



Nightclubs, Bars and Restaurants

CITIZENS ADVISORY GROUP MEETING

March 5, 2013



TONIGHT'S AGENDA

- Welcome and Introductions
- Recap from Last Meeting
 - Follow-Up Information
 - Map of NBR Uses
 - Map of NBR Violations
 - Map of ZBA Variances and Appeals
 - Combined Agencies Regulations for NBRs
 - N. C. ABC definition of uses
- Major issues or concerns that need to be addressed in this process (Results)
- What should be done to address these issues and concerns (Results)
- Common Themes Matrix (Summary of Results)
- Possible Regulatory Categories (Opinion Survey)
- Wrap-up/Next Steps



FOLLOW UP INFORMATION



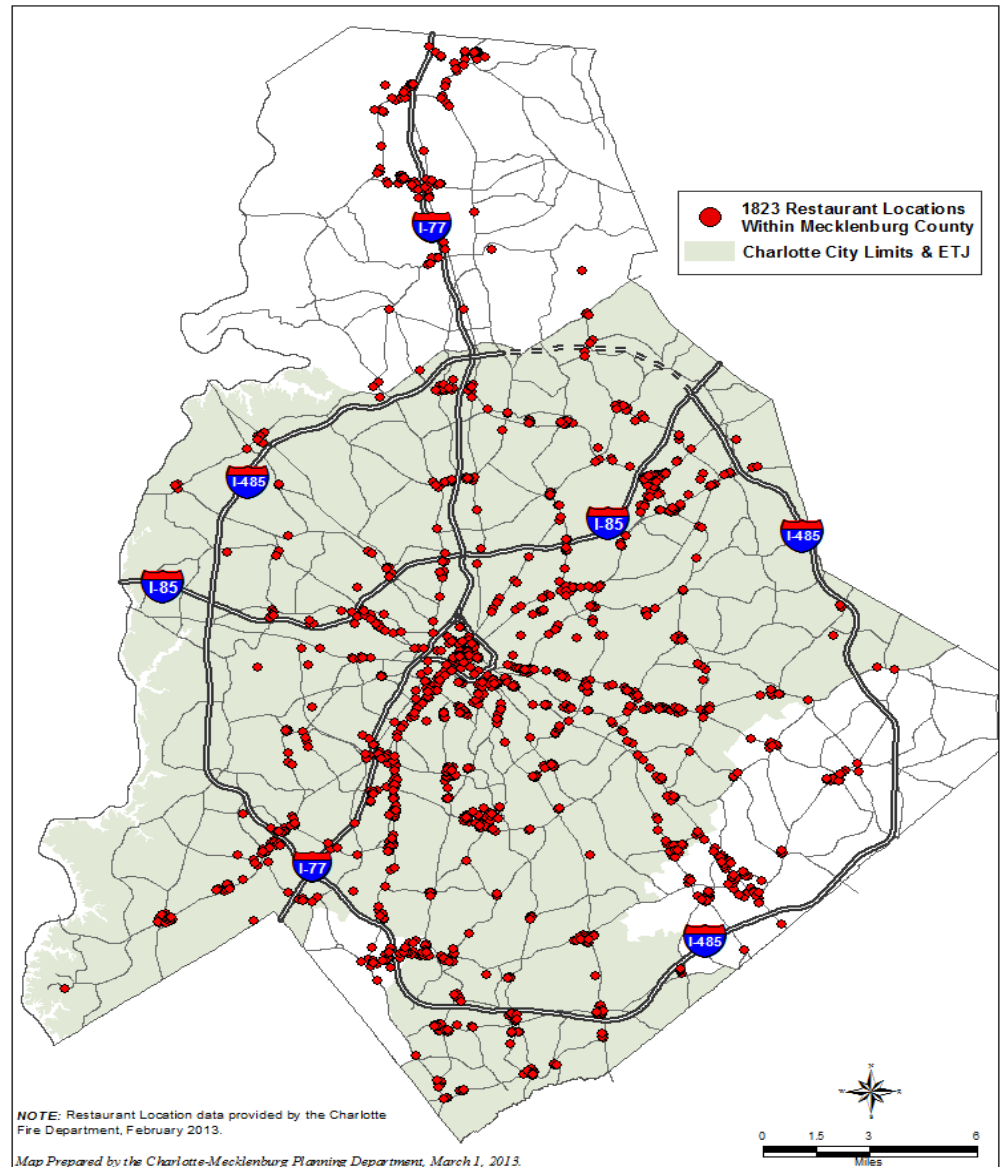
MAP OF RESTAURANT USES

- There 1,823 restaurant locations within Mecklenburg County.

Information obtained from City of Charlotte Fire Department including definition

- Those eating places specializing in food for consumption primarily on the premises. Included are cafeterias and diners, with table or automatic service.

[Restaurant Locations](#)





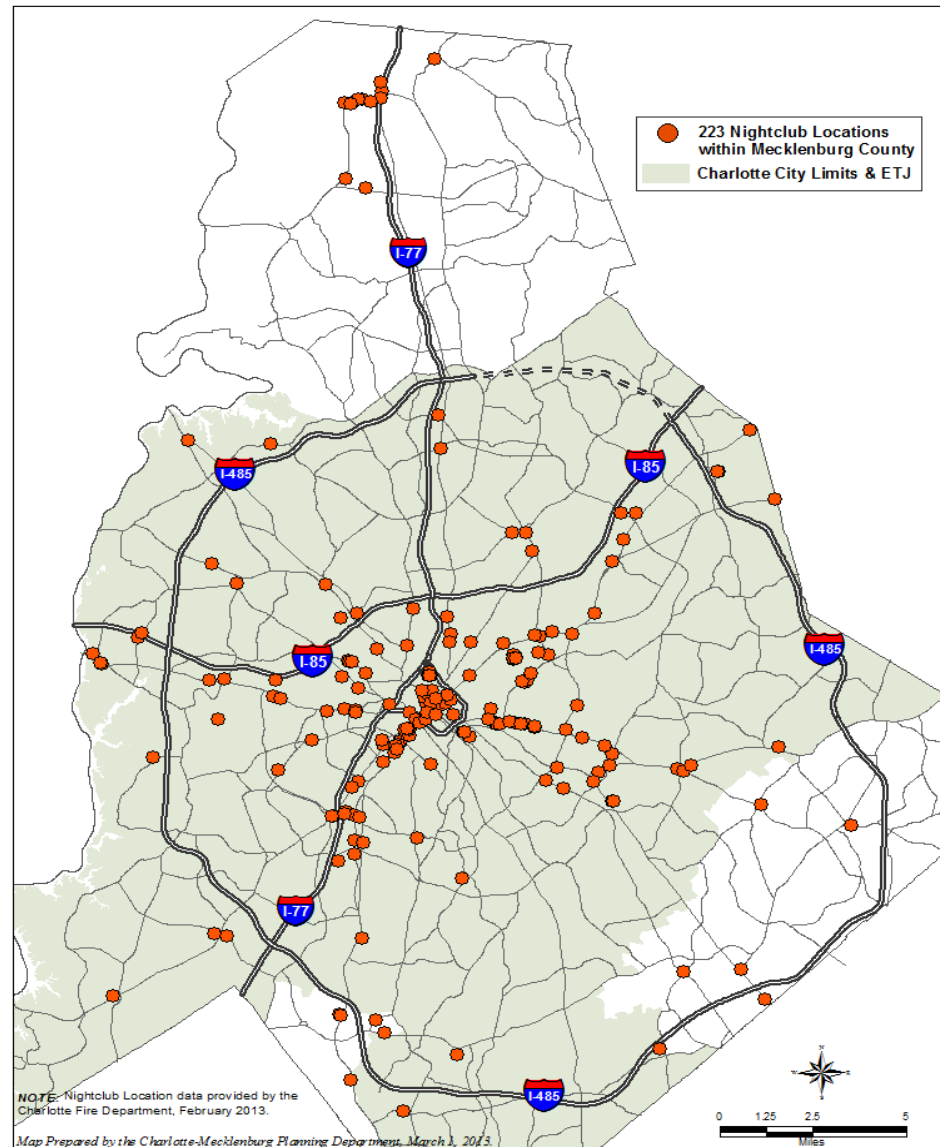
MAP OF NIGHTCLUB USES

- There are 223 nightclub locations within Mecklenburg County

Information obtained from City of Charlotte Fire Department including definition.

