

| 2-19-13  | Restaurants   |                               |                              |                          |   |  |   |                                   |   |  |  |                                 | Other Definitions/ Conditions  | Other Permits or License beyond alcohol permit   |
|--|---|-------------------------------|------------------------------|--------------------------|---|--|---|-----------------------------------|---|--|--|---------------------------------|--|--|
| COMMUNITY  | Definition  |                               |                              |                          | Regulations   |  |   |                                   |   |  |  |                                 |  |  |
|  | Definition for Restaurant?                          | Food/ Beverage in Definition? | Entertainment in Definition? | Alcohol in Definition?   | Zoning District Type  | Separation Distance?   | Limit on People or Size?  | Full kitchen?                     | Hours of Operation?                                   | Outdoor Dining Regulations?  | Entertainment Regulations?   | Food %?                         |  |  |
| <b>Atlanta, GA</b>   | 4 definitions plus Eating & Drinking Establishments | Yes                           | No                           | Yes in Eating & Drinking | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Commercial</li> <li>Industrial</li> </ul>   | <ul style="list-style-type: none"> <li>If alcohol sold: 300' to Residential</li> </ul>   | 2,000 sq. ft in size in Neighborhood Commercial   | Yes                               | Yes – In Neighborhood Commercial. Not 2 am to 6:30 am | <ul style="list-style-type: none"> <li>Yes – conditions</li> <li>No music outside</li> <li>No live entertainment outside</li> </ul>                  | Yes. Can have within mixed-use or multi-building developments of certain size  | No                              | Entertainment – Means live music, dance performance  | <ul style="list-style-type: none"> <li>CUP late hours</li> <li>CUP music</li> <li>CUP BYOB</li> </ul>  |
| <b>Austin, TX</b>  | 2 definitions                                       | Yes                           | No                           | Yes                      | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>General Office Commercial</li> <li>Commercial</li> <li>Industrial</li> </ul>  | <ul style="list-style-type: none"> <li>200' parking area to Residential unless in shopping center</li> <li>General Restaurant: Less than 540' to Residential requires CUP for Compatibility Development Standards</li> </ul> | <ul style="list-style-type: none"> <li>Yes – Size Limit 4,000 sq. ft. in Neighborhood Commercial</li> <li>Limited Restaurant in Neighborhood Commercial: 3,000 sq. ft. if abuts urban residential or more restrictive.</li> </ul> | Yes, plus menu variety of entrees | Yes - Operate 7 am to 11 pm                           | <ul style="list-style-type: none"> <li>500 sq. ft .or less</li> <li>50' to SF Residential</li> </ul>   | <ul style="list-style-type: none"> <li>No outdoor entertainment</li> <li>No outdoor sound amplification</li> <li>Live entertainment if 70 decibels or less</li> </ul>  | At least 51% of sales from food | No   | <ul style="list-style-type: none"> <li>Late hours permit</li> <li>Music Permit</li> <li>BYOB Permit</li> <li>CUP for Compatibility Development Standards if 540' or less to Residential</li> </ul> |
| <b>Baltimore, MD (Note: Survey is of Proposed new regulations, not existing)</b> | 1 definition (in new ZO proposal)                   | Yes                           | No                           | Yes                      | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Commercial</li> </ul>   | <ul style="list-style-type: none"> <li>No.</li> </ul>  | No  | Yes – Full Menu                   | No, unless providing entertainment                    | <ul style="list-style-type: none"> <li>Yes – conditions:</li> <li>Compact</li> <li>Maintain 5' sidewalk</li> <li>In ROW requires a permit</li> </ul> | <ul style="list-style-type: none"> <li>Yes – conditions:</li> <li>CUP for floor plan, type of entertainment, hours, decibels, size, occupancy load, number of entertainers, number of outdoor seats, public need and desire</li> </ul> | 50% or more                     | <ul style="list-style-type: none"> <li>Live Entertainment: Live music, karaoke, act, play, revue, comedy, dance, magic, DJ, etc.</li> <li>Retail sales that have alcohol sales has to be at least 300' from another retail sales establishment selling alcohol except in some Commercial districts.</li> </ul> | <ul style="list-style-type: none"> <li>Outdoor dining in public ROW: permit</li> <li>CUP for live entertainment or dancing as accessory use.</li> </ul>  |
