



CHARLOTTE

CHARLOTTE-MECKLENBURG
PLANNING

Nightclubs, Bars, Lounges and Restaurants

Citizens Advisory Group
January 16, 2014 Meeting

- **Welcome and Introductions**
- **Background**
- **Public Outreach**
- **Review of Recommendations**
- **Discussion**
- **Next Steps/Adoption Schedule**





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CAG Process

- 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.

Meeting #6: Update of Recommendations



Public Outreach Presentations

Date	Community Group/ Business Organization	Location
June 25, 2013	Neighborhood Advisory Council – Mecklenburg North Division	Assurance United Methodist Church - 9700 Mt Holly Huntersville Road
July 2, 2013	Elizabeth Community Group	St. John's Baptist Church – 300 Hawthorne Lane
July 23, 2013	Plaza Midwood	Petra's Piano Bar & Cabaret – 1919 Commonwealth Avenue
August 1, 2013	Plaza Shamrock	St. Luke's UMC – 2019 Shamrock Drive
August 8, 2013	Hickory Grove	Hickory Grove Recreation Center – 6709 Pence Road
August 13, 2013	Sedgefield/Park Road South	St. Paul UMC – 2830 Dorchester Place
August 15, 2013	Eastway Sheffield Neighborhood	Eastern Hills Baptist Church 4855 Albemarle Road
September 3, 2013	NoDa Community Meeting	Evening Muse - 3227 N Davidson Street



Public Outreach Presentations

Date	Community Group/ Business Organization	Location
September 10, 2013	Citizen Advisory Group	CMGC
September 12, 2013	Bahama-Havana Park HOA	CMPD - 10430 Harris Oaks Blvd Suite R
September 14, 2013	Historic West End Neighborhood Assoc.	Old Fighting Back Building - 1705 Rosa Park Place
September 24, 2013	Wesley Heights	Wallace Pruitt Recreation Center 440 Tuckaseegee Rd
September 27, 2013	Business Owners	CMGC
November 20, 2013	Elizabeth Neighborhood	CMGC
December 5, 2013	Business Owners	CMGC



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DRAFT RECOMMENDATIONS REVIEW

- **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. Indoor and outdoor entertainment may be provided.
 - **Type 2:** An establishment where any alcohol is consumed, food and other beverages are optional, and entertainment may be provided, including outdoor entertainment.

