



Narrative Description of Proposed Action- PLL-X 2018

Background

The proposed action is a local law amending various sections of Village Code with respect to food service establishments to:

- 1) remove ambiguities
- 2) limit the size of fast food restaurants
- 3) better define fast food restaurants
- 4) remove fast food as an allowed use in the C-1, MC-2 and M-1 zones
- 5) allow curb service subject to new special permit conditions
- 6) create a new definition for casual food establishments
- 7) eliminate a distance requirement for delicatessens and carry-out restaurants within the C-2
- 8) expressly permit sidewalk café's in front of casual food establishments and fast food establishments
- 9) create a new parking requirement for casual food establishments

Net change from existing code and potential for significant adverse environmental impacts

The following section will go through each of the substantive amendments and describes the net change from the existing code and/or practice to review the potential for adverse environmental impacts.

1) *Remove ambiguities*

The existing code contains definitions for *food service establishment*, *restaurant*, *fast food*, *delicatessen*, and *carry-out* but the only one listed as a Permitted Use is a restaurant. Furthermore, the term restaurant currently excludes *fast food*, *delicatessen*, and *carry-out* making it appear that these are not permitted anywhere in the Village. However, under the current code *restaurants* in the C-1 and C-2 are subject to a special permit that has additional requirements that would only apply to *fast food*, *delicatessen*, and *carry-out*. Due to this ambiguity the Village and the Zoning Board of Appeals have been granting special permits and building permits to these uses in all zones that have *restaurants* listed as a Permitted Use (which includes the C-1, C-2, MC-2, and M-1 Zoning Districts).

The proposed local law deals with these ambiguities by amending the code as follows:

Permitted Uses in the C-1

342-30(A)(1)(e)- ~~Restaurants~~ Food service establishments, subject to § 342-45, but not fast-food restaurants.

This makes it clear that restaurants and casual food establishments (by way of being food service establishments) are permitted in the C-1 but fast food restaurants are not.

Permitted Uses in the C-2

342-31(A)(1)- Adds (m) Fast-food restaurants, subject to § 342-45, provided that the gross floor area does not exceed 3,000 square feet.

The C-2 allows all uses in the C-1. Adding fast-food restaurants to the permitted use in the C-2 to make it clear that fast-food is allowed in the C-2 zone subject to the size conditions.



Permitted uses in the M-1

342-32(A)(1)(i)- Retail uses, ~~including restaurants~~ and food service establishments other than fast-food restaurants, within 150 feet of the center line of Fenimore Road.

This makes it clear that restaurants and casual food establishments (by way of being food service establishments) are permitted in the M-1 but fast food restaurants are not.

Permitted uses in the MC-2

342-37(A)(3)- No change.

There is no change in the MC-2 as it references the uses in the C-1 and therefore would allow restaurants and casual food establishments but not fast food restaurants.

Since the removal of the ambiguities is intended only to make the code clearer and will not affect dimensional or use standards, the actions are not anticipated to result in any significant adverse environmental impacts.

2) Limit the size of fast food restaurants

The action amends Chapter 342-31(A)(1)(m) Permitted Uses in the C-2 to prohibit fast-food restaurants larger than 3,000 sf. This is in response to concerns that large footprint fast food restaurants have higher impacts in terms of traffic, parking and noise. Since there is no net increase in the geographic area eligible for such uses and this amendment creates additional protections, it is not anticipated to cause any significant adverse environmental impact.

3) Better define fast food restaurants

The proposed local law amends the definition of fast food to:

“A food service establishment primarily engaged in the sale of ready-to-consume food and beverages where the majority of sales are made at a stand-up counter at which patrons usually select their orders from a standardized menu which offers a limited number of specialized items, generally eaten by hand, where the food is prepared quickly according to standardized procedures and is generally served in disposable or prepackaged containers or wrappers for consumption either on or off the premises and primary cleanup is generally performed by the customer and which incorporates some or all of the following characteristics: a trademark logo or signage, a standardized color scheme for exterior or interior (including but not limited to graphics, awnings, signage visible from exterior), standardized decor and a standardized uniform for employees.”

The more descriptive definition will allow the Building Inspector to make better informed zoning determinations related to the fast food restaurants. This will lead to enhanced enforcement of the zoning code. The amended definition will not lead to any net increase in uses or dimensional standards. For these reasons the action to amend and expand the definition of fast food restaurants is not anticipated to cause any significant adverse environmental impacts.

