

STATE OF NEW YORK }
COUNTY OF WESTCHESTER } ss.:
CITY OF WHITE PLAINS }

I, the undersigned, City Clerk, of the City of White Plains, NY, do hereby certify that I have compared the proceeding with the original ordinance adopted by the Common Council of the City of White Plains, NY, by the affirmative vote of a majority of the members of the Common Council at an Regular Stated Meeting, held the 4th May 2015 and I do hereby certify the same to be a correct transcript therefrom and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of White Plains, NY, this 5th May 2015.


Anne M. McPherson, RMC, CMC
City Clerk, City of White Plains, NY

CERTIFIED COPY

of a(an)

ORDINANCE
in relation to

Ordinance amending an ordinance entitled,
"The Zoning Ordinance of the City of White Plains" with respect to Special Permit Uses in non-residential districts, revising the definition of "Cabaret" and adding the definition of "Primary Cabaret" and "Accessory Cabaret."

ADOPTED BY THE

COMMON COUNCIL

of the

CITY OF WHITE PLAINS

4th May 2015

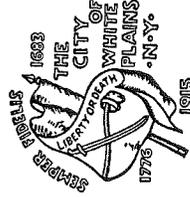
CERTIFIED COPY

from the

CITY OF WHITE PLAINS

255 Main Street

White Plains, NY 10601



AN ORDINANCE AMENDING AN ORDINANCE ENTITLED
"THE ZONING ORDINANCE OF THE CITY OF WHITE PLAINS"
WITH RESPECT TO SPECIAL PERMIT USES IN NON-
RESIDENTIAL DISTRICTS, REVISING THE DEFINITION OF
"CABARET" AND ADDING THE DEFINITION OF "PRIMARY
CABARET" AND "ACCESSORY CABARET".

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Zoning Ordinance of the City of White Plains, as adopted June 1, 1981 and as amended to date, be and it hereby is amended to revise the provisions regulating "cabarets" as follows:

- A. Section 2.4 Definitions.
is hereby amended in its entirety to read as follows:

"Cabaret"

Any room, space or area used in connection with a business enterprise, in which musical entertainment, singing, dancing or other form of amusement by performers and/or by patrons ("Entertainment") is allowed. A "cabaret" is only permitted in connection with a "restaurant." However, the following shall not constitute a "cabaret":

A "restaurant" or "bar" located in a "hotel" having more than 50 sleeping rooms; or
A "restaurant" or "café" that provides incidental Entertainment, without dancing,
either by:

- electrical devices such as, but not limited to stereos, radios or media players, but not including music provided by a disc jockey;
- not more than four (4) persons playing non-amplified music; or
- a person with or without a portable low-wattage amplifier associated with a single instrument or microphone.

"Cabaret, Accessory"

A "cabaret" in which the Entertainment and/or dancing do not, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

"Cabaret, Primary"

A "cabaret" in which the Entertainment and/or dancing, in the aggregate, occupy more than 40% of the Net Floor Area of the principal business of a "restaurant."

"Net Floor Area"

The floor area of a premises open to the public excluding bathroom facilities.

"Restaurant"

A business enterprise primarily engaged in preparing, cooking, and serving food and beverages on premises; selected from a full menu by patrons seated at a table or counter;

served by a waiter or waitress; and consumed on the premises. See also "Cafeteria," "Cabaret," and "Fast Food Eating Establishment."

B. Section 5.1, Schedule of "Use" Regulations: Non-Residential, is hereby amended by adding the word "Accessory" before "Cabaret" and adding a column under "Accessory Cabaret" labeled "Primary Cabaret" as shown on the attached Schedule.

C. Section 6.2.1.16 "Cabarets" is hereby amended to read "Primary and Accessory Cabarets."

D. Section 6.7.8 Outdoor Dining, is hereby amended to read as follows:

6.7.8.1 Outdoor "cabarets," ~~outdoor dining in conjunction with a "cabaret"~~ and outdoor dining in conjunction with "fast food eating establishments" are specifically prohibited.

E. Section 6.7.10 "Cabarets" is hereby amended to read as follows:

6.7.10.1 Each applicant shall submit floor plan(s) prepared and signed/sealed by a New York State Design Professional in accordance with the following:

6.7.10.1.1 The plans shall be drawn to scale, be legible and be no smaller than 11x17;

6.7.10.1.2 Indicate the area for any proposed dance floor including the square footage;

6.7.10.1.3 Indicate the area for any proposed DJ, band or entertainer including the square footage;

6.7.10.1.4 Indicate all tables and seating (permanent or fixed);

6.7.10.1.5 Indicate the code required egress paths through the space to each legal exit. The egress paths shall not traverse areas identified for Entertainment purposes. The paths shall be clearly identified by shading or cross hatching on the plan(s);

6.7.10.1.6 Provide occupancy calculations for the restaurant configuration and cabaret configuration. Egress path square footage shall be excluded when calculating occupancy. Any proposed occupancy of 300 persons will require a smoke purge system in accordance with the White Plains Building Code; and

6.7.10.1.7 The temporary storage of tables and/or seating shall be identified on the plan(s) if the creation of a "cabaret" requires the relocation of these items.

It shall be unlawful for an owner, operator, proprietor, manager or person in charge of any "cabaret" to alter or deviate from the approved site plan or floor layout.

6.7.10.2 "Cabarets" shall not be located within 150 feet of any residential district, nor within 200 feet of any "lot line" of a place of worship, hospital, "domiciliary care facility" or "community residence," nor shall any "primary cabaret" be located within 300 feet of any "dwelling unit."

6.7.10.3 "Cabarets" shall only be located at grade level.

6.7.10.4 The special permit may be renewed by the Commissioner of Building in accordance with Section 6.6.5, provided that the Commissioner shall have the authority to decline the renewal based on any violation of this section 6.7.10, the Municipal Code Title IV, Chapter 4-4, or of any conditions set forth in the special permit resolution adopted by the Common Council.

6.7.10.5 A special permit to operate a "cabaret" may be suspended or revoked after a hearing, with at least five days notice to the special permit holder, held by the Commissioner of Building, the Chief of Fire and the Chief of Police, or their duly appointed representative, whereby it is determined that there was a violation of: this section 6.7.10; the Municipal Code Title IV, Chapter 4-4; any conditions set forth in the special permit resolution; or that the operation of the "cabaret" poses a detriment to the health, safety and welfare of the neighborhood or community.

§ 2. This Ordinance shall take effect immediately.

Section 5.1 Schedule of "Use" Regulations: Non-Residential

"Uses"	C-O	O-R	B-1	B-2	B-3	BR-1	BR-2	CB-1	CB-2	CB-3	CB-4	UR-4	B-6	LI
"Primary Cabaret"								SP	SP	SP	SP	SP		SP