

STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2012-4: AMEND THE DEFINITION OF “BANQUET FACILITIES”

REQUESTED BY: C Brothers, LLC

PROPOSED TEXT: (Note: Underlined text indicates an addition, ~~text dashed through~~ indicates a deletion to the current Zoning Ordinance.)

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS

1-11 DEFINITIONS

BANQUET FACILITY - A building ~~currently or formerly used as a residence~~, made available to the public for holding meetings and social events. This use may include the sale of alcoholic beverages; indoor live entertainment; and may also include, as an accessory use, events conducted outside the main building in tents or other temporary facilities, subject to the issuance of a permit by the Division of Building Inspection.

STAFF REVIEW:

The appellant, C Brothers, LLC, has requested a text amendment to Article 1-11 of the Zoning Ordinance in order to change the definition of “banquet facilities.” The current definition allows a building to be offered to the public for rent or lease for the purpose of entertainment or business meetings and events. However, the definition allows this use only if the structure in which it is located in is or was formerly a residence. This text amendment would allow both residential and commercial buildings to be occupied by a banquet facility land use.

Banquet facilities are a principal permitted use in the Neighborhood Business (B-1) zone, which carries forward to the B-2, B-2A, B-6P and Mixed Use (MU) zones. Additionally, banquet facilities are listed as allowed in an Adaptive Reuse Project (B-4, I-1 and I-2 zones) and have been permitted in warehouse structures.

Banquet facilities and/or meeting rooms are normally considered accessory uses to hotels, private clubs, country clubs, restaurants, museums, and even churches. Until 2007, the use was permitted as an accessory use where appropriate, and had been granted approval by the Board of Adjustment at least once (ACV-2002-21: Eventions, Inc.) as a principal use in a Neighborhood Business (B-1) zone. In 2007, a Zoning Ordinance text amendment was approved by the Urban County Council that formally defined “banquet facilities” for the first time, established off-street parking requirements, and designated zoning districts in which the new use would be allowed. While the text amendment clarified in which zones this use would be permitted, almost from the beginning the approved definition was problematic because it limited the land use to former residences. The definition forced an adaptive re-use of a structure, and significantly limited the location of such facilities to residential structures with business zoning (which are rare), and properties with considerable space for off-street parking to accommodate the use.

While the applicant at the time was purposefully trying to limit the scope of the text amendment, the unintended consequence has made the use almost unattainable. Since 2007, only one banquet facility has been established that met the Zoning Ordinance definition, another has been established in an Adaptive Reuse Project. There have been numerous other facilities proposed to the staff of the Divisions of Building Inspection and Planning, but none met all of the requirements established by the Zoning Ordinance. The requirement for location in a current or former residence was among the largest deterrents to establishing this use over the past 5 years.

In September 2011, the Board of Adjustment denied an administrative appeal to establish a banquet facility in a Neighborhood Business (B-1) zone (A-2011-53: Manuel Hernandez) because it was located within a commercial building, and therefore, did not meet the definition as laid forth in the Ordinance. At that meeting, the Board suggested to the staff that a text amendment would be appropriate. During the public hearing, the Board and staff discussed the possibility of limiting banquet facilities in some other, more appropriate manner than the existing requirements,

including requiring a conditional use permit; regulating live entertainment more stringently; and allowing the use in any existing structure.

The appellant is currently exploring the possibility of adaptively re-using a structure for a banquet facility, but cannot meet the definition's requirement for the structure being a residence now or in the past. The appellant opines in their justification that, based upon the Board of Adjustment case from last September and requests to the Division of Building Inspection and Planning, there appears to be a need and/or demand to expand the definition. Furthermore, the appellant states that the restriction on banquet facilities is not imposed on any other permitted use in the business zone. For example, an existing structure in a B-1 zone, regardless of its original function, may be converted to a restaurant, grocery store, beauty salon, or any other permitted use in the zone, so long as parking requirements are satisfied. Lastly, the appellant opines that banquet facilities are very similar to private clubs and restaurants, and similarly, should be permitted to occupy all types of buildings.

In reviewing the requested text amendment, the staff was somewhat concerned about removing the residence restriction because it will open up the possible locations for banquet facilities. This concern is because of the accessory indoor live entertainment that is permitted in conjunction with the use. The definition permits indoor live entertainment but makes no mention of outdoor entertainment. As the appellant mentioned, it is appropriate to treat similar uses in a similar manner. In the B-1 and other business zones, live entertainment is considered a conditional use and receives additional review by the Board of Adjustment on a case-by-case basis. Also, many live entertainment uses must be at least 100' from a residential zone.

The staff will most likely ask the Planning Commission to consider some changes to the B-1 zone and the overall regulation of live entertainment, as that would be the most appropriate manner to address the issue, rather than continue to restrict the use based upon the type of structure. The staff will also consider the possible impact to historic structures because they tend to be more desirable for the banquet facility use. The change proposed to the definition is considered by the staff an appropriate alteration at this time.

The Staff Recommends: **Approval**, for the following reason:

1. The proposed text amendment to modify the definition of "banquet facilities" to remove the residence requirement is logical and appropriate because it allows for similar uses to be treated in a similar manner within the business zones.
2. Banquet facilities have been overly restricted in the past five years to the point that very few have been approved even though demand exists.