



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** BL2021-922      **Name:**

**Type:** Bill (Ordinance)      **Status:** Withdrawn

**File created:** 9/27/2021      **In control:** Planning Commission

**On agenda:** 8/15/2023      **Final action:** 8/15/2023

**Title:** An ordinance amending Sections 17.04.060, 17.08.030, and 17.16.070 of the Metropolitan Code, Zoning Regulations to implement a distance requirement for the “bar or nightclub” use (Proposal No. 2021Z- 018TX-001).

**Sponsors:** Brandon Taylor, Steve Glover (resigned 3/1/2022), Kathleen Murphy, Freddie OConnell, Delishia Porterfield, Zulfat Suara, Burkley Allen

**Indexes:**

**Code sections:**

**Attachments:** 1. BL2021-922 Exhibit A

| Date      | Ver. | Action By            | Action                  | Result |
|-----------|------|----------------------|-------------------------|--------|
| 8/15/2023 | 1    | Metropolitan Council | withdrawn               |        |
| 8/3/2022  | 1    | Metropolitan Council | referred                |        |
| 8/3/2022  | 1    | Metropolitan Council | referred                |        |
| 8/2/2022  | 1    | Metropolitan Council | deferred indefinitely   |        |
| 7/28/2022 | 1    | Planning Commission  | deferred indefinitely   |        |
| 4/5/2022  | 1    | Metropolitan Council | deferred                |        |
| 2/1/2022  | 1    | Metropolitan Council | deferred                |        |
| 12/7/2021 | 1    | Metropolitan Council | deferred                |        |
| 11/2/2021 | 1    | Metropolitan Council | public hearing          |        |
| 11/2/2021 | 1    | Metropolitan Council |                         |        |
| 10/8/2021 | 1    | Metropolitan Council | advertised              |        |
| 10/5/2021 | 1    | Metropolitan Council | passed on first reading |        |
| 9/28/2021 | 1    | Metropolitan Council | filed                   |        |

An ordinance amending Sections 17.04.060, 17.08.030, and 17.16.070 of the Metropolitan Code, Zoning Regulations to implement a distance requirement for the “bar or nightclub” use (Proposal No. 2021Z-018TX-001).

WHEREAS, pursuant to Tennessee Code Annotated Section 57-4-102(31)(A), the state requires establishments to have a seating capacity of at least forty (40) people at tables and derive more than fifty percent (50%) of their gross revenue from the serving of meals to be considered a restaurant for the purposes of regulating the consumption of alcoholic beverages on premises; and

WHEREAS, the Metro Codes Department uses this definition to distinguish establishments between being classified as a restaurant or a bar/nightclub; and

WHEREAS, this legislation does not impact establishments classified as restaurants by the Metro Codes

Department.

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

Section 1. That the following definition is added to Section 17.04.060 of the Metropolitan Code in alphabetical order:

“Bar or Nightclub” means any establishment primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services.

Section 2. That the Zoning District Land Use Table in Section 17.08.030 of the Metropolitan Code is hereby amended as shown in Exhibit A.

Section 3. That Section 17.16.070, Subsection G of the Metropolitan Code is hereby deleted in its entirety and replaced with the following:

G. Bar or Nightclub.

1. Establishments shall be a minimum of 100 linear feet from the property line of another property upon which a single family residential, two family residential, day care center (up to 75), day care center (over 75), day care home, school day care, orphanage, monastery or convent, religious institution, or community education use is located.
2. In the MUN, MUN-A, MUN-NS, MUN-A-NS, CN, CN-A, CN-NS, CN-A-NS, SCN, and SCN-NS zoning districts, 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.

Section 4. That this Ordinance shall take effect immediately from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

#### Analysis

This ordinance amends Title 17 of the Metro Code to define the “bar or nightclub” use. It also implements a condition requiring a distance of 100 feet between a bar or nightclub use and parcels containing single family residential, two family residential, day care center (up to 75), day care center (over 75), day care home, school day care, orphanage, monastery or convent, religious institution, or community education uses in all zoning districts where the bar or nightclub use is currently permitted, excluding the DTC. This bill does not affect bar or nightclub uses located within the DTC.

The current conditions of a maximum size of 2,500 sq. ft. of gross floor area per establishment and no more than one establishment per lot shall remain for the MUN, MUN-A, MUN-NS, MUN-A-NS, CN, CN-A, CN-NS, CN-A-NS, SCN, and SCN-NS.

This ordinance is scheduled to be heard by the Planning Commission at their July 28, 2022 meeting.