| <b>Boston, MA</b>  | 4 definitions                                       | Yes                           | Yes                          | No                       | <ul style="list-style-type: none"> <li>Commercial</li> <li>Neighborhood Commercial</li> <li>Industrial</li> </ul>   | No   | No  | No                                | No  | No   | No   | No                              | No   | No   |
| <b>Charlotte, NC</b>   | 1 definition  | Yes                           | No                           | No                       | <ul style="list-style-type: none"> <li>Institutional</li> <li>Office</li> <li>Commercial</li> <li>Neighborhood Commercial</li> <li>Research</li> <li>Mixed-Use</li> <li>Urban Indust.</li> <li>Overlay</li> </ul> | No   |   | No                                | No  | No   | No   | No                              | No   | No   |

| 2-18-13               | Restaurants  |                               |                              |                        |  |  |   |               |   |  |   |                          | Other Definitions/ Conditions   | Other Permits or License beyond alcohol permit   |
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| COMMUNITY             | Definition   |                               |                              |                        | Regulations  |  |   |               |   |  |   |                          |   |  |
|                       | Definition for Restaurant?                         | Food/ Beverage in Definition? | Entertainment in Definition? | Alcohol in Definition? | Zoning District Type   | Separation Distance?   | Limit on People or Size?  | Full kitchen? | Hours of Operation?   | Outdoor Dining Regulations?  | Entertainment Regulations?  | Food %?                  |   |  |
| <b>Chicago, IL</b>    | 3 definitions plus Eating & Drinking Establishment | Yes                           | Yes                          | Yes                    | <ul style="list-style-type: none"> <li>Commercial</li> <li>Industrial</li> </ul>   | No   | <ul style="list-style-type: none"> <li>4,000 sq. ft. in Industrial</li> </ul>   | No            | No  | Yes – conditions: <ul style="list-style-type: none"> <li>Location</li> </ul>   | <ul style="list-style-type: none"> <li>No entertainment permitted in industrial districts</li> </ul>  | Primary activity is food | Outdoor Patio   | <ul style="list-style-type: none"> <li>SUP for Outdoor Patio on Roof.</li> </ul>   |
| <b>Cincinnati, OH</b> | 2 definitions                                      | Yes                           | No                           | Yes                    | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Mixed-Use</li> <li>Commercial</li> <li>Industrial</li> </ul> | <ul style="list-style-type: none"> <li>Outdoor Areas: &gt;100' from Residential requires CUP</li> <li>10' buffer on side/rear yard if abut Residential district</li> <li>By state law, schools, churches, libraries, public playgrounds, parks, can object to the sales of liquor within 500' within 30 days of notification.</li> </ul> | <ul style="list-style-type: none"> <li>15,000 sq. ft. in Neighborhood Commercial</li> </ul>                               | No            | Within 100' of Residential: Operate only 7 am to midnight on Fri. & Sat. and 7am to 10 pm other days unless CUP | <ul style="list-style-type: none"> <li>Outdoor Areas: &gt;100' from Residential requires CUP</li> <li>Outdoor area within 500' of Residential can't exceed 50% of indoor area</li> </ul> | <ul style="list-style-type: none"> <li>Outdoor Areas within 500' of Residential: No audio/visual equipment or amplified sound without CUP.</li> </ul> | No                       | No  | <ul style="list-style-type: none"> <li>CUP for larger size restaurant</li> <li>CUP for outdoor areas within 100' of Residential</li> <li>CUP for outdoor audio/visual equipment or amplified sound.</li> <li>CUP for extended hours</li> </ul> |
| <b>Columbia, SC</b>   | 1 definition                                       | Yes                           | No                           | No                     | <ul style="list-style-type: none"> <li>Commercial</li> <li>Industrial</li> </ul>   | If alcohol permit granted, State law: <ul style="list-style-type: none"> <li>300' to protected uses (church, school playground inside City.</li> <li>If outside City limits, then 500' separation.</li> </ul>  | <ul style="list-style-type: none"> <li>5,000 sq. ft.</li> <li>Special exception by ZBA to be larger</li> </ul>            | No            | No  | No   | No  | No                       | No  | <ul style="list-style-type: none"> <li>Special Exception by ZBA for restaurants larger than 5,000 sq. ft.</li> </ul>   |
