <td></td> <td>X</td> </tr> <tr> <td>O-1, O-2, O-3</td> <td></td> <td>X</td> </tr> <tr> <td>B-1, BP, B-D</td> <td>X - with no drive-through</td> <td></td> </tr> <tr> <td>B-2</td> <td>X – with drive-through</td> <td>X</td> </tr> <tr> <td>NS</td> <td></td> <td>Allowed by right, but no drive-through service.</td> </tr> <tr> <td>CC</td> <td></td> <td>Allowed by right</td> </tr> <tr> <td>RE-1 and RE-2</td> <td></td> <td>X</td> </tr> <tr> <td>RE-3</td> <td>X</td> <td></td> </tr> <tr> <td>MUDD &amp; UMUD</td> <td>X</td> <td></td> </tr> <tr> <td>MX-1, MX-2, MX-3</td> <td></td> <td>X</td> </tr> <tr> <td>Urban Industrial</td> <td>X</td> <td></td> </tr> <tr> <td>TOD</td> <td>X – no drive-through</td> <td></td> </tr> </tbody> </table>	Restaurants			Zoning Districts	Allowed by Right	Allowed with prescribed conditions	Multi-family		X	Institutional		X	O-1, O-2, O-3		X	B-1, BP, B-D	X - with no drive-through		B-2	X – with drive-through	X	NS		Allowed by right, but no drive-through service.	CC		Allowed by right	RE-1 and RE-2		X	RE-3	X		MUDD & UMUD	X		MX-1, MX-2, MX-3		X	Urban Industrial	X		TOD	X – no drive-through	
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Indianapolis, IN	<p><b>Night club</b>- An establishment engaged primarily in offering entertainment to the general public, in the form of music for dancing or live or recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises. For the purposes of this article, an establishment of a similar nature which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be construed to be a night club, but rather an indoor commercial amusement/recreation establishment.</p> <p><b>Tavern</b>- An establishment used primarily for the serving of liquor by the drink to the general public, but where minors cannot be within the use, and where food <u>or packaged liquors may be served or sold only as accessory to the primary use.</u></p>	<p><b>Neighborhood Commercial District</b>  <b>Taverns, package liquor stores, fast food or drive-through restaurants, and such establishments, where food or alcoholic beverages may be carried out,</b> shall:</p> <p>Provide adequate outdoor convenience trash containers; and          Not provide outdoor tables and/or seats; and          Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street.</p> <p><b>Community Regional Commercial District; General Commercial District; High intensity Commercial District</b>  <b>Taverns, package liquor stores, night club establishments,</b> and such establishments where alcoholic beverages may be carried out (except drug stores or grocery stores) shall:</p> <p>Provide adequate outdoor convenience trash containers; and          Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and          Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J); and</p>	<p><b>Restaurant, drive-in or drive-through.</b> Any restaurant designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by, patrons in or on motor vehicles parking or stopped on the premises.</p> <p><b>Restaurant, family.</b> An establishment where food and drink are prepared, served and consumed primarily within the principal building to the general public. The establishment may have a separate area, or lounge, where alcoholic beverages are served without full food service, provided the area is accessory to the primary use in: 1) square feet; or 2) sales.</p> <p><b>Restaurant, fast food.</b> An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on-premises or off-premises.</p>	<p><b>Neighborhood Commercial District</b>  <b>Taverns, package liquor stores, fast food or drive-through restaurants, and such establishments, where food or alcoholic beverages may be carried out,</b> shall:</p> <p>Provide adequate outdoor convenience trash containers; and          Not provide outdoor tables and/or seats; and          Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street.</p> <p><b>Community Regional Commercial District; General Commercial District; High intensity Commercial District</b>  <b>Fast food or drive-through restaurants,</b> and such establishments where food may be carried out shall:</p> <p>Provide adequate outdoor convenience trash containers; and          Erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and          Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such</p>																																																											

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		<p>Not be located within five hundred (500) feet, measured in any direction, of any commercial amusement/recreation establishment which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the property line of the subject commercial amusement/recreation establishment.</p> <p><b>Protected district.</b> Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) District or SU-2 (school) District</p>		<p>establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J).</p> <p><b>Protected district.</b> Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) District or SU-2 (school) District</p>
Phoenix, AZ	<p><b>Bar-</b> an establishment where the main use is to serve spirituous liquors to be consumed on the premises. Food may or may not be served. Usually a counter and stools are present.</p> <p><b>Cocktail lounge-</b> an establishment, the main use of which is to serve spirituous liquors to be consumed on the premises. Food may or may not be served. A lounging area is provided and a counter is not necessarily present.</p>	<p><b>Restaurants, Bars and Cocktail Lounges,</b> subject to the following conditions or limitations: (Intermediate Commercial District, Planned Shopping Center District</p> <p>Music or entertainment shall be limited to recorded music or one entertainer unless a use permit is obtained in accordance with the provisions of <a href="#">Section 307</a>. The use permit shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking access, and access to adjacent neighborhoods. Nothing in this section shall be construed to include an adult use.</p> <p>Patron dancing shall be permitted only upon securing a use permit in accordance with the provisions of <a href="#">Section 307</a>. The use permit shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking access, and access to adjacent neighborhoods. The dance floor shall close at the time alcohol is no longer served or sold for the evening.</p> <p>Outdoor recreation uses, outdoor dining, outdoor alcoholic beverage consumption, and associated lighting shall be permitted as accessory uses only upon securing a use permit in accordance with the provisions of <a href="#">Section 307</a>. The use permit shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking access, and access to adjacent neighborhoods.</p> <p>Drive-through facilities as an accessory use, subject to the following conditions: <b>i.</b></p> <p>Access to the site is to be from an arterial or collector street as defined on the street classification map.</p> <p>Securing a use permit in accordance with the provisions of <a href="#">Section 307</a> if the lot or parcel on which the use is conducted is less than three hundred (300) feet from a residential district, including undeveloped or residentially developed R-5 property. The use permit shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking access, and access to neighborhoods.</p> <p>Entrance to and exit from a restaurant which does not require a use permit shall only be from the side of the restaurant which does not face</p>	<p><b>Restaurant-</b> an establishment other than a boarding house where meals which are prepared therein may be secured by the public.</p>	<p><b>Restaurants,</b> subject to the following conditions or limitations: (General Commercial Park)</p> <p>Sales of alcoholic beverages permitted as an accessory use subject to approval of a floor plan in conjunction with use permit approval.</p> <p>Live music and other live entertainment and patron dancing may be permitted as an accessory use upon compliance with the following conditions:</p> <p>Approval by the Zoning Administrator or the Board of Adjustment of a specific floor plan for the restaurant.</p> <p>Approval of the original use permit shall be for no longer than a two-year period. Prior to the expiration of the stated period, an application may be filed in accordance with <a href="#">Section 502</a> of this ordinance to extend the use permit. If there has been compliance with the requirements of this ordinance and the conditions prescribed in connection with the issuance of the use permit, the permit may be extended for a period of time to be determined by the Zoning Administrator or Board of Adjustment.</p> <p>A use permit issued pursuant to this section may be reviewed by the Zoning Administrator or Board of Adjustment upon any change in ownership of the license in order to determine if there has been continued compliance with the requirements of this ordinance and the conditions prescribed in connection with the issuance of the use permit.</p> <p>The parcel or lot upon which the live music and other live entertainment or patron dancing is located shall not adjoin a single-family residential district unless the district is across an arterial street or freeway.</p> <p>All alcoholic beverages shall be sold only for consumption on the premises, unless the sale of package liquor is authorized by the use permit.</p> <p>Outdoor dining permitted as an accessory use upon compliance with the following conditions:</p> <p>Approval by the Zoning Administrator or the Board of Adjustment of a specific floor plan for the restaurant.</p> <p>All alcoholic beverages shall be sold only to patrons seated at tables and only for consumption on the premises.</p> <p>No outdoor bars, patron dancing or live entertainment shall be permitted.</p>

