



CHARLOTTE™

Nightclubs, Bars and Restaurants

Citizen Advisory Group Meeting

May 9, 2013



- Welcome and Introductions
- Summary of Purpose and Goals
- Recap of Last Meeting
 - Poll Results
- Recommendations
- Break-out Session
- Next Steps

It has become increasingly difficult to determine differences between uses that primarily serve food and those that primarily serve alcoholic beverages but may also serve food and provide forms of entertainment.

Purpose and goals of this effort are to:

- Adequately define the uses
- Develop standards to minimize adverse impacts to nearby residential areas and,
- Provide more flexibility to businesses

Nightclub is defined as:

Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.



Restaurant is defined as:

An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.



RESTAURANTS

- Definition doesn't reflect current uses
- Currently are not allowed to have any form of entertainment
- Can create secondary impacts

NBL

- Definition too broad
- Separation requirement up to 400' (approximately a city block)
- Can create secondary impacts



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RECAP OF MARCH MEETING

CAG OPINION
Polling Results

CAG OPINION POLL RESULTS

1. Restaurants or nightclubs, bars and lounges should not have separate definitions
2. Entertainment should be included for restaurants or nightclubs, bars and lounges
3. There should be no separation requirement for restaurants or nightclubs, bars and lounges abutting a residential district
4. Uses that have no entertainment should not have a separation distance

5. There should be no requirements for restaurants or nightclubs, bars and lounges based on size
6. Hours of operation should not be regulated for nightclubs, bars or lounges
7. No special zoning districts are necessary for restaurants or nightclubs, bars and lounges



QUESTIONS

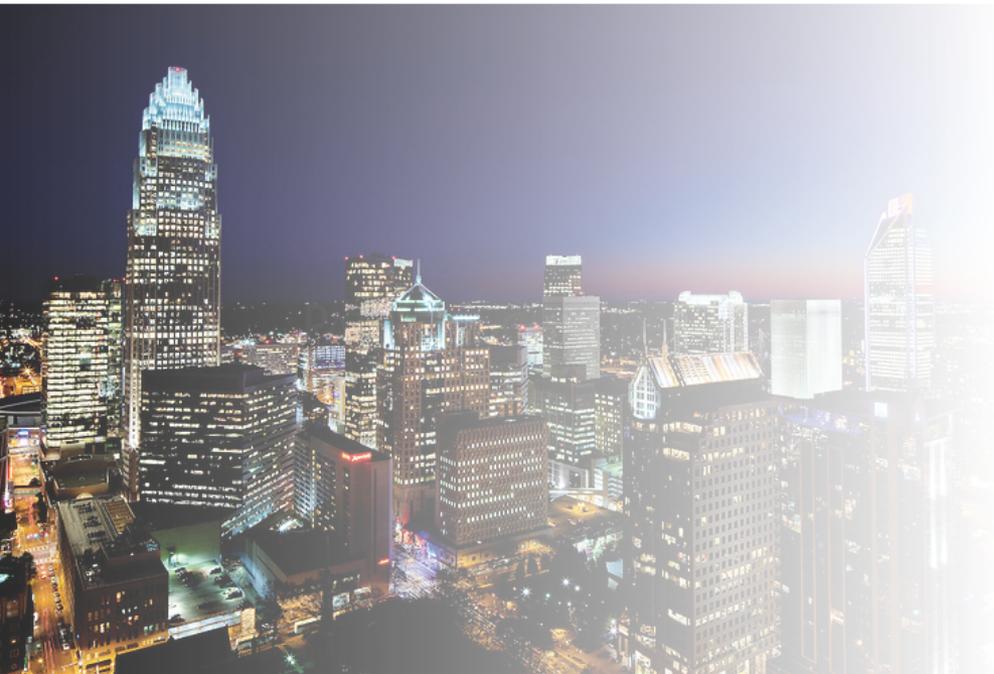




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DRAFT RECOMMENDATIONS

Text Amendment for Restaurants, Nightclubs, Bars and Lounges



The Planning Department and citizens, through collaborative efforts, have been able to define development characteristics that have made Charlotte the dynamic city it is today. Although we have attained impressive results, *our work is not complete*. Our vision of Charlotte as a vibrant and livable city can be achieved, but must be fostered by supportive regulations.

The enclosed text amendment recommendations take us one step closer to achieving our vision for Charlotte.

► *Here's a look at what you'll find in this document.*

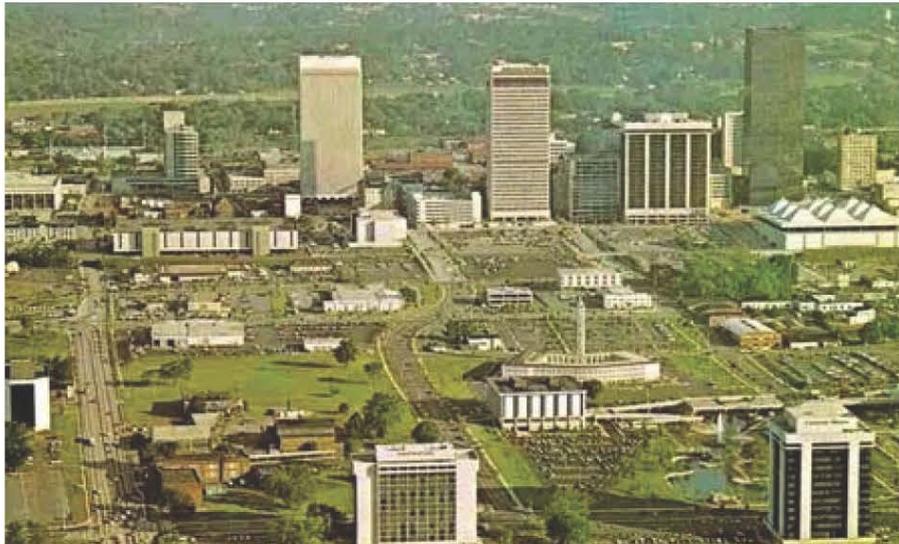
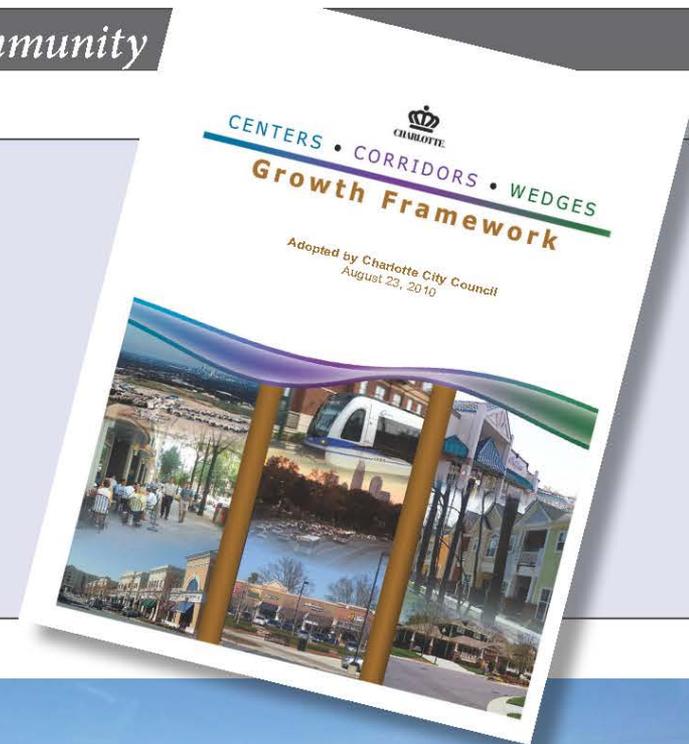
PAGES	2	4	5	6	7	9	10
Background information		Purpose of revising the current regulations	Outline of the proposed changes	Basic differences between Drive-In Restaurants, Restaurants, Nightclubs, Bars and Lounges (<i>old</i>) and the proposed changes	Details of the regulations	Details of proposed changes	Appendix

Centers, Corridors and Wedges Growth Framework

► *Envisioning a Vibrant, Well Planned and Livable Urban Community*

■ GOAL ■

Charlotte will continue to be one of the most livable cities in the country, with a vibrant economy, a thriving natural environment, a diverse population and a cosmopolitan outlook. Charlotteans will enjoy a range of choices for housing, transportation, education, entertainment and employment. Safe and attractive neighborhoods will continue to be central to the City's identity and citizen involvement key to its viability.



Charlotte's skyline today is representative of the vibrant development in all of Mecklenburg County.

Centers, Corridors and Wedges Framework

Guiding Principles



1. High-quality, context-sensitive community design
2. Protection of established neighborhoods
3. Residential opportunities to accommodate a diverse population in quality and livable neighborhoods
4. Diligent consideration of environmental benefits and impacts
5. A healthy and flourishing tree canopy
6. More walkable places with a variety of activities
7. A diverse, growing and adaptable economy
8. Revitalization of economically challenged business and residential areas
9. Enhanced transportation networks for pedestrians, cyclists, motorists, and transit users
10. Efficient and coordinated investment in infrastructure that keeps pace with existing and future development



Comparison

Current Nightclubs, Bars, Lounges and Restaurants Definition

Recommended Eating, Drinking and Entertainment Establishment Definition

► Purpose

Understanding Our Challenges

Our purpose was to analyze the challenges facing business owners and residential property owners under the existing *Zoning Ordinance* definitions for Restaurants, Nightclubs, Bars and Lounges. The current definitions were established prior to 1981 and have become inadequate to provide the necessary regulations for Charlotte as it grows and becomes a more urban community.

Creating a New Approach

The term “Eating, Drinking and Entertainment Establishment” combines and replaces the separate terminologies previously used for Restaurants, Nightclubs, Bars and Lounges and provides clearly defined and enforceable regulations that protect and foster good relationships between businesses and residential properties.



Promoting positive, beneficial settings for both business owners and residents.

Eating, Drinking and Entertainment Establishment Summary of Proposed Changes

- Creates new definitions of Eating, Drinking and Entertainment Establishments to reflect the similar character and emerging business model of these uses.
- Allows greater entertainment offerings with understandable definitions and rules.
- Reduces the separation requirements for these uses by using proximity to a vacant lot or single family dwelling when either is located in a single family zoning district.
- Creates consistent separation distances for urban districts.
- Increases flexibility by creating more than one compliance option for businesses wanting to offer outdoor seating or entertainment.