4) Remove fast food as an allowed use in the C-1 and MC-2 and M-1 zones



As noted earlier in this narrative fast food will be expressly prohibited in the C-1, MC-2, and M-1 zoning districts. The intention of this prohibition is to alleviate concerns that fast food uses in the C-1, MC-2 and M-1 zone may have an adverse impact on neighboring residential areas by way of increased traffic (and associated negative externalities) and parking demand as well as concern over the potential for additional litter. By eliminating the prospect of additional fast food uses in these zoning districts the Village is anticipating improved environmental and quality of life conditions for proximate residential neighborhoods and therefore the action is not anticipated to cause any significant adverse environmental impact.

5) Allow curb service subject to new special permit conditions

The proposed local law will permit food service establishments to provide curb service subject to new special permit requirements detailed below:

- “B. The Board of Appeals may grant a special permit to allow a food service establishment to provide curb service if
- (1) the curb service will be provided only to vehicles in parking spaces dedicated to providing curb service for the food service establishment;
 - (2) the parking spaces dedicated to curb service are located off-street;
 - (3) the food service establishment can satisfy any applicable off-street parking requirement without considering the parking spaces dedicated to curb service; and
 - (4) the location and configuration of the dedicated parking spaces will not impair the circulation of vehicles and pedestrians on the site.
 - (5) the food service establishment defines and implements protocols and posts a sign to advise its patrons that automobile engine idling for more than three minutes is prohibited by § 326-19(A) of this Code.”

Allowing curb service subject to the above criteria is intended to provide food service establishments with flexibility and to provide for parking turnover. The special permit criteria/conditions provide the Board of Appeals with tools to ensure that when curb service is provided it will not create an objectionable condition on the site or on adjacent areas. The criteria/condition related to engine idling provides assurances that additional externalities related to engine exhaust will not be significant. For these reasons the action of permitting curb service pursuant to special permit conditions is not anticipated to cause any significant adverse environmental impact.

6) Create a new definition for casual food establishments

The proposed local creates a new definition for casual food establishments which reads:

“A food service establishment, such as a bakery, delicatessen or pizzeria, where hot and cold beverages and light meals are prepared and sold and there is no table service, but tables and chairs may be provided for incidental consumption on the premises.”

This definition will capture the types of restaurants that were previously captured by other definitions such as delicatessen and carry-out in addition to providing flexibility for modern quick service restaurants not previously contemplated by the zoning code. The new definition will apply to the exact same zoning districts as the previously law and will allow the same types of restaurants as were previously permitted. Based on the previous



approvals for restaurants under the existing code that would fit this new definition (e.g. Pizzerias & Carry-out in the C-1 Zone) it is not believed that there will be a net change in the types of restaurants that will be located in the zoning districts for which this definition will apply. Therefore, the new definition for casual food establishments is not anticipated to result in any significant adverse environmental impact.

7) Eliminate the 200-foot distance requirement for delicatessens and carry-out restaurants within the C-2

The action amends 342-45 by eliminating the distance requirement within the C-2 that prohibits a carry-out or deli from locating within 200 ft of another carry-out or deli. The Village Planning Department has done a review of the existing locations of carry-out, deli, or fast food restaurants and has determined that a large portion of establishments in the C-2 zone physically violate this requirement. Some of the establishments have received variances from the requirement, others were existing non-conforming, and some were erroneously permitted without receiving the required variance. There have been no reported issues with the existing physical arrangement, which is not compliant with the current code. Therefore, the elimination of the requirement is not anticipated to result in any significant adverse environmental impacts.

8) Expressly permit sidewalk café's in front of casual food establishments and fast food establishments

