



CHARLOTTE.

Nightclubs, Bars and Restaurants

Community Outreach and Education

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.





ZONING DISTRICTS WHERE NBL AND RESTAURANTS ARE PERMITTED

B-1

B-2

UMUD

MUDD

PED

RE-3

I-1

I-2

TOD

CC

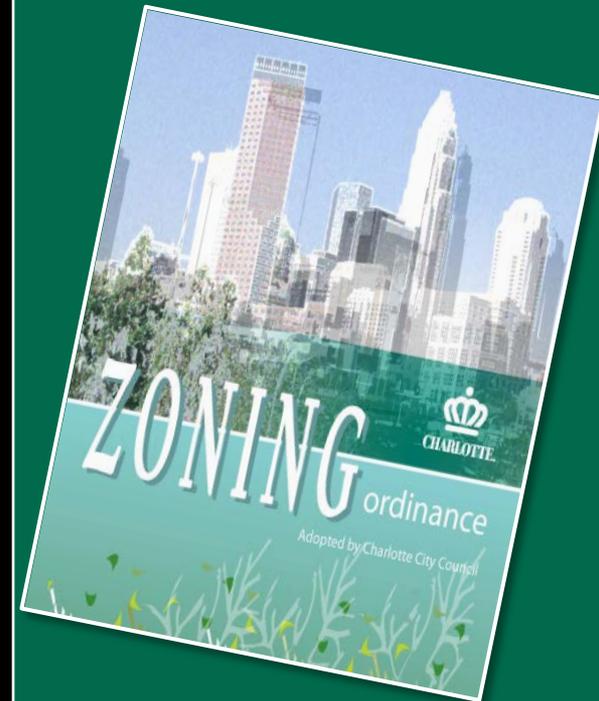
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Charlotte's Zoning Ordinance

- Regulatory Document
- Adopted by City Council through a legislative decision.
- Changes (text amendments) are also made by legislative decisions.

Charlotte's Text Amendment Process

- City Council: Makes a legislative decision to amend the Ordinance.
- Planning Commission: Advisory recommendation to the City Council, usually assigned to Zoning Committee



Who Can Initiate a Text Amendment?

- Any person or entity

When Does Staff Initiate a Text Amendment?

- Issue/problem with current regulations
 - **Examples:**
 - Differences between nightclubs and restaurants as hybrids emerge
- New uses evolve
 - **Examples:** Micro-Breweries and Electronic Game Operations
- At request of City Council

Two Types of Text Amendments: Major and Minor

Minor/technical text amendments – No CAG Process

- **Section Reference Correction**
 - Example: Section 12.102(a) should be 12.102(b).

Major Text Amendments – Citizen Advisory Group Process

- **Staff notification process**
 - Example: Restaurant, Bars & Nightclubs



- Started process in 2011 held 4 meetings then stopped due to revisions being made to the Noise Ordinance
- Reconvened group and held five CAG meetings since January 2013

Meeting #1: Project Overview and Issue Identification

Meeting #2: Community Survey, Issues, Solutions

Meeting #3: Opinion Polling and Discussion

Meeting #4: Draft Recommendations

Meeting #5: Draft Recommendations Discussion Cont.

- Meetings 1-3 averaged 100+ participants
- Meetings 4 & 5 averaged 15-20 participants



