

Note: The following item was continued from the June 28, 2012, Planning Commission public hearing.

1. **ZOTA 2012-4: AMEND THE DEFINITION OF "BANQUET FACILITIES" (10/2/12)\*** – petition for a Zoning Ordinance text amendment to amend the definition of "banquet facilities" to delete the requirement that the use must take place within a building currently or formerly used as a residence.

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 Alternative Text in addition to the definition change:

#### ARTICLE 8: SCHEDULE OF ZONES

##### 8-16 NEIGHBORHOOD BUSINESS (B-1) ZONE

###### 8-16(c) Accessory Uses

10. Indoor live entertainment and/or dancing, when accessory to a restaurant or banquet facility, but only when located more than one hundred (100) feet from a residential zone.

###### 8-16(d) Conditional Uses

5. ~~Restaurants offering live entertainment and/or dancing, Outdoor live entertainment, cocktail lounges, brew-pubs or nightclubs [unless prohibited under Sections 8-16(e)(14) and (15)].~~ Such uses shall be located at least one hundred (100) feet from any residential zone and shall be sound-proofed to the maximum extent feasible by using existing technology, with noise or other emissions not creating a nuisance to the surrounding neighborhood.
6. Indoor live entertainment and/or dancing, when accessory to a restaurant or banquet facility, but only when located closer than one hundred (100) feet from a residential zone.

*(Re-number remaining sections)*

The Zoning Committee Recommended: Approval, for the reasons provided by staff.

The Staff Recommended: Approval of the Staff Alternative Text, for the following reasons:

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.

Staff Presentation: Ms. Wade presented the staff report, noting that this item was continued from the June 28, 2012, Planning Commission meeting. She added that copies of the minutes of that public hearing had been distributed to the Commission members prior to the start of today's meeting.

Ms. Wade provided a summary of the staff presentation that was made at the previous hearing for this item, explaining that the proposed text amendment would allow banquet facilities to be located in any structure, rather than just a residential structure. The staff recommended approval at that time, but had some concerns about the provision of live entertainment associated with those uses, which are being addressed separately in a text amendment to the Neighborhood Business (B-1) zone. The Planning Commission opted to postpone the B-1 text amendment, but this text amendment must be considered prior to October 2, 2012. Therefore, the staff prepared a supplemental report on this item, copies of which were distributed to the Commission members prior to the start of the hearing.

Ms. Wade stated that, since the staff drafted their original report, the applicant indicated via letter that they are no longer interested in pursuing the proposed text amendment. They did not wish to withdraw their request, however, since they understood that there were other parties in the community who were interested in its outcome. Ms. Wade noted that, after the June

\* - Denotes date by which Commission must either approve or disapprove request.

