

STAFF PROPOSED APPROACH

1. Differentiate between “big” and “small” eating establishments.
 - a. a small eating establishment contains less than 3,000 sq. ft. of gross floor area (GFA)
 - b. a large eating establishment contains 3,000 or more sq. ft. of GFA

Note: a 3,000 sq. ft. break point is being used as a starting point for discussion; the Committee may find consensus with a larger or smaller number that could be recommended to the BOS.

2. Set a maximum percentage or maximum area of indoor recreation/entertainment (in its aggregate form) that is permitted as accessory to the principal eating establishment use, as follows:
 - a. A small eating establishment would be permitted to have a total area used for indoor recreation/entertainment that shall not exceed the lesser of (a) 1/4 of the public area* of the eating establishment or (b) 500 sq. ft.
 - b. A large eating establishment would be permitted to have a total area that could be used for indoor recreation/entertainment that shall not exceed the lesser of (a) 1/5 of the public area of the eating establishment, or 750 sq. ft.

*public area is determined by subtracting the non-public areas of an eating establishment (such as kitchen, storage, offices) from the overall GFA of the use.

Note¹: as is true with the break point between small and large eating establishments, the percentages and/or square foot areas proposed above can be used as starting points for Committee discussion.

Note²: The above WOULD NOT preclude an eating establishment from hosting “private” receptions, parties or other similar events that may include dancing and other entertainment activities. The only caveat is that such events must be truly private events and not open to the general public by means of advertisement through any form of media publication.

3. In cases where the maximum allowable indoor recreation/entertainment exceeds the permitted area as formulated above, the use would be deemed a Public Entertainment Establishment (PEE) which may be either allowed by right or by special exception approval in accordance with the following:
 - a. **By right** when meeting the following minimum use limitations:
 - i. The PEE may not stay open for business beyond 11:00 PM on weekdays and no later than 12:00 midnight on weekends.

- ii. It must be located on a major thoroughfare and may have no access to a local street.
- iii. The property on which a PEE is located must not abut or be across the street from a residentially zoned or residentially developed property.
- iv. The building in which the PEE is located must contain suitable noise attenuating devices or materials to include vestibules at all entrances.
- v. If located within a P-District, such use must be represented on an approved development plan.

b. By **special exception** when the above use limitations are not met.

Note: PEEs that meet the above use limitations of (a) above may be allowed by right in all of commercial zoning districts that presently allow eating establishments by right, with the exception of the C-5, Neighborhood Commercial District; A PEE may be established in the C-5 District by special exception approval. PEEs meeting the use limitations of (a) may also be allowed by right in the I-3, I-4, and I-5 Industrial Districts and the C-3 and C-4 Commercial Districts, all of which presently allow eating establishments by special exception approval.