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COMPARISON

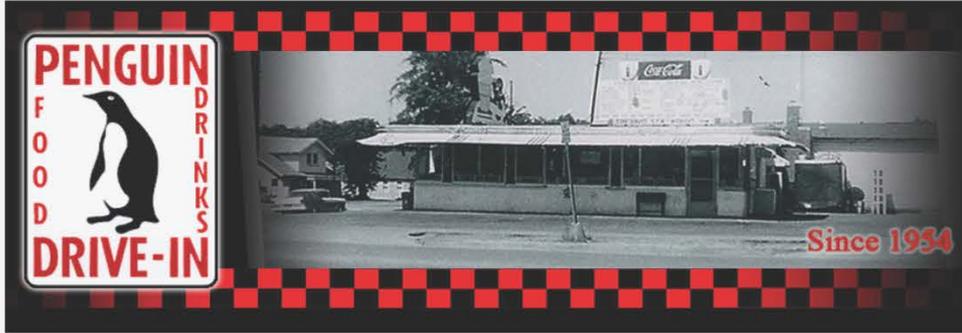
Comparison

Drive-In Restaurants - Restaurants - Nightclubs, Bars and Lounges (Current)

Eating, Drinking and Entertainment Establishments (Recommended)

DRAFT

► CURRENT definitions and regulations



Charlotte's Penguin Drive-In Restaurant opened in 1954 and is still in operation today.

► RECOMMENDED definitions and regulations



Locals and visitors enjoy the appeal and energy of many of Charlotte's Eating, Drinking and Entertainment Establishments.

Drive-In Restaurant	Restaurant	Nightclub, Bar & Lounge
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► Definitions

An establishment designed, in whole or part, to accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a restaurant with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons.

An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.

Any commercial establishment serving alcoholic beverages and providing **entertainment** for patrons including bars, lounges, and cabarets.

Eating, Drinking and Entertainment Establishment

TYPE ①

TYPE ②

► Definitions

An establishment where food is prepared and beverages may be provided, excluding any alcohol. Indoor and outdoor entertainment may be provided, including outdoor entertainment.

An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment. Excluded are adult establishments, athletic and sports facilities, conference centers, cultural facilities, hotels and motels, and recreational facilities approved as part of a residential development plan, similar uses and uses exempt in accordance with the Alcohol Beverage Commission permitting standards.



Examples:
 ~ Wendy's ~ Cook-out
 ~ Waffle House ~ Dairy Queen
 ~ Sandwich Shop ~ Starbucks
 ~ Panera Bread



Examples:
 ~ Ruth's Chris Steak House ~ Applebee's
 ~ Hooters ~ Buffalo Wild Wings
 ~ Coyote Joe's ~ Banquet Halls

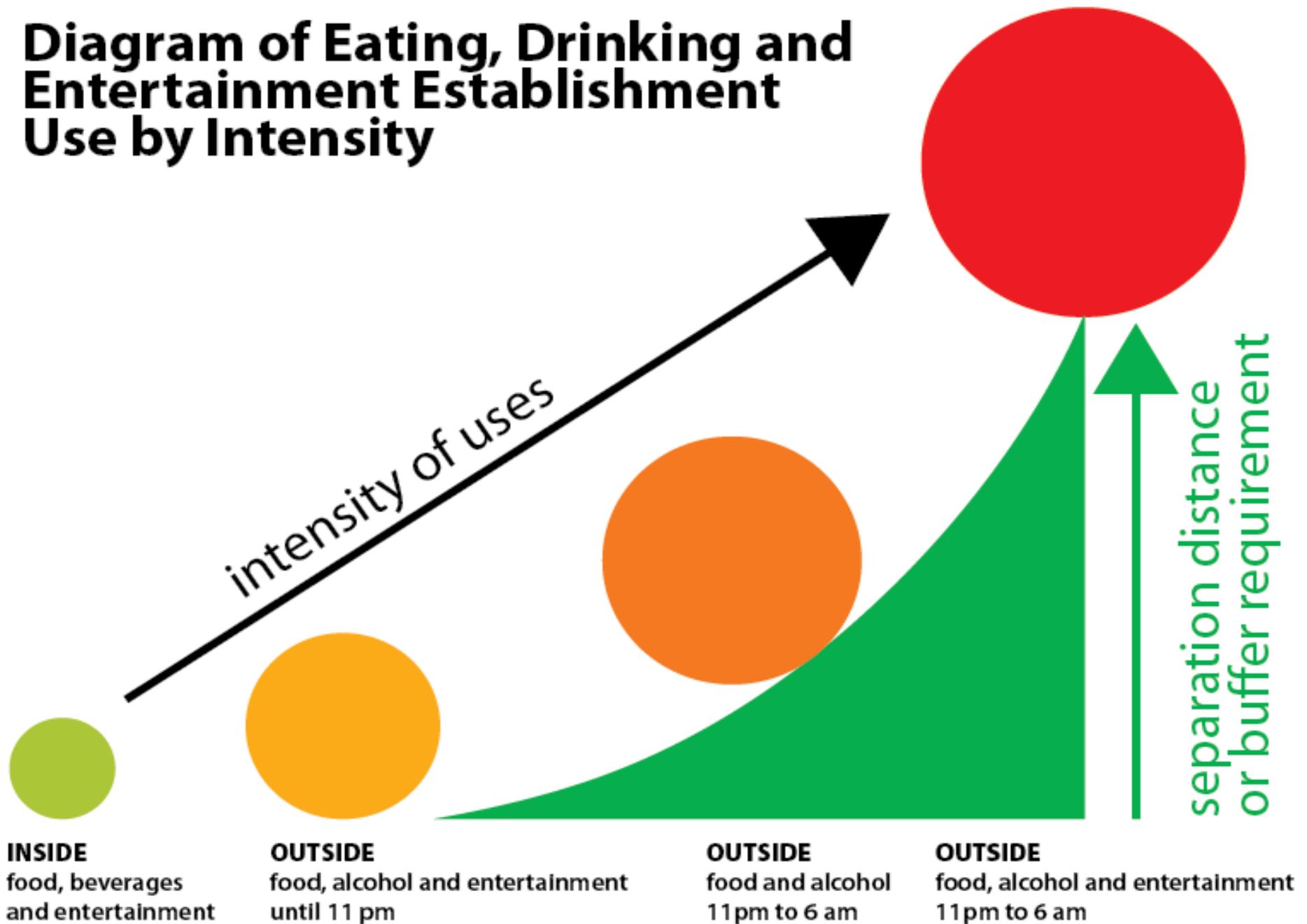
Comparison of Regulations

DRAFT	<i>CURRENT</i>			<i>RECOMMENDED</i>	
	Drive-In Restaurants	Restaurants	Nightclubs, Bars and Lounges	Eating, Drinking and Entertainment Establishment	
				TYPE ①	TYPE ②
► FOOD and BEVERAGES					
Food prepared and consumed	●	●		●	
Food optional			●		●
Non-alcoholic beverages consumed	●	●	●	●	●
Alcoholic beverages consumed		●	●		●
► ENTERTAINMENT					
Entertainment Activity ¹ permitted inside and outside the permanent building.			●	●	●
Outdoor Entertainment ² permitted in any Outdoor Seating/Activity Area ³ outside the permanent building between the hours of 6 am to 11 pm.			●	●	●
Outdoor Entertainment permitted in any Outdoor Seating/Activity Area outside the permanent building between the hours of 11 pm to 6 am.			● with prescribed conditions	● with prescribed conditions	● with prescribed conditions

Footnotes for above

- ¹ Entertainment Activity includes, but is not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance.
- ² Outdoor Entertainment is any activity or game that is live, broadcast or recorded which occurs on the premises of, but outside, an eating, drinking and entertainment establishment. Entertainment occurs outdoors when it is outside the permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.
- ³ Outdoor Seating/Activity Area is any area outside the permanent building, including without limitation, patios, decks, rooftops, open areas, or parking lots where food or beverages are consumed or entertainment takes place.

Diagram of Eating, Drinking and Entertainment Establishment Use by Intensity



Comparison of Regulations

DRAFT	<i>CURRENT</i>			<i>RECOMMENDED</i>	
	Drive-In Restaurants	Restaurants	Nightclubs, Bars and Lounges	Eating, Drinking and Entertainment Establishment	
				TYPE ①	TYPE ②
► SEPARATION DISTANCE (ranges from 100' to 400')					
Outdoor Entertainment ⁴ <u>100' Separation Distance</u> applies ONLY to Zoning Districts MUDD, UMUD, and TOD) and a <u>400' Separation Distance</u> applies to all other applicable Zoning Districts.			● ⁵	●	●
Outdoor Consumption of Food and Beverages ⁶ <u>100' Separation Distance</u> is required. If the <u>Outdoor Seating/Activity Area is less than 100'</u> then any required buffer shall be upgraded to a Class A buffer along all corresponding side and rear property lines.					●
► BUFFER REQUIREMENTS					
Buffers are based on lot size and are required when an establishment abuts:					
<ul style="list-style-type: none"> ▪ Single family/multi-family use or single family/multi-family zoning district ▪ Low intensity institutional use ▪ Greenway/park use 		●			●
<ul style="list-style-type: none"> ▪ Medium and high intensity institutional use 	none	none	●	none	

Footnotes for above

⁴ Separation distance for Outdoor Entertainment must be met if entertainment occurs in an outdoor seating/activity area (excluding smoking areas) at any time between the hours of 11 pm to 6 am. Separation distances may be reduced if an adopted TS or PED Streetscape Plan is applicable.

⁵ Current separation distance for Nightclubs, Bars and Lounges is based on zoning district or land use.

⁶ Separation distance for Outdoor Consumption of Food and Beverages must be met if food and beverages are consumed outside the permanent building between the hours of 11 pm to 6 am.

