

ORDINANCE NO. BL2018-1456

An ordinance amending Chapters 17.04, 17.08, and 17.16 of the Metropolitan Zoning Code to designate a nightclub as a use permitted with conditions in certain zoning districts and adding conditions applicable to this use, all of which is more particularly described herein (Proposal No. 2019Z-001TX-001).

WHEREAS, in order to protect the public health, safety, and general welfare, the Metropolitan Council deems it to be in the best interest of the citizens and residents of Nashville and Davidson County that nightclubs be regulated as a specific use through the Metropolitan Zoning Code.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.04.060 of Title 17 of the Code of the Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by adding the following new definition:

“Nightclub” means a commercial establishment, which may or may not be held out to the public as a bar or social gathering place, with a maximum occupancy capacity of at least one hundred (100) people which serves alcohol or allows alcohol on the premises and which is operated as a place of entertainment at night for eating, drinking and/or dancing and provides live or recorded entertainment, characterized by any or all of the following activities as a principal use:

- 1) Festival Seating: A form of audience/spectator accommodation for entertainment events in which limited or no seating, other than floor or ground surface, is provided for the audience/spectators gathered to observe entertainment events, dance, or watch a performance. It is not the intent of this section to apply the term festival seating to exhibitions, sports events, conventions, and bona fide political, religious, and educational events.
- 2) Musical or video or live entertainment - live or recorded -- that is amplified. This category does not include karaoke unless such activity continues after midnight.
- 3) Dance floor available for use during certain hours.
- 4) Later operating hours — defined as extending beyond 12 am midnight.
- 5) Low lighting levels or darkness during any musical, video or live entertainment event. It is not the intent of this section to apply to movie theaters.
- 6) A stage or platform for floor shows or other live or recorded performances.
- 7) Operates with a legally issued license to serve alcohol or allows consumption of alcohol on the premises during musical, video, or live entertainment events between the hours of 11:00 p.m. until 3:00 a.m.
- 8) An admission or cover charge for entry.

The above factors need not be present during all hours of operations nor include the entirety of the establishment to be considered a Nightclub under this definition.

Section 2. That Section 17.08.030, District Land Use Tables, is hereby amended by deleting the phrase “or nightclub” from the entry “Bar or nightclub” and by designating “Nightclub” as a commercial use permitted with conditions (PC) in MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, ORI and ORI-A, CL and CL-A, CS and CS-A, CN and CN-A, CA, CF, DTC-North, DTC-South, DTC-West, DTC-Central, SCC, SCR, and SCN zoning districts.

Section 3. That Section 17.16.070, Commercial uses, is hereby amended by deleting “or Nightclub” from Section 17.16.070.G, adding the following as a new Subsection O, and re-designating the subsequent paragraphs accordingly:

O. Nightclub.

1. Establishments shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no more than one establishment per lot.
2. Security. Establishments shall have at least one security officer present during operating hours.
3. Parking. Parking shall be provided as required by Section 17.20.030.

Section 4. That Table 17.20.030 be amended by deleting "or nightclub" from the entry for "Bar or nightclub" and adding a new entry under Commercial Uses as follows:

Nightclub	1 space per 75 square feet
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Section 5. This Ordinance shall take effect from and after its enactment, and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Jacobia Dowell
Member of Council