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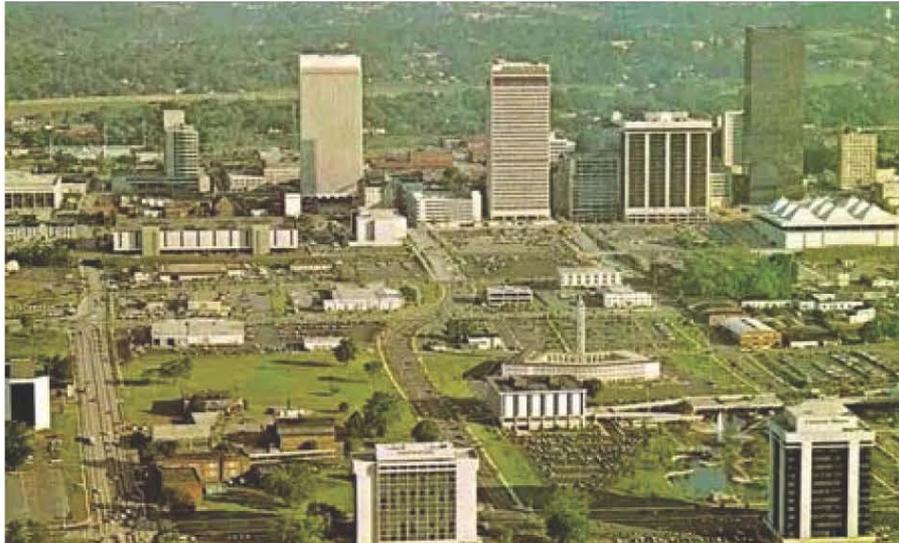
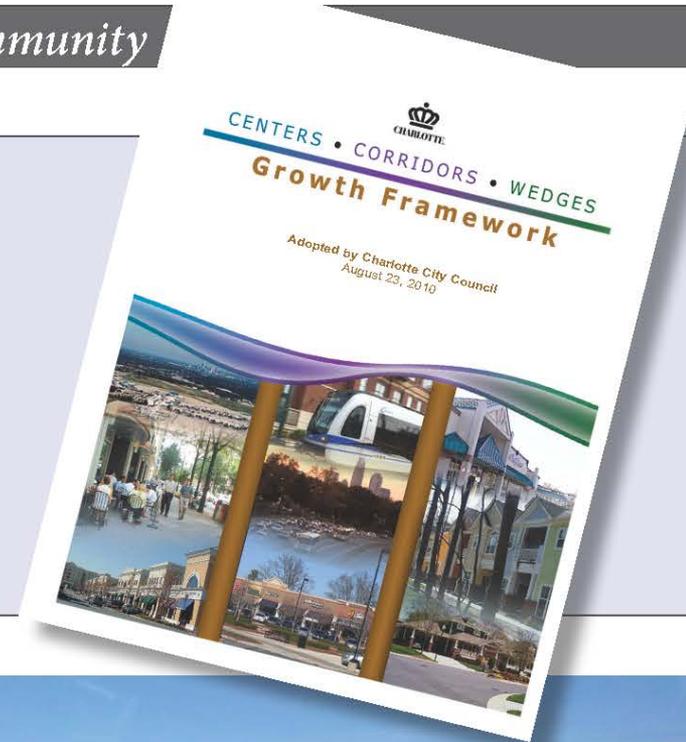
DRAFT RECOMMENDATIONS

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



Highlights of Proposed Changes

- Creates new name for uses as Eating, Drinking, and Entertainment Establishments (EDEE)

- Creates two types of EDEE:
 - 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.

Highlights of Proposed Changes

- Defines **Entertainment Activity** as including but not limited to: **dancing, music theater or comedy performance, sporting event trivia game, or game of skill or chance.**
- Defines **Outdoor Entertainment** as any activity or game that is live, broadcast or recorded which occurs on the premise but outside the **EDEE.**
- Defines **Outdoor Seating/Activity Area** as any area outside the permanent building, including patios, decks, rooftops, open areas, or parking lots **where food or beverages are consumed or entertainment takes place.**
- 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 (MUDD, UMUD, TOD, TS)



