



# Nightclubs, Bars and Restaurants

Citizen Advisory Group Meeting

May 30, 2013



# TONIGHT'S AGENDA

- Welcome and Introductions
- Recap from Last Meeting
  - Recommendations
- CAG Suggested Changes to Recommendations - Discussions
  - Definition of Entertainment too broad (Allow Unamplified Televisions & Music)
  - No Separation (Determine if there should be a separation if the activity is completely contained inside)
  - Impact on Existing Uses (How to address if use can't meet proposed standards and how to continue to protect residential areas)
- Wrap-up/Next Steps



## RECAP OF MAY 9, 2013 MEETING

# 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

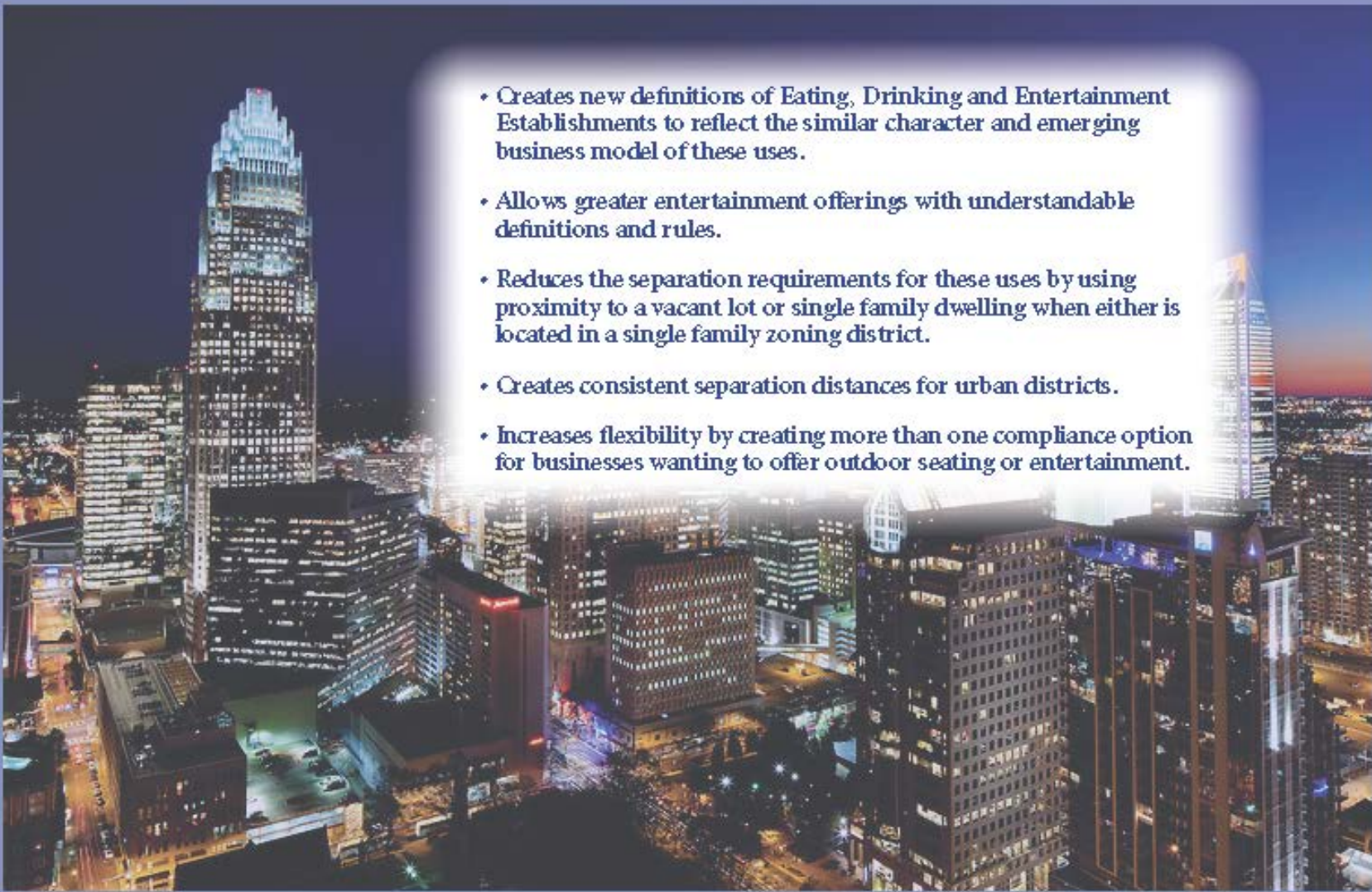
The term “Eating, Drinking and Entertainment Establishment” combines and replaces the separate terminologies previously used for Restaurants, Nightclubs, Bars and Lounges and provides clearly defined and enforceable regulations that protect and foster good relationships between businesses and residential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