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		<p>a contiguous residentially zoned property, including undeveloped or residentially developed R-5 parcels, on the same block and side of the street as the restaurant. For the purpose of applying this provision, property separated by a right-of-way of twenty (20) feet or less in width shall be considered contiguous.</p> <p>Any bar or cocktail lounge which exceeds five thousand (5,000) square feet in gross floor area and is located on a lot or parcel within 300 feet of a residential district, including undeveloped or residentially developed R-5 property, shall be permitted only upon securing a use permit in accordance with the provisions of <a href="#">Section 307</a> .</p> <p>Planned Shopping Center District:                      Bars and cocktail lounges only when said establishment is not closer than 300 feet to any residence district, and:                      Recorded Music may be provided.                      Live music and patron dancing as an accessory use, subset to a use permit and approval by the Zoning Administrator or the Board of Adjustment of a specific floor plan for the bar or cocktail lounge.</p> <p>CBD:                      A bar, lounge or tavern is permitted subject to the following regulations:  <u>Music or entertainment</u> is limited to recorded music or one entertainer unless the building or suite in which the bar, lounge or tavern is located is at least 300 feet from a residential zoning district. If this separation standard cannot be satisfied, other live entertainment shall be permitted only upon securing a use permit in accordance with the provisions of <a href="#">Section 307</a>.</p> <p>Patron dancing shall be permitted as of right if the building or suite in which the bar, lounge or tavern is located is at least 300 feet from a residential zoning district. If this separation standard cannot be satisfied, patron dancing shall be permitted only upon securing a use permit in accordance with the provisions of <a href="#">Section 307</a>. Patron dancing that continues beyond the hours of State-regulated liquor sales shall be allowed only upon issuance of a use permit in accordance with the provisions of <a href="#">Section 307</a>. *12</p> <p>Outdoor recreation uses, outdoor alcoholic beverage consumption and associated lighting shall be permitted of right as accessory uses if the site of the outdoor uses is at least 300 feet from a residential zoning district and the closing time of the outdoor uses does not extend past the closing time of the bar, lounge or tavern. If this separation standard cannot be satisfied, the outdoor uses shall be permitted only upon securing a use permit</p>		<p>Neither the Zoning Administrator nor the Board of Adjustment shall have the jurisdiction to vary the terms of <a href="#">Section 626.F.2.j(4)(b)</a>.</p> <p>Where applicable, to assure compatibility with adjoining uses, the Zoning Administrator or the Board of Adjustment may prescribe standards for walls and screening, lighting, seating capacity and pedestrian or vehicular access.</p> <p>No restaurant shall be located closer than one hundred feet from a residential district.</p> <p>Urban Residential District:                      Outdoor dining is permitted as an accessory use subject to obtaining a use permit.                      One live entertainer is permitted between the hours of 5:00 a.m. and 10:00 p.m. additional entertainers, patron dancing or extended hours may be allowed subject to obtaining a use permit.</p> <p>CBD:                      Restaurant:                      Music or entertainment is limited to recorded music or one entertainer unless the building or suite in which the restaurant is located is at least 300 feet from a residential zoning district, measured from the closest demising wall of the use. If this separation standard cannot be satisfied, other live entertainment shall be permitted only upon securing a use permit in accordance with the provisions of <a href="#">Section 307</a>. *12</p> <p>Patron dancing shall be permitted as of right if the building or suite in which the restaurant is located is at least 300 feet from a residential zoning district, measured from the closest demising wall of the use. If this separation standard cannot be satisfied, patron dancing shall be permitted only upon securing a use permit</p>
Seattle, WA	<p><b>Drinking establishment-</b> means an establishment other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol; and in which limited food service may be accessory to the service of alcoholic beverages. Drinking establishments may include but are not limited to <b>taverns, saloons, brewpubs, bars, pubs, or cocktail lounges associated with restaurants.</b></p>	<p><b>Drinking establishments.</b> Drinking establishments in NC1 and NC2 zones may be permitted as a conditional use subject to the following:                      The size of the drinking establishment, design of the structure, signing and illumination must be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.                      The location, access and design of parking must be compatible with adjacent residential zones.                      Special consideration will be given to the location and design of the doors and windows of drinking establishments to help ensure that</p>	<p><b>Restaurant</b> means a use in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premise, and in which any service of alcoholic beverages is accessory to the service of food.</p>	