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SEPARATION

OUTDOOR SEATING AND ACTIVITY AREA

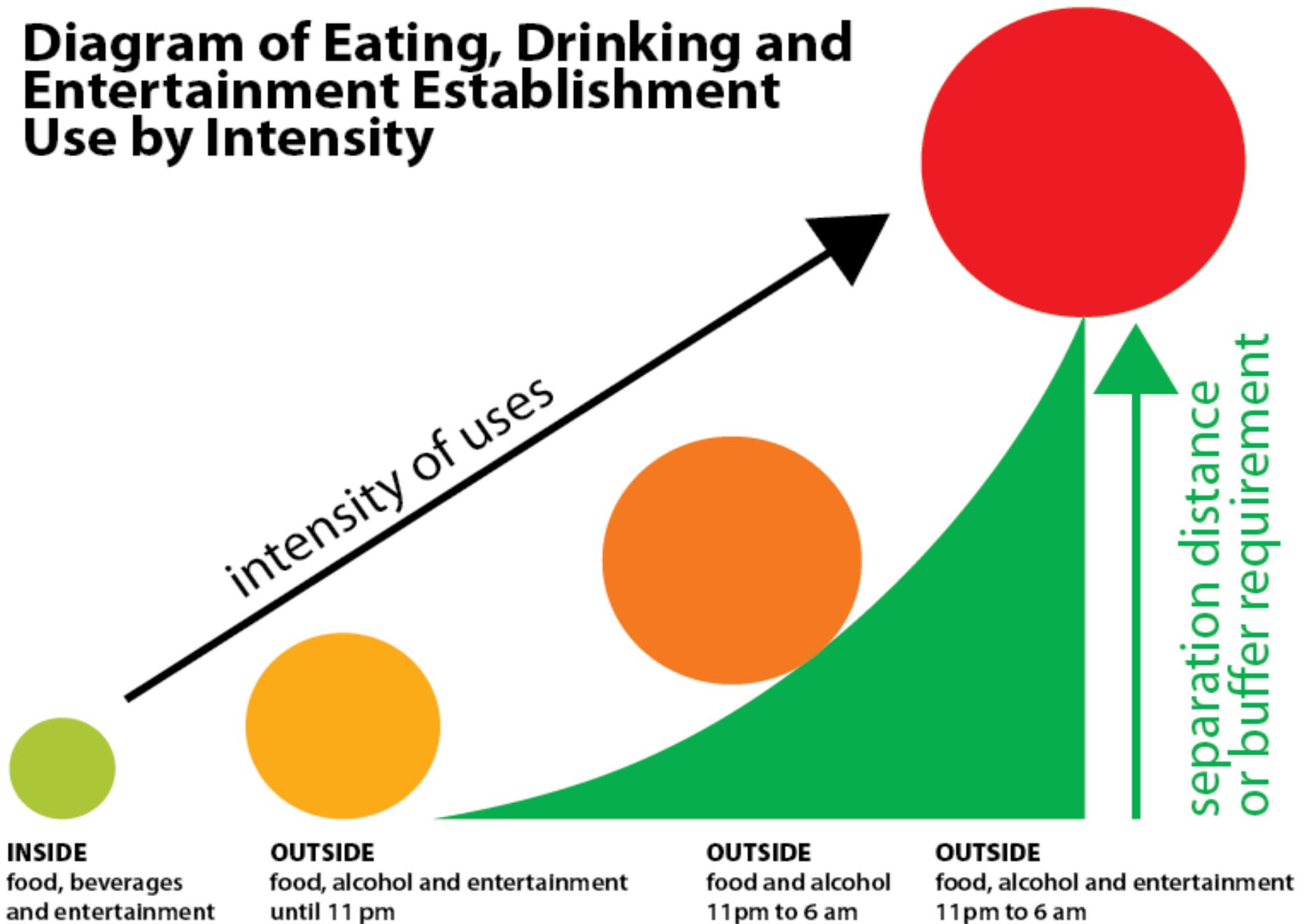
- **Outdoor Activity and Entertainment permitted** in any Outdoor Seating/Activity Area outside the permanent building between the hours of 6am to 11pm.
- **Outdoor Activity that includes the consumption of food and alcohol with no entertainment allowed 11pm to 6am under prescribed conditions.**

Highlights of Proposed Changes

■ ENTERTAINMENT

- **Entertainment Activity** permitted **inside and outside** the permanent building.
- **Outdoor Activity and Entertainment** permitted in any **Outdoor Seating/Activity Area** **outside** the permanent building between the hours of **6am to 11pm.**
- **Outdoor Entertainment** permitted in any **Outdoor Seating/Activity Area** **outside** the permanent building between the hours of **11pm to 6am** **under prescribed conditions.**