| <b>Davidson, NC</b>   | 1 definition                                       | Food                          | No                           | No                     | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Commercial</li> </ul>  | >60 decibels within 300' of Residential use daytime hours.   | <ul style="list-style-type: none"> <li>Campus area: Restaurants restricted to 25% of first floor of buildings.</li> </ul> | No            | No  | <ul style="list-style-type: none"> <li>Outdoor seating limited to 50% of total seating capacity</li> <li>5' sidewalk clearance</li> </ul>  | No, but decibel limits for all uses.  | No                       | <ul style="list-style-type: none"> <li>All uses restricted to decibel levels between 55-60 based on days of week/hours of operation.</li> <li>No drive-through service</li> </ul> | No   |
| <b>Fort Worth, TX</b> | 2 definitions                                      | Yes                           | Yes, dancing                 | Yes                    | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Commercial</li> <li>Industrial</li> </ul>                    | No   | No  | Yes           | No  | No   | Dancing permitted   | Food is primary business | No  | No   |

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|                                  | Definition  |                                    |                              |                         | Regulations   |   |  |               |  |  |   |         |  |  |
| COMMUNITY                        | Definition for Restaurant?                            | Food/ Beverage in Definition?      | Entertainment in Definition? | Alcohol in Definition?  | Zoning District Type  | Separation Distance?  | Limit on People or Size?   | Full kitchen? | Hours of Operation?                      | Outdoor Dining Regulations?  | Entertainment Regulations?  | Food %? |  |  |
| <b>Greenville, SC</b>            | 2 definitions plus Eating and Drinking Establishments | Yes                                | No                           | Yes, Non-alcoholic only | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Commercial</li> </ul>   | <ul style="list-style-type: none"> <li>If alcohol permit granted, State law: 300' to protected uses (church, school playground inside City.</li> <li>If outside City limits, then 500' separation to same protected uses.</li> </ul>  | 3,500 sq. ft. in Neighborhood Commercial   | Yes           | 6 am to 10 pm in Neighborhood Commercial | Yes – Requires permit for Outdoor Café: <ul style="list-style-type: none"> <li>No loudspeaker, radio, public address system, sound amplifier.</li> <li>Beer and wine only to seated patrons at tables</li> </ul> | <ul style="list-style-type: none"> <li>No sound amplification between midnight at 5:00 am</li> <li>Outdoor live entertainment requires separate approval by Council.</li> </ul> | No      | <ul style="list-style-type: none"> <li>Exterior doors remain closed midnight to 5 am except for ingress, egress</li> </ul> | <ul style="list-style-type: none"> <li>Special exception permit required for alcoholic beverages</li> <li>Special exception permit for hours past midnight.</li> <li>Permit for outdoor café.</li> </ul> |
| <b>Huntersville, NC</b>          | 1 definition for “Commercial Use”                     | No                                 | No                           | No                      | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Commercial</li> </ul>   | No  | 8,000 sq. ft. Min FAR: .35   | No            | No                                       | No   | No  | No      | No   | No   |
| <b>Indianapolis, IN</b>          | 3 definitions   | Yes – Non-alcoholic beverages only | No                           | Yes                     | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Commercial</li> </ul>   | 100' to Residential and to Protected Districts (hospital, church, school, parks university districts)   | No   | No            | No                                       | No   | No  | No      | No   | No   |
| <b>Memphis/Shelby County, TN</b> | 3 definitions   | Food                               | No                           | Yes                     | <ul style="list-style-type: none"> <li>Residential (SF &amp; urban)</li> <li>Office</li> <li>Neighborhood Commercial</li> <li>Commercial</li> <li>Industrial</li> </ul> | <ul style="list-style-type: none"> <li>150' to SF Residential in Office</li> <li>1500' for restaurants with alcohol sales to church, school, park, library, retail liquor store within City.</li> <li>500' for restaurants with alcohol sales to any church, school, park, library, retail liquor store in violation of ZO, located in City.</li> <li>300' for beer sales to school, residence, church, public gathering spot outside City limits.</li> </ul> | <ul style="list-style-type: none"> <li>Office: 6,000 sq. ft. max.; no drive-thru,</li> </ul> | No            | No                                       | No   | No  | No      | No   | No   |