- Those places specializing in food and drink. They can offer dancing or entertainment. Included are key clubs, supper clubs, and diner theaters.

[Nightclub Locations](#)



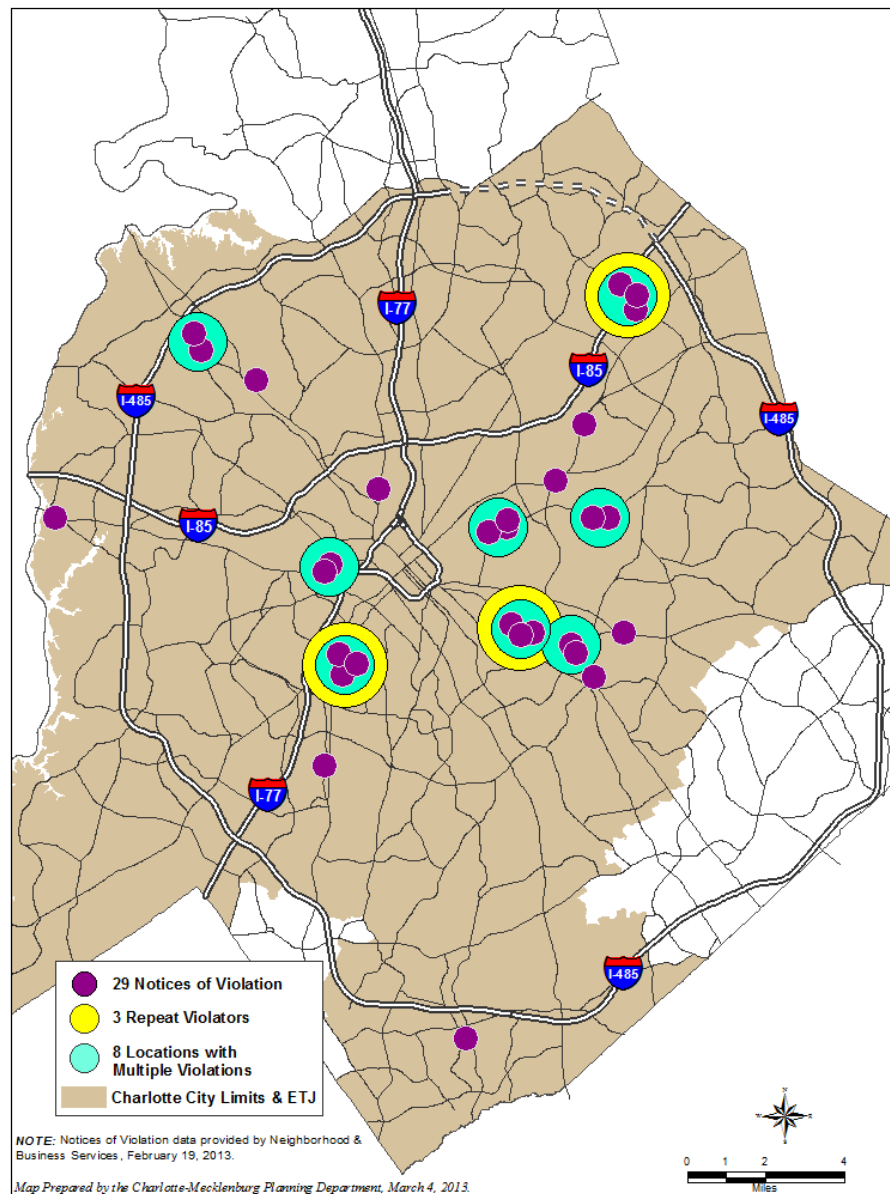


CITY OF CHARLOTTE

MAP OF NIGHTCLUBS, BARS AND RESTAURANTS VIOLATIONS

- 29 Notices of Violations
- Violations are dispersed throughout the city
- There are 3 locations with repeat violators
- 8 locations with multiple violations but different owners
- *Information obtained from City of Charlotte Neighborhood and Business Services Code Enforcement Department*

Violations





MAP OF ZONING VARIANCES AND APPEALS

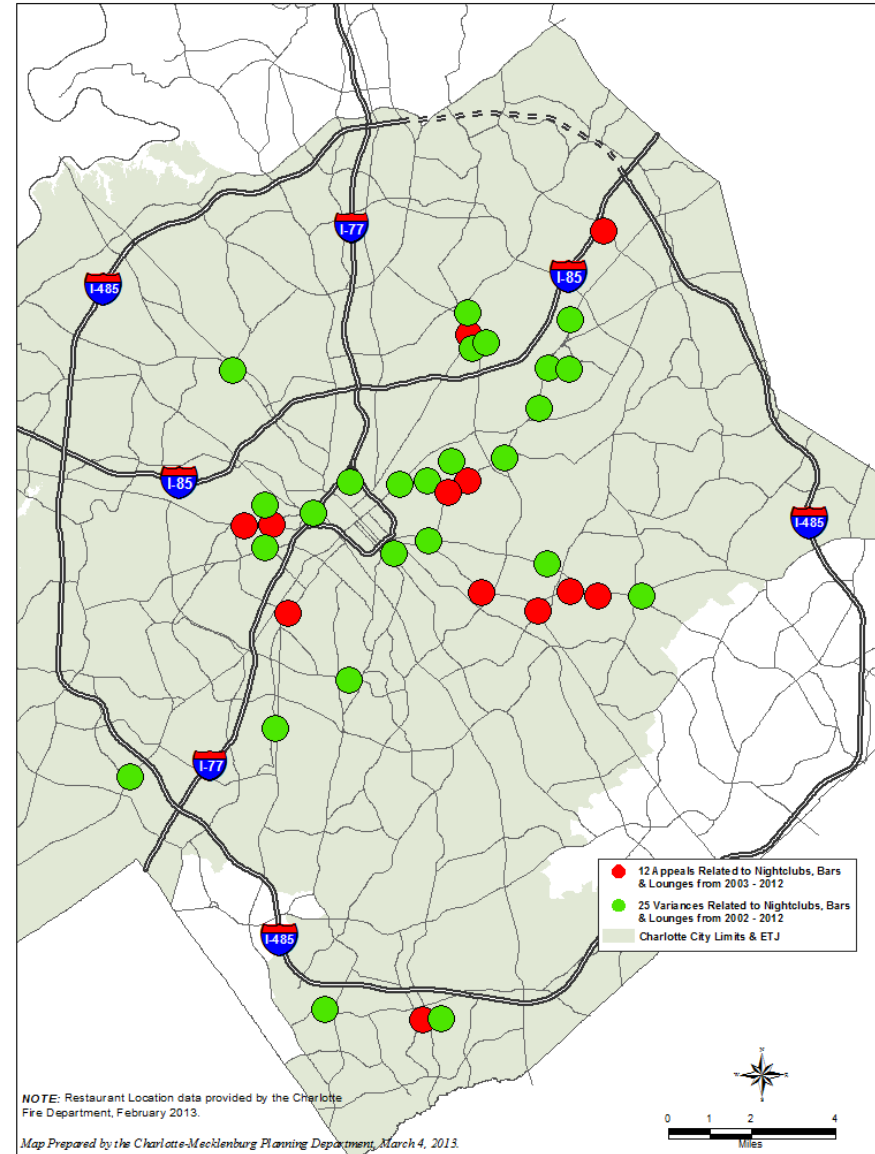
- 12 Appeals (red) to Zoning Board of Adjustment since 2003
- 25 Variance Requests (green) to Zoning Board of Adjustment since 2002

Total ZBA cases 37

- February 19th meeting staff indicated 10 appeals and 27 variances
- 2 Variances and 3 Appeals were made to the Zoning Board of Adjustment as a result of violations during 2010-2012

[Variances](#)

[Appeals](#)





CHARLOTTE^{NC}

COMBINED AGENCIES REGULATIONS FOR NIGHTCLUBS, BARS AND RESTAURANTS



N. C. ABC DEFINITIONS OF USES

North Carolina ABC Definitions

RESTAURANTS - An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people.

RETAIL BUSINESS – An establishment engaged in any retail business, regardless of whether food is sold on the premise.