Diagram of Eating, Drinking and Entertainment Establishment Use by Intensity



100' Separation Distance for Outdoor Eating/Activity Area

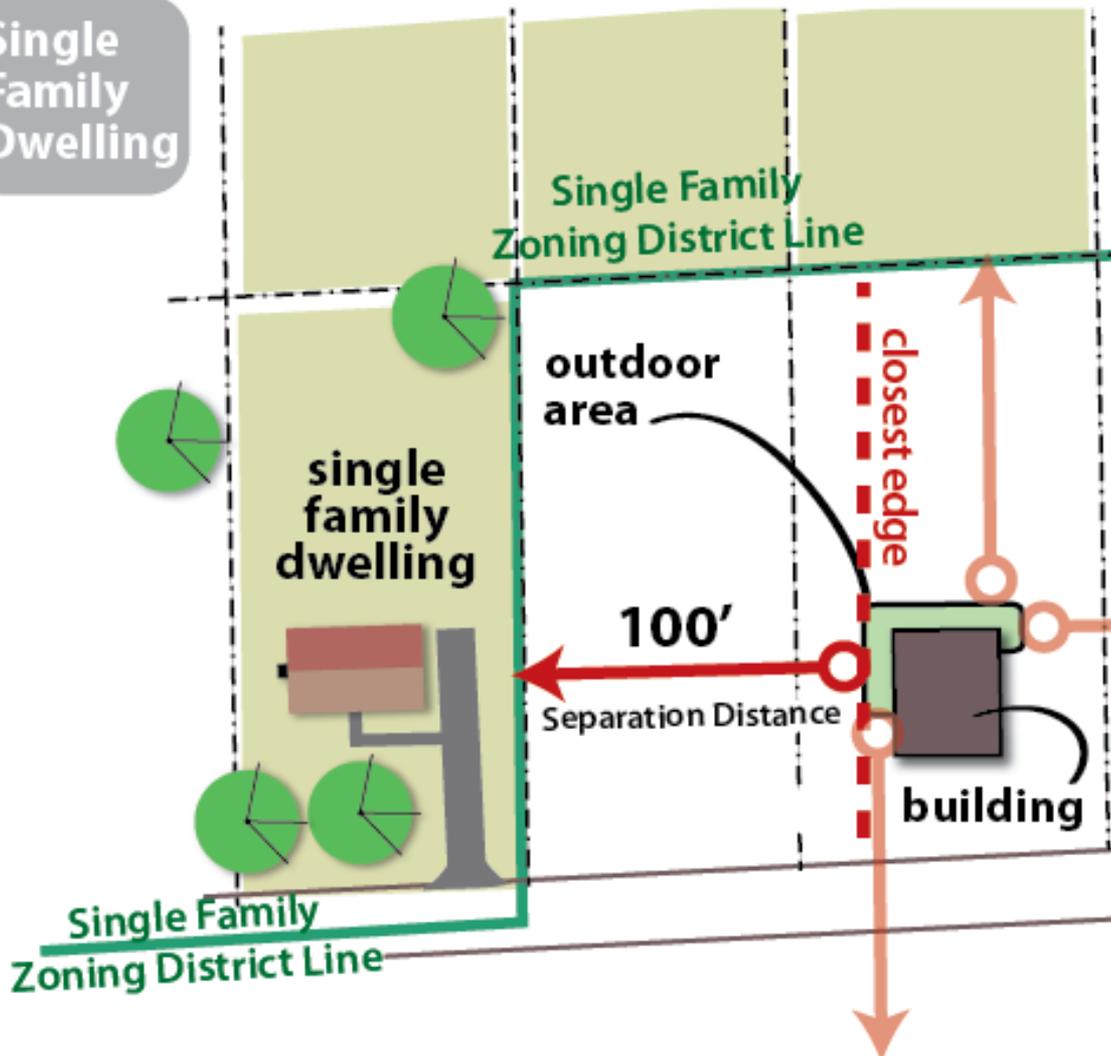
Type 2 (alcohol consumed)