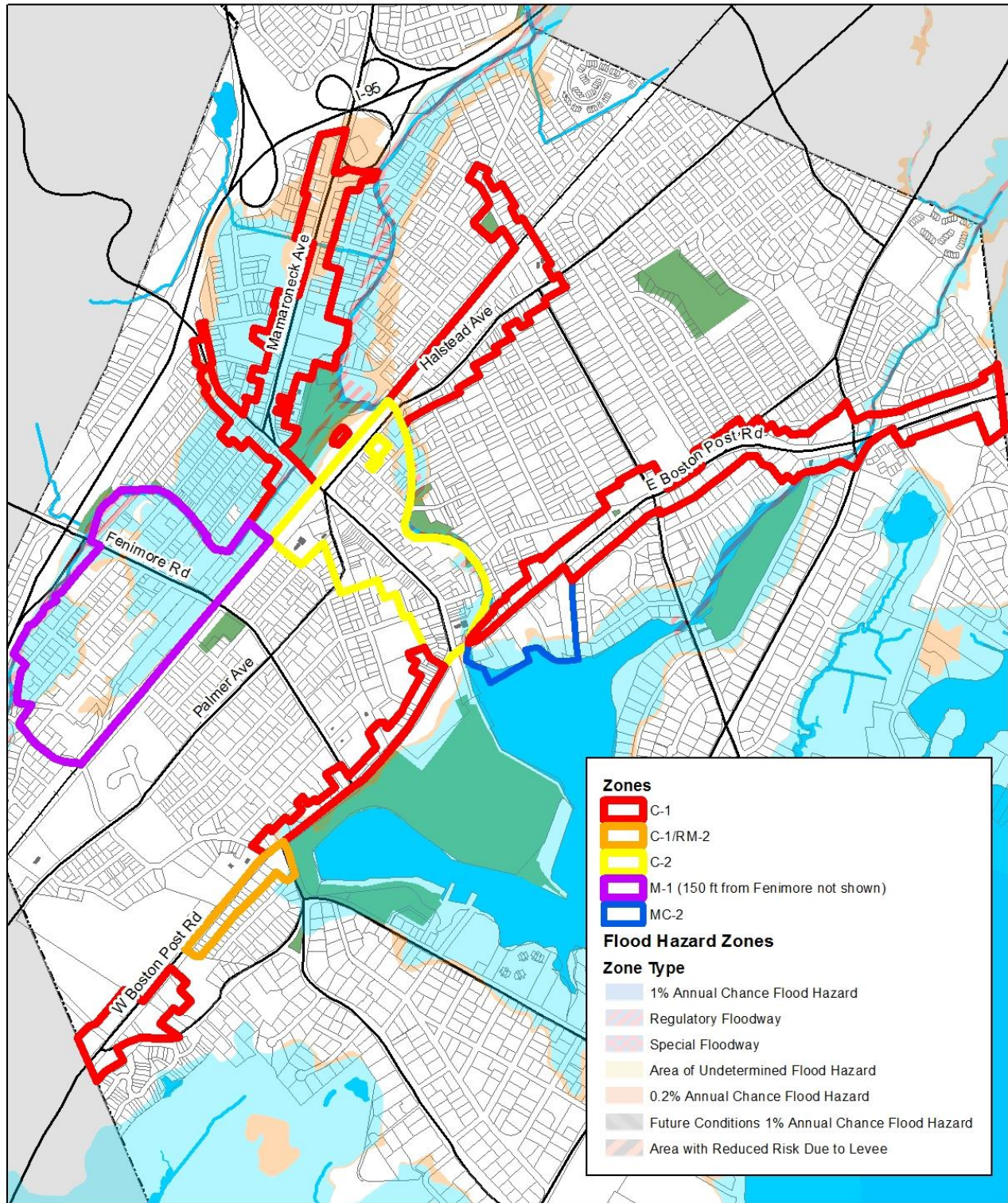
The proposed local law amends the sidewalk café requirements to allow all food service establishments to have a sidewalk café. The law acknowledges that by doing so certain food establishments that do not provide wait service will now become eligible. As a result, the law requires that those establishments that do not provide wait service must have employees clean the tables on a sufficiently regular basis that there is no accumulation of refuse. Given the additional conditions aimed at reducing the potential for the accumulation of litter the change is not anticipated to result in any significant adverse environmental impacts.

9) Create a new parking requirement for casual food establishments

The proposed local law will require 1 parking space per 150 square feet of gross floor area, plus one space for each 2 employees, but not fewer than 10 spaces. The Village Planning Department has reviewed the proposed requirements in relation to requirements for similar uses in other municipalities and finds that the approach is conservative in terms of providing sufficient parking for such a use. The Parking Standards publication of the American Planning Association indicates that municipalities of similar character to the Village of Mamaroneck typically require 1 space per 200 ft to 1 space per 250 square feet. The requirement as proposed may require more spaces than are needed for such uses. This may have a marginal impact on a site-specific basis in terms of taking away space that could be dedicated to landscaping, open space, and pervious surfaces. Thinking cumulatively this may have a larger impact on these features depending on the number of casual food establishments that open and be subject to the new parking requirement. Nonetheless, considering the marginal net difference from the existing parking requirements, the proposed change is not anticipated to result in any significant adverse environmental impact.