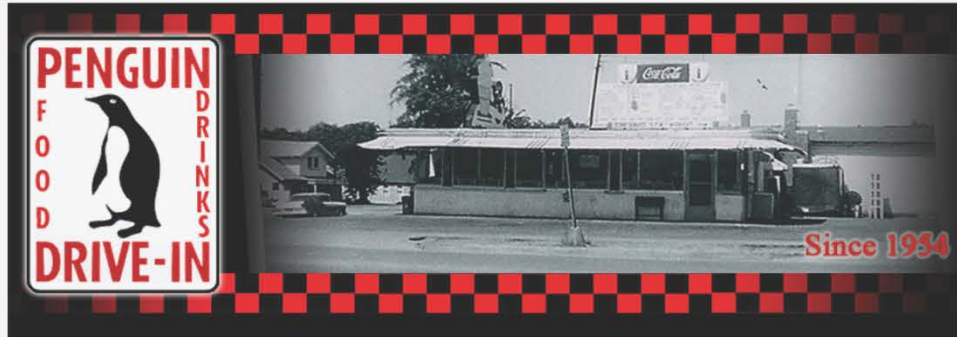
# Comparison

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

## Eating, Drinking and Entertainment Establishments (Recommended)

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### ► 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	CURRENT			RECOMMENDED	
	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 <sup>1</sup> permitted inside and outside the permanent building.			●	●	●
Outdoor Entertainment <sup>2</sup> permitted in any Outdoor Seating/Activity Area <sup>3</sup> 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

<sup>1</sup> Entertainment Activity includes, but is not limited to, dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance.

<sup>2</sup> 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.

<sup>3</sup> 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	CURRENT			RECOMMENDED	
	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 <sup>4</sup> <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.			● <sup>5</sup>	●	●
Outdoor Consumption of Food and Beverages <sup>6</sup> <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:					
▪ Single family/multi-family use or single family/multi-family zoning district ▪ Low intensity institutional use ▪ Greenway/park use	●			●	
▪ Medium and high intensity institutional use	none	none	●	none	

## Footnotes for above

<sup>4</sup> 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.

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

<sup>6</sup> 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.



# 100' Separation Distance for Outdoor Eating/Activity Area

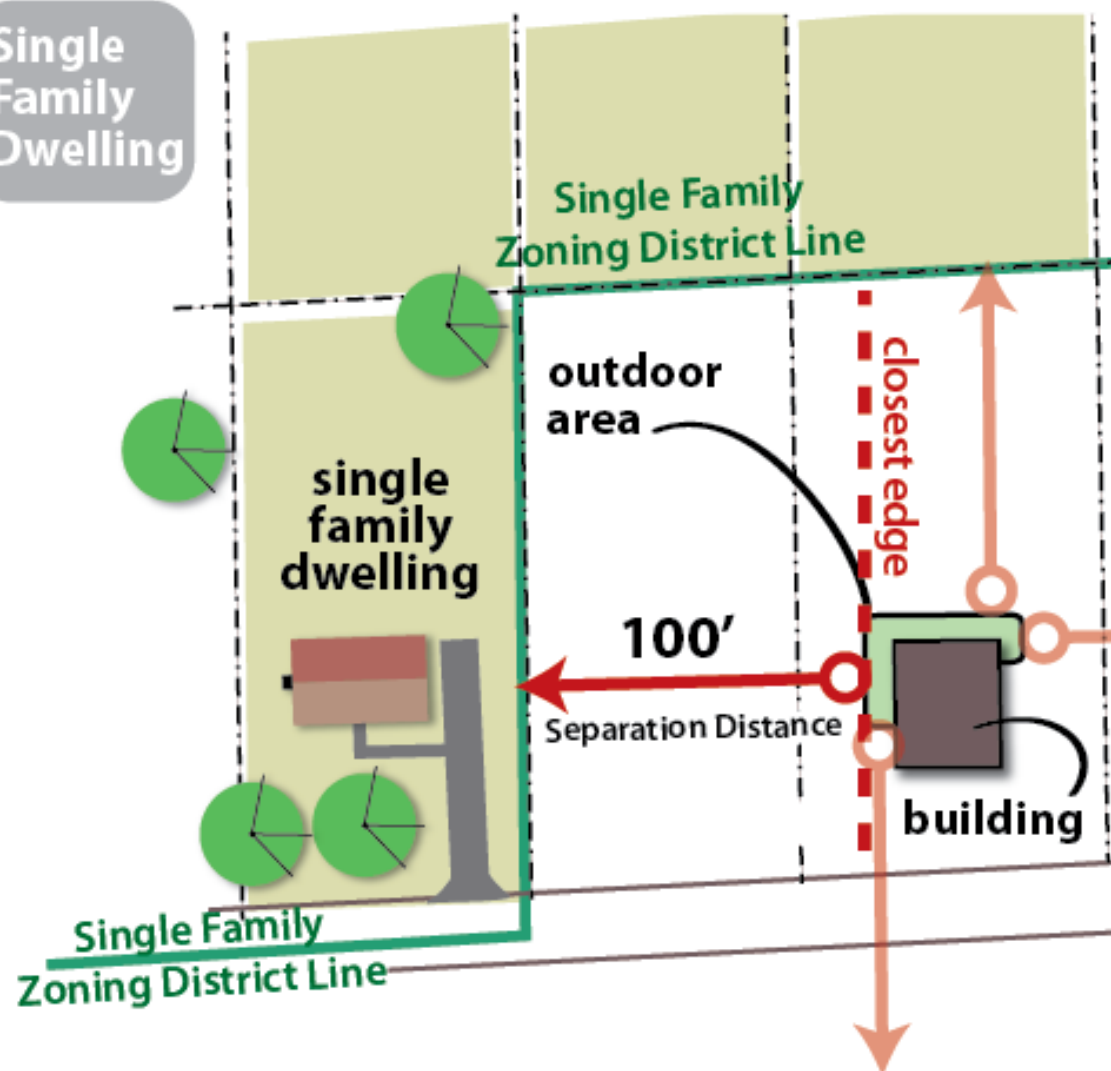
Type 2 (alcohol consumed)