11 pm to 6 am



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Single Family Dwelling



Measurement for separation distances are 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.

applies to Applicable Zoning Districts

100' Separation Distance for Outdoor Eating/Activity Area

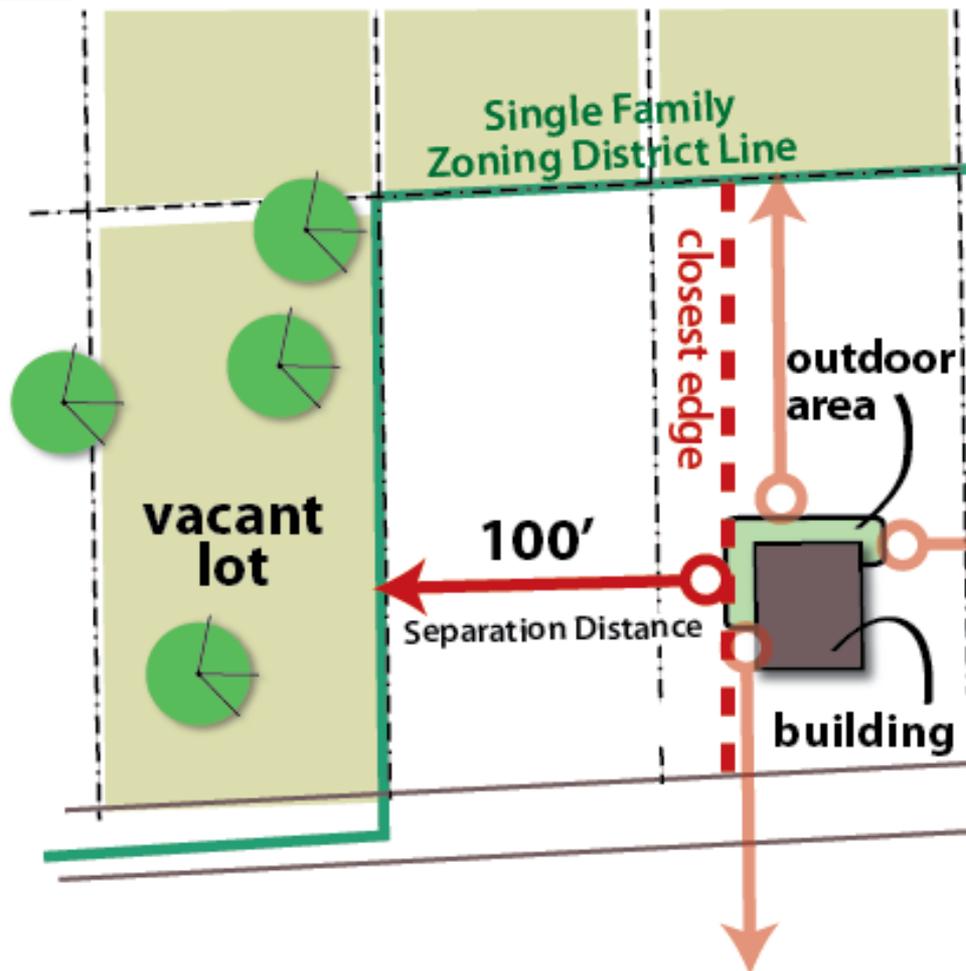
Type 2 (alcohol consumed)

11 pm to 6 am



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Vacant Lot



Measurement for separation distances are 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.