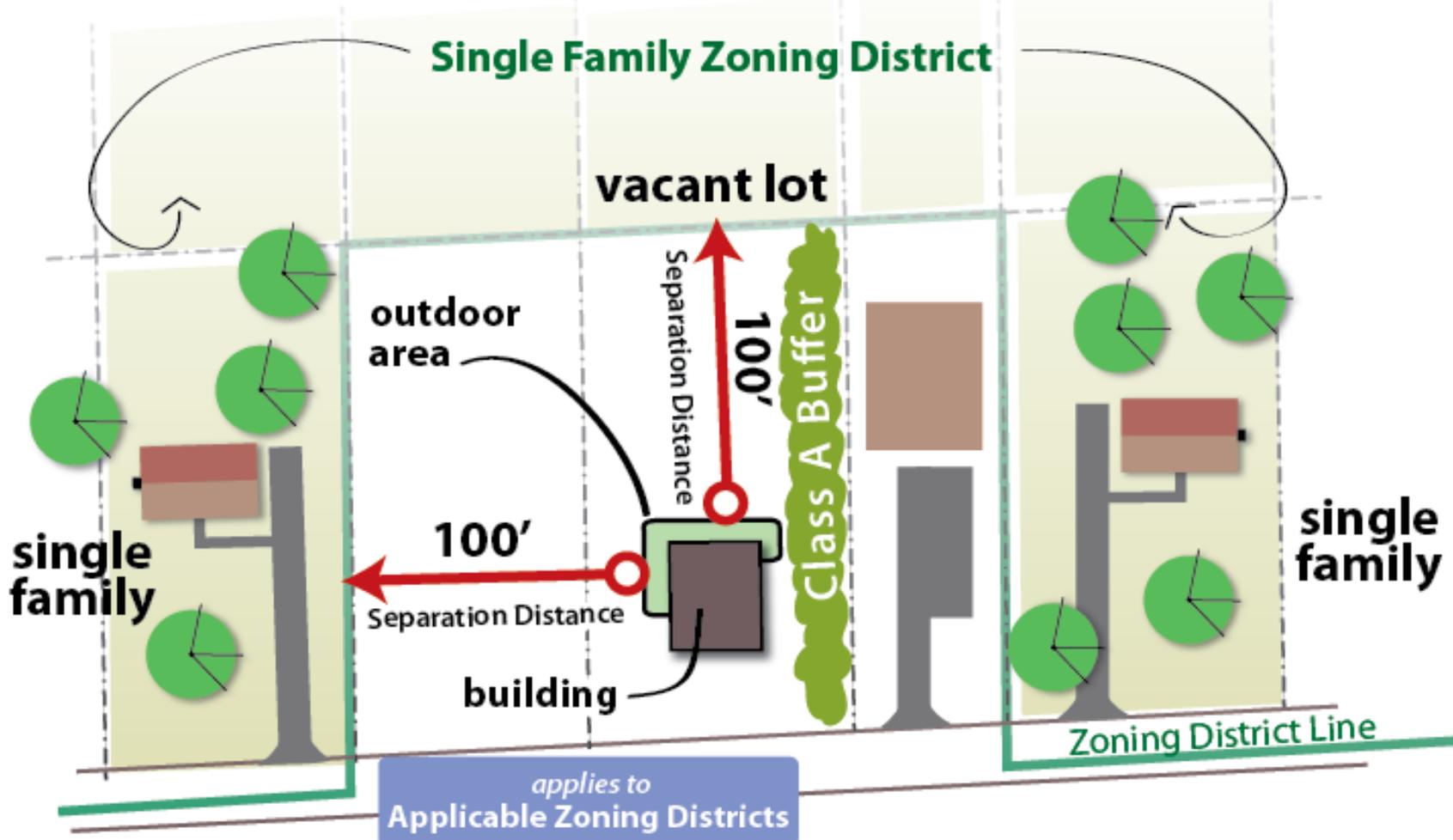
11 pm to 6 am



DRAFT

100' Separation Distance for Outdoor Eating/Activity Area-Type 2 (alcohol consumed)

Separation Distance for Outdoor Consumption of Food and Beverages must be met if food and beverages are consumed outside the permanent building between the hours of 11 pm to 6 am.



NOTE: Buffer not required except when 100' separation cannot be met. (For example, a 1 acre lot would require a 46' wide Class A Buffer)

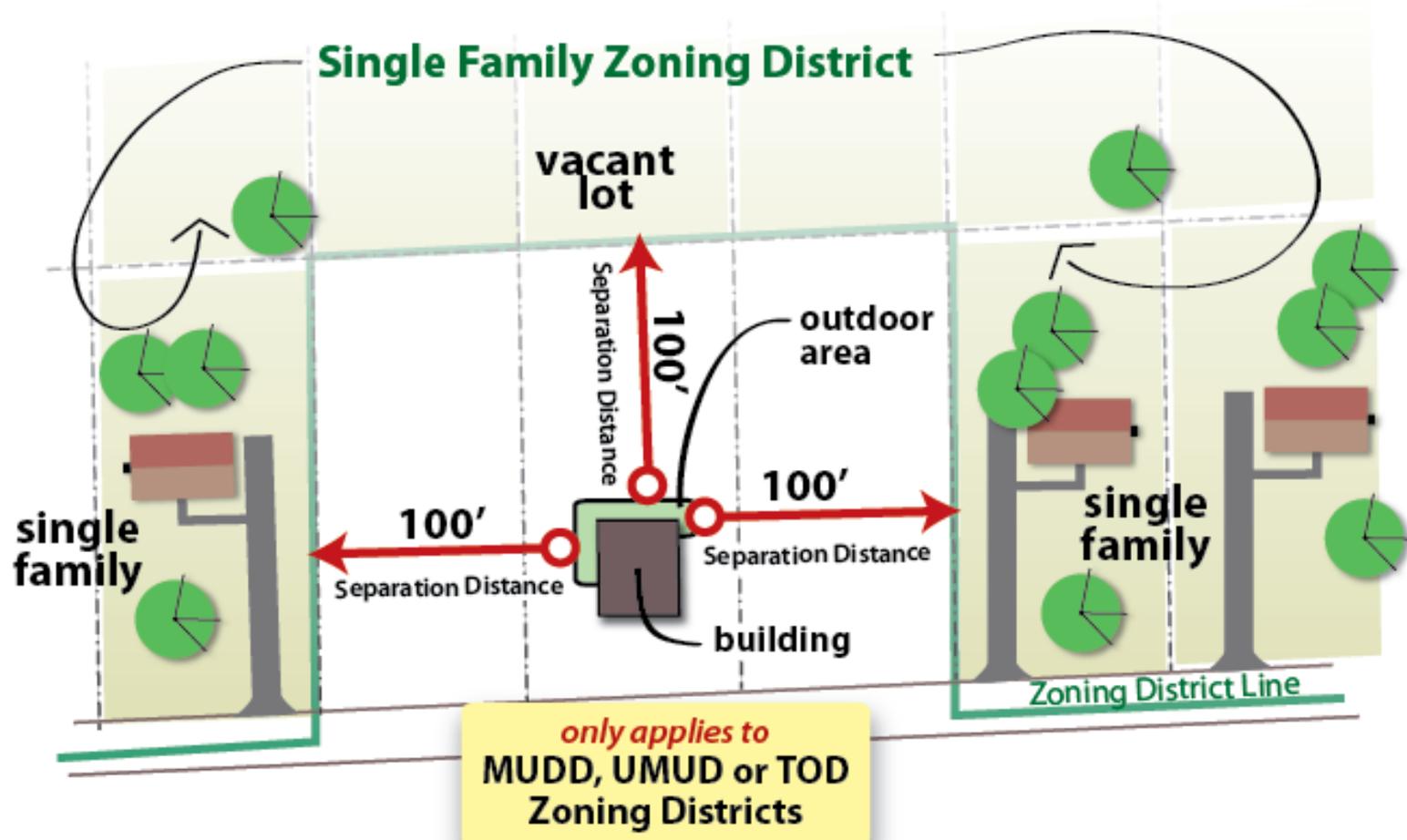
11 pm to 6 am

100' Separation Distance for Outdoor Entertainment



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Separation Distance is measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a single family dwelling when either is located in a single family zoning district.