USES REGULATED BY OTHER AGENCIES

ABC/CMPD

- Controls the sale and use of alcoholic beverages

CMPD

- Monitors sound decibels for Noise Ordinance

LAND USE AND ENVIRONMENTAL SERVICES AGENCY (BUILDING)

- Ensures safe building through NC Building Code

FIRE DEPARTMENT

- Enforces fire safety through National Fire Code

HEALTH DEPARTMENT

- Eliminates food-borne illness through Health & Sanitation Codes

ZONING/PLANNING

- Regulates land use and development standards through Zoning Ordinance



RECAP OF PREVIOUS MEETING

WHAT ARE MAJOR ISSUES?

① What do you think are the major issues or concerns that need to be addressed ~~in~~ ^{Green} this process?

② ~~What should be done to address these issues + concerns?~~

- defining entertainment
- noise / nuisance
- outdoor vs. indoor
- size / scale
- traffic vs. pedestrians
- simplify definitions
- additional permits / cost
- music
- regulation from real estate

Definitions

- new - but keep simple
- primary use
- uniformity in code w/ ALE
- zoning entertainment district
- no limits on music / entertainment
- distance to a certain degree

Blue

What Should be done?

- uniform w/ code with ALE.
- primary use to serve food.
- Do not define entertainment
- with distance attached -
 - with specific property line



RECAP OF PREVIOUS MEETING

WHAT ARE MAJOR ISSUES?

(YELLOW)

- 1.)
 - A) Define Modern Entertainment
 - B) What is a Bar, Restaurant, Night Clubs?
 - C) Compare/Contrast A.L.E.'s ABC.
 - D) Police Enforcement vs. Zoning Enforcement

2.) "Let it Be"

MAJOR ISSUES + CONCERNS Red/orange

- ~~could do work with~~
- one size does not fit all
- change definition of Restaurant
- restaurant needs to include entertainment
- broad category
- Trying to make definitions - they do not work
~~standards~~
(definitions are not visionary)
- STANDARDS OF OPERATIONS FOR ESTABLISHMENT
- Aligned w/ 70/30 by state

Any establishment w/ food & beverage that has entertainment

No distance requirement

Ability of entertainment (BROAD)
regulated by NOISE + NUISANCE



RECAP OF PREVIOUS MEETING WHAT SHOULD BE DONE?

② What should be done to address these issues and concerns? *Green*

- simplicity
 - clarity
 - possibility of taking entertainment out of definition for all of zoning
 - focus on external impacts
 - permitting?
 - grandfathering
 - police enforcement
 - separation by size
- minority opinion*

Zones + Earplugs - Keep It Simple
Grandfather in venues

Blue



CITY OF CHARLOTTE

RECAP OF PREVIOUS MEETING WHAT SHOULD BE DONE?

Yellow

What are the major issues to address?

What is

- ~~Define~~ modern entertainment?

- What is a restaurant vs another ent use?

- Should restaurants and nightclubs be treated diff.

- Should a restaurant/nightclub be treated different than a coffee house, UFW, stadium, church, etc...?

What should be done to address these issues?

Because we see little difference in impact,

* No need to separate restaurants from bars and nightclubs.

- Thus City should not define entertainment, restaurants or night clubs

- no consensus on better reacted

- no consensus on ignoring issue versus changing

**add to
yellow**

**Remove definitions
standards**

**RED /
Red
ORANGE**

1- Equal BUSINESS LICENSE

~~no distance requirement~~

- Broad ability of ENTERTAINMENT

- ~~Remove~~ State Alcohol/food Ratio

~~Follow existing~~

2- ~~Establish~~ ^{ESTABLISH} ~~standards~~ ^{standards} definitions for all establishments

• 1 Broad standard

(everyone serve food/beverage + have entertainment)

- ENFORCE EXISTING CURRENT STATE ~~LAWS~~ + county ordinances

~~Standard for~~

- INCREASE PENALTIES FOR REPEAT VIOLATORS

Educate

ESTABLISH 1 BROAD DEFINITION FOR ALL ESTABLISHMENTS TO ALLOW

• FOOD SALES

• ~~ALL~~ BEVERAGE SALES

• ENTERTAINMENT

ENFORCE EXISTING LAWS + INCORPORATE



RECAP OF PREVIOUS MEETING WHAT ARE THE MAJOR ISSUES?

SUMMARY OF GROUP DISCUSSION

- 1. Define entertainment**
- 2. One size does not fit all**
- 3. Simplify definitions**
- 4. Aligned with 70/30 by state**
- 5. Any establishment w/food and beverage that has entertainment**
- 6. Have no distance requirement**
- 7. Let It Be**



RECAP OF PREVIOUS MEETING WHAT SHOULD BE DONE?

SUMMARY OF GROUP DISCUSSION

- 1. Clarity**
- 2. Separation by size**
- 3. No need to separate restaurant from bars and nightclubs**
- 4. Uniform w/code with ALE**
- 5. Follow existing regulations**
- 6. Have broad ability of entertainment**
- 7. State alcohol/food ratio**



STAFF IDENTIFIED COMMON THEMES FROM GROUP DISCUSSION SUMMARY

- 1. Concerns With Definitions**
- 2. One Size Does Not Fit All**
- 3. Size Does Matter**
- 4. Allow Entertainment In Restaurants**
- 5. Use Alcohol Beverage Commission Definitions**
- 6. Require/Do Not Require Separation From Residential**
- 7. Enforce Current Regulations**
- 8. Have Additional Permitting Requirements - (Ex. For Late Hours, Size)**



OPINION SURVEY



WHY ARE WE DOING THIS

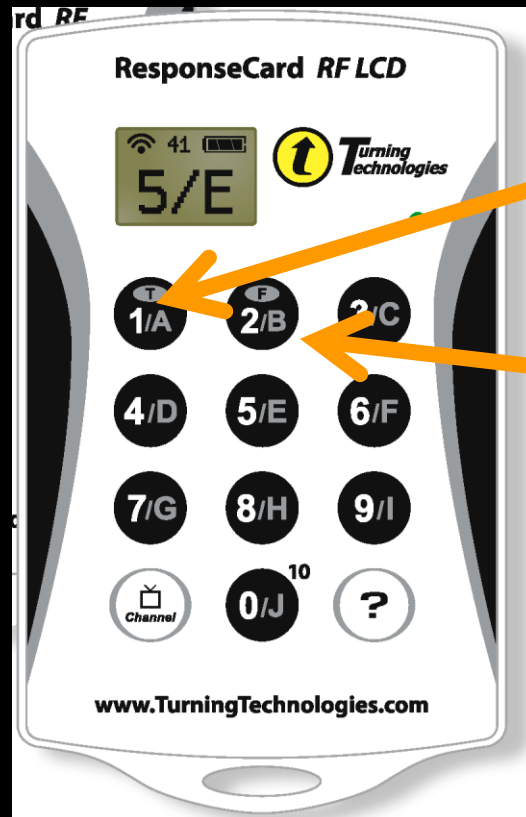
We are interested in your opinions!

- Purpose is to get a sense of the group as to categories of regulations and possible types of regulatory standards that may be included for restaurants, nightclubs, bars and lounges.
- *This is not intended to be a **vote** but an expression of your **opinion** on specific topics.*
- Staff will consider these opinions along with other research in drafting recommendations to be presented at future meetings.



Opinion Key Pad

Enter your response on the key pad.



1 - YES

2 - NO

**Your last entered
response will be
your recorded
opinion.**



What's the Major Issue or Concern?

RESTAURANTS

NIGHTCLUBS, BARS & LOUNGES

Definitions

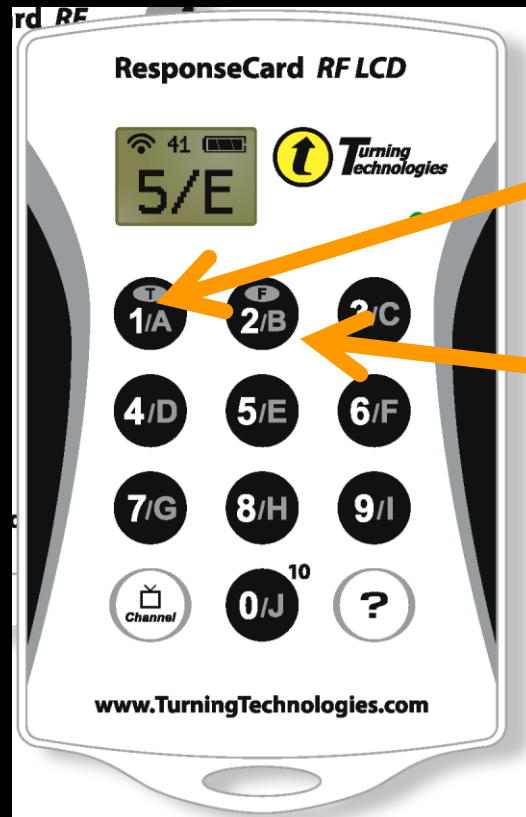
- 1. Should Restaurants have a unique and separate definition from Nightclubs, Bars, and Lounges?**
- 2. Should the definition for Restaurants be the same as the State ABC?**
- 3. Should the definition for Restaurant include the word "Entertainment"?**

- 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 Key Pad

Enter your response on the key pad.