applies to
Applicable Zoning Districts

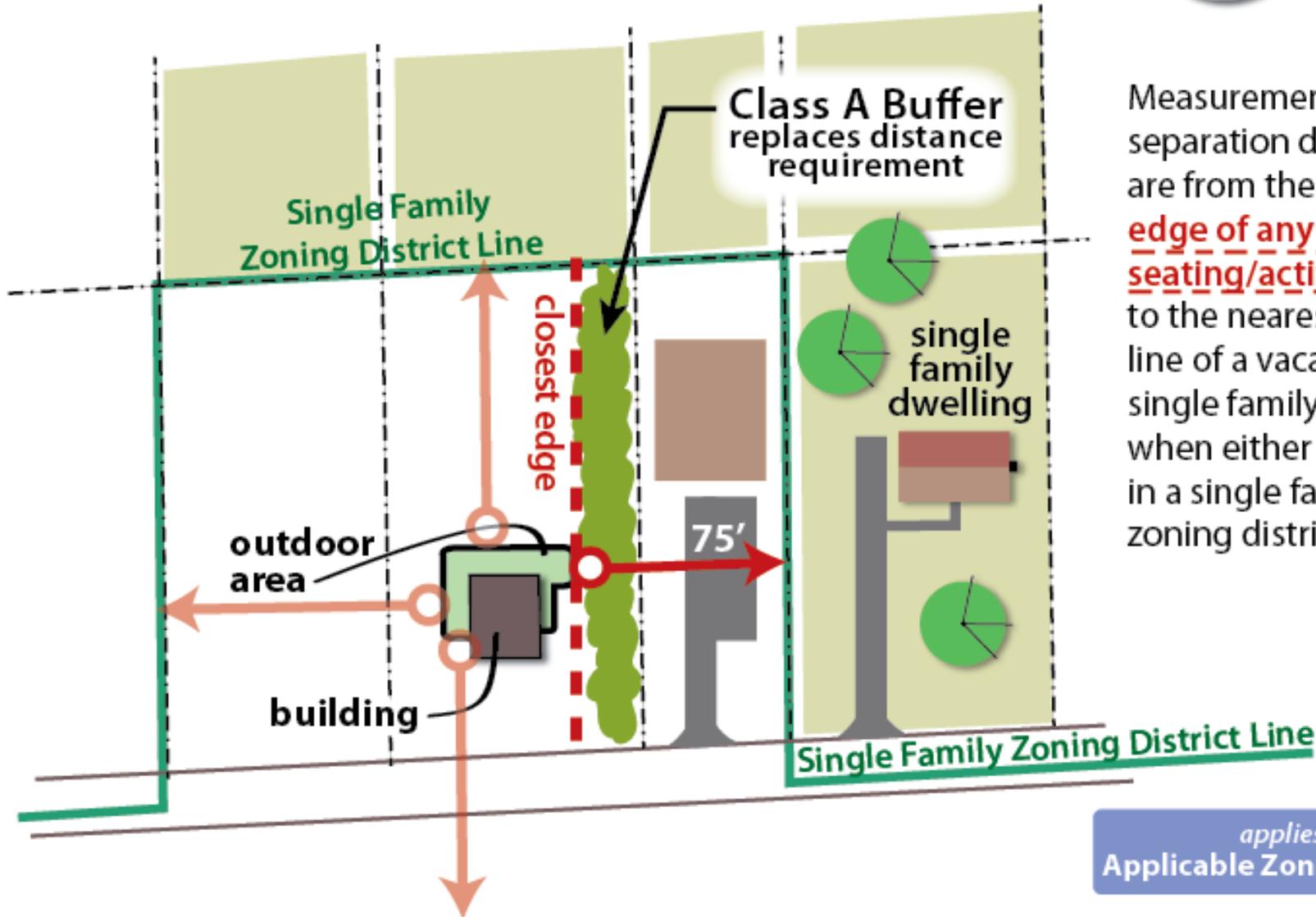
Buffer Required

when the 100' Separation Distance CANNOT BE MET for
Outdoor Eating/Activity Area - Type 2 (alcohol consumed)

11 pm to 6 am



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Measurement for separation distances are 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.