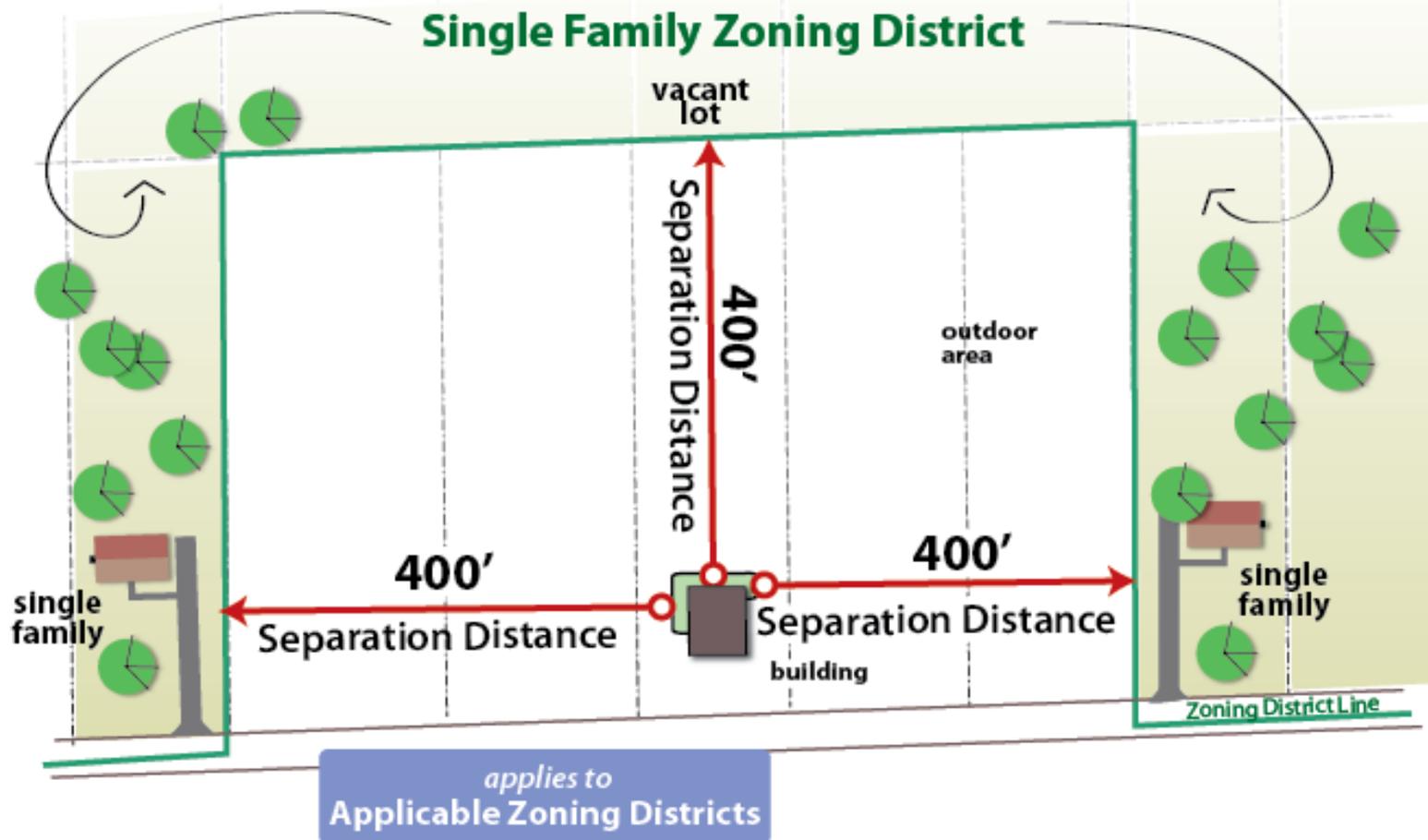
11 pm to 6 am

400' Separation Distance for Outdoor Entertainment



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Separation Distance is measured from the closest edge of any outdoor seating/activity area to the nearest property line of a vacant lot or a single family dwelling when either is located in a single family zoning district.





QUESTIONS





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SUMMARY OF PROPOSED CHANGES

Eating, Drinking and Entertainment Establishment Details of Proposed Changes

Proposed Changes


We have created simpler classifications and more flexible rules that impact less than 2% of existing EDEEs.


- Makes it simpler for business to know how to comply with the rules and make it easier for the City of Charlotte to enforce its rules on behalf of citizens.
- Relaxes a number of requirements for Eating Drinking and Entertainment Establishments (EDEE) to allow them to adapt and innovate to serve Charlotte's diverse business and neighborhood environment.
- Identifies and addresses the need to regulate the secondary impacts that have been expressed by residential property owners.
- Creates simpler classifications and more flexible rules that impact less than 2% of existing EDEEs.

Other Related Issues


Staff has heard your concerns and will inform the appropriate department of other issues.


- Zoning Ordinance changes alone will not fully address the issues that have been raised through this process.
- Staff will forward and request consideration of identified issues to other departments, including:
 - CMPD – Noise Ordinance enforcement
 - LUESA – Increased Building Code standards for mixed uses and/or noise attenuation

Appendix

► Definitions

Class A Buffer - Ranges from 40' to 100' based on size of the parcel and includes a specified number of trees and shrubs to be planted per 100'.

Class B Buffer - Ranges from 22' to 75' based on size of the parcel and includes a specified number of trees and shrubs to be planted per 100'.

Class C Buffer - Ranges from 10' to 50' based on size of the parcel and includes a specified number of trees and shrubs to be planted per 100'.

Low intensity institutional uses - Civic, service and fraternal organizations, cultural facilities, day care center, dormitories, elementary schools, group homes with more than six residents, nursing homes, rest homes, and homes for the aged.

Medium and high intensity institutional uses - Religious institutions, junior, high and middle schools, stadiums and arenas, etc.

► Other Details

Adult establishments will not be classified as an Eating, Drinking and Entertainment Establishment.

Establishments with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons are not allowed in B-1, CC or NS zoning districts.

Measurements for separation distances are from the closest edge of any outdoor seating/activity area* to the nearest property line of a vacant lot or single family dwelling when either is located in a single family zoning district.

* applies to “where food or beverages are consumed” when applied to outdoor consumption of food and beverages recommended regulation

► Zoning Districts

Hierarch of Districts: from “Highest” - most restrictive to “Lowest” - least restrictive

Single Family Zoning Districts	[R-3	R-43MF	B-1	U-1
		R-4	UR-2	MX-2	I-1
		R-5	UR-3	CC	I-2
		R-6	RE-1	MX-3	
		R-8	RE-2	B-2	
		MX-1	RE-3	TOD-R	
		R-MH	INST	TOD-E	
		R-8MF	O-1	TOD-M	
		R-12MF	O-2	MUDD	
		R-17MF	O-3	UMUD	
		R-22MF	UR-C	BP	
		UR-1	NS	BD	

Overlay Districts are zoning districts, which are applied only in conjunction with other zoning districts, and may grant additional use or development requirements upon the underlying zoning districts. Overlay Districts include Pedestrian Overlay District - PED and Transit Services - TS.



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BREAKOUT SESSION

C.A.G. FEEDBACK

- What do you like about the recommendations from a
 - Business Perspective?
 - Neighbor Perspective?
- What do you dislike about the recommendations from a
 - Business Perspective?
 - Neighbor Perspective?
- What changes (if any) do you propose?



- Group 1
- Group 2
- Group 3
- Group 4

- **Wrap-up and Next Steps**
 - Next meeting TBD

Please visit our website at

charlotteplanning.org

- Agendas
- Updates
- PowerPoint Presentations
- Minutes



CITY OF CHARLOTTE

RESOURCE



TWO TYPES OF ESTABLISHMENTS

- ❖ **Type 1:** An establishment where food is prepared and beverages may be provided, excluding alcohol. Entertainment may be provided.
- ❖ **Type 2:** An establishment where alcohol is consumed; food and other beverages are optional and there is late night entertainment.



Research on other Jurisdictions

Summary of Findings

- **22 communities surveyed:**

Atlanta, Austin, Baltimore, Boston, Chicago, Cincinnati, Columbia, Davidson, Ft. Worth, Greenville, Huntersville, Indianapolis, Memphis/Shelby Co., Miami/Dade Co., Nashville/Davidson Co., New York, Philadelphia, Phoenix, Raleigh, San Francisco, Seattle, Washington DC



Research on other Jurisdictions

Summary of Findings

	Restaurants	Nightclubs & Bars
Definitions	Most have one	Most have one; some have multiple
Entertainment in the definition?	Most do <u>not</u> include "entertainment"	Most include "entertainment"; only 5 define
Food or beverages in the definition?	Most include food or beverage	Most include food or beverage
Alcohol in the definitions?	Most reference alcohol or non-alcohol	Most reference alcohol





Research on other Jurisdictions

Summary of Findings

	Restaurants	Nightclubs & Bars
Separation Distances?	Half have separation distances ranging from 25'' to 1500'	Nearly half have separation distances ranging from 100' to 2500'
Outdoor regulations?	Most have outdoor dining regulations	A few have outdoor regulations
Zoning districts?	Most allow in non-residential districts	Most allow in commercial, neighborhood commercial mixed use and industrial zoning districts.





Research on other Jurisdictions

Summary of Findings

	Restaurants	Nightclubs & Bars
Other permits or licenses? 	Some include other permits beyond alcohol such as late hours permit, music, outdoor dining areas, live entertainment, etc	Most include other permits or licenses beyond alcohol permits: late hours permit, music permit, conditional use permit for live entertainment or dancing, special use permit for outdoor patio, special exception permit for hours past midnight, public hearings, patron dancing permit, outdoor dining permit, use permit, amplified music permit, outdoor music permit, good neighbor policy conditions.



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CAG May 5, 2013 Opinion Survey Results



RESTAURANTS

NIGHTCLUBS, BARS & LOUNGES

Definitions

1. **Should Restaurants have a unique and separate definition from Nightclubs, Bars, and Lounges?**
2. **Should the definition for Restaurants be the same as the State ABC?**
3. **Should the definition for Restaurant include the word "Entertainment"?**

4. **Should there be a separate definition for a Nightclub, a Bar, and a Lounge?**
5. **Should the definition for Nightclubs, Bars, and Lounges include the word "Entertainment"?**
6. **Should the word "Entertainment" be defined?**

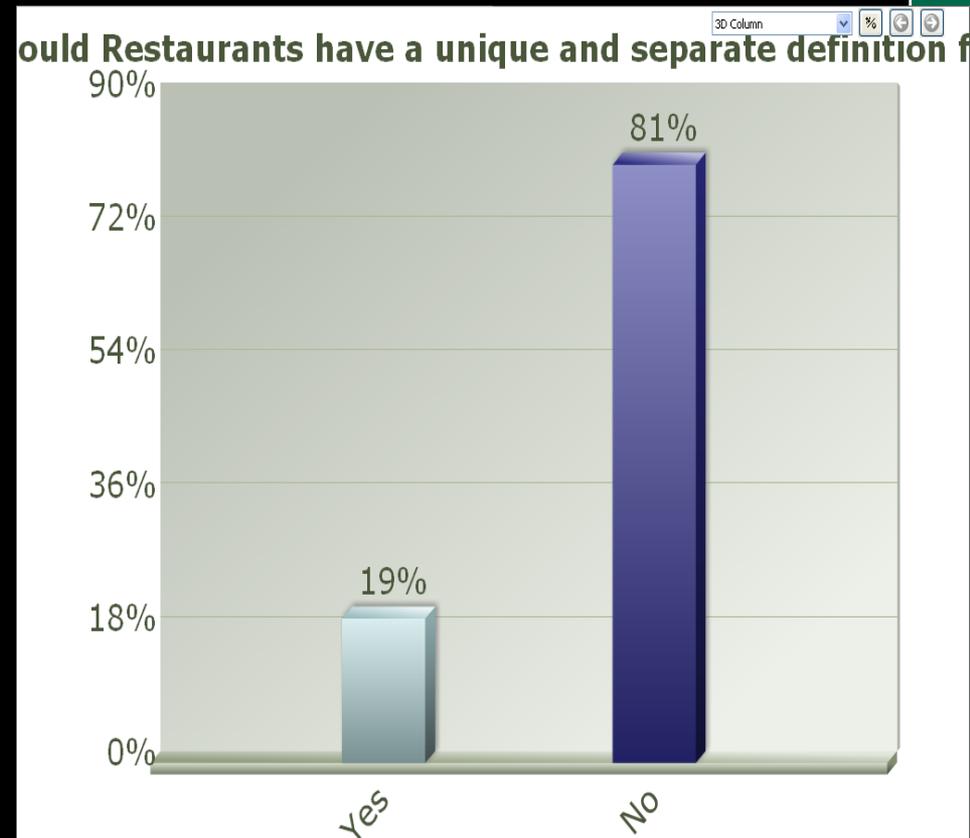


OPINION SURVEY

Should Restaurants have a unique and separate definition from Nightclubs, Bars, and Lounges?