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| COMMUNITY                                   | Definition  |                              |   |                        | Regulations  |   |   |               |   |   |  |                     |   |  |
|   | Definition for Restaurant?  | Food/Beverage in Definition? | Entertainment in Definition?  | Alcohol in Definition? | Zoning District Type   | Separation Distance?  | Limit on People or Size?  | Full kitchen? | Hours of Operation?                                   | Outdoor Dining Regulations?   | Entertainment Regulations?   | Food %?             |   |  |
| <b>Miami/Dade County/FL</b>                 | 1 definition  | Food                         | No  | No                     | <ul style="list-style-type: none"> <li>Neighborhood Commercial</li> <li>Commercial</li> <li>Industrial</li> </ul>  | <ul style="list-style-type: none"> <li>In Industrial: 500' to SF, urban residential or in neighborhood commercial, public hearing required.</li> <li>In Industrial: 250' if use confined in building and no exterior wall openings facing same list of districts above.</li> <li>In Industrial: Exterior uses: 500' to same list of districts above.</li> </ul> | Restaurants with Children's Outdoor playground: Commercial districts: 2,500 sq. ft. MINIMUM | No            | Sale of alcohol restricted by days of week and hours. | <ul style="list-style-type: none"> <li>42" clearance for sidewalk passage.</li> <li>In Neighborhood Business: no outdoor food prep or cooking and no outside address system. Permits unamplified music</li> </ul> | No   | Primary food sales  | Form based code for 10 districts classifies restaurants under "Food/Beverage Establishments". | No   |
| <b>Nashville/ Davidson County Metro, TN</b> | 3 definitions   | Food                         | No  | No                     | <ul style="list-style-type: none"> <li>Commercial</li> <li>Mixed-Use</li> </ul>                                    | No  | 5,000 sq. ft.   | No            | No  | No  | No   | No                  | No  | No   |
| <b>New York, NY</b>                         | No definition, but has 6 types of "eating and drinking establishments" with characteristics | No                           | Characteristic of one type. Other types: With music, with outdoor service, with musical entertainment, etc. | No                     | <ul style="list-style-type: none"> <li>Commercial</li> <li>Industrial</li> </ul>                                   | No  | Yes. Eating establishments listed by either less than 200 people or more than 200 people.   | No            | No  | No  | No   | No                  | No  | No   |
| <b>Philadelphia, PA</b>                     | 3 restaurant types plus Eating & drinking establishment                                     | Yes                          | "Occasional live entertainment"   | No                     | <ul style="list-style-type: none"> <li>Commercial,</li> <li>Neighborhood Commercial</li> <li>Industrial</li> </ul> | No  | No  | No            | No  | No  | <ul style="list-style-type: none"> <li>Occasional live entertainment permitted</li> <li>Recorded music permitted in shopping center districts</li> </ul> | Primarily cook food | Social Entertainment; Special Assembly Occupancy  | Special Assembly Occupancy                     |

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| COMMUNITY          | Definition                 |                              |                              |                        | Regulations   |  |  |               |                     |                                      |   |  |   |   |
|                    | Definition for Restaurant? | Food/Beverage in Definition? | Entertainment in Definition? | Alcohol in Definition? | Zoning District Type  | Separation Distance?   | Limit on People or Size?   | Full kitchen? | Hours of Operation? | Outdoor Dining Regulations?          | Entertainment Regulations?  | Food %?  |   |   |