applies to
Applicable Zoning Districts

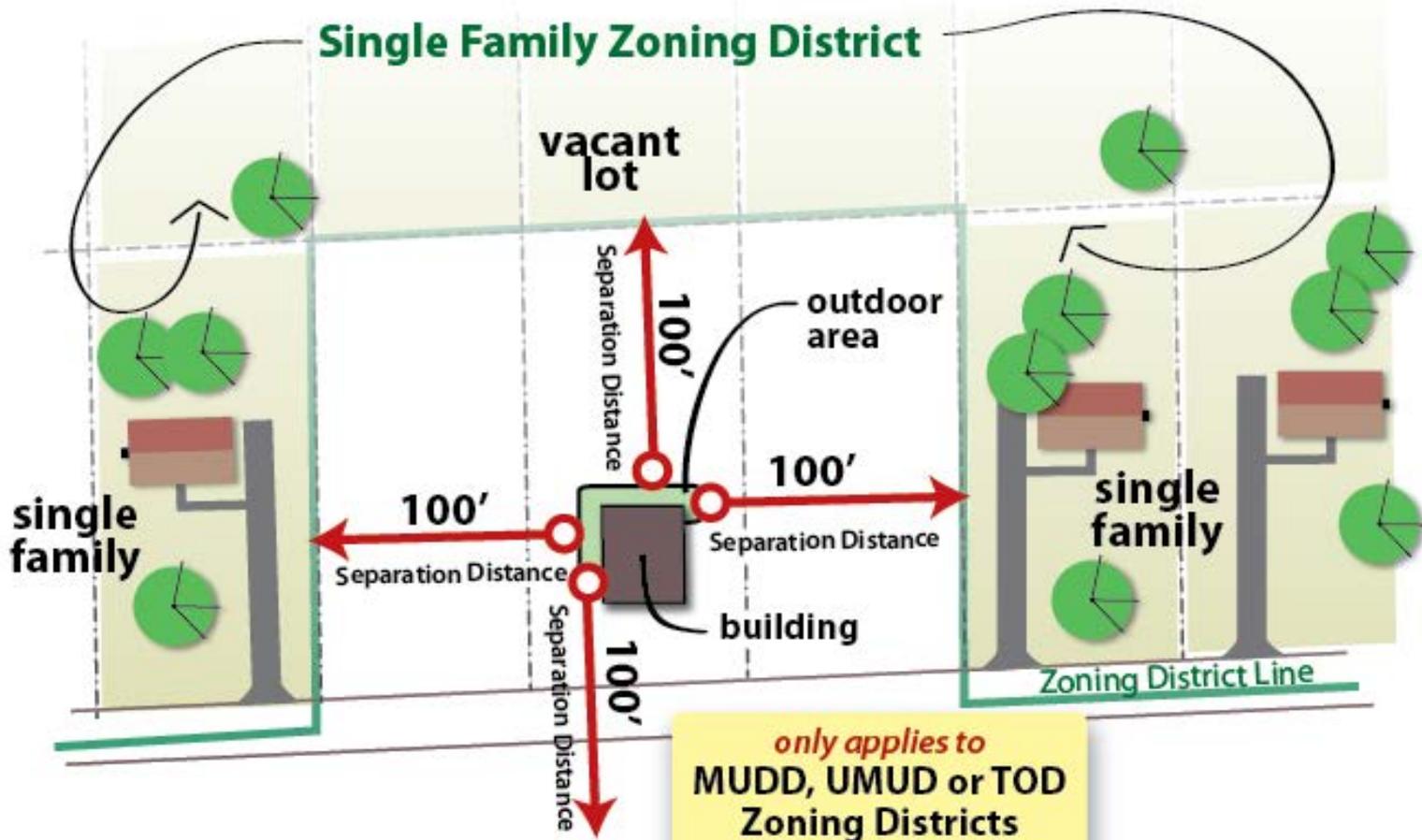
100' Separation Distance for Outdoor Entertainment

11 pm to 6 am



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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.