A. Yes

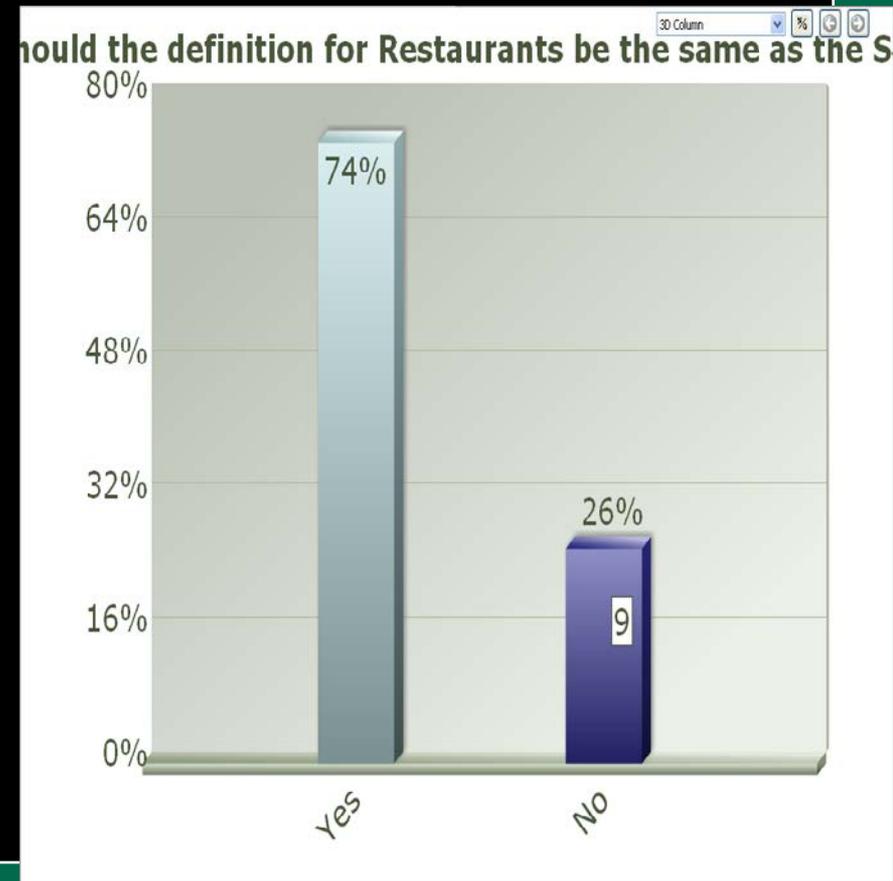
B. No





Should the definition for Restaurants be the same as the State ABC?

- A. Yes
- B. No



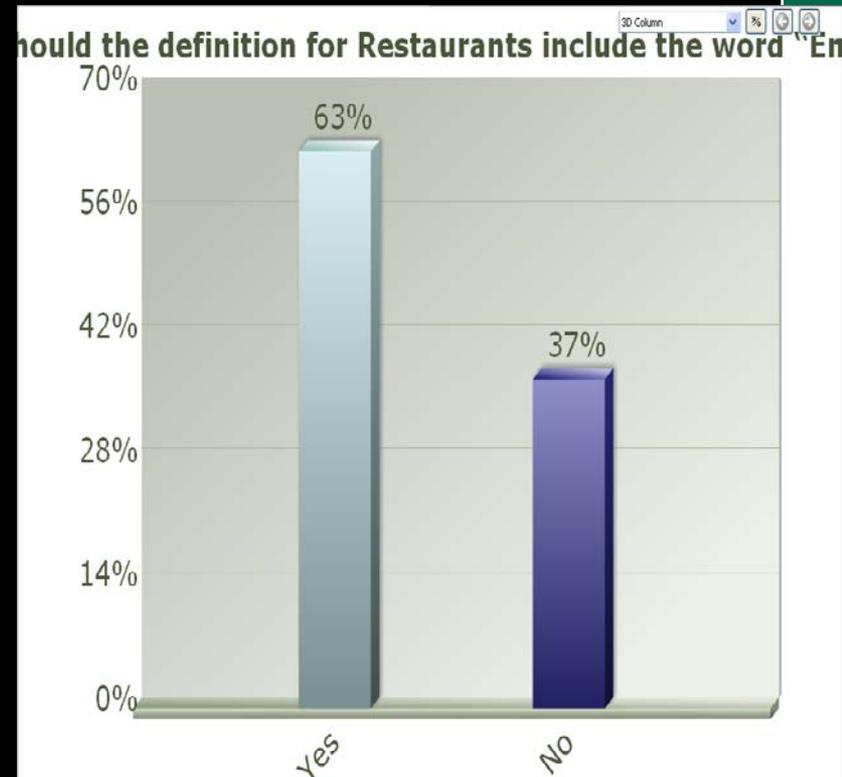


OPINION SURVEY

Should the definition for Restaurants include the word "Entertainment"?

A. Yes

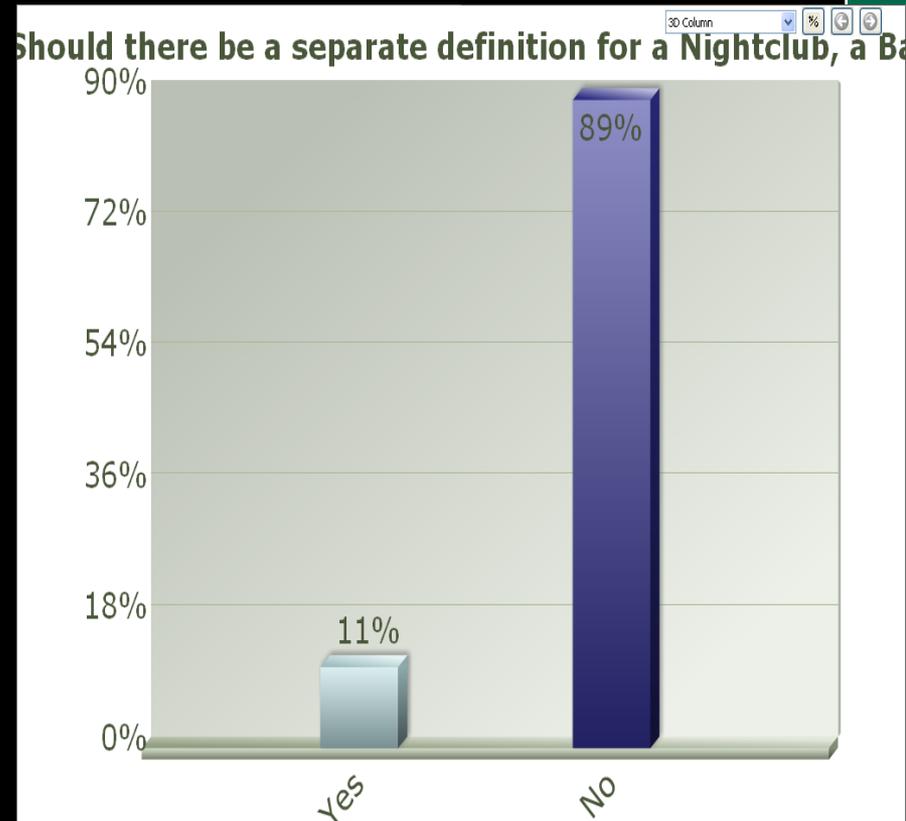
B. No





Should there be a separate definition for a Nightclub, a Bar, and a Lounge?

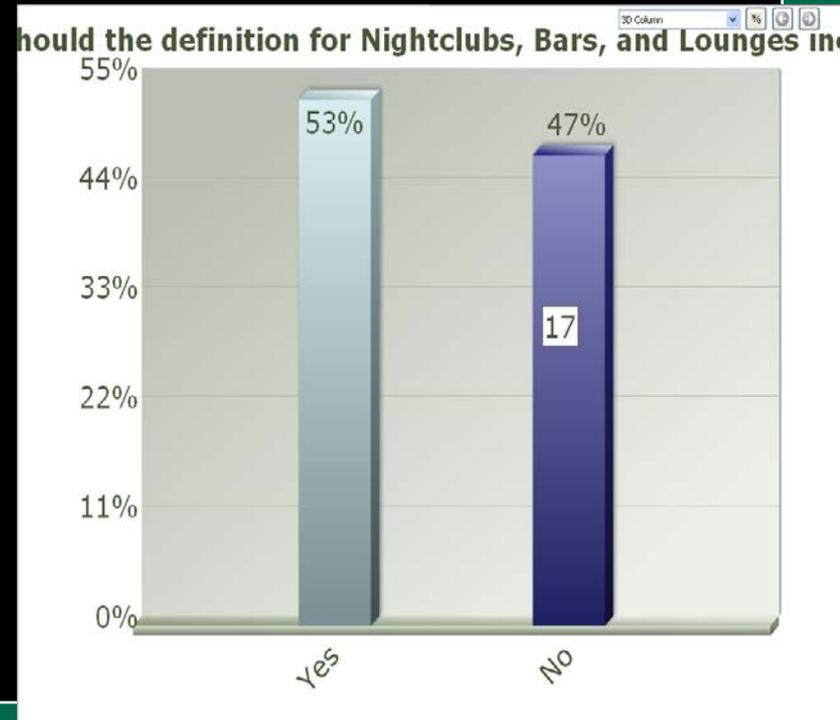
- A. Yes
- B. No





Should the definition for Nightclubs, Bars, and Lounges include the word "Entertainment"?