1 - YES

2 - NO

**Your last entered
response will be
your recorded
opinion.**

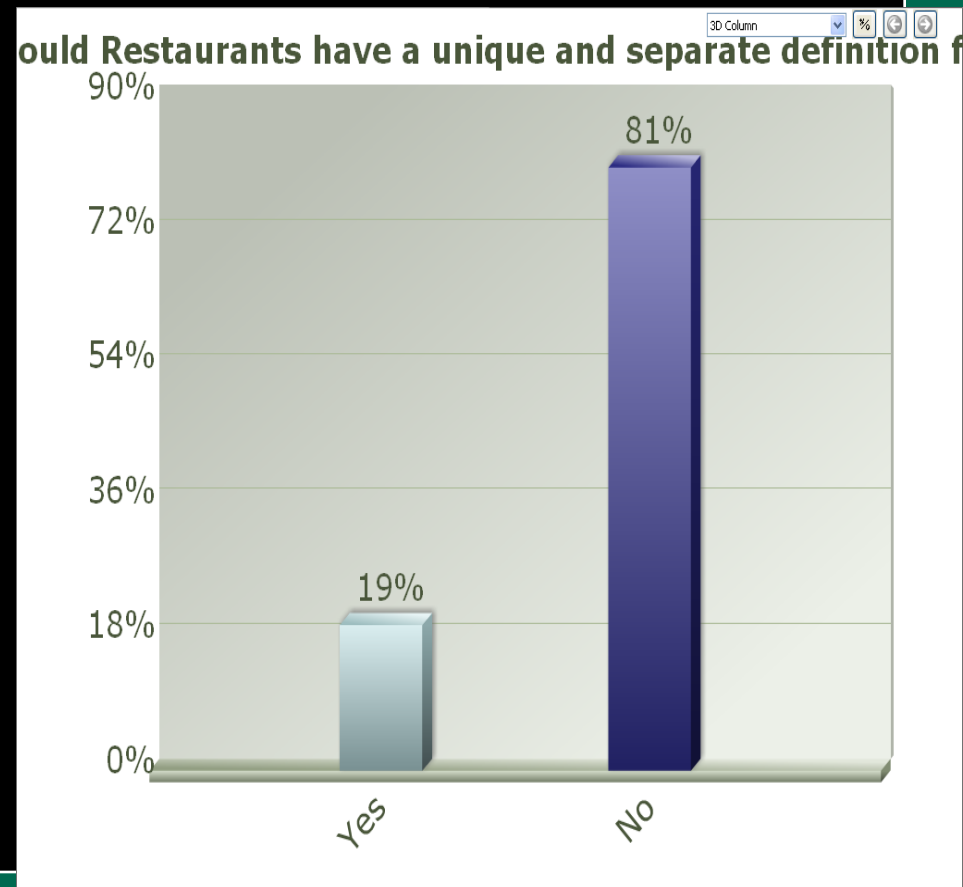


OPINION SURVEY

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

A. Yes

B. No



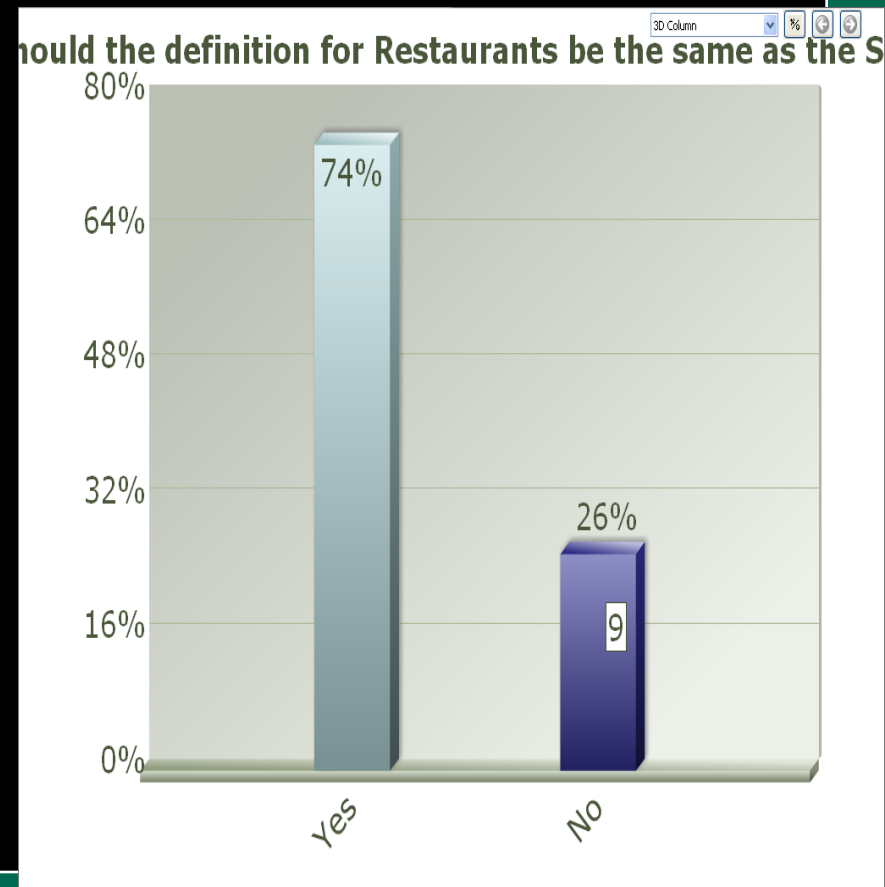


OPINION SURVEY

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

A. Yes

B. No



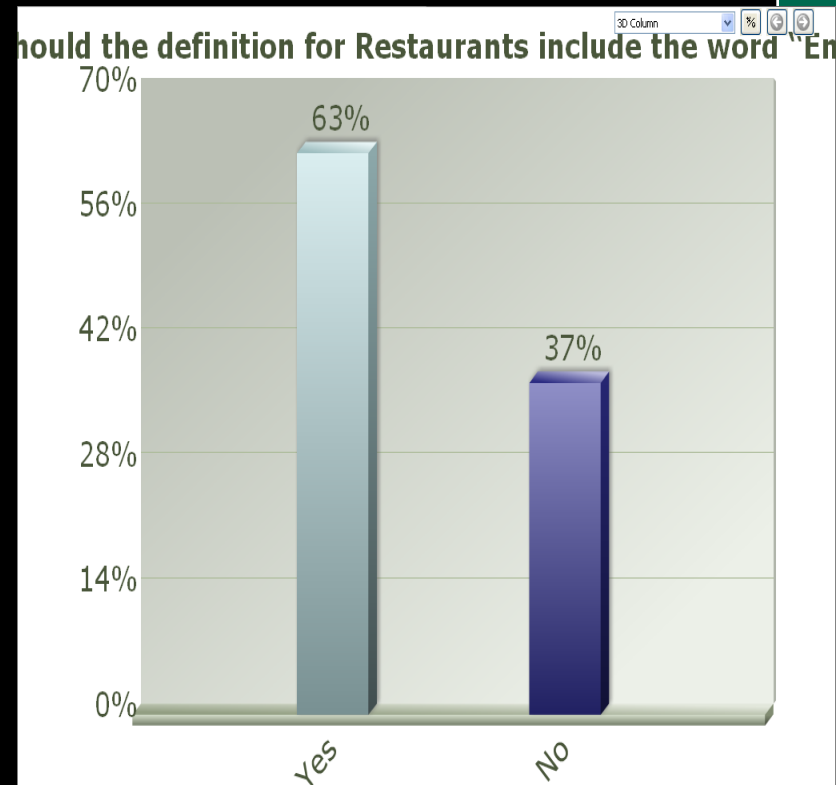


OPINION SURVEY

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

