

NOTE #1: Outdoor Dining Patios

The text below appears in the ordinance as presented to the City Planning Commission on April 1, 2011.

(c) *Outdoor Dining Patios.* An outdoor dining patio area that is located within two hundred (200) feet of a Residential District or dwelling unit shall be permitted as a Conditional Use in accordance with the provisions of Section 329.041. No music performance shall take place and no sound amplifying device shall be operated on any outdoor dining patio or other outdoor area or shall be directed to be heard from such areas between the hours of 1:00 a.m. and 7:00 a.m.

At the meeting and since that time, support was expressed by residents for a more restrictive provision regarding music (speakers, etc.) on outdoor patios. Among the options that were discussed or implied are the following:

- Changing the hours for which music on patios would be prohibited to 11 p.m. to 8 a.m.
- Prohibiting music on patios completely
- Making all music on patios a Conditional Use regardless of distance from Residential

One possible re-wording of this provision would be as follows:

(c) *Outdoor Dining Patios.* An outdoor dining patio or area that is located within two hundred (200) feet of a Residential District or dwelling unit shall be permitted as a Conditional Use in accordance with the provisions of Section 329.041. *An outdoor dining patio or area where music performances or sound amplifying devices will be located or directed shall be permitted as a Conditional Use if located within one thousand (1,000) feet of a Residential District or dwelling unit. Regardless of location, no music performance shall take place and no sound amplifying device shall be operated on any outdoor dining patio or other outdoor area or shall be directed to be heard from such area between the hours of 11:00 p.m. and 8:00 a.m., except that the Board of Zoning Appeals may grant a Variance to extend such hours to as late as 1:00 a.m. in a particular location if the Board determines that there will be no disturbance to occupants of nearby residences or likely future residences.*

NOTE #2: Parking for Outdoor Dining Patios

The text below appears in the ordinance as presented to the City Planning Commission on April 1, 2011.

Section 349.04 Required Parking Spaces [NEW TEXT IS UNDERLINED]

Accessory off-street parking spaces shall be provided and maintained in accordance with the requirements set forth in the following table:

<u>Uses</u>	<u>Required Accessory Off-Street Parking Spaces</u>
(f) Retail Sales Uses	
Bars, taverns, restaurants, luncheonettes, cafeterias, boarding houses and other eating places	One for each employee, plus one for each 100 square feet of floor area devoted to patron use or one for each four seats based on maximum seating capacity, whichever is greater, <u>plus one for each eight seats on an outdoor dining patio, including sidewalk seating areas for which table service is provided.</u>
<u>Nightclubs</u>	<u>Total parking area equal to three times the gross floor area or one parking space for each four seats based on maximum seating capacity, whichever is greater, plus one parking space for each eight seats on an outdoor dining patio, including sidewalk seating areas for which table service is provided</u>

Other options discussed include the following:

- Leaving the current regulations unchanged (1 parking space per 4 seats, indoor and outdoor, without counting outdoor seating on the public sidewalk)
- Requiring no parking for outdoor patios
- Requiring 1 parking space per 4 seats indoors, outdoors and on sidewalks

Based on comments received during and after the Planning Commission meeting of April 1st, the following alternative language could be considered.

<u>Uses</u>	<u>Required Accessory Off-Street Parking Spaces</u>
(f) Retail Sales Uses	
Bars, taverns, restaurants, luncheonettes, cafeterias, boarding houses and other eating places	One for each employee, plus one for each 100 square feet of floor area devoted to patron use or one for each four seats based on maximum seating capacity, whichever is greater, including floor area and seating located on outdoor dining patios on private property.
<u>Nightclubs</u>	<u>Total parking area equal to three times the gross floor area or one parking space for each four seats based on maximum seating capacity, whichever is greater, including floor area and seating located on outdoor dining patios on private property.</u>