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Fort Worth, TX	<p><b>Bar, tavern, cocktail lounge; club, private or teen</b> – Allowed by right, no definition provided.</p>		<p><b>Restaurant</b>- Place which is regularly open in a bona fide manner; which is used and kept open for the service of food to customers for compensation; which has suitable seating for guests; which has suitable facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night and the serving of food is the primary business of such place, and which may, as an accessory use, provide patrons with space for dancing or permit patrons to dance. Includes restaurants legally authorized (by duly issued permits from the city and state) to sell alcoholic beverages for consumption on the premises.</p> <p><b>Restaurant, drive-in</b>. Any restaurant providing car service.</p>	
Austin, TX	<p><b>Cocktail lounge</b>- use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, except for restaurants.</p>	<p>Requires additional permits: late-hours, music, BYOB</p> <p>Parking area separated 200' from property used/zoned for residential unless in a shopping center or if a variance is granted.</p>	<p><b>Restaurant-General</b>: the use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use.</p> <p><b>Restaurant-Limited</b>: the use of a site for the preparation and retail sale of food and beverages and excludes the sale of alcoholic beverages for on-premises consumption.</p>	<p><b>Restaurant General:</b> <b>In Neighborhood Commercial district:</b></p> <p>Requires additional permits: late-hours, music, BYOB</p> <p>Parking area separated 200' from property used/zoned for residential unless in a shopping center or if a variance is granted.</p> <p>A restaurant (general) use may operate only after 7:00 a.m. and before 11:00 p.m.</p> <p>At least 51 percent of the gross income of a restaurant must be derived from the sale of prepared food.</p> <p>The restaurant must contain kitchen facilities that are adequate for the preparation of the food to be sold. The adequacy of the kitchen facilities is based on the seating capacity of the restaurant and the type of menu offered.</p> <p>The menu must provide a variety of entrees, a list of all food items for sale, and the price of each item.</p> <p>An area within a restaurant devoted to the preparation, sale, and consumption of alcoholic beverages may not be operated or advertised under a name different from the restaurant. An outside sign, separate identification, or advertising for the area within the restaurant devoted to the preparation, sale, and consumption of alcoholic beverages must be incidental to and in conjunction with the restaurant use.</p> <p>Live entertainment is permitted if the amplified sound does not exceed 70 decibels, measured at the property line of the licensed premises. In this paragraph, "premises" has the meaning ascribed to it in the Texas Alcoholic Beverage Code.</p> <p>The building official may order a verified audit that includes documents submitted to taxing authorities. A person's failure to timely produce requested documents is prima facie evidence of a violation of this chapter.</p> <p>A restaurant that requires a late-hours permit from the Texas Alcoholic Beverage Commission is a conditional use</p>

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				<p><b>RESTAURANT (LIMITED) USE:</b>  <b>In a neighborhood commercial (LR)</b> district, a restaurant (limited) use is:            A conditional use if it has drive-in service; and            Prohibited if it exceeds 3,000 square feet of gross floor area, and the site abuts property            Additional permits: late-hours, music, BYOB            Parking area separated 200' from property used/zoned for residential unless in a shopping center or if a variance is granted.  <b>In a general office (GO), commercial recreation (CR), or neighborhood commercial (LR) district,</b> the outdoor seating area, if any, for a restaurant (limited) use may not exceed 50 percent of the indoor seating area. Seating area is measured in square feet.</p>
Memphis/Shelby County, TN	<b>Bar, nightclub, tavern or cocktail lounge-</b> Allowed, but not defined in ordinance.	500' from SF districts measure from property line of building to SF boundary. Special use permit required.	<p><b>Restaurant-</b> an establishment where food is available to the general public primarily for consumption within a structure on the premises and/or which is by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat food intended to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is neither permitted nor encouraged and the sale of alcoholic beverages are not provided.</p> <p><b>Restaurants with sales of alcoholic beverages – brew pub</b></p>	<p><b>Restaurants in Office</b> must be 150' from SF district, measured from property line of the restaurant to the nearest boundary line of the single-family residential district.</p> <p><b>Restaurants with alcohol/brew pub:</b> A special use permit shall be required in all districts where restaurants are permitted if there is a single-family detached dwelling within 300 feet measured along the public street right of way.</p>
Nashville/Davidson County Metro, TN	<p><b>Bars and nightclub:</b> Allowed, but no definition.</p> <p><b>After hours establishment</b> means any establishment open to the general public at any time between the hours of 3:00 a.m. and 6:00 a.m., which has for its primary purpose entertainment, teen clubs, dance clubs, and establishments which feature the playing of live or recorded music. If the establishment requires a cover charge upon entry, contains a dance floor, or uses either a disc jockey or a live band, it shall be considered an 'after hours establishment,' regardless of whether the establishment serves or sells prepared food for consumption.</p> <p>“Club” – membership</p>	<p><b>Bars Permitted by right in many districts, and with prescribed conditions in these districts:</b></p> <ul style="list-style-type: none"> <li>- Mixed use neighborhood; MUN, MUN-A</li> <li>- Commercial neighborhood;</li> <li>- Shopping center neighborhood; SCN</li> </ul> <p><b>Conditions:</b> Establishments shall be limited to <b>2500</b> square feet of gross floor area per establishment, with no more than one establishment per lot.</p> <p><b>After hours establishment:</b> No after hours establishment shall be located within 500 feet from the property line of any residential property. Distances shall be measured in a straight line from the closest point of the after hours establishment building to the closest point of the residential property line</p>	<p><b>Restaurant-</b> any building, room, space or portion thereof where food is sold for consumption on-site, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed, or where seating turns over at a rate of thirty minutes or more. A restaurant shall not be considered a restaurant, fast-food or restaurant, take-out solely on the basis of incidental or occasional take-out sales.</p>	Each restaurant establishment shall be limited to <b>5000</b> square feet of gross floor area, maximum.

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San Francisco, CA	<p><b>Bar</b>- a retail use which provides on-site alcoholic beverage sales for drinking on the premises.</p> <p><b>Nighttime entertainment uses</b> shall include dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities which require dance hall keeper police permits or place of entertainment police permits which are not limited to non-amplified live entertainment, including restaurants and bars which present such activities, but shall not include any arts activities or space as defined in Section 102.2 of this Code, any theater performance space which does not serve alcoholic beverages during performances, or any temporary uses permitted pursuant to Sections 205 through 205.3 of this Code.</p>	<p>Permitted in commercial and industrial districts.</p> <p><b>Amusement enterprise, including billiard hall, dance hall, nightclub, other nighttime entertainment activities</b> as defined in Section 102.17, bowling alley, skating rink, shooting gallery, when conducted within a completely enclosed building; provided, (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and (2) that no portion of a building occupied by such use shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District.</p>	<p><b>RESTAURANT, FULL-SERVICE.</b> A retail eating or eating and drinking use which serves food to customers primarily for consumption on the premises, and is not specifically designed to attract and accommodate high customer volumes or turnover.</p> <p>It has seating and serves prepared, ready-to-eat cooked foods for consumption on the premises. Guests typically order and receive food and beverage while seated at tables on the premises and pay for service after the meal is consumed.</p> <p>It includes, but is not limited to, lunch counters, coffee shops, soda fountains and full-service dining establishments. It is distinct and separate from a small or large fast-food <b>restaurant</b>, as defined in Sections 790.90 and 790.91 of this Code.</p> <p>It may provide on-site beer and/or wine sales for drinking on the premises . If it serves liquor for drinking on the premises, or does not admit minors, then it shall also be considered a bar.</p> <p><b>RESTAURANT, SMALL SELF-SERVICE.</b> A retail eating or eating and drinking use which provides ready-to-eat food for consumption on and off the premises and which may or may not provide seating. Such use exhibits the following characteristics:</p> <ul style="list-style-type: none"> <li>Contains fewer than 50 seats and less than 1,000 square feet of gross floor area;</li> <li>A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;</li> <li>Food served in disposable wrappers or containers;</li> <li>Food is ordered and served at customer service counter;</li> <li>Food is paid for prior to consumption;</li> <li>Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages;</li> <li>Food available upon a short waiting time.</li> </ul> <p>It does not include retail grocery stores with accessory take-out food activity, self-service specialty food use, or retail uses which sell prepackaged or bulk ready-to-eat foods with no-site food preparation area, such as confectionery or produce stores. When a fast-food <b>restaurant</b> operates within and in conjunction with another retail use, such as a retail grocery store, the area of the fast-food <b>restaurant</b> use shall be measured to include the area devoted to food preparation and service, seating and separate public food service counters, excluding fish, poultry and meat counters.</p> <p>It may provide off-site beer, wine and/or liquor sales for consumption off the premises or on-site beer and/or wine sales for drinking on the premises.. If it serves liquor for drinking on the premises or does not admit minors, then it shall also be considered a bar,</p> <p>It shall be conducted in accordance with the following conditions:</p> <ul style="list-style-type: none"> <li>All debris boxes shall be kept in enclosed structures.</li> <li>The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain</li> </ul>	

