



CHARLOTTE

NIGHTCLUBS, BARS AND RESTAURANTS

Citizens Advisory Group (CAG) Meeting
October 20, 2011

TONIGHT'S AGENDA

- Welcome
- Introductions
- Recap of September 22, 2011 mtg.
- Restaurant and Nightclub Issues
- Staff Recommendations
 - Breakout Group Discussion
- Wrap-up/Next Steps

Restaurant Considerations:

- Food Sales
- Beverages (Alcohol And Non-alcohol)
- No Age Restrictions
- Some Form Of Entertainment

Nightclub Considerations:

- Noise/Decibel Levels
- Alcohol Sales
- Entertainment
- Separation Requirements
- Age Restricted

Entertainment Concerns:

- Decibel Levels
- Buffer Requirements
- Restrictions On Outdoor Entertainment



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RESTAURANT AND NIGHTCLUB ISSUES

What Is The Issue With Restaurants?

- From CAG feedback there appears to be no real issues with restaurant use as it relates to separation requirements or noise.



What Is The Issue With Nightclubs & Bars?

- The issue with nightclubs and bars is the **NOISE** level that is created from entertainment and secondary impacts such as car doors closing, etc.



Does Entertainment At An Establishment Really Matter?

- Yes. Entertainment matters as it relates to noise.
- It is okay to allow some form of entertainment in restaurants with no separation requirements only if the noise level is acceptable.
- Entertainment at nightclubs and bars should require a separation because of the late hours of operation.





CHARLOTTE

NOISE ORDINANCE

Neighborhood and Business Services

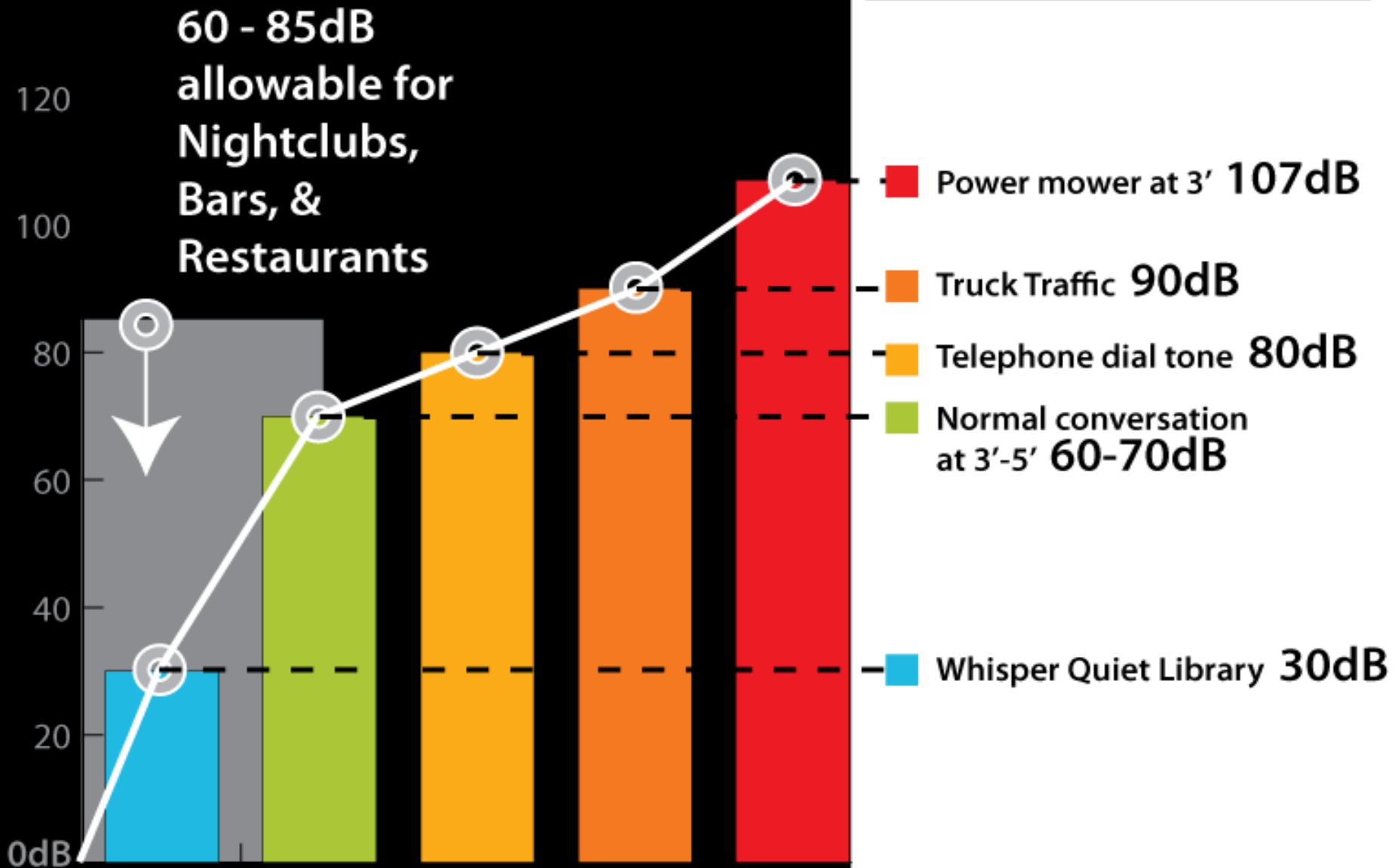
Outdoor Amplification and Music at Commercial Establishments