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

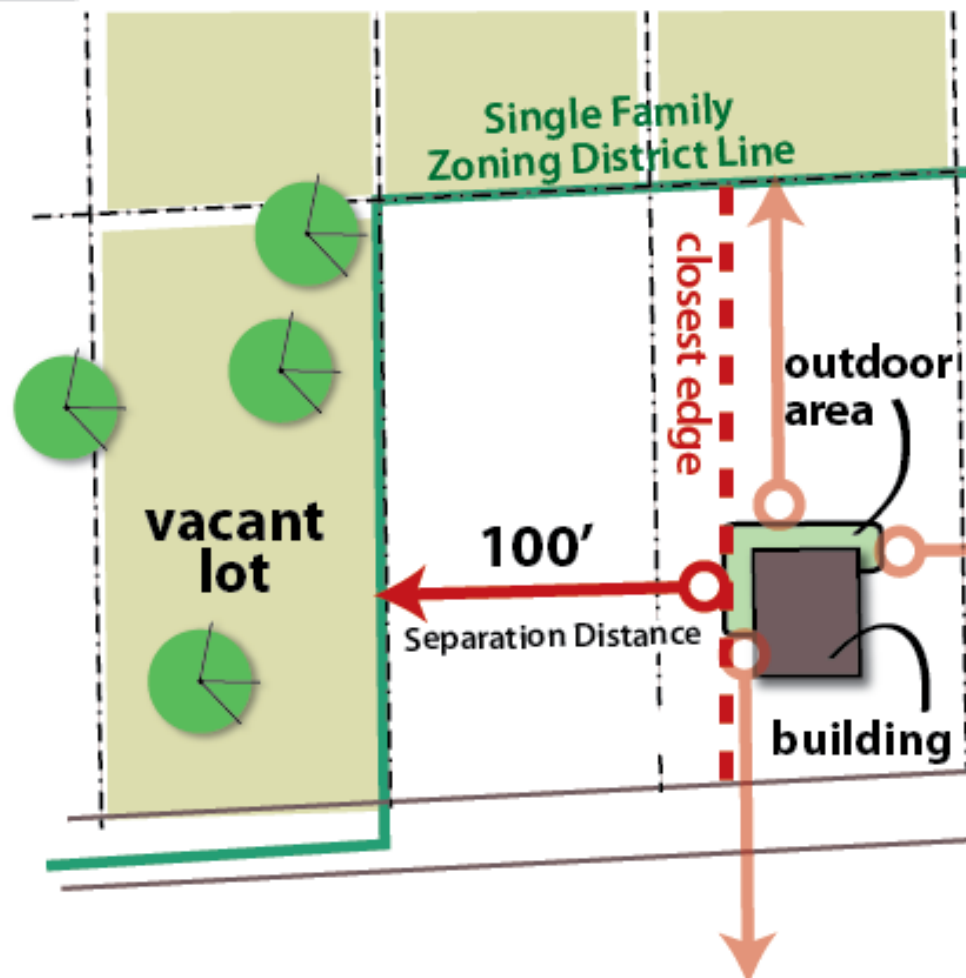
Type 2 (alcohol consumed)