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			<p>the sidewalk free of paper or other litter during its business hours. Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.</p> <p><b>RESTAURANT, LARGE FAST-FOOD.</b> A retail eating or drinking use which provides ready-to-eat food to a high volume of customers at a high turnover rate for consumption on or off the premises, which may or may not provide seating. Such use exhibits the following characteristics:</p> <ul style="list-style-type: none"> <li>A gross floor area of 1,000 square feet or more;</li> <li>A limited menu of ready-to-eat food prepared in advance of customer orders, or food which is able to be quickly prepared for consumption on or off the premises;</li> <li>Food served in disposable wrappers or containers;</li> <li>Food is ordered and served at customer service counter;</li> <li>Food is paid for prior to consumption;</li> <li>Public food service area, including queuing areas and service counters without fixed seats, which counters are designed specifically for the sale and distribution of food and beverages;</li> <li>Food available upon a short waiting time.</li> </ul> <p>When a fast-food restaurant operates within and in conjunction with another retail use, such as a retail grocery store, the area of the fast-food restaurant use shall be measured to include the area devoted to food preparation and service, seating and separate public food service counters, excluding fish, poultry and meat counters.</p> <p>It may provide off-site beer, wine, and/or liquor sales for consumption off the premises or on-site beer and/or wine sales for drinking on the premises. If it serves liquor for drinking on the premises, or does not admit minors, then it shall also be considered a bar, as defined in Section <a href="#">790.22</a> of this Code.</p> <ul style="list-style-type: none"> <li>○ It shall be conducted in accordance with the following conditions: <ul style="list-style-type: none"> <li>○ All debris boxes shall be kept in enclosed structures.</li> <li>○ The operator shall be responsible for cleaning the sidewalk within a one-block radius daily to maintain the sidewalk free of paper or other litter.</li> <li>○ Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.</li> </ul> </li> </ul> <p><b>SPECIALTY FOOD, SELF-SERVICE.</b> A retail use whose primary function is to prepare and provide ready-to-eat specialty foods to a high volume of customers who carry out the food for off-premises consumption. Such use exhibits each of the following characteristics:</p> <ul style="list-style-type: none"> <li>Contains a service counter designed specifically for the sale and distribution of food that has been prepared on site;</li> <li>Food is paid for prior to consumption;</li> <li>Typically open for retail sales on weekdays during daytime hours; and</li> <li>May contain no more than 10 seats including sidewalk</li> </ul>	

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			<p>seating. It often includes wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an accessory use.</p> <p>It includes, but is not limited to, specialty foods provided by bakeries, delicatessens, and confectioneries meeting each of the above characteristics, but it is distinct from small a self-service restaurant, a large fast-food restaurant use, or a retail coffee store as defined in 790.102(n). It does not include general or specialty grocery stores with accessory take-out food activity, or retail uses which sell prepackaged or bulk ready-to-eat-foods with no on-site food preparation area.</p> <p>It shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide beer and/or wine sales for consumption off the premises.</p>	
<p><b>Miami/Dade County FL</b></p>	<p><b>Night club.</b> Any place of business located within any building or establishment under one (1) roof and on one (1) floor, established and operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises, having a seating capacity of not less than forty (40) people at tables; having an aggregate floor space of not less than two thousand two hundred (2,200) square feet, and providing a dance floor containing not less than three hundred eight (308) square feet; such floor space providing for dancing to be free from chairs, tables or other obstructions at all times.</p> <p><b>Cabaret.</b> The term shall mean a place of business other than a "night club" located in a hotel or motel having fifty (50) or more guest rooms, where liquor, beer or wine is sold, given away or consumed on the premises, and where music or other entertainment is permitted or provided for the guest of said hotel or motel only.</p> <p><b>Dancing halls</b> or dancing academies in air conditioned buildings providing no intoxicating beverages of any kind are served.</p>	<p>Night clubs shall not be located closer than five hundred (500) feet of any RU (single-family) or EU (estate) District, if approved at a public hearing.</p> <p>Dancing halls shall not be located closer than five hundred (500) feet to an RU, or EU District, unless such building is so constructed as to prevent the emission of sound and vibration.</p>	<p><b>Restaurant.</b> A building, room or rooms, not operated as a dining room in connection with a hotel, where food is prepared and served to a group of families, a club or to the public and for consumption on the premises.</p>	
<p><b>Washington, D.C.</b></p>		<p><b>Bars and nightclubs by right</b></p>	<p><b>Restaurant</b> - a place of business that does not meet the definition of a "fast food establishment" or "prepared food shop," where food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. Any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises. This term shall include but not be limited to an establishment known as a cafe, lunch counter, cafeteria, or other similar business.</p> <p><b>Fast food establishment</b> - a place of business, other than a "prepared food shop," where food is prepared on the premises and sold to customers for consumption and at least one of the following conditions apply:                      The premises include a drive-through;                      Customers pay for the food before it is consumed. One</p>	<p><b>Fast food establishment or food delivery service</b>, only in a C-2-B or C-2-C District; provided:                      No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District, unless separated by a street or alley;                      If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;                      Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District; and</p>



