

NEW ROCHELLE  
PUBLIC HEARING NOTICE  
PROPOSED AMENDMENT TO CHAPTER 331, "ZONING"  
RE: CABARETS

NOTICE is hereby given that the Council of the City of New Rochelle, New York, will hold a Public Hearing pursuant to Chapter 331 of the Code of the City of New Rochelle, Section 237-m of the General Municipal Law of the State of New York, and Sections 277.61 and 277.71 of the County Administrative Code, on Tuesday, March 13, 2012, at 7:30 P. M., in the Council Chamber, City Hall, 515 North Avenue, New Rochelle, New York, on a proposed amendment to the City's Zoning Code, Chapter 331, as follows:

ORDINANCE AMENDING SECTIONS 331-4 (SPECIFIC TERMS DEFINED), 331-113.2 (CABARETS WITH PUBLIC ASSEMBLY OCCUPANCY LIMIT NOT TO EXCEED 250 PERSONS), 331-87 (APPROVING AGENCIES), 331-48 (DMUR DOWNTOWN MIXED USE URBAN RENEWAL DISTRICT), 331-54 (MUFE MIXED USE FAMILY ENTERTAINMENT DISTRICT), 331-54.1, (NORTH AVENUE ZONE), 331-55 C-1M (GENERAL COMMERCIAL MODIFIED DISTRICT), 331-56 (NB NEIGHBORHOOD BUSINESS DISTRICT), AND 331-58 (LSR LARGE SCALE RETAIL) OF THE CODE OF THE CITY OF NEW ROCHELLE.

BE IT ORDAINED by the City of New Rochelle:

Section 1. Chapter 331-4, Specific Terms Defined, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-4, Specific Terms Defined.

**CABARET**

Any room, space or premises operated as a commercial establishment in which eating and/or drinking may take place and in which entertainment is provided as a primary or accessory function of the establishment. Such entertainment may include music performed either by a live musician or musicians, or any mechanical, electronic or other means, such as records, laser discs, audio or video tapes or other audio or audiovisual means; this does not include the operation of a theater. Also included as entertainment is any act, play, revue, pantomime, scene, dance act or song-and-dance act participated in by one or more employees, guests, customers or any other person or persons.

Section 2. Chapter 331-113.2, Cabarets with public assembly occupancy limit not to exceed 250 persons, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-113.2. Cabarets with public assembly occupancy limit not to exceed 250 persons.

The City Council may issue a special permit for a cabaret with a public assembly occupancy limit of 50 or more [not to exceed 250] persons in a zoning district where such use is permitted by special permit, subject to the following requirements:

- A. Compliance with the five-hundred-foot distancing regulation set forth in § 331-61A above;
- B. Identification and quantification of parking impacts;
- C. Identification of impact on surrounding residential and business uses within 500 feet of the proposed project;
- D. A business and operation plan stating, among other things, hours of operation, marketing plan, designation of outdoor smoking areas, business description and the type of entertainment that will be offered at the premises;
- E. Identification of noise abatement considerations and other mitigation measures;
- F. Compliance with all applicable health, safety, welfare and licensing requirements and all applicable local, state and federal regulations; and
- G. Such other requirements as may be established by City Council.
- H. The public assembly occupancy limit shall not exceed 250 persons. All cabaret uses shall cease no later than 2:00 a.m.
- I. All cabarets shall obtain a license from the Police Commissioner as provided in Section 120 of the New Rochelle City Code.
- J. Any special permits issued under this section shall expire two years from the date of approval. Applications for renewal of any special permits issued pursuant to this section shall be automatically approved without further action of City Council unless the applicant has committed two or more violations of any requirements under this section, the New Rochelle City Code, and/or the approved resolution during the two-year special permit period.

Section 3. Chapter 331-87, Approving Agencies, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-87. Approving Agencies.

The approving agency for special permit uses shall be as follows:

- A. City Council.

- (d) Cabaret with a public assembly occupancy limit not to exceed 250 persons in a zoning district where such use is permitted by special permit [in the DB and DMU Zoning Districts] as regulated by § 331-113.2.

Section 4. Chapter 331-48. DMUR Downtown Mixed Use Urban Renewal District, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-48. DMUR Downtown Mixed Use Urban Renewal District.

See § 331-28B(3).

C. Uses allowed by special permit.

(10) Cabarets accessory to a restaurant use as regulated by § [331-113.2](#).

Section 5. Chapter 331-54, MUFE Mixed Use Family Entertainment District, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-54. MUFE Mixed Use Family Entertainment District.

See § 331-28B(7).

C. Uses allowed by special permit. (See Article XII for body having jurisdiction to issue special permit.)

(7) Cabarets accessory to a restaurant use as regulated by § [331-113.2](#).

Section 6. Chapter 331-54.1, North Avenue Zone, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-54.1. North Avenue Zone.

See § 331-28B(8).

C. Uses allowed by special permit (see Article XII for body having jurisdiction to issue special permit).

(9) Cabarets accessory to a restaurant use as regulated by § [331-113.2](#).

Section 7. Chapter 331-55, C-1M General Commercial Modified District, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-55. C-1M General Commercial Modified District.

See § 331-28C(1).

C. Uses allowed by special permit. (See Article XII for body having jurisdiction to issue special permit.)

(9) Cabarets accessory to a restaurant use as regulated by § 331-113.2.

Section 8. Chapter 331-56, NB Neighborhood Business District, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-56. NB Neighborhood Business District.

See § 331-28C(2).

C. Uses allowed by special permit. (See Article XII for body having jurisdiction to issue special permit.)

(12) Cabarets accessory to a restaurant use as regulated by § 331-113.2.

Section 9. Chapter 331-58, LSR Large Scale Retail, of the Code of the City of New Rochelle, is hereby amended as follows:

§ 331-58. LSR Large Scale Retail.

See § 331-28C(4) and 331-74.

C. Uses allowed by special permit. (See Article XII for body having jurisdiction to issue special permit.)

(8) Cabarets accessory to a restaurant use as regulated by § 331-113.2.

Section 10. Any establishment that has a valid cabaret license on the date of this enactment issued pursuant to Section 120 of the New Rochelle City Code shall not be required to obtain a special permit under this section.

Matter underlined added.

Matter [brackets] deleted.

All persons interested are invited to attend said Public Hearing or submit written communications to the City Clerk at or before the Public Hearing.

By order of the City Council dated February 21, 2012, pursuant to Resolution duly adopted.

Bennie F. Giles, III, City Clerk