Outdoor amplified sound and acoustic music limited to:

- 85 db(A) Sunday – Thursday between 8 a.m. and 9 p.m.
- 60 db(A) Sunday – Thursday between 9 p.m. and 2 a.m.
- 85 db(A) Friday - Saturday between 8 a.m. and 11 p.m.
- 60 db(A) Friday - Saturday between 11 p.m. and 2 a.m.

All decibels limits are at the property line of the sound producing property.

Comparing Decibel (dB) Levels





RECOMMENDATIONS

PROPOSED DEFINITIONS



SOCIAL ENTERTAINMENT

Social entertainment includes, but is not limited to dancing, live or recorded music, a disc jockey, singing, karaoke, a stand-up comedy show, a floor show, billiards, bowling, theatrical or other performance or similar activities. The use of television, video, or arcade games shall not be considered social entertainment if the establishment is not age restricted.



RESTAURANT

An establishment that is engaged in the preparation and serving of food and drink on-premise.



RESTAURANT WITH SOCIAL ENTERTAINMENT

(closing after midnight)

An establishment that is engaged in the preparation and serving of food and alcoholic beverages on-premise, and where social entertainment is provided after midnight.



NIGHTCLUB, BARS AND LOUNGES

An establishment that sells alcoholic beverages for on-premise consumption.

The establishment may:

- Be age restricted;
- Provide social entertainment or food;
- Have a cover charge or fee; or
- Offer memberships.

This use does not include adult entertainment.





RECOMMENDATIONS

PROPOSED PRESCRIBED CONDITIONS



RECOMMENDATIONS

Restaurant with Social Entertainment after midnight and Nightclub

Prescribed Conditions

1. If social entertainment is provided entirely within an enclosed building, a minimum 400 foot separation distance is required from any residential structure in any residential district, except TOD-R.
2. If social entertainment is provided outside, then a minimum 400 foot separation distance is required from any residential structure in any residential district, except TOD-R.
3. If a major thoroughfare, railroad, or greenway is adjacent to a restaurant, then the minimum separation distance on that adjacent side(s) may be reduced to a minimum of 300 feet.



RECOMMENDATIONS

Restaurant with Social Entertainment after midnight and Nightclub

Prescribed Conditions (Continued)

4. If the restaurant is located in the UMUD zoning district, then there is no separation distance required, regardless of the provision of social entertainment.
5. Separation distances shall be measured from the closest point of restaurant to the residential property line. If outdoor social entertainment is provided, then the measurement shall be taken from the closest point of the outdoor social entertainment area to the residential property line.

RECOMMENDATIONS

Restaurant with Social Entertainment after midnight and Nightclub

Reduce Separation Requirement under Prescribed Conditions:

If the restaurant with social entertainment after midnight or nightclub has a separation distance reduced to less than 400 feet on any side(s) of the use, then:

1. A land use permit is required.
2. Exterior windows and doors shall be closed after midnight, except for ingress/egress.
3. A new permit is required if there is a change in use of the establishment or if a noise violation has been issued for the premises within the previous 12 month period with additional modifications as deemed necessary by enforcement division

Group Discussion

- Recommendations of Definitions
 - Social Entertainment
 - Restaurant
 - Restaurant with Social Entertainment
 - Nightclub
- Recommendations of Prescribed Conditions
 - Restaurant with Social Entertainment
 - Nightclub



CITY OF CHARLOTTE

FEEDBACK



PROCESS TIMELINE

Four month process:

August 25 – Meet with CAG & Identify Issues

September 15 – Review Issues & Identify Solutions
CAG and Staff

September 22 – Review & Revise Options - CAG and Staff

October 20 – Draft Text Amendment - Staff

November 18 – Revision of Draft (if necessary) - Staff

December 15 – Final Draft



NEXT STEPS

- November 28, 2011 Submit Final Text
- February 20, 2012 City Council Public Hearing
- February 29, 2012 Zoning Committee
- March 19, 2012 City Council Decision