



## PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendment

**Legistar File ID #:** [88319](#) (Entertainment Licenses)

**Prepared By:** Zoning and Planning Staff

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[88319](#) – The zoning code currently requires that establishments required to obtain an Entertainment License from the Alcohol License Review Committee (ALRC) must also obtain a conditional use approval from the Plan Commission for live or amplified music, as “nightclubs” or “restaurant-nightclubs.” Any business with both an alcohol license and a entertainment license, regardless of frequency of providing entertainment, is classified accordingly. For example, a restaurant with a liquor license which has a monthly music event is not classified as a restaurant-tavern per Zoning; it is classified as a restaurant-nightclub, and requires a conditional use approval. This proposal eliminates the requirement to receive this conditional use. Additionally, changes are proposed to eliminate references to specific alcohol license types and alcohol regulation details from the zoning code.

In 2014, with the Alcohol License Density Ordinance ending, the zoning code was changed to require businesses that were seeking an Entertainment License to also obtain a Conditional Use Permit from the Plan Commission. The purpose was to create more oversight of new businesses serving alcohol which included live music or amplified sound. What staff has found is that the process is duplicative and confusing to business owners. It is not uncommon for a business to be ready to open and then the business owner realizes they forgot to complete the second approval process for live music or amplified sound, the conditional use. Additionally, the ALRC and Plan Commission have never been in conflict about their decision to approve or deny a request.

Changes to remove some specific references to alcohol license types and alcohol regulations are also included in this amendment. There have been instances where the license type that the ALRC approves for a business conflicts with the specific license type included in the appropriate zoning code use for the business. Additionally, due to changes to alcohol-related state statutes, it is a challenge keep the zoning code updated to match the specifics in state statute. Removing these specifics from the zoning code will ensure that the zoning code remains current and will eliminate conflicts between the various laws that apply to alcohol-serving or selling businesses.

This proposal does not change existing limits on outdoor live music or amplified sound. It also does not include any changes to how the ALRC currently reviews and add conditions to Entertainment Licenses.

The proposal includes:

- Eliminating the “Restaurant-Nightclub” and “Restaurant-Tavern” uses in the Zoning Code, with those uses being absorbed into the “Restaurant” use. Currently, “Restaurant-Nightclub” and “Restaurant-Tavern” are separate uses from “Restaurant” depending on if they hold an entertainment license under MGO Sec. 38.06(11) or serve alcohol.

- Adding a supplemental regulation for “Restaurant” so that a maximum occupancy based on the number of seats, plus staff plus a reasonable number of people waiting for seats, is maintained for restaurants that serve alcohol.
- Eliminating “Nightclub” as a separate use category in the Zoning Code and absorbing it into the existing uses of “Tavern” and “Concert Hall.”
- Editing some alcohol-related use definitions to be more general in their cross-references to other statutes or ordinances.
- Aligning alcohol-related language to state statutory language.

A [summary chart](#) of proposed changes to each alcohol-related use is available.

Staff supports this amendment.