A. Yes

B. No



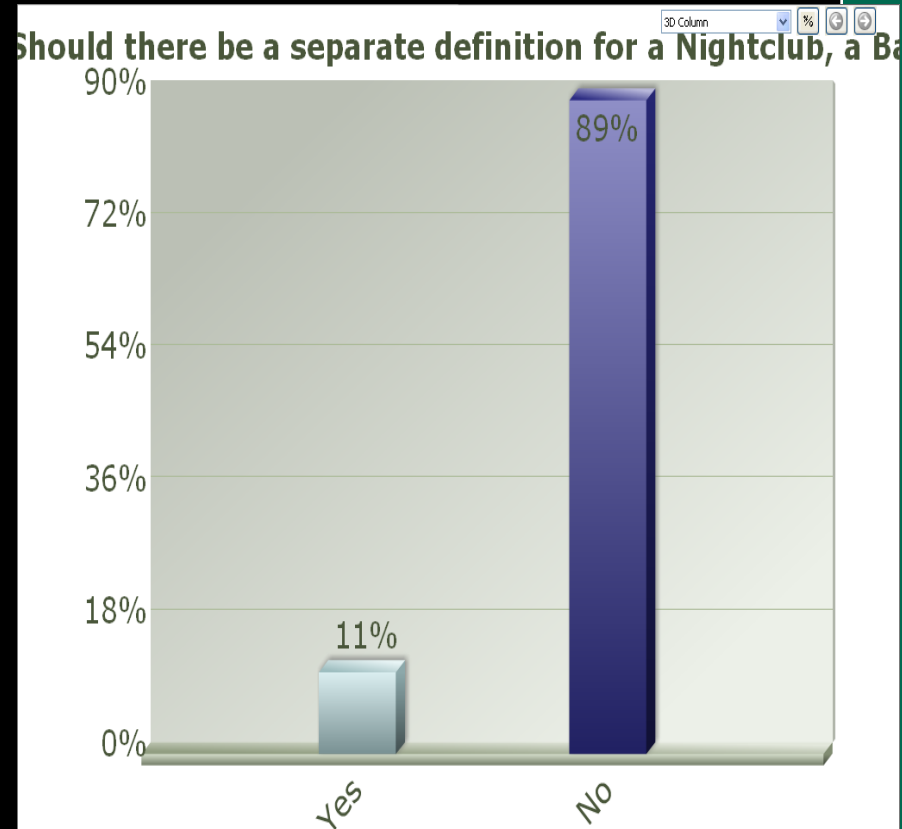


OPINION SURVEY

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

A. Yes

B. No



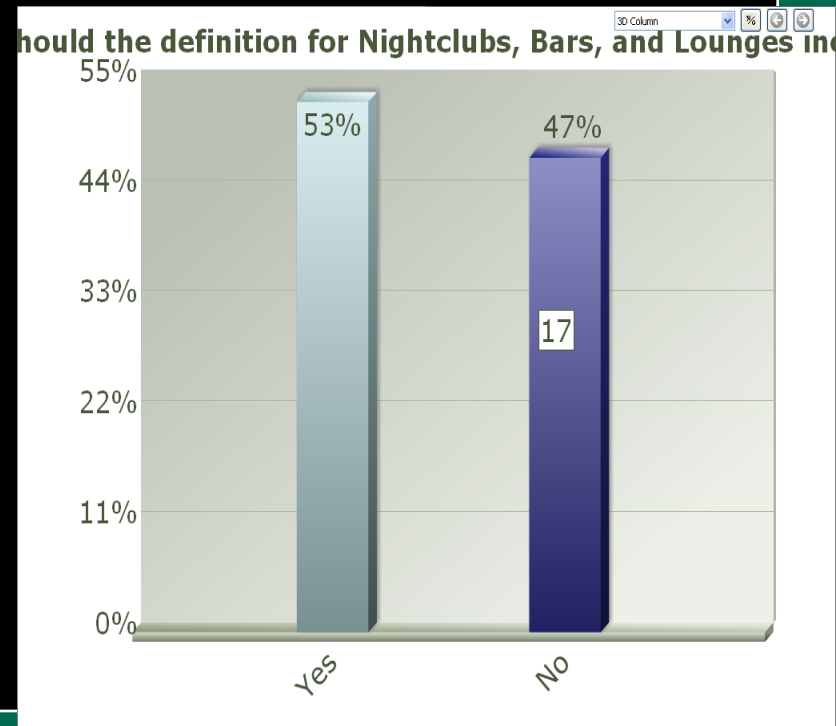


OPINION SURVEY

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

A. Yes

B. No



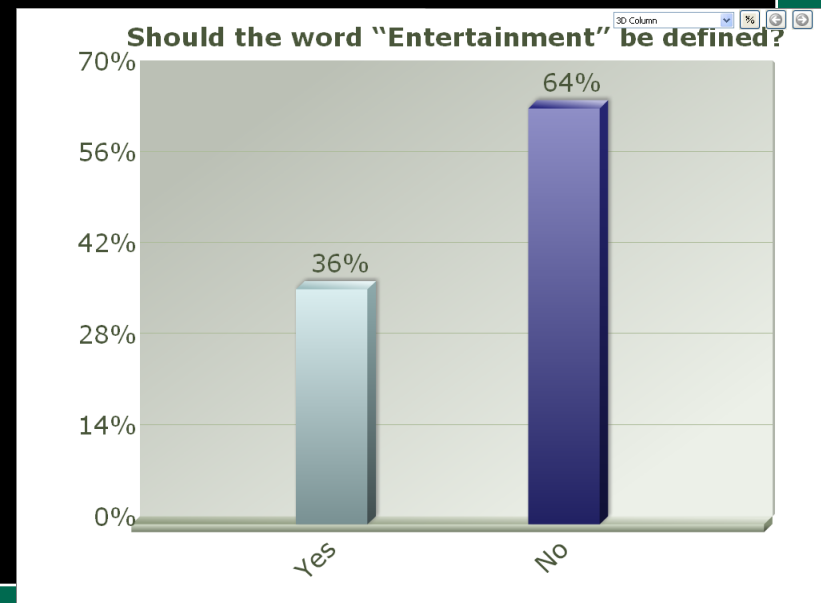


OPINION SURVEY

Should the word "Entertainment" be defined?

A. Yes

B. No





What's the Major Issue or Concern?