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			<p>characteristic that would satisfy this element would be building permit plans that depict a service counter without seating unless the applicant certifies that the intended principal use is for a restaurant or grocery and that the counter is part of a carry out service that is clearly subordinate to that principal use; or Food is served on/in anything other than non-disposable tableware. Characteristics that would satisfy this element include, but are not limited to: the building permit plans do not depict a dishwasher or do depict trash receptacles in public areas.</p> <p>A proposed or existing establishment meeting this definition shall not be deemed to constitute any other use permitted under the authority of these regulations, except that a restaurant, grocery store, movie theater, or other use providing carryout service that is clearly subordinate to its principal use shall not be deemed a fast-food establishment.</p> <p><b>Prepared food</b> - food that is assembled, but not heated by means other than microwave or toaster, on the premises of a prepared food shop. (54 DCR 9393)</p> <p><b>Prepared food shop</b> - a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.</p>	<p>The use shall not include a drive-through. Subparagraphs (1) and (2) shall not apply to a fast food establishment located in Square 5912.</p>
NYC	<p>Eating or drinking establishments with entertainment and a capacity of more than 200 persons.</p> <p>Eating or drinking establishments with entertainment but not dancing with a capacity of 200 persons or less.</p> <p>Eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments or any capacity with dancing.</p> <p>Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time, and those which "accessory" drive-through facilities.</p> <p>Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less.</p> <p>Eating or drinking establishments including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, or outdoor table services, which have "accessory" drive-through facilities.</p>		<p>Eating or drinking establishments with entertainment and a capacity of more than 200 persons.</p> <p>Eating or drinking establishments with entertainment but not dancing with a capacity of 200 persons or less.</p> <p>Eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments or any capacity with dancing.</p> <p>Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time, and those which "accessory" drive-through facilities.</p> <p>Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less.</p> <p>Eating or drinking establishments including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, or outdoor table services, which have "accessory" drive-through facilities.</p>	

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Greenville, SC	<p><b>Bar or lounge</b> means an establishment having as its principal or predominant use the serving of beer, wine or liquor for consumption on the premises. Sandwiches, light meals, snacks and/or full service meals are available for consumption on the premises but are not the principal or predominant use of the establishment.</p> <p><b>Brew pub</b> means an establishment having as its principal or predominant use the serving of beer, which is produced on the premises, for consumption on the premises. Sandwiches, light meals, snacks and/or full service meals are available for consumption on the premises but are not the principal or predominant use of the establishment.</p> <p><b>Tavern</b> means any establishment, whether public or operated as a private club, including cocktail lounges, etc., serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises, and where the purchase of food is at the option of the customers and not required by the operator. The sale of alcoholic beverages, beer and wine must be licensed by the state alcoholic beverage commission.</p> <p><b>Nightclub</b> means any establishment, whether public or a private club, including cocktail lounges, etc., serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances. The purchase of food is at the option of the customers and not required by the operator. The sale of alcoholic beverages, beer and wine must be licensed by the state alcoholic beverage commission.</p>	<p>Commercial uses located within the C-1, C-2, and C-4 districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exemption permit and, at a minimum, are subject to the following standards:</p> <ol style="list-style-type: none"> <li>(1) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12 midnight and 5:00 a.m.</li> <li>(2) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12 midnight and 5:00 a.m.</li> <li>(3) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.</li> <li>(4) Sound amplification is prohibited on the premises between the hours of 12 midnight and 5:00 a.m.</li> <li>(5) Drive-through facilities shall be closed between the hours of 12 midnight and 5:00 a.m.</li> <li>(6) Exterior doors shall remain closed except to provide ingress and egress between the hours of 12 midnight and 5:00 a.m.</li> </ol>	<p><b>Restaurant</b> means an establishment having as its predominant use the on-premises consumption of food and non-alcoholic beverages, the latter which are customarily incidental to food. Restaurants have a designated full-service kitchen, dining room equipment and persons to prepare and serve meals and food to guests in consideration of payment. Restaurants may have a combination of seating options, including indoor, outdoor, both indoor/outdoor, or no seating.</p> <p><b>Restaurant serving alcohol</b> means an establishment having as its predominant use the on-premises consumption of food and alcoholic beverages, the latter which are customarily incidental to food. Restaurants have a designated full-service kitchen, dining room equipment and persons to prepare and serve meals and food to guests in consideration of payment. The establishment may also contain a bar area which is accessory in use to the restaurant.</p> <p><b>Take out restaurant</b> means an establishment where prepared food is sold for the consumption off-premises and no counters or tables for on-premises consumption are provided, but excludes supermarkets and grocery stores.</p> <p><b>Fast food restaurant</b> means a restaurant with the following considerations: space/facilities allocated and used for carry-out service or for carry-out/customer self-service for off-premises consumption; most food items are already prepared/prepackaged before the customer places an order; establishment primarily serves its food and beverages in disposable containers and provides disposable tableware.</p> <p><b>Specialty food stores</b> mean establishments selling specialty food items which normally do not constitute a full meal including but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses and bakeries.</p>	<p>Commercial uses located within the C-1, C-2, and C-4 districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exemption permit and, at a minimum, are subject to the following standards:</p> <ol style="list-style-type: none"> <li>(1) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12 midnight and 5:00 a.m.</li> <li>(2) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12 midnight and 5:00 a.m.</li> <li>(3) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.</li> <li>(4) Sound amplification is prohibited on the premises between the hours of 12 midnight and 5:00 a.m.</li> <li>(5) Drive-through facilities shall be closed between the hours of 12 midnight and 5:00 a.m.</li> <li>(6) Exterior doors shall remain closed except to provide ingress and egress between the hours of 12 midnight and 5:00 a.m.</li> </ol> <p><b>Eating establishments that encroach onto public property</b> shall comply with the city's "outdoor displays and cafes" ordinance (see <a href="#">chapter 8</a>, article VIII, of the Greenville Code of Ordinances).</p> <p>(b) <b>Eating establishments on private property</b> shall comply with the following standards:</p> <ol style="list-style-type: none"> <li>1. The eating establishment shall not obstruct the movement of pedestrians along adjoining sidewalks, or through other areas intended for public usage, ingress, or egress.</li> <li>2. Outdoor live entertainment shall not be allowed, unless separate approval is obtained for an outdoor entertainment use.</li> <li>3. In approving eating establishments, the decision-making body may impose conditions relating to the location, configuration, and operational aspects (including hours of operation, noise, and lighting) to ensure that eating establishments will be compatible with surrounding uses and will be maintained in an attractive manner.</li> </ol> <p><b>Eating establishments in the C-1 district.</b> Eating establishments in the C-1 district shall comply with the following standards:</p> <ol style="list-style-type: none"> <li>(a) The gross floor area shall not exceed 3,500 square feet.</li> <li>(b) Hours of operation shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.</li> <li>(c) The sale of alcoholic beverages shall require a special exception permit.</li> </ol>
Baltimore, MD	<p><b>Tavern</b> means a business establishment that:</p> <ol style="list-style-type: none"> <li>(1) is devoted primarily to serving alcoholic beverages to the public for on-premises consumption; and (2) might or might not also serve food.</li> </ol> <p><b>Tavern including live entertainment or dancing</b> - means a tavern at which live entertainment, dancing, or both may be provided as an accessory use.</p>	<p><b>Restaurants or taverns with live entertainment or dancing.</b></p> <p>Application for conditional use must include:</p> <ol style="list-style-type: none"> <li>(i) a description of the type of live entertainment or dancing to be provided; and</li> <li>(ii) a floor plan, in the form and with the detail that the Board requires, of: <ol style="list-style-type: none"> <li>(A) the establishment generally; and</li> <li>(B) the live entertainment or dancing venue within the establishment.</li> </ol> </li> </ol> <p>If dancing is to be provided, the floor plan must show:</p>	<p><b>Restaurant.</b> means a business establishment at which:</p> <ol style="list-style-type: none"> <li>(i) food and drinks are provided to the public, primarily for on-premises consumption by seated patrons; and</li> <li>(ii) if the establishment also serves alcoholic beverages: <ol style="list-style-type: none"> <li>(i) a full menu of food and drinks is prepared primarily on premises in a fully equipped kitchen capable of preparing food for the rated seating capacity; and</li> <li>(ii) annually, the average daily receipts from the sale of food exceeds 50% of the establishment's total average</li> </ol> </li> </ol>	<p>[A]ny restaurant that serves alcoholic beverages and that, on the effective date of this Ordinance, becomes nonconforming because it does not comply with Zoning Code may continue as a nonconforming use for no more than 3 years after the effective date of this Ordinance. At the end of that 3-year period, the use must either (i) fully comply with Zoning Code § 1-182.1(a)(2) or (ii) be terminated and discontinued.</p> <p><b>For a restaurant or tavern operating with live entertainment or</b></p>