- A. Yes
- B. No

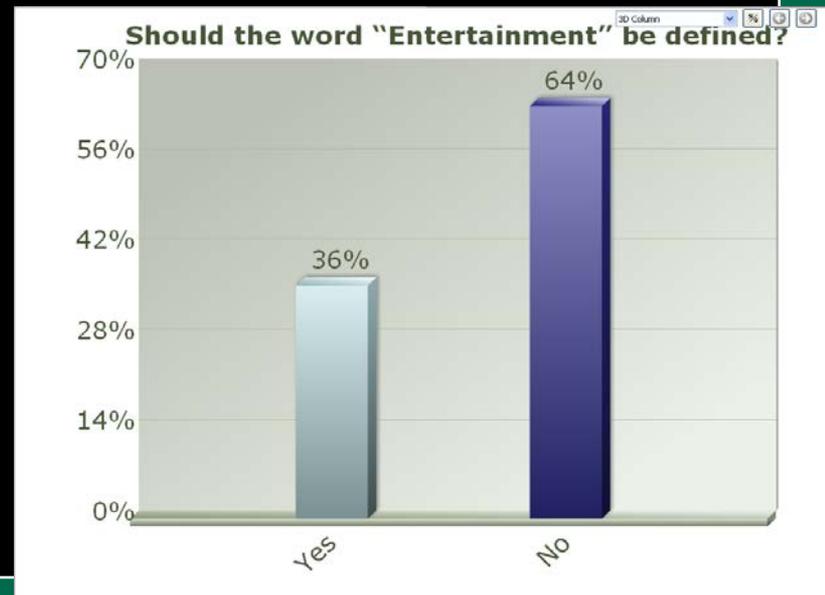




Should the word "Entertainment" be defined?

A. Yes

B. No





RESTAURANTS

NIGHTCLUBS, BARS & LOUNGES

Separation

1. Should a restaurant that has no entertainment have a separation requirement if it abuts a residential zoning district?
2. Should a restaurant have a separation requirement if it abuts a residential zoning district and it includes "entertainment"?

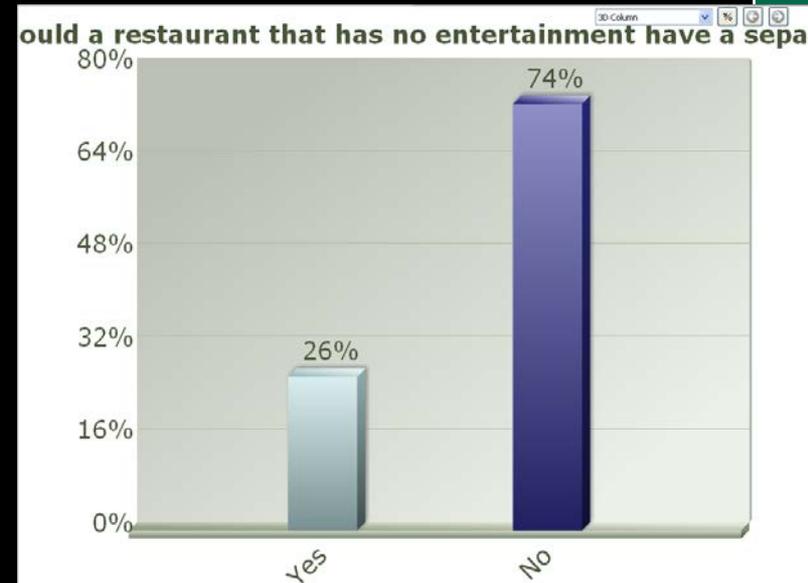
3. Should a N-B-L have a separation requirement if it abuts a residential zoning district?
4. Should N-B-L located in urban districts or unique locations have different separation requirements?



Should a restaurant that has no entertainment have a separation requirement if it abuts a residential zoning district?

A. Yes

B. No





Should a restaurant have a separation requirement if it abuts a residential zoning district and it includes "entertainment"?

- A. Yes
- B. No

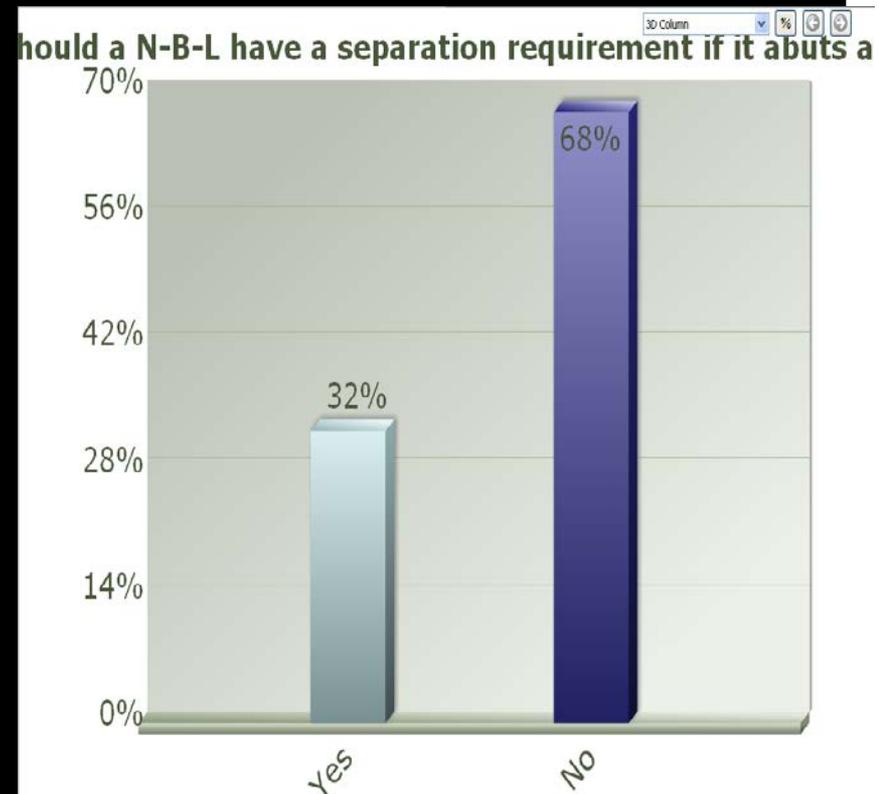


OPINION SURVEY

Should a N-B-L have a separation requirement if it abuts a residential zoning district?

A. Yes

B. No

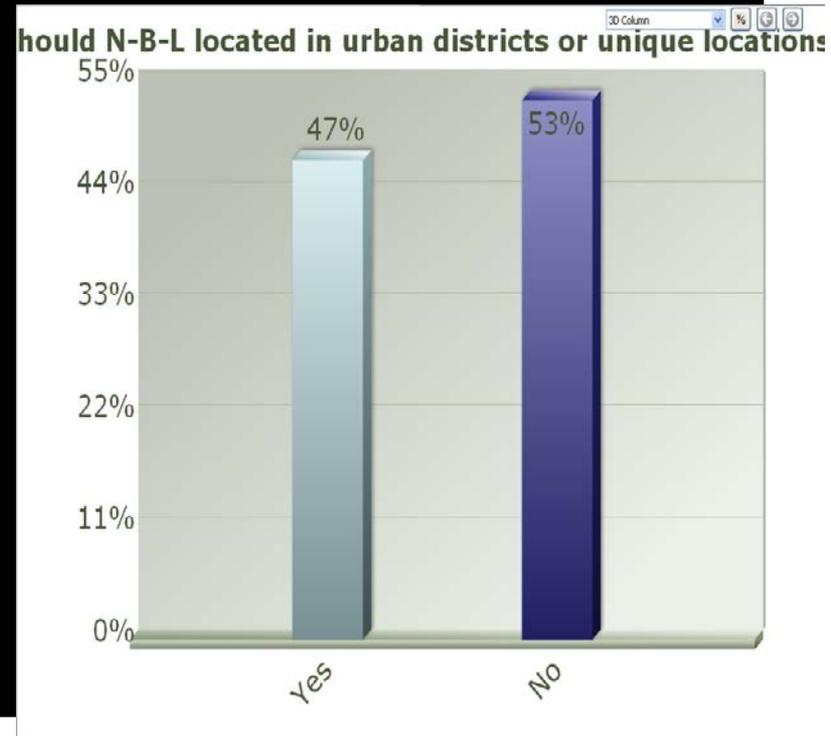


OPINION SURVEY

Should N-B-L located in urban districts or unique locations have different separation requirements?

A. Yes

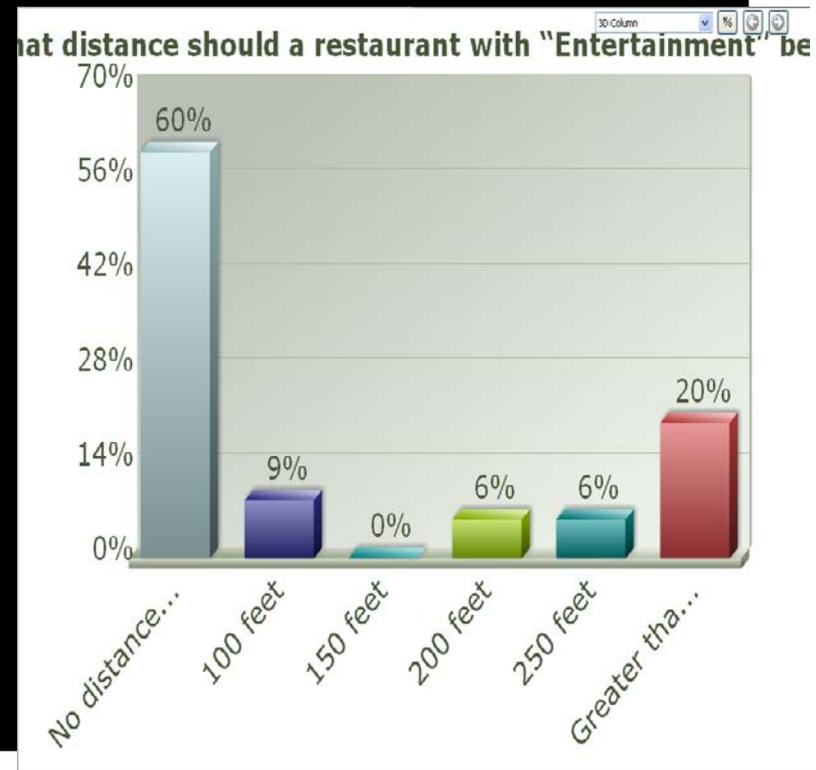
B. No



OPINION SURVEY

What distance should a restaurant with "Entertainment" be located from a residential use?