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?**

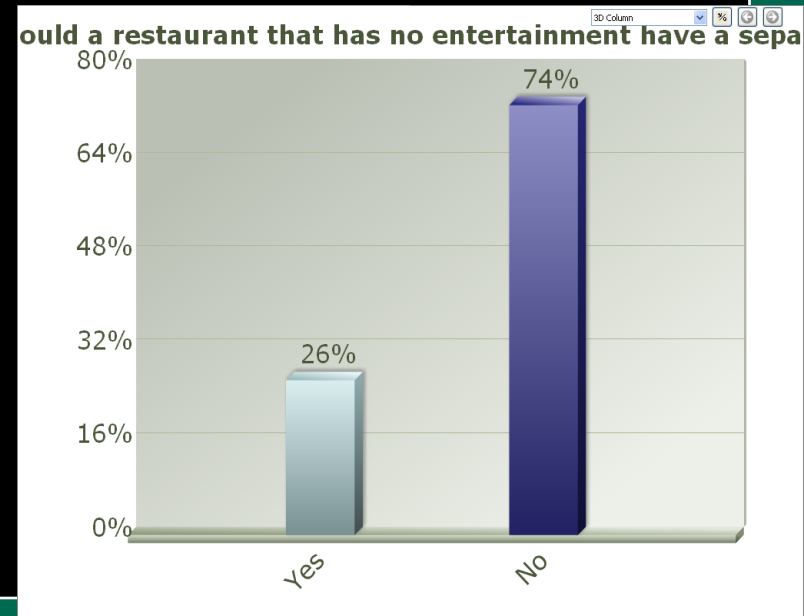


OPINION SURVEY

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

A. Yes

B. No



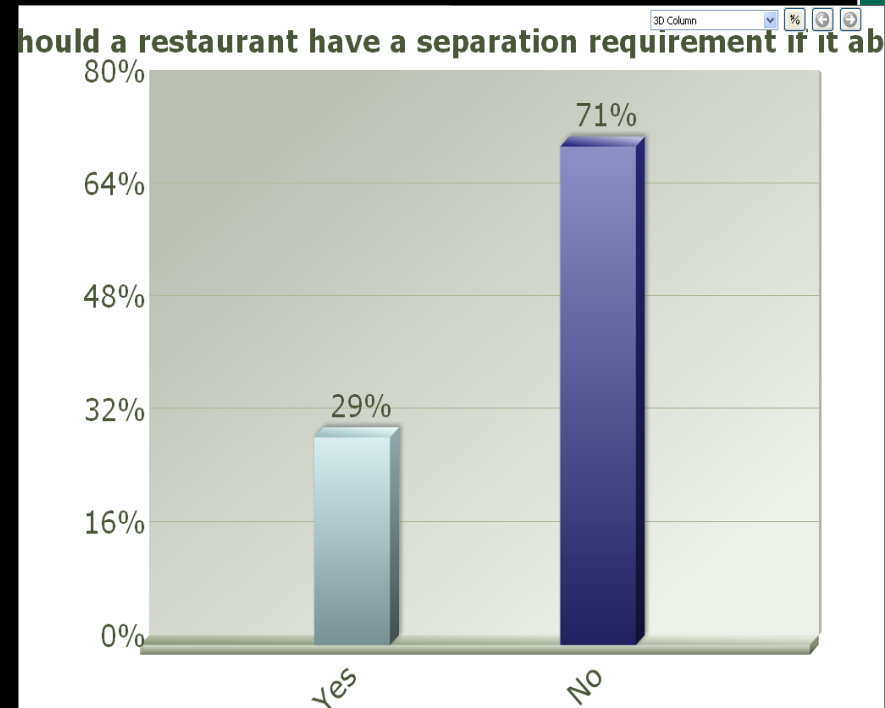


OPINION SURVEY

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

A. Yes

B. No



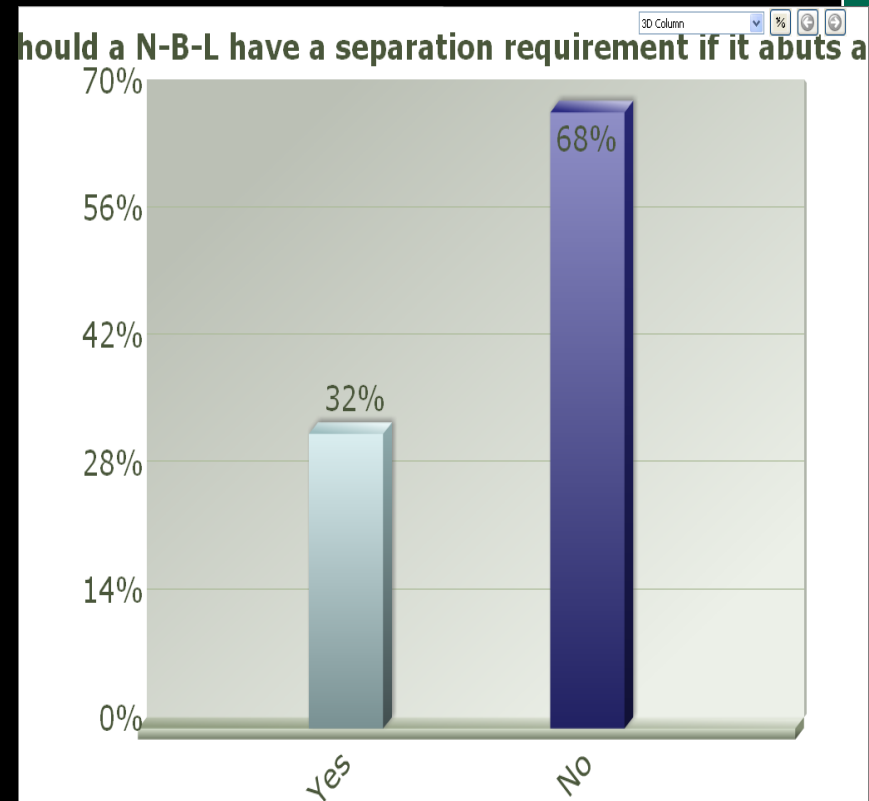


OPINION SURVEY

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

A. Yes

B. No

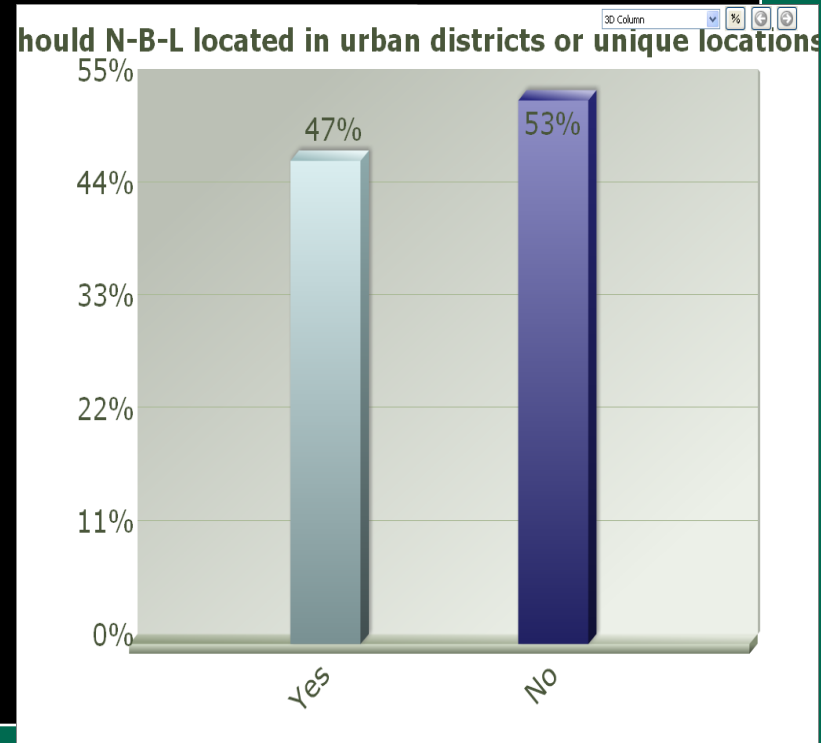




Should N-B-L located in urban districts or unique locations have different separation requirements?