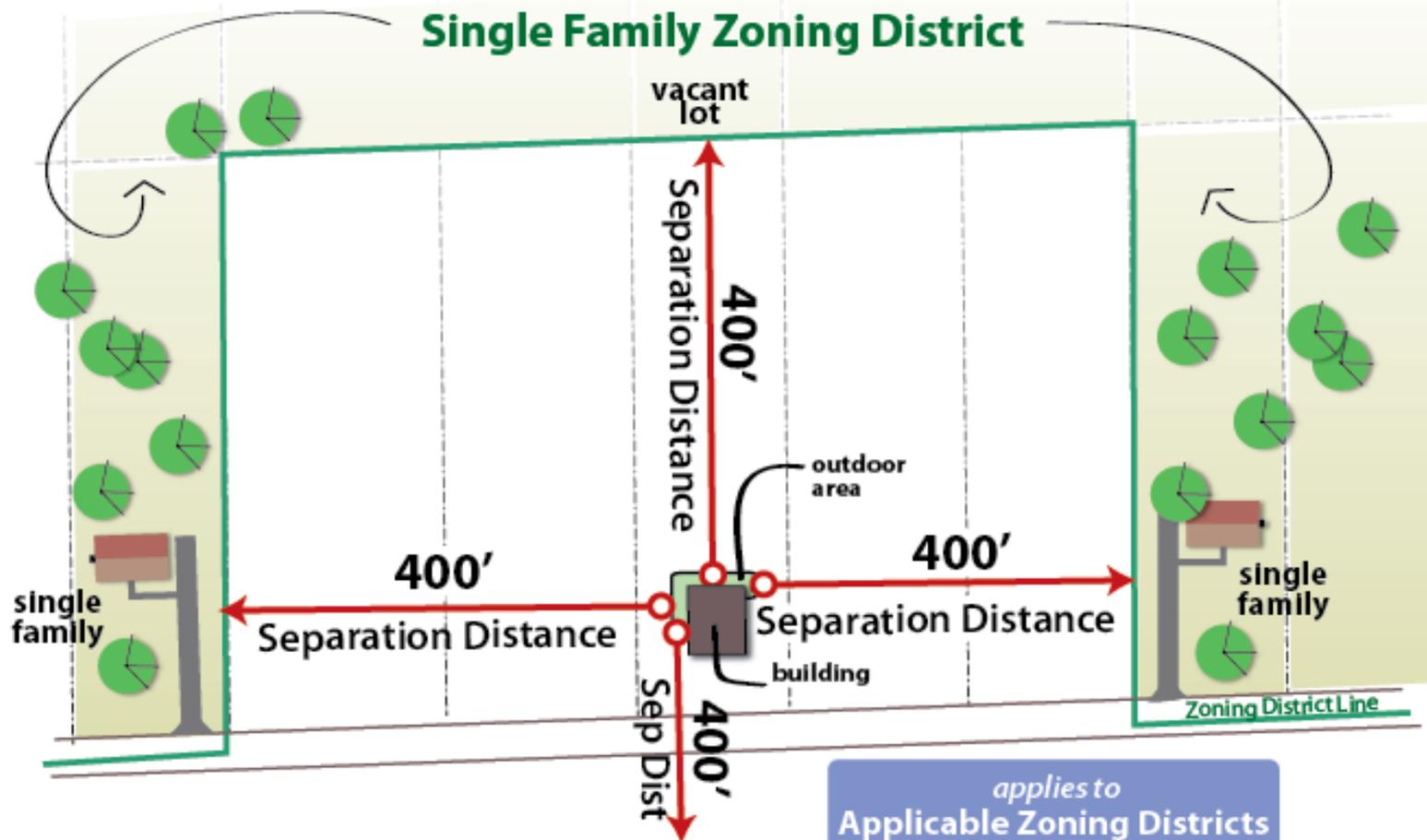
400' Separation Distance for Outdoor Entertainment

11 pm to 6 am



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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.





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Conclusions

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

Next Steps

- **Public outreach and education for feedback on proposed changes**
 - **CAG will be updated monthly of meeting dates and locations**
- **Reconvene CAG to finalize recommendations**
- **File text amendment (summer)**
- **Hearing date Sept./Oct. 2013**
- **Council Decision Oct./Nov. 2013**