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

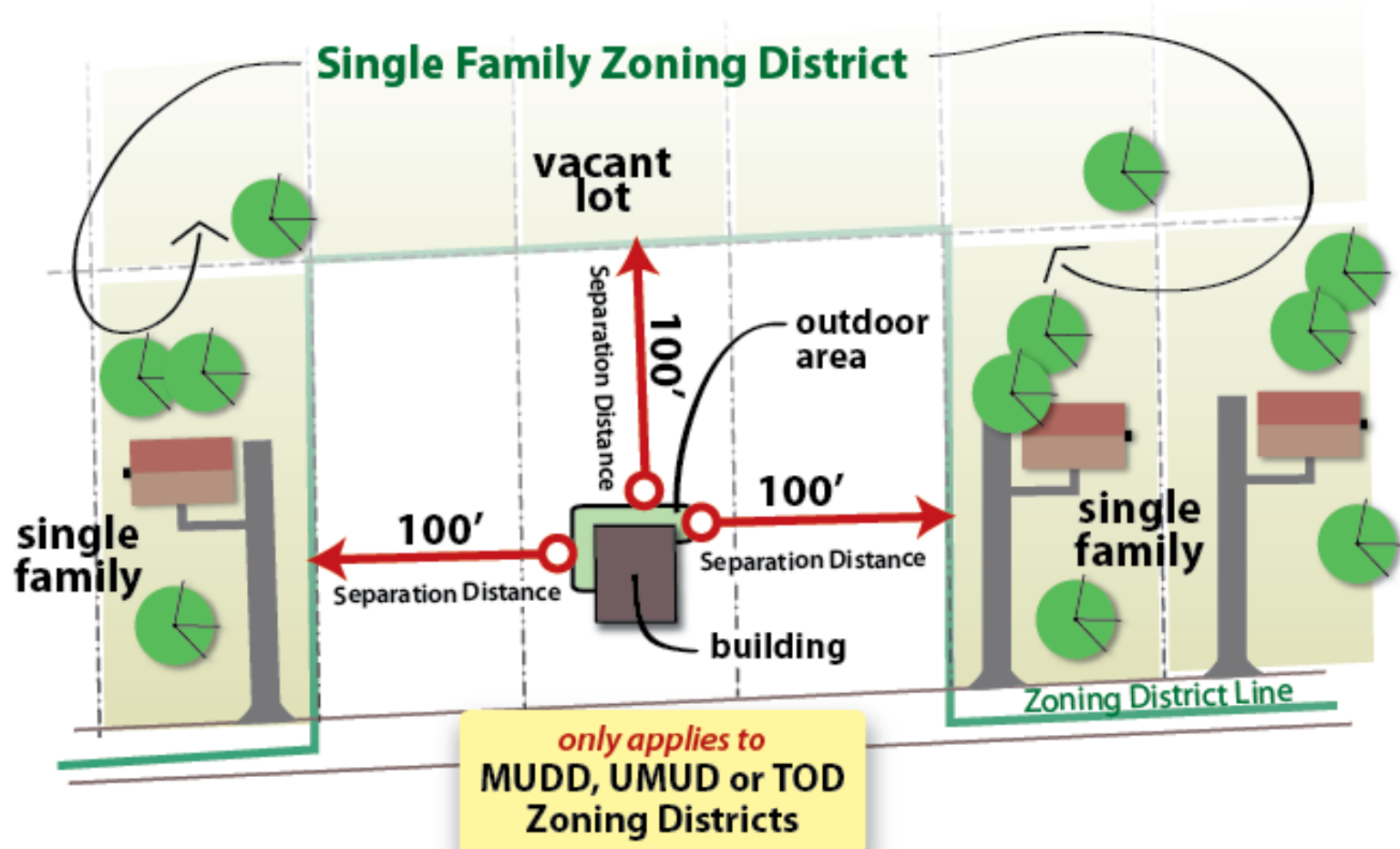
11 pm to 6 am

# 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.



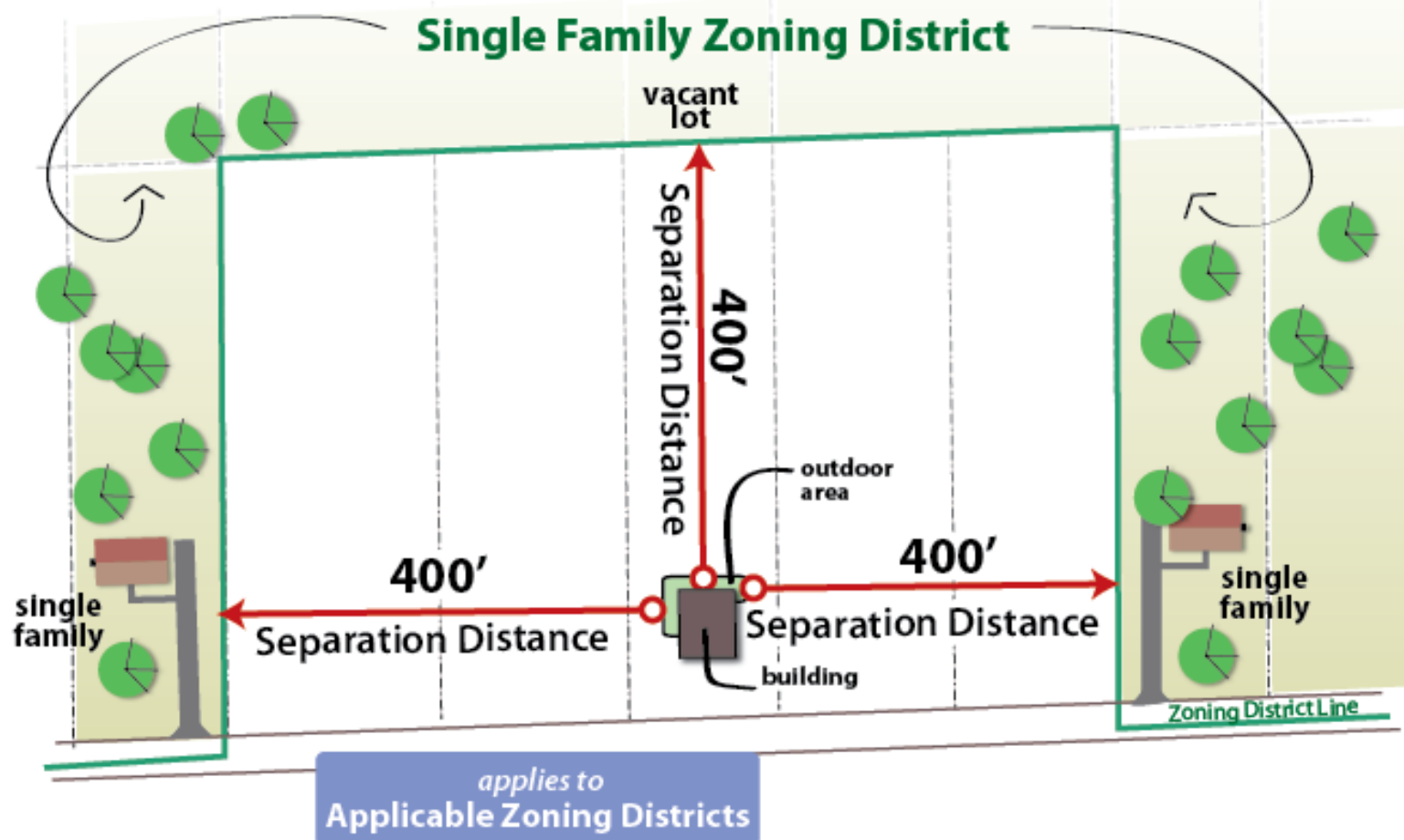
# 400' Separation Distance for Outdoor Entertainment

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.





# 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



CITY OF CHARLOTTE

# QUESTIONS





# DISCUSSION

C.A.G. FEEDBACK

## CAG Issues and Concerns

### 1. Definition of Entertainment too broad

- Allow Unamplified Televisions & Music

### 2. No Separation

- Determine if there should be a separation if the activity is completely contained inside

### 3. Impact on Existing Uses

- How to address if use can't meet proposed standards and how to continue to protect residential areas





# 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





# NEXT STEPS

Please visit our website at

**[charlotteplanning.org](http://charlotteplanning.org)**

- Agendas
- Updates
- PowerPoint Presentations
- Minutes