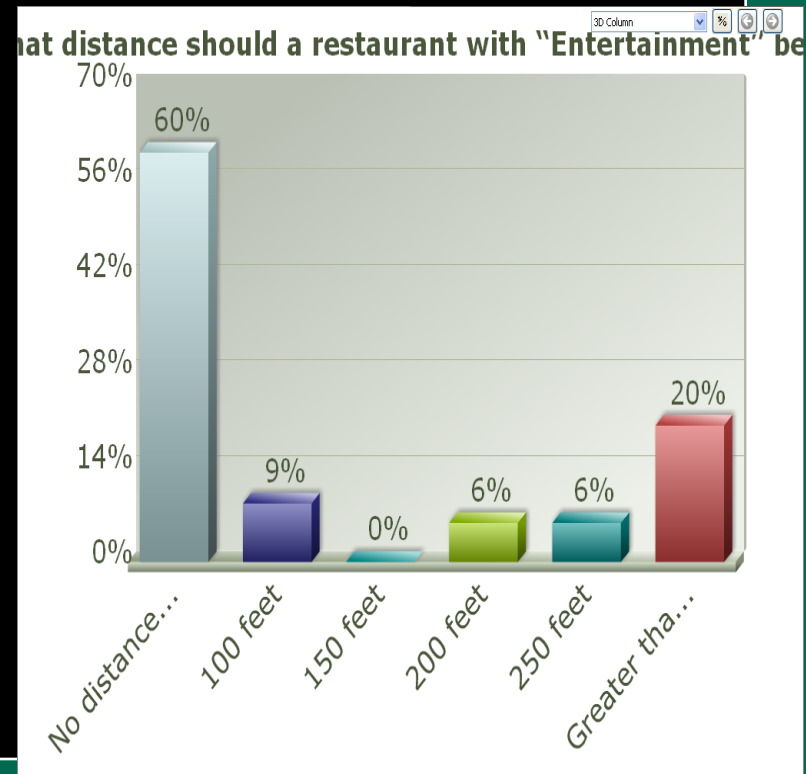
A. Yes

B. No



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**

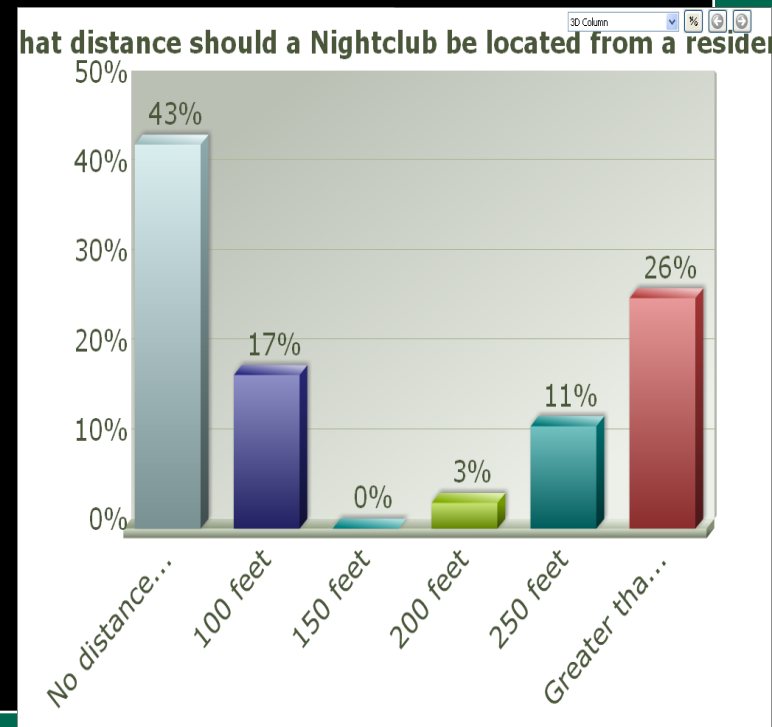




OPINION SURVEY

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**

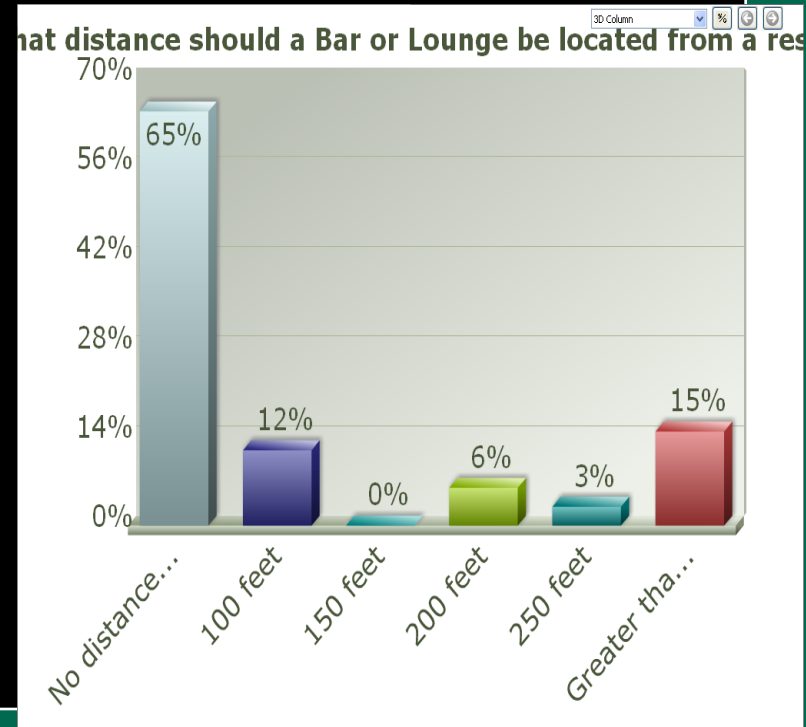




OPINION SURVEY

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?**

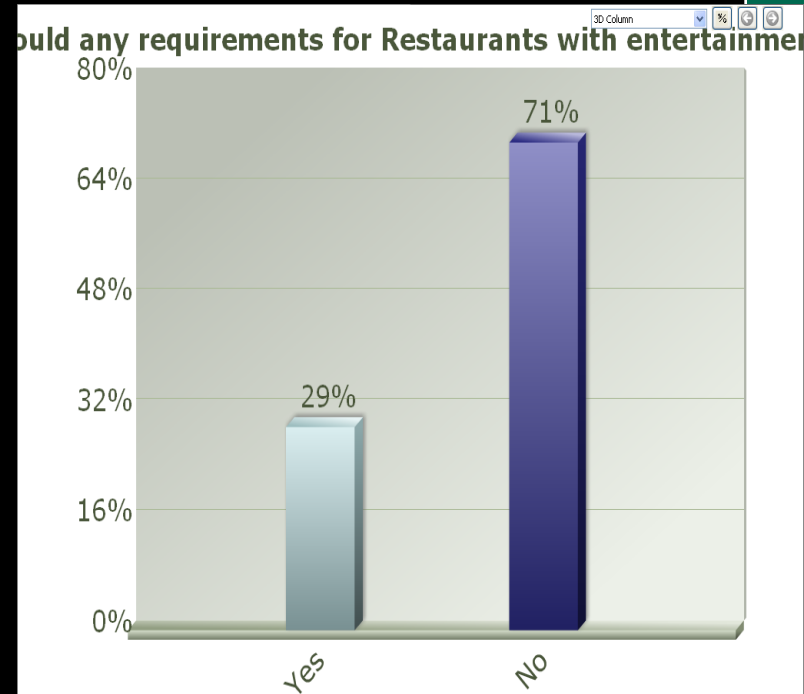


OPINION SURVEY

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

A. Yes

B. No



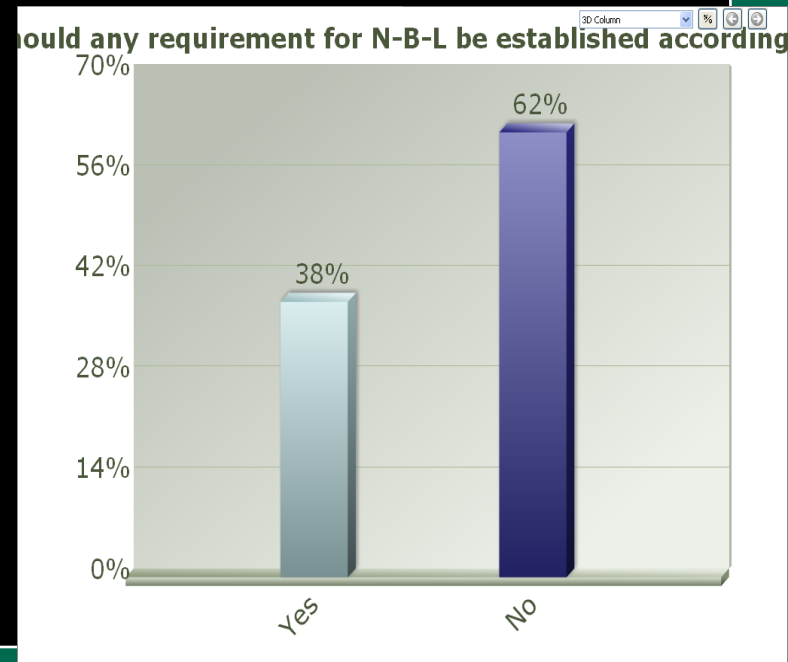


OPINION SURVEY

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?**

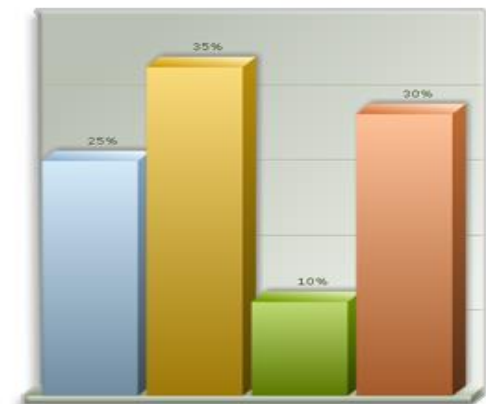


OPINION SURVEY

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

A. Yes

B. No



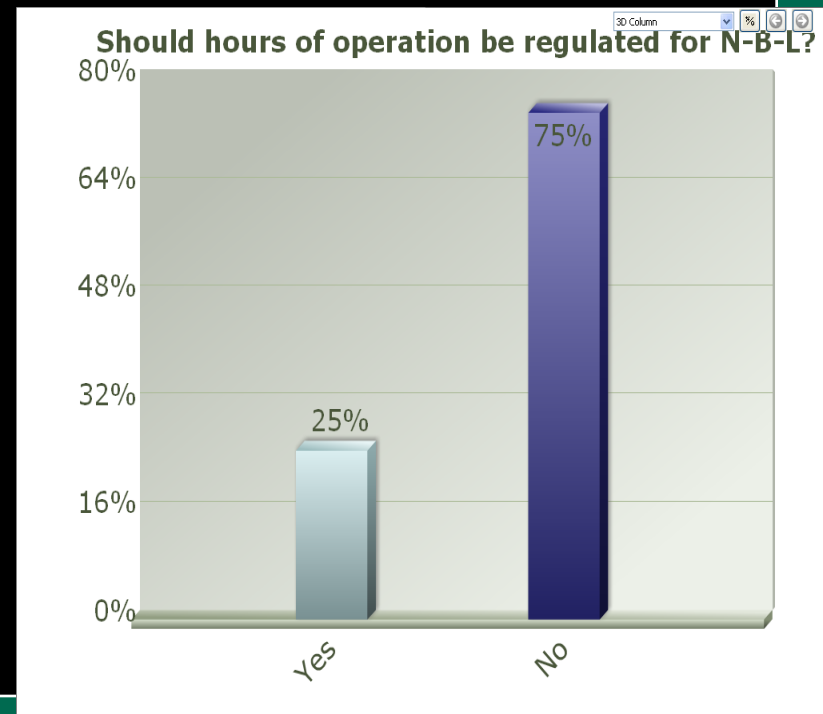
3D
Column Chart



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

A. Yes

B. No





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?

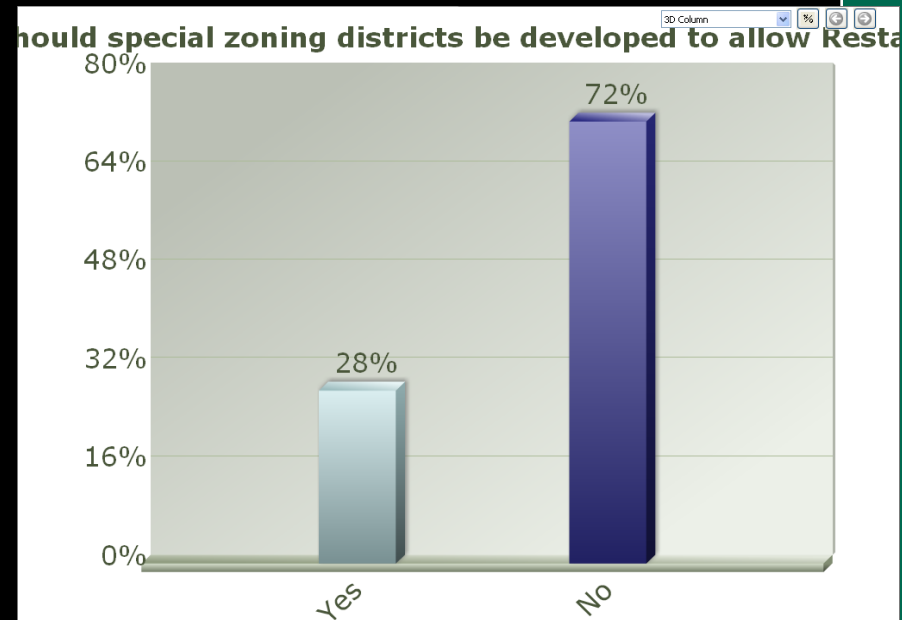


OPINION SURVEY

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

A. Yes

B. No

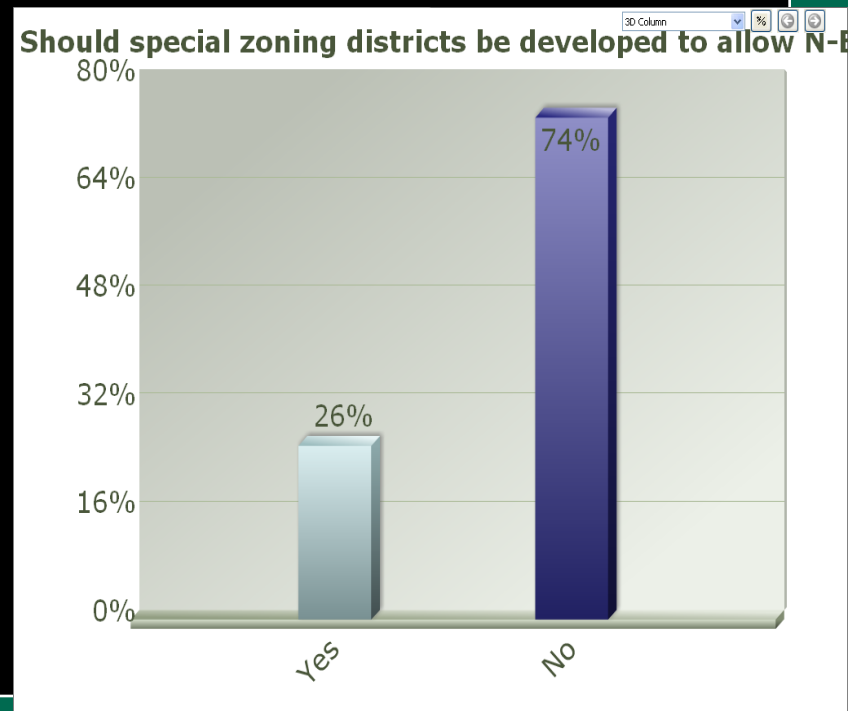




Should special zoning districts be developed to allow N-B-L?

A. Yes

B. No





NEXT STEPS

- **Wrap-up and Next Steps**
 - **Next meeting will be held on March 21, 2013**





Please visit our website at

charlotteplanning.org

- Agendas
- Updates
- PowerPoint Presentations
- Minutes



CITY OF CHARLOTTE

FIRE DEPARTMENT



Purpose to inspect for emergency exits, fire extinguishers

161 Restaurant

162 Nightclub

