

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.*

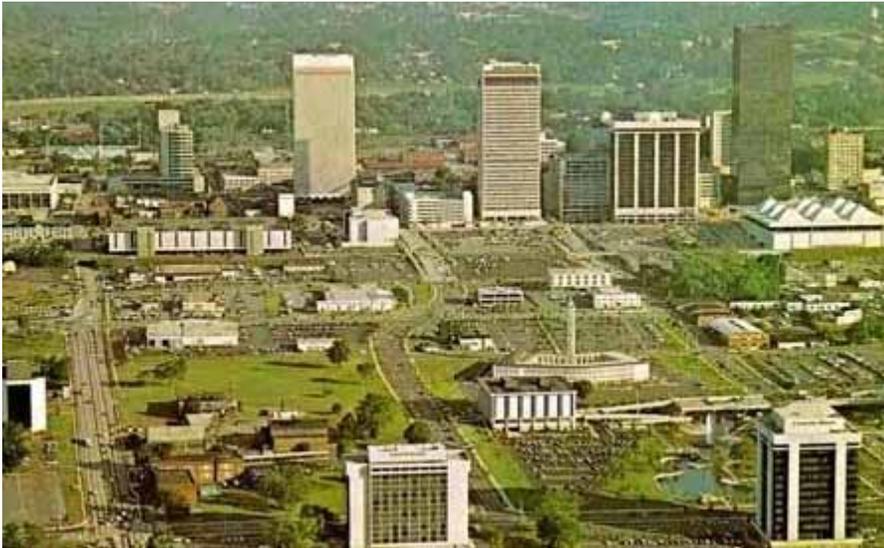
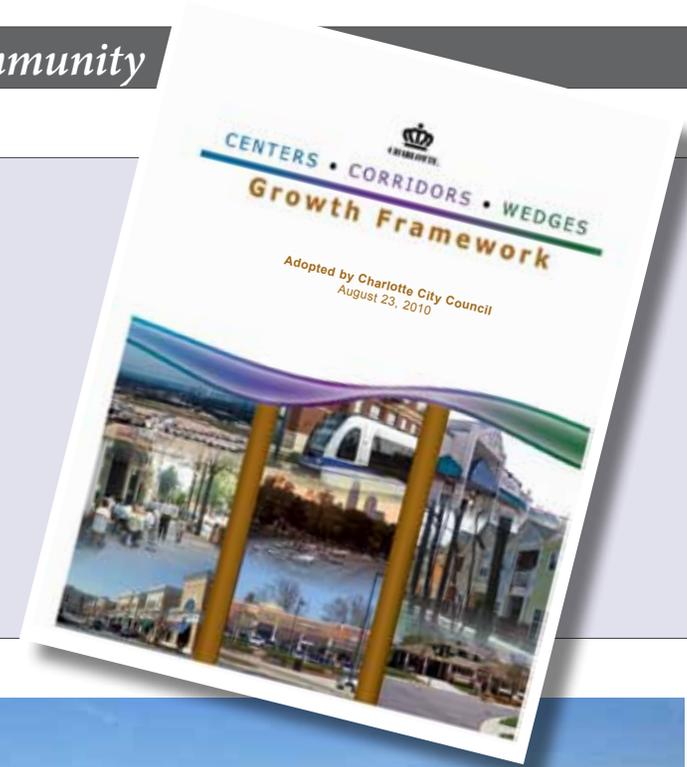
PAGES	2	4	5	6	7	9	10
Background information		Purpose of revising the current regulations	Outline of the proposed changes	Basic differences between Drive-In Restaurants, Restaurants, Nightclubs, Bars and Lounges (<i>old</i>) and the proposed changes	Details of the regulations	Details of proposed changes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

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			Eating, Drinking and Entertainment Establishment	
Restaurant			TYPE ①	TYPE ②
► <i>Definitions</i>			► <i>Definitions</i>	
<p>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.</p>	<p>An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages.</p>	<p>Any commercial establishment serving alcoholic beverages and providing entertainment for patrons including bars, lounges, and cabarets.</p>	<p>An establishment where food is prepared and beverages may be provided, excluding any alcohol. Indoor and outdoor entertainment may be provided, including outdoor entertainment.</p>	<p>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.</p>
				
			<p><i>Examples:</i> ~ Wendy's ~ Cook-out ~ Waffle House ~ Dairy Queen ~ Sandwich Shop ~ Starbucks ~ Panera Bread</p>	<p><i>Examples:</i> ~ Ruth's Chris Steak House ~ Applebee's ~ Hooters ~ Buffalo Wild Wings ~ Coyote Joe's ~ Banquet Halls</p>

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.

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	
<p><i>Footnotes for above</i></p> <p>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.</p> <p>⁵ Current separation distance for Nightclubs, Bars and Lounges is based on zoning district or land use.</p> <p>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.</p>					

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

Hierarchy 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.