

PROPOSED LOCAL LAW M of 2025

A Proposed Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck regarding special permits for food service establishments.

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

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

Section 1.

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

§ 342-45. Food service establishments and taverns.

- 1.** No food service establishment **as defined in Sections 281-3 and 342-3** or tavern shall provide outdoor counter, drive-in or curb service, but it may provide service at tables on a porch or terrace where this is incident and clearly subordinate to the operation conducted within the main building. In a C-1 District, no more than 20% of all indoor seats in a food service establishment ~~or tavern~~ shall 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.
- 2.** **A special permit for a food service establishment shall be valid for three years. A special permit holder shall be required to renew said permit prior to its expiration. If the operation of the food service establishment is not subject to any adjudicated violations issued by the Village for a period of one (1) year prior to the expiration of the special permit, then the Building Inspector shall have the administrative authority, upon request by the special permit holder, to renew the special permit and no further renewals will be required. Should there be an adjudicated violation issued by the Village, renewal of the special permit shall, upon application, be considered by the Zoning Board. Should the Building Inspector deny an application for renewal, the special permit holder shall be entitled to appeal that determination to the Zoning Board and/or apply for the special permit renewal to the Zoning Board in accordance with this section.**

Section 2. 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 3.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law, including those provisions which provide for the approval of a land use application on the basis of the passage of time, and the Code of the Village

of Mamaroneck, including those provisions which authorize or require the approval of a land use application, to the extent that they are inconsistent with this local law.

Section 4.

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.