

O-11-22

Standard Restaurants – B1 District Special Exceptions

Amendment 1- Arnett

PURPOSE OF AMENDMENT: To require restaurants and bars in B1 Districts to stop serving food outdoors by 11pm.

Amendment 1:

On page 2, in line 17 before the “semicolon” insert “except for outdoor dining service, which shall not operate later than 11:00 pm.”

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- C. B1, B2, B3, B3-CD, and PM Districts. In the B1, B2, B3, B3-CD, and PM districts the following standards apply:
1. Where the use is permitted subject to standards:
 - a. No more than fifty seats are permitted,
 - b. Alcohol is permitted with the service of food,
 - c. Hours of operation are limited to midnight seven days a week,
 - d. Outdoor dining with the exception of rooftop dining may be permitted subject to the following:
 - i. Alcoholic beverages shall be served only in conjunction with the service of food.
 - ii. Hours of operation shall be limited to 10:00 p.m., seven days a week.
 - iii. No speakers or public address system shall be allowed.
 - e. No bar, dancing, or live entertainment is permitted, except in the PM district where indoor, live, non-amplified acoustical musical entertainment may be permitted.
 - f. Recorded music shall be limited to background variety only indoors.
 - ~~2. In the B1 district, more than fifty seats may be permitted by special exception.~~
 3. In the B1, B2, B3, B3-CD and PM districts, the following may be permitted by special exception:
 - a. More than fifty seats; and
 - b. Bar, dancing, and live entertainment indoors;
 - c. Hours of operation extending past midnight, **except for outdoor dining service, which shall not operate later than 11:00 pm;**
 - d. Rooftop dining, subject to the following:
 - i. Alcoholic beverages shall be served only in conjunction with the service of food.
 - ii. Hours of operation shall be limited to 10:00 p.m., seven days a week.
 - iii. No bar, dancing or live entertainment and no speakers or public address system shall be allowed.

- iv. No portion of a rooftop dining area may be located any closer than seventy-five feet from a residential structure, measured horizontally at grade.
- v. The rooftop dining area may not exceed twenty-five percent of the floor area of the indoor restaurant area and may not have more than twenty-five percent of the number of seats in the indoor restaurant area.
- vi. Access to the rooftop dining area shall be through the interior of the restaurant. An exterior access shall be allowed only as an emergency access for fire and life safety purposes.
- vii. Lighting shall be directed away from adjoining properties and streets and designed to minimize glare. All lighting shall be at or below railing level.
- viii. The design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.