

PROCEDURE FOR OBTAINING A SPECIAL PERMIT FOR A CABARET (Revised 08/26/16)

“Cabaret” is a Special Permit Use that requires approval by the Common Council. This handout is designed to describe the basic requirements and process that the City Of White Plains has established through its Municipal Code and Zoning Ordinance for the establishment of “Cabarets.”

Definition

The Zoning Ordinance defines a “Cabaret” as a business enterprise which provides or permits any musical entertainment, singing, dancing, or other forms of amusement in connection with the service of food or beverages, but not including a “restaurant”, “bar” or “café” which provides incidental music or entertainment without dancing, either by mechanical electrical devices or by not more than four persons playing any non-amplified musical instrument, and not including any “restaurant” or “bar” located in a “hotel” having more than fifty sleeping rooms.

Permitted Locations

The Zoning Ordinance, in the Schedule of Uses(Section 5.1), lists the Zones where “Cabarets” are permitted. As of May 2015, the Downtown Zones CB-1, 2, 3, 4, UR-4 & LI are the only districts where “cabarets” may be located, following the approval of the Common Council. In addition, the specific standards for Cabarets, listed in section 6.7.10.2 state that, “Cabarets” shall not be located within 150 feet of any residential district, nor within 200 feet on 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.”

Application Process

The application process for the Special Permit begins with the Department of Building (422-1269), and is fully described in Section 6 of the Zoning Ordinance. The applicant shall submit **one original set** (unless otherwise noted) of the following information for review:

- A letter addressed to the Common Council describing the proposed use, i.e. type of music, provision for dancing, amplification, etc. The letter should have a contact name and telephone number.
- A locator map showing where the business is located in relation to nearby streets.
- Environmental Assessment Form (Short form).
- Building Department application (Short form) with \$1000.00 check payable to City of White Plains. (\$500 Zoning Fee & \$500 Building Dept. Permit Fee)
- If the applicant is not the owner of the building, signed letter from the property owner must be submitted indicating that permission has been granted by the owner to allow the cabaret and acceptance of any conditions set by the Common Council in conjunction with the Special Permit approval.
- Drawing by licensed Design Professional (no smaller than 11"x17" of the following:
 - 1. Restaurant Use:** Floor plan showing the existing layout of the interior space with tables, chairs, Bars, etc. as approved for primary use as a Restaurant. Please show following items:
 - Label each public/service area with square feet calculations and approved occupancy levels. (Calculated figures used to generate Occupancy Posting by Building Dept.)
 - Indicate required egress paths for each legal exit and cross hatch on plan(s).
 - Provide table of public & service area's, occupancy & square feet figures with totals.

2. Cabaret Use: Floor plan showing proposed Cabaret operation with tables, chairs, dance floor, DJ/Band area, etc. of interior space. (Cabaret only permitted on Main level)

-Label public areas with square feet calculations and approved occupancy levels.

(Calculated figures used to generate Occupancy Posting by Building Dept.)

-Indicate required egress paths for each legal exit and cross hatch on plan(s).

-Mark up dance floor, DJ/Band area dimensions (All considered as Cabaret areas).

-Provide table of public area's, occupancy & square feet figures with totals. **Do not** include public areas such as bathrooms etc in table for Cabaret calculations.

-Cabaret areas need to be below 40% of total public areas/“Net Floor Area” to be eligible for Accessory Cabaret Use. Only permitted in Zoning Districts CB-1, 2, 3, 4 & UR-4.

-Cabaret areas above 40% of total public areas/ “Net Floor Area” are considered Primary Cabaret use and are permitted in Zoning Districts CB-1, 2, 3, 4 , UR-4 & LI .

- Original application set will be pre-reviewed, processed by Building Department and returned to applicant for creating 29 additional sets. Applicant to return original and additional sets back to Building Department for submission to Common Council for Special Permit approvals.

Notes: Cabaret Occupancy levels shall not exceed approved Restaurant Occupancy levels. Additional conditions may be imposed as part of Common Council Special Permit approvals.

Prior to the issuance of the Cabaret Special Permit, a Cabaret license must be issued to the applicant by the Department of Public Safety. Compliance with the requirements of the State Liquor Authority and other investigations as required by the Department of Public Safety must be satisfied. The applicant shall file for this license concurrent with making application for the Special Permit. Proof of this filing shall be submitted with the Special Permit application. The Department of Public Safety has a licensing fee of \$2500 which is to be paid with the license application. Once the license is processed a copy shall be submitted to the Building Department and the Corporation Counsel.

Questions or interpretations of applicable zoning requirements should be directed to the Department of Building. If the application is deemed to be complete, the Department of Building forwards the package and all copies to the Common Council, where it is formally received by that body, as approving agency.

The Common Council's Role as Approving Agency for "Cabarets"

"Cabarets" like all Special Permit uses, must adhere to general, as well as specific standards, which are designed to address issues inherent to the particular use. The General Standards, described in Section 6.5 of the Zoning Ordinance, offer criteria which seek to ensure that issues such as noise, traffic, fumes, and hours of operation will not be out of character with surrounding uses. Specific standards for Cabarets listed in 6.7.10 describe additional standards to ensure compliance with all City Codes. Compliance with the site plan criteria in Section 7.5 is also required. The City of White Plains Zoning Ordinance is available on line at - <http://www.cityofwhiteplains.com/>.

The role of the Common Council, as approving agency, is to review the application for a Cabaret and apply conditions that it deems necessary to maintain the standards.

Hearing Process-Common Council

The Common Council, which meets on the first Monday of each month, officially receives the application and supporting documentation from the Building Department, and then distributes the copies to the Planning Board, Traffic Commission, Design Review Board, Environmental Officer, and the Departments of Planning, Traffic, Public Safety, Public Works, and Building. The Common Council may also forward copies for review and report to other Departments or agencies as it deems appropriate. At this meeting, the Council also will set the date, for the required public hearing, which will likely occur at the next month's meeting.

The applicant is required to post notification of the public hearing three times in the official newspaper of the City (Journal News - telephone#(914) 694-5374). The public notice must be published not less than 10 days or more than 30 days prior to the hearing date set by the Council.

During this 30 day period, it is incumbent upon the applicant to attend the meetings of the Planning Board and Traffic Commission (and Design Review Board if a referral is made) to describe the proposed cabaret and answer any questions the Boards may have. Information on meeting dates of these two boards can be obtained by the applicant from the Department of Planning (422-1252) and Department of Traffic(422-1316), respectively. The Planning Board and Traffic Commission will forward their comments and recommendations to the Common Council prior to the hearing date.

At the public hearing, the applicant should be prepared to review issues raised at the Planning Board and Traffic Commission referral meetings, as well as any concerns raised by the Council in response to any public comments. If the Council believes it has received sufficient public comment and adequate information to render a decision, it will close the public hearing and vote on a resolution to approve or deny the application. Typically if a Cabaret Special Permit application is approved it is initially for a one(1) year period. Subsequent renewals may result in longer durations if the Council is satisfied that the Cabaret is being operated in an appropriate manner in accordance with City Standards.