

**District Advisory Board
June 2022**



TO: District Advisory Board Members

SUBJECT: Proposed Unified Zoning Code amendments related to Nightclub in the City

INITIATED BY: Metropolitan Area Planning Department

MAPD Staff Recommendation: Recommend approval of the proposed amendments to the Wichita-Sedgwick County Unified Zoning Code relating to Nightclubs in the City.

Background:

Multiple stakeholders (including residents, business owners, elected officials, and others) have expressed concern/confusion with the Unified Zoning Code’s definition of the term Nightclub in the City. The concerns are generally that too many uses fall under the definition of Nightclub in the City; and this creates confusion between citizens, business owners, and City staff when the term Nightclub in the City is used to describe a project that the general public may not consider as a nightclub.

The term Nightclub in the City applies to locations that provide entertainment and serve alcohol. The Unified Zoning Code defines a Nightclub in the City as “an establishment located in the City that provides entertainment, which may include the provision of dancing by employees, or patrons, and where cereal malt beverage or alcoholic liquor are offered, consumed or served to the public or its members, and which may, or may not serve food...”. The Wichita Municipal Code defines entertainment as including dancing, live music, karaoke and other similar activities. Recreation and entertainment activities such as bowling, bingo, and pool are not included in this definition. The attached “Entertainment Establishment v Recreation & Entertainment” handout goes into further detail on these categories.

When many hear the term “nightclub”, they envision an establishment for nighttime entertainment, typically serving drinks and offering music and dancing. However, under the current definitions, the term generally applies to any location that provides entertainment and serves alcohol. For example, a small café that serves wine and has a small band that provides live music would be classified as a Nightclub in the City, just as a large dance club with a DJ and a bar would be.

Nightclubs in the City are permitted by-right in various zoning districts including LC Limited Commercial, GC General Commercial, and CBD Central Business District. However, when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District, a Nightclub in the City requires a Conditional Use. The Conditional Use process includes the following public notices:

- posting a public notice sign on the subject property,
- sending out public notice letters to nearby property owners, and
- publishing a public notice in the newspaper.

In each case, the public notice states that the Conditional Use is to allow a Nightclub in the City. This can create confusion for the public when the business is not one that would normally be considered a nightclub (café, bar and grill, restaurant, venue, etc.).

Analysis:

The Planning Department is proposing several updates to the Unified Zoning Code to more accurately reflect the different types of venues that serve alcohol and include entertainment. The full draft language with noted changes to the Unified Zoning Code is attached. A summarized list of the changes can be found below.

- The Unified Zoning Code defined term Entertainment Establishment(s) in the City will now include the offering of alcohol. This brings it in line with the existing definition of Nightclub in the City.
- The Unified Zoning Code defined term Nightclub in the City will now only apply to uses with a capacity of 300 or more persons. This will exclude many smaller restaurants, venues, or cafes that serve alcohol and provide entertainment.
- Entertainment Establishment(s) in the City will now be considered Conditional Uses when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District (up from 200 feet in existing UZC).

These changes are recommended to prevent confusion with the term Nightclub in the City. A small café (less than 300 people) that serves wine and has a small band that provides live music would now be classified as an Entertainment Establishment in the City. A large dance club (with capacity for 300 people or more) with a DJ and a bar would still be classified as a Nightclub in the City. Both uses would still be considered Conditional Uses when located within 300 feet of a Church or Place of Worship, public Park, public or parochial School or residential zoning District. The graphic below provides examples of how activities would be defined under the proposed changes.

Activity	Proposed Definitions by UZC
<ul style="list-style-type: none"> • Café serving wine that has a live guitar player* 	<ul style="list-style-type: none"> • Entertainment Establishment in the City
<ul style="list-style-type: none"> • A Bar and Grill that has karaoke night* 	<ul style="list-style-type: none"> • Entertainment Establishment in the City
<ul style="list-style-type: none"> • A restaurant that serves beer and has line-dancing servers* 	<ul style="list-style-type: none"> • Entertainment Establishment in the City
<ul style="list-style-type: none"> • A small event venue that can host weddings with a catered bar* 	<ul style="list-style-type: none"> • Entertainment Establishment in the City
<ul style="list-style-type: none"> • A large dance club with a DJ and a bar** 	<ul style="list-style-type: none"> • Nightclub in the City

*With max capacity less than 300 persons

**With max capacity 300 persons or more

Review

- On December 12, 2021, the Advance Plans subcommittee of the Metropolitan Area Planning Commission reviewed the draft changes. Following the discussion, Planning Department staff committed to reviewing the draft and continuing the discussion at the January Advance Plans Committee meeting.
- On January 6, 2022, the Advance Plans subcommittee of the Metropolitan Area Planning Commission (MAPC) reviewed the proposed changes and indicated support for collecting additional feedback from community stakeholders.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has not reviewed and approved the Zoning changes as to form.

Recommendation/Actions: Recommend approval of the proposed amendments to the Unified Zoning Code relating to Nightclubs in the City.

Attachments:

- MAPD Recommendation of full language changes to the Unified Zoning Code relating to Nightclubs in the City.
- Entertainment Establishment v Recreation & Entertainment handout

“Entertainment” v “Recreation & Entertainment”
Examples of terms from the Wichita-Sedgwick County Unified Zoning Code

<u>Entertainment</u>	<u>Recreation and Entertainment</u>	
Dancing Disc Jockey Live Music Concerts Music video Single or multi performers Hypnotist Pantomime Comedian Dance act Live bands Karaoke	Indoor <ul style="list-style-type: none"> • Bowling alleys • Indoor theater • Bingo parlors • Pool halls – Billiards • Video arcade • Racquetball • Handball • Amusement ride 	Outdoor <ul style="list-style-type: none"> • Archery • Batting cage • Driving range • Drive in theater • Miniature golf • Tennis • Amusement ride
	Does not apply <ul style="list-style-type: none"> • Golf courses • Rodeo in the City of Wichita • Subdivision recreation facilities 	