163 Taverns (not used, included in 162)

- Those specializing in the sale of alcoholic beverages, consumed primarily on the premises, with food as a minor supplement only.

** For the purpose of the NC Building and Fire codes, bars and restaurants are considered Assembly (A-2) occupancies. 99 patrons or less considered Business Occupancy*



Purpose to inspect to eliminate food borne diseases.



Restaurant

- Serves food or drink to the public for pay

Nightclub

- Includes restaurant requirement if serving food
- Also inspect if beverage utensils are to be washed



CITY OF CHARLOTTE

ALCOHOL BEVERAGE COMMISSION CMPD



Purpose to provide uniform control over the sale, purchase, transportation, manufacturing, consumption and possession of alcohol beverages in the state.

Restaurant

- Primarily purpose is to sell food. Percentage of \$\$ is 30% food sales and 70% alcohol sales

Nightclub

- Food sale is less than 30%.
- Dance Hall permit required to stay open past 2 am until 4 am.



CITY OF CHARLOTTE

AGENCIES REQUIREMENTS

RESTAURANT

| AGENCY | DEFINITION | PERMIT REQ | SPECIAL REQMTS |
|----------|------------|------------|----------------|
| ABC/CMPD | ✓ | ✓ | ✓ |
| FIRE | ✓ | ✓ | ✓ |
| HEALTH | ✓ | ✓ | |
| BUILDING | | ✓ | |
| ZONING | ✓ | ✓ | |

NIGHTCLUB

| AGENCY | DEFINITION | PERMIT REQ | SPECIAL REQMTS |
|----------|------------|------------|----------------|
| ABC/CMPD | ✓ | ✓ | ✓ |
| FIRE | ✓ | ✓ | ✓ |
| HEALTH | | * Dishes | |
| BUILDING | | ✓ | *Occupancy |
| ZONING | ✓ | ✓ | ✓ |