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	<p><b>“After-hours establishment”</b> means any of the following that remains open after 2 a.m. on any day:                      (1) a banquet hall, dance hall, private club or lodge, or similar place; or                      (2) a restaurant that provides live entertainment or dancing.</p> <p><b>“Live entertainment”</b> means any one or more of any of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged:                      (1) musical act (including karaoke);                      (2) theatrical act (including stand-up comedy);                      (3) play;                      (4) revue;                      (5) dance;                      (6) magic act;                      (7) disc jockey; or                      (8) similar activity.                      (b) <i>Exclusions.</i>                      “Live entertainment” does not include adult entertainment</p>	<p>(i) the location and dimensions of the dance floor; and                      (ii) the maximum authorized occupant load, as approved by the Fire Department, for all configurations of:                      (A) the establishment generally; and                      (B) the dancing venue within the establishment.</p> <p>In approving a conditional use, the Board must specify precisely the types of live entertainment or dancing to which the use is limited and impose conditions, as appropriate, concerning:                      (1) days and hours:                      (i) of the establishment’s general operations as a restaurant or tavern; and                      (ii) of the live entertainment or dancing to be provided;                      (2) use of amplification, noise levels, and need for noise proofing;                      (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;                      (4) number of live entertainers;                      (5) number of seats proposed for outdoor table service;                      (6) exterior lighting;                      (7) public need and desire for the establishment;                      (8) number and location of other, similar establishments in the area and potential effect of the new use on those establishments;                      (9) proximity of residences, schools, religious institutions, or parks to the establishment;                      (10) maximum authorized occupant loads of the establishment and of the live entertainment or dancing venue within the establishment;                      (11) volume and types of vehicular and pedestrian traffic in the area of the establishment;                      and                      (12) the establishment and maintenance of:                      (i) a traffic management plan;                      (ii) a parking management plan;                      (iii) an indoor and outdoor security plan; and                      (iv) a sanitation plan.</p> <p><b>After-hours establishments.</b>                      For an after-hours establishment, the Board must consider imposing conditions, as appropriate, concerning:                      (1) days and hours of operation;                      (2) use of amplification, noise levels, and need for noise proofing;                      (3) limits on the size of the establishment or on the size, location, or configuration of any entertainment or dancing venue within the establishment;                      (4) number of live entertainers;                      (5) number of seats proposed for outdoor table service;                      (6) exterior lighting;                      (7) whether to place limits on the type of entertainment use; and                      (8) the establishment and maintenance of:                      (i) a traffic and parking management plan; and                      (ii) an indoor and outdoor security plan.                      (b) <i>Required findings and conditions.</i>                      The Board must find, and require as a condition of approval, that the establishment cannot be entered from a tavern.</p>	<p>daily receipts, not including sales of novelty items, income from vending machines, cover charges,                      “Restaurant” includes a cafeteria                      “Restaurant” does not include any tavern.</p> <p><b>Restaurant – including live entertainment or dancing</b> means a restaurant at which live entertainment, dancing, or both may be provided as an accessory use.</p>	<p><b>dancing as an accessory use.</b> the Board must consider imposing conditions, as appropriate, concerning:                      (1) days and hours of operation;                      (2) use of amplification, noise levels, and need for noise proofing;                      (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;                      (4) number of live entertainers;                      (5) number of seats proposed for outdoor table service;                      (6) exterior lighting;                      (7) whether to limit the accessory use to live entertainment only or dancing only; and                      (8) the establishment and maintenance of:                      (i) a traffic and parking management plan; and                      (ii) an indoor and outdoor security plan.</p> <p><b>Restaurants in Business districts</b> are restricted to a maximum gross floor area of 4,000 square feet each, exclusive of off-street parking and loading facilities.</p>
Columbia, SC	<b>Drinking establishments.</b>	<p><b>Drinking places</b> in conformity with state law shall be permitted, subject to the following provisions:                      (1) <i>Spacing requirements.</i> Lots used as drinking places shall not be located closer than 400 feet to any other lot used as a drinking place and shall not be closer than 600 feet to any lot which contains a school or place</p>	<p><b>Restaurant means a place of business where food, drinks or refreshments</b> 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 cafe, lunch counter, cafeteria, eating and drinking establishment or other similar</p>	<p><b>Restaurants under 5,000 square feet are allowed as a permitted use in a C-2 district. Restaurants in excess of 5,000 square feet may be allowed as a special exception by the board</b></p>