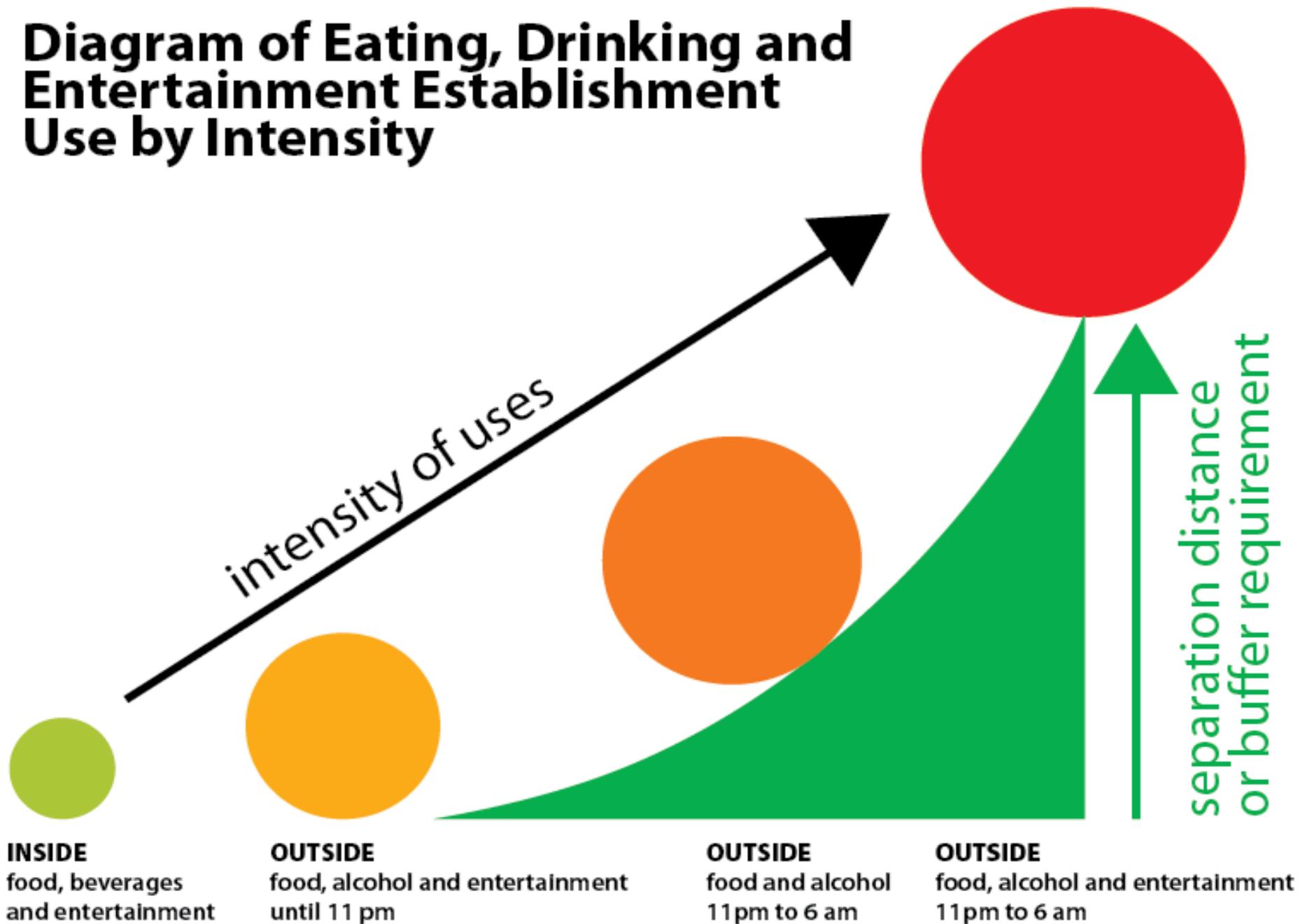
Highlights of Proposed Changes

- Defines Entertainment as any activity or game that is live, broadcast, or recorded, 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, including dancing, music, theater or comedy performance, sporting event, trivia game, or game of skill or chance which occurs on the premises of, but outside, an EDEE. Entertainment occurs outdoors when it is outside a permanent enclosed area, contained by permanent walls and a permanent roof of the establishment.
- Defines Outdoor seating/activity area as 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.

Highlights of Proposed Changes

- 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, PED, TOD and TS)

Diagram of Eating, Drinking and Entertainment Establishment Use by Intensity



CAG Issues and Concerns September 10, 2013

Impact on Existing Uses

- How to address if use can't meet proposed standards and how to continue to protect residential areas
- **Staff Recommendation:**
Based on input received and concerns expressed from a variety of sources, staff is recommending the following additional changes:



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ADDITIONAL STAFF RECOMMENDATIONS (Clarifications)



Highlight of Changes

Certificate of Exemption - Application

The new text clarifies that affected establishments shall apply for and obtain a Certificate of Exemption to be exempt from the separation distance requirements (subject to certain conditions).

Code Section 12.546(3)

Certificate of Exemption – Time Period

September draft text does not specify a time period for a business to apply for an exemption.

The proposed text specifies that if the establishment has received a written notice from the Planning Director, application must occur within 90 days. For all other establishments, the time period is one year from the date the text amendment is adopted.

Code Section 12.546(3)(d)

Certificate of Exemption – Zoning Regulations

September draft text did not require an establishment to be in compliance with zoning laws and urban design standards in order to be eligible for an exemption.

The proposed text requires that the zoning development and urban design standards of the district must be met in order to be eligible for an exemption.

Code Section 12.546(3)(c)(1)



Highlight of Changes

Certificate of Exemption – All Other Laws

September draft text and this current draft both require an establishment to be in compliance with all other applicable laws.

Code Section 12.546(3)(i)

Certificate of Exemption - Revocation

September draft text did not allow an exemption to be revoked.

The proposed text clarifies that if, after receiving a Certificate of Exemption, an establishment fails to maintain compliance with the exemption requirements, then the Planning Director may revoke the Certificate of Exemption.

Code Section 12.546(3)(f)

Certificate of Exemption – Appeal Process

September draft text did not allow for an appeal process.

The proposed text specifies that an appeal of a denial, approval or revocation of a Certificate of Exemption must be filed with the Zoning Board of Adjustment within thirty (30) days from the date of the action.

Code Section 12.546(3)(j)



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DISCUSSION



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NEXT STEPS

- **Optional meeting - January 28, 2014 at 6pm (8th fl CMGC)**
- **Hearing date - February 17, 2014 at 6pm (Council Chambers CMGC)**
- **Council Decision - March 17, 2014 at 6pm (Council Chambers CMGC)**



OUTDOOR SEATING AND ACTIVITY AREA

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

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**.