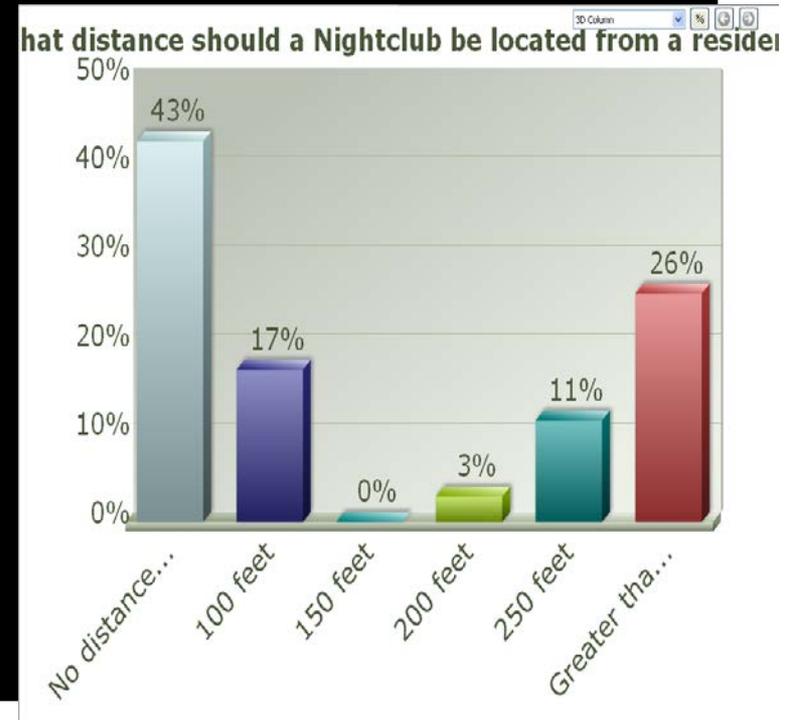
- A. No distance Requirement
- B. 100 feet
- C. 150 feet
- D. 200 feet
- E. 250 feet
- F. Greater than 250 feet



OPINION SURVEY

What distance should a Nightclub be located from a residential use?

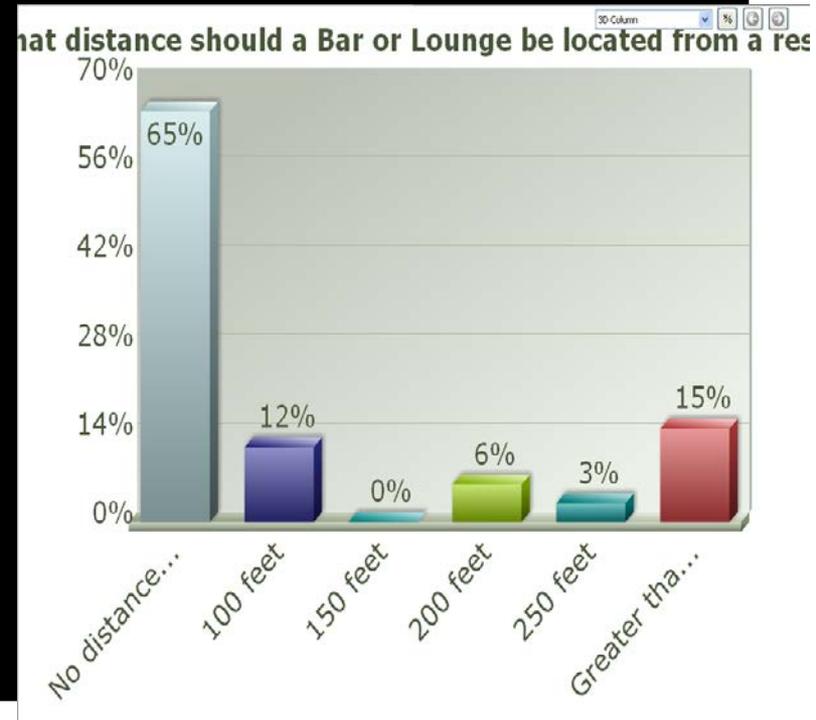
- A. No distance Requirement
- B. 100 feet
- C. 150 feet
- D. 200 feet
- E. 250 feet
- F. Greater than 250 feet



OPINION SURVEY

What distance should a Bar or Lounge be located from a residential use?

- A. No distance Requirement
- B. 100 feet
- C. 150 feet
- D. 200 feet
- E. 250 feet
- F. Greater than 250 feet



What's the Major Issue or Concern?

RESTAURANTS

NIGHTCLUBS, BARS & LOUNGES

Size

1. Should any requirements for Restaurants with entertainment be established according to the size of the establishment?

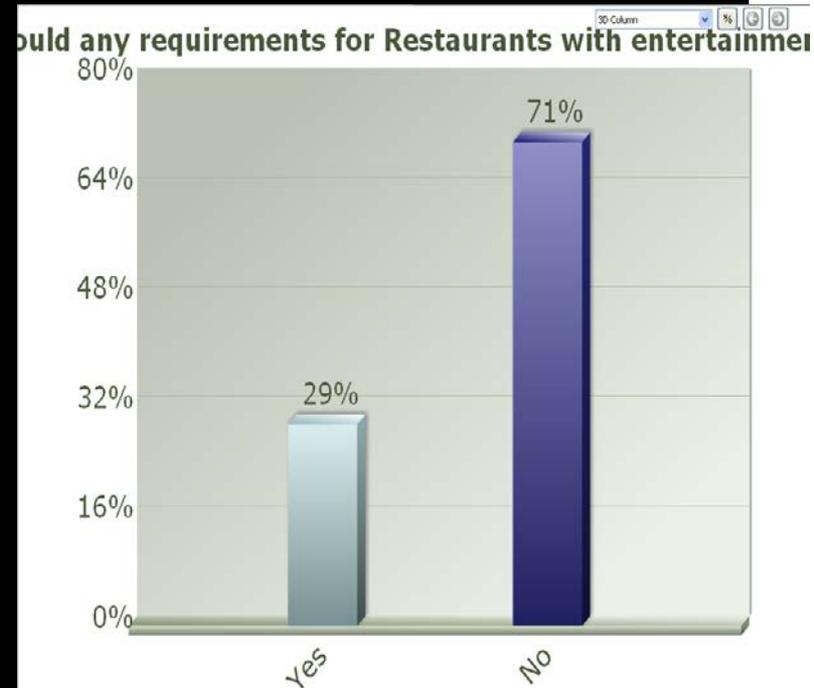
2. Should any requirements for N-B-L be established according to the size of the establishment?

OPINION SURVEY

Should any requirements for Restaurants with entertainment be established according to the size of the establishment?

A. Yes

B. No

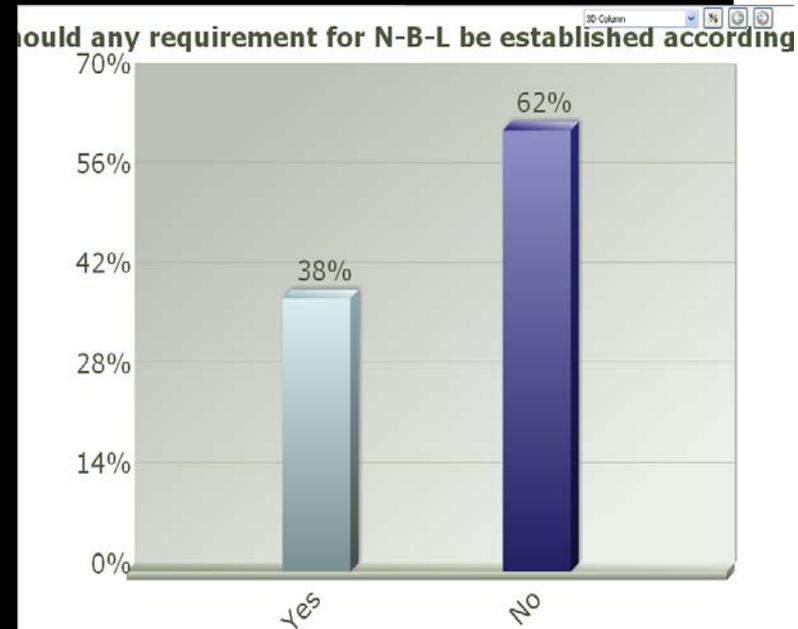


OPINION SURVEY

Should any requirement for N-B-L be established according to the size of the establishment?

A. Yes

B. No



What's the Major Issue or Concern?

RESTAURANTS

NIGHTCLUBS, BARS & LOUNGES

Hours of Operation

1. Should hours of operation be regulated for Restaurants w/entertainment?

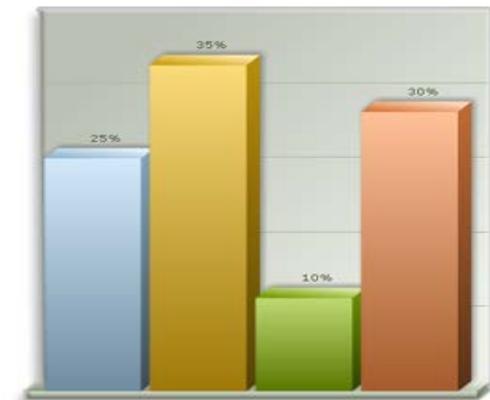
2. Should hours of operation be regulated for N-B-L?

OPINION SURVEY

Should hours of operation be regulated for Restaurants w/entertainment?