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		<p>of worship.</p> <p>(2) <i>Hours of operation.</i> The hours of operation shall be subject to approval by the board of zoning appeals when such establishment is located adjacent to a residential zone.</p> <p>(3) <i>Parking requirements.</i> Off-street parking requirements shall be 12 per each 1,000 square feet of gross floor area.</p> <p>(4) <i>Ingress and egress.</i> Adequate ingress and egress shall be provided.</p>	<p>business, but shall not include a fast food restaurant. In a restaurant, any facilities for carryout shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises.</p> <p><b>Restaurant, fast food</b> means a place of business devoted to the 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 exhibits any of the following characteristics:</p> <p>(1) There is space or facilities allocated and used for carryout service, or for carryout and customer self-service for on-premises consumption combined;</p> <p>(2) Most food items are already prepared or packaged before the customer places an order; and</p> <p>(3) The establishment primarily serves its food and beverages in disposable containers and provides disposable tableware.</p> <p>This definition does not include an establishment known as a retail grocery store, convenience store or delicatessen or other businesses selling food or beverages as an accessory use or for off-premises preparation and consumption.</p>	<p><u>of zoning appeals.</u></p>
Boston	<p><b>Place for sale and consumption of food and beverages</b> (other than drive-in restaurant) providing <u>dancing or entertainment</u> or both; theater (including motion picture theater but not drive-in theater); concert hall; dance hall; skating rink; bowling alley; pool room; billiard parlor; other social, recreational or sports center conducted for profit; or any commercial establishment maintaining and operating any amusement game machine (other than as an accessory use) provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice</p>	<p><u>No regulations</u></p>	<p><b>Lunch room, restaurant, cafeteria</b> or other place for the service or sale of food or drink for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles.</p> <p><b>Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both:</b> theater (including motion picture theater but not drive-in theater); concert hall; dance hall; skating rink; bowling alley; pool room; billiard parlor; other social, recreational or sports center conducted for profit; or any commercial establishment maintaining and operating any amusement game machine (other than as an accessory use) provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice</p> <p><b>OPEN AIR AND DRIVE-IN USES:</b> drive-in restaurant; drive-in cafeteria; or other place for the service or sale of on-premises prepared food or drink for on-premises or off-premises consumption, providing off-street parking facilities for its customers while doing business on the premises.</p>	<p><u>See a few in definitions</u></p>

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Chicago	<p><b>Eating and Drinking Establishments</b> : Provision of prepared food or beverages for on- or off-premises consumption.</p> <p><b>Tavern</b> An establishment that is primarily engaged in serving alcoholic liquor for consumption on the premises and in which the serving of prepared food, live entertainment and dancing are permitted.</p>	<b>Permitted by right, a few with a special use permit. No conditions</b>	<p><b>Restaurant</b> An establishment primarily engaged in serving prepared food to the public pursuant to required licenses, including those with outdoor seating areas.</p> <p><b>Limited Restaurant</b> A restaurant in which there is no service of alcoholic liquor or in which the service of alcoholic liquor is clearly incidental and subordinate to the primary activity (prepared food service) and in which live entertainment or dancing, if any, is clearly incidental and subordinate to the primary activity (prepared food service).</p> <p><b>General Restaurant</b> A restaurant in which alcoholic liquor may be served in conjunction with the primary activity (prepared food service) and in which live entertainment and dancing are permitted in completely enclosed areas.</p>	<b>No restrictions</b>
Seattle	<p><b>"Drinking establishment"</b> means an establishment other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol; and in which limited food service may be accessory to the service of alcoholic beverages. Drinking establishments may include but are not limited to taverns, saloons, brewpubs, bars, pubs, or cocktail lounges associated with restaurants.</p>	<p>Conditions in some districts:</p> <p>a. The size of the drinking establishment, design of the structure, signing and illumination must be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.</p> <p>b. The location, access and design of parking must be compatible with adjacent residential zones.</p> <p>c. Special consideration will be given to the location and design of the doors and windows of drinking establishments to help ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings where the drinking establishment is located on a lot that abuts or is across from a residential zone.</p> <p>d. Drinking establishments must not generate traffic that creates traffic congestion or further worsens spillover parking on residential streets.</p>	<p><b>"Restaurant"</b> means a use in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premise, and in which any service of alcoholic beverages is accessory to the service of food.</p>	
Cincinnati	<p><b>Drinking Establishments</b>. Bars, nightclubs, lounges or dance halls serving beverages for consumption on the premises as a primary use and including on-site service of alcohol, including beer, wine and mixed drinks.</p>	<b>See conditions for outdoor areas under restaurant.</b>	<p><b>Restaurants, full service</b>. Restaurants providing food and beverage services to patrons who order and are served while seated (table service) and pay after eating. Takeout service may be provided.</p> <p><b>Restaurants, limited</b>. Restaurants providing food and beverage services to patrons who order and pay before eating. Food and beverages may be consumed on the premises, taken out or delivered. Table service is not provided. This classification includes cafeterias, cafes, fast-food outlets, pizza delivery, snack bars and takeout eating places.</p>	<p><b>Outdoor areas of limited or full service restaurants and drinking establishments</b> must be located, developed and operated in compliance with the following:</p> <p>(a) Residential District Boundary Line. For the purposes of this section the term residential district boundary line shall mean the district boundary line of the SF-20, SF-10, SF-6, SF-4, SF-2, RMX, RM-2.0, RM-1.2, and RM-0.7 districts.</p> <p>(b) Location. Outdoor areas on any public sidewalk or alley requires a revocable street privilege. Any outdoor area located within 100 feet of a residential district boundary line requires conditional use approval pursuant to the procedures and criteria of <a href="#">Chapter 1445</a>, Variances, Special Exceptions and Conditional Uses.</p> <p>(c) Maximum Size. Within 500 feet of a residential district boundary line, the outdoor area may not exceed 50 percent of the indoor area accessible to the public. Additional area requires conditional use approval pursuant to the procedures and criteria of <a href="#">Chapter 1445</a>, Variances, Special Exceptions and Conditional Uses.</p> <p>(d) Barriers. Decorative walls or fencing must enclose an outdoor area.</p>

