

PROPOSED LOCAL LAW L – 2024

A Proposed Local Law to amend Chapters 281 and 342 of the Code of the Village of Mamaroneck regarding food service establishments and special permits.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

*(Language in strike-through ~~abcdefghijk~~ to be deleted; language in **bold** is to be added)*

Section 1.

Chapter 281 of the Code of the Village of Mamaroneck is amended as follows:

§ 281-3. **Definitions.**

FOOD SERVICE ESTABLISHMENT

Any use which ~~includes~~ **principally involves** the serving of food and/or beverages that requires an ~~eating place permit~~, **a food service establishment permit from the Westchester County Department of Health**, ~~or is otherwise required by either county or state law to be licensed~~, including, but not limited to, **retail bakeries**, restaurants, carry-out restaurants, delicatessens, and fast-food restaurants, **but not including microbreweries, microdistilleries, microcideries, microwineries, nanobreweries, and brewpubs.**

Section 2.

The definitions set forth in section 342-3 of the Code of the Village of Mamaroneck are amended as follows:

~~**CAR SERVICE**~~

~~Service from a restaurant provided to customers remaining in their vehicles and parked in a designated parking area of the restaurant parking lot.~~

DELICATESSEN

A business engaged in the retail sale of food, beverages and grocery items for consumption off premises and where meats, fish, salads, cheese, relishes and delicacy items might be specially prepared as sandwiches and other consumable items for lunch, snacks and other off-premises consumption. ~~Such use shall not include tables and seating for on-premises food consumption. No drive-up or car service shall be permitted.~~

FOOD SERVICE ESTABLISHMENT

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not including microbreweries, microdistilleries, microcideries, microwineries, nanobreweries, and brewpubs.

RESTAURANT

A business engaged in the preparation and sale of food and beverages selected by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises. The term "restaurant" does not include a business whose principal operation is as a bar, cabaret, carry-out restaurant, delicatessen, or fast-food restaurant. ~~No drive-up car service shall be permitted. Car service shall be permitted by special use permit only.~~

RESTAURANT, CARRY-OUT

A business enterprise primarily engaged in the retail sale of food or beverages, which may include grocery items, for consumption off the premises, but which also includes the incidental sale of ready-to-consume food and beverages from a counter-type installation for consumption on the premises, provided that the area devoted to customer seating is clearly accessory to the main business and complies with the area requirements of the New York State Uniform Fire Prevention and Building Code. ~~No drive-up or car service shall be permitted.~~

RESTAURANT, FAST-FOOD

A business enterprise primarily engaged in the sale of food and beverages generally served in disposable or prepackaged containers or wrappers ready for consumption in a facility where most or all of the sales to the public are stand-up services. The term "fast-food restaurant" ~~shall~~ **does** not include a carry-out restaurant, or delicatessen. ~~No drive-up or car service shall be permitted. Where a fast-food restaurant contains multiple counters, each serving one or more brands or types of fast food (for example, one counter for pizza and another for hamburgers), parking requirements shall be increased by 10% for each counter in excess of one.~~

SERVICE, DRIVE-THROUGH

Service from a food-service establishment provided to customers remaining in their vehicles and parked in a designated parking area of the restaurant parking lot.

Section 3.

Section 342-30(A)(1)(e) of the Code of the Village of Mamaroneck is amended as follows:

- (e) ~~Restaurants~~ **Food service establishments, but not fast-food restaurants,** subject to § **342-45.** ~~(This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with such approval.)~~

Section 4.

Section 342-32(A)(1)(i) of the Code of the Village of Mamaroneck is amended as follows:

- (i) Retail uses, including ~~restaurants~~ **food service establishments, but not fast-food restaurants**, within 150 feet of the center line of Fenimore Road.

Section 5.

The heading for Article VII of Chapter 342 of this Code is amended to read as follows:

Article VII Standards for Particular Uses

Section 6.

Section 342-45 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-45. Food service establishments and taverns.

- A. ~~No food~~ Food service establishments or tavern shall **are not permitted to** provide outdoor counter ~~service, drive-in or drive-through or curb~~ **service**, but it may provide service at tables on a porch or terrace where ~~this~~ **such service** is incident and clearly subordinate to the operation conducted within the main building.**
- B. In a C-1 District, no more than 20% percent of all indoor seats in a food service establishment or tavern shall **are permitted to** be counter seats. ~~In a C-2 District, no fast-food restaurant, carry-out restaurant or delicatessen shall be permitted on Mamaroneck Avenue closer than 200 linear feet to another existing fast-food restaurant, carry-out restaurant or delicatessen on the same side of the avenue. Such distance shall be measured from the closest lot line of the respective food service establishments.~~**
- C. Delicatessens are not permitted to provide tables and seating for on-premises food consumption.**
- D. No food service establishment is permitted to operate later than 10 p.m. on any day, except**
 - (1) a food service establishment licensed under Chapter 150 of this Code; or**
 - (2) upon the issuance of a special permit in accordance with the approval procedure set forth in Article X and in conformance with any additional requirements established in connection with that permit.**

Section 7.

Section 342-56 of the Code of the Village of Mamaroneck is amended by adding subsection D, as follows:

- D. Where a fast-food restaurant contains multiple counters, each serving one or more brands or types of fast food (for example, one counter for pizza and another for hamburgers), the parking requirement is increased by 10 percent for each counter in excess of one.**

Section 8.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative

body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 9.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law or any other any general law to the extent that the provisions of the general law are inconsistent with this local law.

Section 10.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.