

**ORDINANCE NO. (2021) 292 TC 455
(TC-13-20 – NX Outdoor Bar Seating)**

**AN ORDINANCE AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO REVISE THE
REGULATIONS FOR OUTDOOR SEATING IN NX**

WHEREAS, the NX district is intended to accommodate a mix of uses in close proximity to residential zoning districts; and

WHEREAS, Bars, Nightclubs, Taverns and Lounges are an allowed limited use in NX; and

WHEREAS, many of these establishments seek to provide outdoor seating as an amenity for their customers; and

WHEREAS, outdoor seating can have visual and audio impacts; and

WHEREAS, it is the public interest to mitigate these impacts by instituting minimum spacing and buffer requirements.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 6.4.10.B. of the Part 10 Raleigh Unified Development Ordinance, Bar, Nightclub, Tavern, Lounge, is hereby amended by adding the following language shown in the underlined and removing the language shown in strikethrough:

B. Bar, Nightclub, Tavern, Lounge

1. Defined

A facility that prepares and sells food and drink that has alcoholic beverage sales in excess of 70% of the business's total annual sales.

2. Use Standards:

a. A bar, nightclub, tavern or lounge in the NX- District is subject the following:

- i. No live performances.
- ii. No dance floor.
- ~~iii. No outdoor seating in excess of 8 seats.~~

iii. Outdoor seating in excess of 20 seats shall require the issuance of a Special Use Permit in accordance with *Sec. 10.2.9*. In addition to the showings required by *Sec. 10.2.9.E.1* through 8., the following standards must be met:

a. The outdoor seating area shall be a minimum distance of 100 feet from any principal or accessory dwelling unit in a residential district; however

b. The minimum distance may be reduced to 40 feet provided:

1. A Type B1 Transitional Protective Yard is established along any shared property line located between the outdoor seating area and any applicable principal, or accessory, dwelling unit; and
 2. A Type C1 or C2 Street Protective Yard is established along any property line abutting a right-of-way located between the outdoor seating area and any applicable principal or accessory dwelling unit.
 3. Nothing in this subsection shall be construed to require screening or landscaping along a property line or right-of-way line wherein the outdoor seating area is screened wholly and adequately by a non-residential principal structure, either on-site or off-site.
- iv. No outdoor seating shall occupy any area without prior approval of the conversion to seating by the City.

Section 2. This text change has been reviewed by the Raleigh Planning Commission.

Section 3. This ordinance has been adopted following a duly advertised legislative hearing of the Raleigh City Council.

Section 4. This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

Section 5. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty-dollar limit in N.C.G.S. 14-4(a) or similar limitations.

Section 6. This ordinance is effective 5 days after adoption.

Adopted: October 5, 2021

Effective: October 10, 2021

Distribution: Planning & Development – Young, Bowers, Crane, Waddell, Ray, Rametta, Hosey, Bailey-Taylor
City Attorney – Tatum, Hofmann, York, Hargrove-Bailey
Department Heads
Transcription Svcs – Taylor

Prepared by the Department of Planning and Development