| <b>Phoenix, AZ</b> | 1 definition               | Yes. Also uses: Meals        | No                           | No                     | <ul style="list-style-type: none"> <li>Commercial,</li> <li>Urban Residential</li> </ul>              | <ul style="list-style-type: none"> <li>300' to Residential when in shopping center districts;</li> <li>Restaurant with music or entertainment other than recorded music or one entertainer: 300' to Residential district when located in the Downtown Core district.</li> <li>500' separation to Residential district for Outdoor Recreation Uses, Outdoor Dining, and Outdoor Alcohol consumption.</li> <li>100' separation to Residential district.</li> <li>300' to Residential district for Outdoor Cooking areas.</li> <li>300' to Residential district for Restaurants located in shopping center districts.</li> <li>Patron Dancing: 300' to Residential district.</li> </ul> | No   | No            | No                  | Allowed as accessory with use permit | Yes – Limits stage size, decibels   | Use permit of specific floor area plan for restaurant and alcohol area |   | <ul style="list-style-type: none"> <li>Dance permit;</li> <li>Outdoor dining &amp; alcohol consumption permit;</li> <li>Oversize limit permit;</li> <li>Outdoor food preparation permit;</li> <li>Neighborhood commercial use permit if operate 10 pm to 5 am.</li> </ul> |
| <b>Raleigh, NC</b> | 1 definition               | Food                         | No                           | No                     | <ul style="list-style-type: none"> <li>Residential</li> <li>Commercial</li> <li>Industrial</li> </ul> | No   | In Residential limited to 25 sq. per dwelling unit in building, and not more than 2,000 sq. ft. and not more than 50% of gross floor area. | No            | No                  | Yes – requires permit                | <ul style="list-style-type: none"> <li>Amplified entertainment permit required. No outside amplification permitted.</li> <li>Entertainment districts can be created, with public hearing, to allow outdoor music.</li> <li>Outdoor music MAY be permitted along corridor 300' of any Major/Minor Thoroughfare, Interstate or Federal Aid Primary Highway</li> </ul> | No   | Lighting of parking areas, cleaning of parking areas daily, and lighting levels, security guards for building and parking area required for amplified music permit. | <ul style="list-style-type: none"> <li>Outdoor dining permit</li> <li>Amplified entertainment permit required for interior.</li> <li>Special use Permit with public hearing required for outdoor music.</li> </ul>  |

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| COMMUNITY                | Definition                 |                               |                              |                        | Regulations   |                             |  |                   |                     |                             |   |           |  |  |
|                          | Definition for Restaurant? | Food/ Beverage in Definition? | Entertainment in Definition? | Alcohol in Definition? | Zoning District Type  | Separation Distance?        | Limit on People or Size?                           | Full kitchen?     | Hours of Operation? | Outdoor Dining Regulations? | Entertainment Regulations?  | Food %?   |  |  |
| <b>San Francisco, CA</b> | 3 definitions              | Yes                           | No                           | Yes                    | <ul style="list-style-type: none"> <li>• Neighborhood Commercial</li> <li>• Mixed Use</li> </ul>                        | No                          | No   | Substantial meals | Yes                 | No                          | <ul style="list-style-type: none"> <li>• In Neighborhood Commercial: adequately soundproofed or insulated for noise.</li> </ul> | 51+% food | <ul style="list-style-type: none"> <li>• In Mixed-Use districts, good neighbor policies conditions apply for quietness, safety and cleanliness of premises and no noise or odors for neighbors.</li> <li>• In Neighborhood Commercial, restaurants, bars and nightclubs can't exceed 25% of commercial frontage within 300' of property and within same district.</li> </ul> | No   |
| <b>Seattle, WA</b>       | 1 definition               | Yes                           | No                           | Yes                    | <ul style="list-style-type: none"> <li>• Neighborhood Commercial</li> <li>• Commercial</li> <li>• Industrial</li> </ul> | No                          | 10,000 – 25,000 sq. ft. in neighborhood commercial | No                | No                  | No                          | No  | No        | No   | No   |
| <b>Washington D.C.</b>   | 4 definitions              | Food                          | No                           | Yes                    | <ul style="list-style-type: none"> <li>• Neighborhood Commercial</li> <li>• Commercial</li> </ul>                       | 25' to Residential District | No   | No                | No                  | No                          | No  | No        | No drive-through   | No   |