A. Yes

B. No



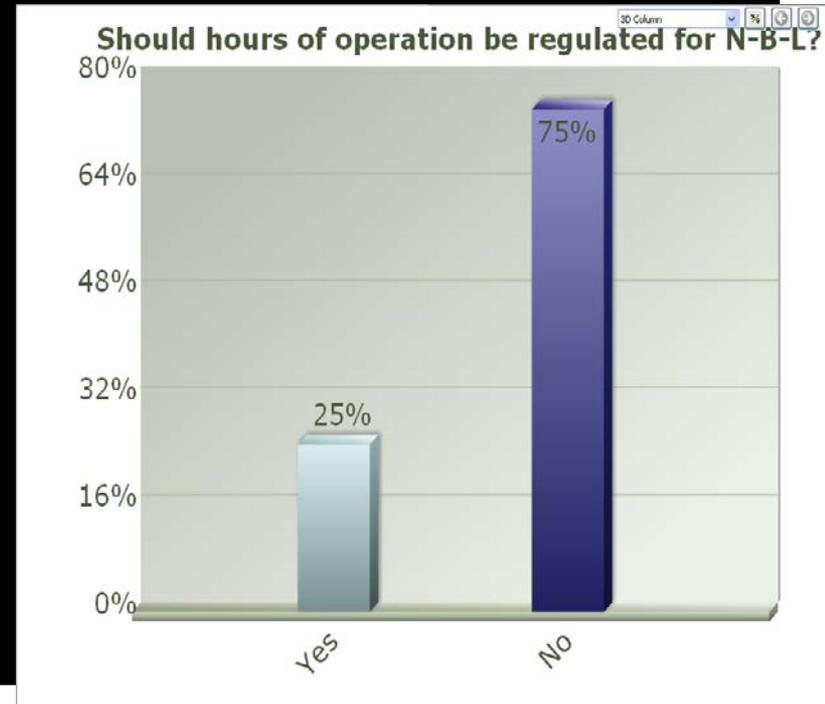
3D
Column Chart

OPINION SURVEY

Should hours of operation be regulated for N-B-L?

A. Yes

B. No



What's the Major Issue or Concern?

RESTAURANTS

NIGHTCLUBS, BARS & LOUNGES

Zoning Districts

- 1. Should special zoning districts be developed to allow Restaurants w/entertainment?**

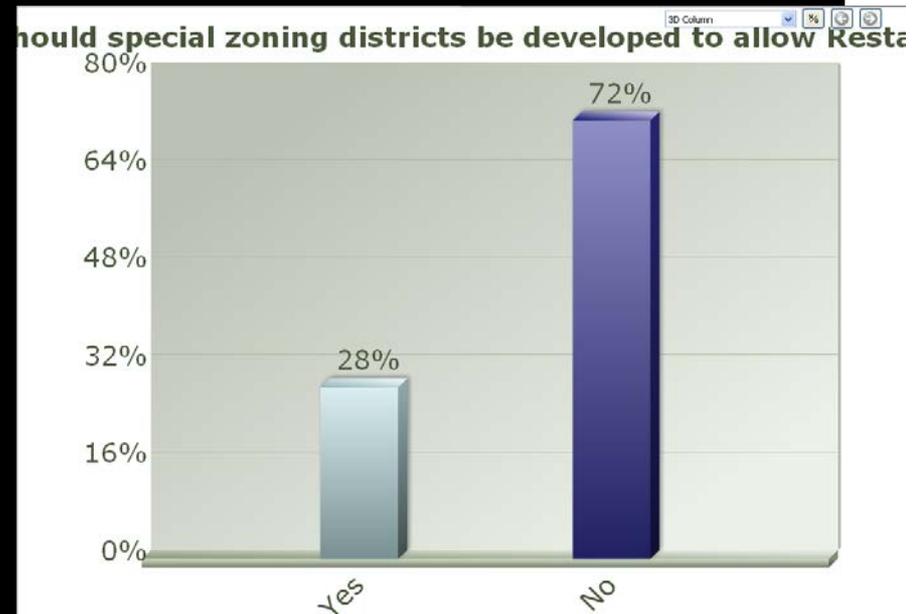
- 2. Should special zoning districts be developed to allow N-B-L?**

OPINION SURVEY

Should special zoning districts be developed to allow Restaurants w/entertainment?

A. Yes

B. No

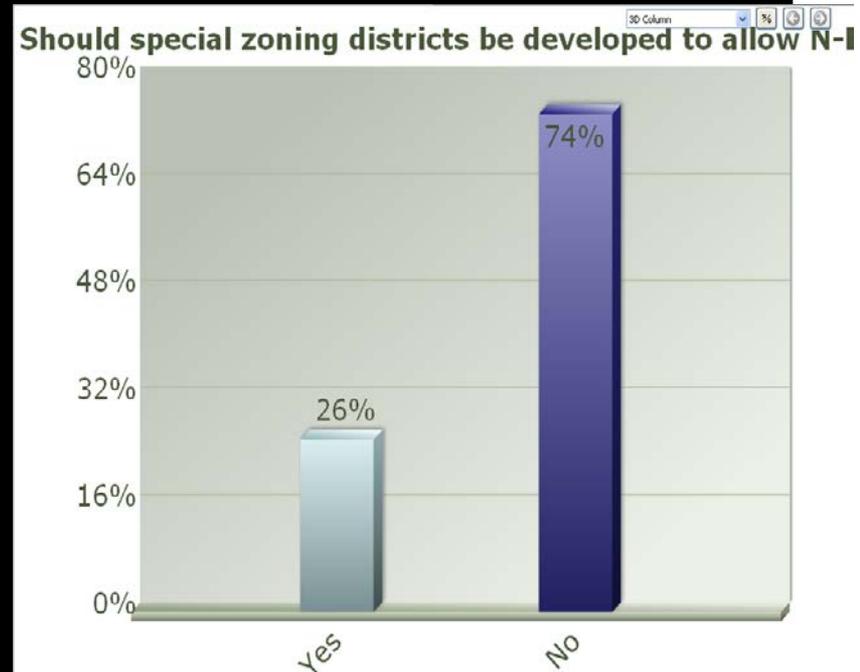


OPINION SURVEY

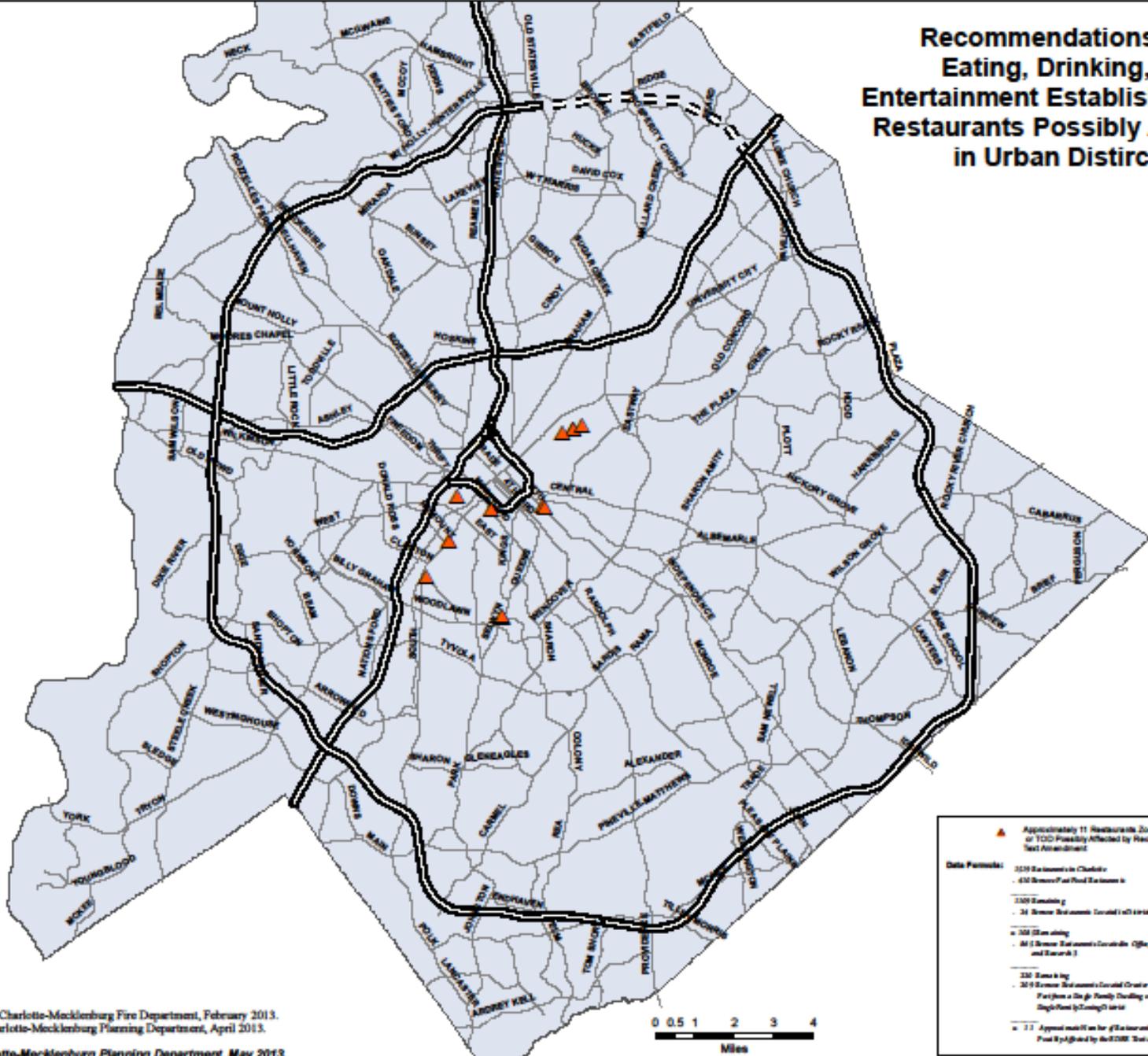
Should special zoning districts be developed to allow N-B-L?

A. Yes

B. No



Recommendations for Eating, Drinking, & Entertainment Establishments - Restaurants Possibly Affected in Urban Districts



Legend:

- ▲ Approximately 11 Restaurants Zoned MUCC, UMED, or TOD Possibly Affected by Recommended RDRS Text Amendment

Data Points:

- 1039 Restaurants in Charlotte
- 430 Street/Food Truck Establishments
- 1300 Existing
 - 24 Street Food vendors (located only in the Midtown and North End)
- 100 Zoning
 - 610 Street Establishments (Cafe, Office, Bakery, Juice Bar, Commercial and Research)
- 200 Existing
 - 200 Street Establishments (Cafe or Bar)
 - From a 2010 Family Dining or Food Truck or Signified by Zoning Code
- 11 Approved number of Establishments in Urban Districts (as of 2010) Text Amended on Recommendations

Restaurant Data Resource: Charlotte-Mecklenburg Fire Department, February 2013.
 Zoning Data Resource: Charlotte-Mecklenburg Planning Department, April 2013.
 Prepared by the Charlotte-Mecklenburg Planning Department, May 2013.