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				<p>(e) <b>Entertainment.</b> Within 500 feet of a residential district boundary line, entertainment, including the use of audio/visual equipment or amplified sound is prohibited unless conditional use approval is obtained pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.</p> <p>(f) Fixtures. Furniture and fixtures provided for use in an outdoor area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior of the building. All movable furniture and fixtures must be removed during the off-season.</p> <p>(g) Hours of Operation. Within 100 feet of a residential district boundary line the use of outdoor areas is prohibited between Midnight and 7 AM on Friday and Saturday and 10 PM and 7 AM on all other days, unless conditional use approval is obtained pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses. In all other locations, the use of outdoor areas shall be prohibited after 2 AM.</p> <p>(h) Breweries and Wineries. Beer and wine production accessory to a limited or full service restaurant is limited to an area that may not exceed 10,000 sq. ft and may not produce any objectionable odor, dust or fumes.</p> <p>(i) Required Buffer Yards. Where any side or rear yard of the permitted use abuts a residential district boundary line, a 10 foot buffer area ensuring visual and sonic separation shall be provided pursuant to Chapter 1423-03, Landscaping Plan.</p> <p>(j) Parking Requirements for Outdoor Areas. Off-street parking spaces must be made permanently available to the use served. For parking requirements for outdoor areas of eating and drinking establishments see § 1425-19-A: Off-street Parking and Loading Requirements.</p>
Philadelphia	<p><b>Cabaret.</b> An adult club, restaurant, theater, hall or similar place which may or may not serve alcoholic beverages and features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities, or dancing, performing or acting in a lewd, sexually erotic, exciting, or stimulating manner for patrons or viewers who tip, pay or give any monetary consideration directly or indirectly to such featured dancers or entertainers for such featured entertainment.</p> <p><b>Night Club.</b> An establishment where 50 or more people congregate, which may or may not serve food to patrons, has a Disc Jockey and/or live entertainment, and has an area(s), permanent or temporary, set aside as a dance floor for the purpose of dancing by the patrons of the establishment</p> <p><b>Dance Hall.</b> A use engaged in entertainment which may include live entertainment, a disc jockey or a self-contained sound system providing music; with or without amplified sound which provides for dancing by guests and patrons and which may or may not include</p>	None	<p><b>Food.</b> Every substance intended for human consumption, whether in solid or liquid form, including every article used for, or entering into the composition of, or intended for use as, an ingredient in the preparation of food for any person.</p> <p><b>Food Establishment.</b> Any establishment or portion thereof where food is handled or sold, including a permanent structure, a stationary or movable stand, vehicle, cart, basket, box, vending machine or other container, but excluding railroad dining cars in transit; and exclusively financial investment and brokerage transactions where food is not actually handled in the City.</p> <p><b>Food Service Establishment.</b> A food establishment where food or drink is prepared or served for consumption either on the premises or elsewhere, including such establishments as restaurants, grills, diners, sandwich shops, dining rooms of hotels, coffee shops, cafeterias, taverns, market stalls, vending carts, vending vehicles and other similar places.</p> <p><b>Restaurant.</b> A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages, on non-disposable ware for consumption by patrons on premises, with a minimum of thirty (30) seats, and which does</p>	None

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	<p>the retail sale of food and/or beverages</p> <p><b>SPECIAL ASSEMBLY OCCUPANCY.</b> One of the following if 50 or more people congregate primarily for social entertainment purposes at such location at one or more times during the course of any year: nightclub; discotheque; cabaret; tavern; bar; restaurant; private club; banquet hall; and similar place of assembly without primarily fixed seating</p> <p><b>SOCIAL ENTERTAINMENT PURPOSES.</b> Dancing, entertainment by live music or a disc jockey, observing a theatrical or other performance or similar activities. The phrase shall not include the consumption of food and beverages, listening to a speaker or lecture, watching television, watching or participating in athletic events, or other similar activities.</p>		<p>not provide live entertainment; 48</p> <p><b>Restaurant (Take-out).</b> A use engaged in the preparation and retail sale of food and beverages which serves food and/or beverages in disposable packaging and/or containers for consumption by patrons on or off the premises, including but not limited to delicatessens and/or a restaurant with twenty-nine (29) or less seats</p>	
Atlanta	<p><b>Bar</b> means an establishment having a minimum capacity of 25 persons and a maximum capacity of 100 persons per the City of Atlanta Fire Code that does not meet the definition of a restaurant, nightclub, lounge, farm winery, convention center, hotel, brewpub, open air cafe or sidewalk cafe, that is primarily devoted to selling and dispensing alcoholic beverages by the drink for on-premises consumption. The bar must make food available to its patrons.</p> <p><b>DEFINTIONS BELOW ARE FOUND OUTSIDE OF THE ZONING CODE, IN MUNICIPAL CODE CHAPTER 10 – ALCHOHOLIC BEVERAGES</b></p> <p><b>Bottle house</b> means any place of business open to the public or any private club which allows patrons or members to bring in and consume alcoholic beverages on the premises.</p> <p><b>Brewpub</b> means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. As used herein, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.</p> <p><b>Entertainment</b> means the live performance by any person, whether such person be a musician, dancer or otherwise, which occurs upon the premises of a licensed establishment.</p> <p><b>Lounge</b> means a separate room connected with a part of and adjacent to a restaurant or located in a hotel or located in any airport owned by the city, with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and shall have a seating capacity for at least 50 persons. However, lounges located in any airport owned or</p>	<p><u>See conditions for lounges and nightclubs under definition.</u></p>	<p><b>Eating and drinking establishments</b> shall mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits. Any establishment that serves food and drink, but which also operates as another use under Chapter 10 of the City Code (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 10 applicable to that use.</p> <p><b>Restaurant</b> means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least 40 people, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. However, restaurants located in any airport owned or operated by the city shall be exempt from the seating capacity requirement. At least one meal per day shall be served at least six days per week, with the exception of holidays, vacations and periods of redecorating, and the serving of those meals shall be the principal business conducted, with the serving of distilled spirits to be consumed on the premises as only incidental thereto.</p> <p><b>Sidewalk cafe</b> means an establishment that serves food during all hours of operation, has a seating capacity of at least 30 people, operates an outdoor dining area, and is located within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units. A sidewalk cafe shall not provide any outdoor seating or any other outdoor service unless it is within an outdoor dining area. When interpreting the hours of operation listed in section 10-209(c) and 10-209(d) of this Code, sidewalk cafes shall be subject to the same limitations as restaurants. Sidewalk cafes must operate in compliance with the city's noise ordinance,</p>	

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	<p>operated by the city shall be exempt from the seating capacity requirement. A lounge that is operated on a different floor in the premises or in a separate building or that is not connected to or adjacent to a restaurant shall be considered a separate establishment and an additional license fee shall be paid therefore.</p> <p><b>Nightclub</b> means an establishment having a capacity of at least 100 persons per the City of Atlanta Fire Code, with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted. All such establishments shall be equipped with air conditioning. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto.</p>			