Applicable Zoning Districts & Special Flood Hazard Area



Sources: Westchester County GIS,
Planning Department

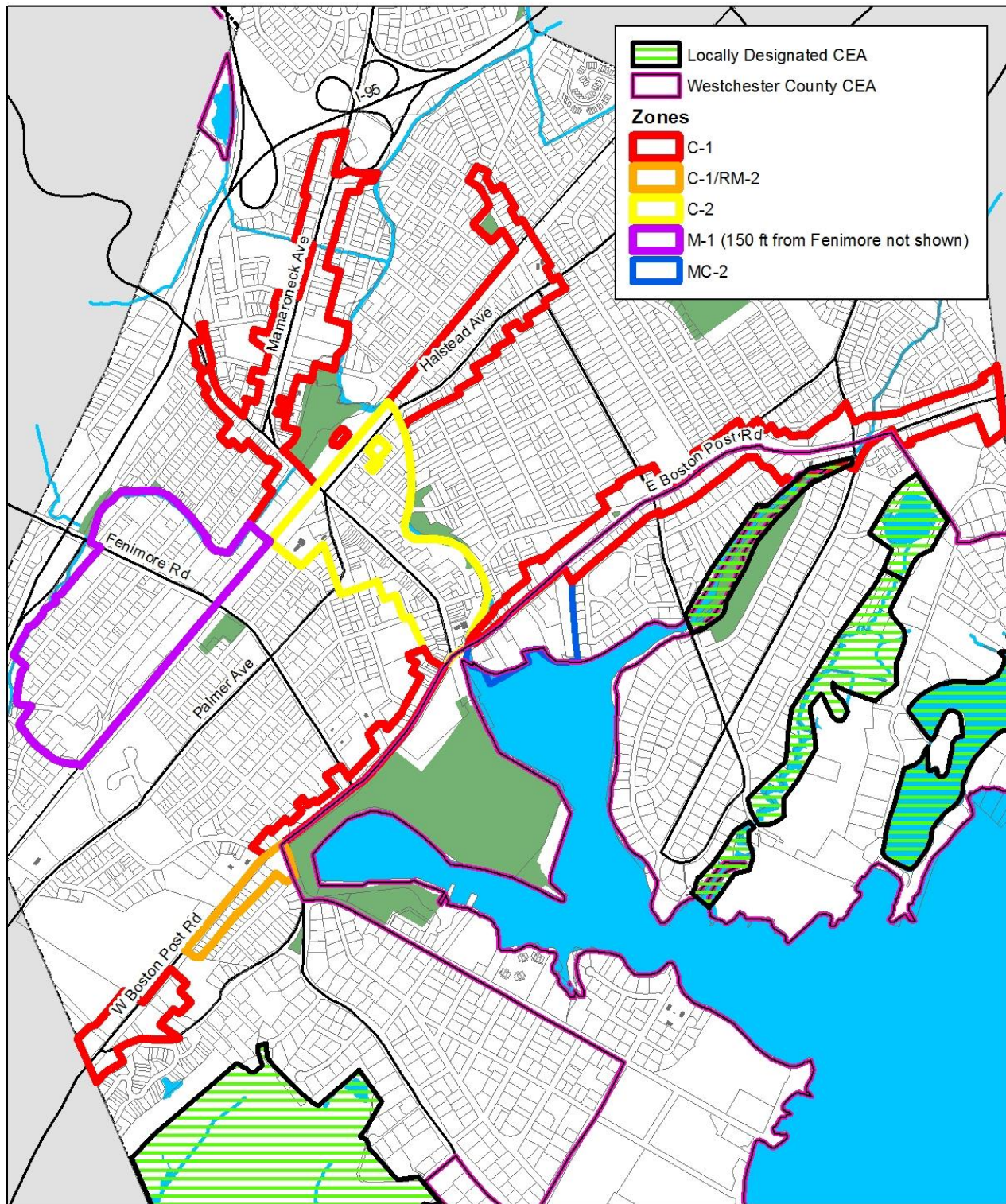
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Applicable Zoning Districts & Critical Environmental Areas



Sources: Westchester County GIS,
Planning Department

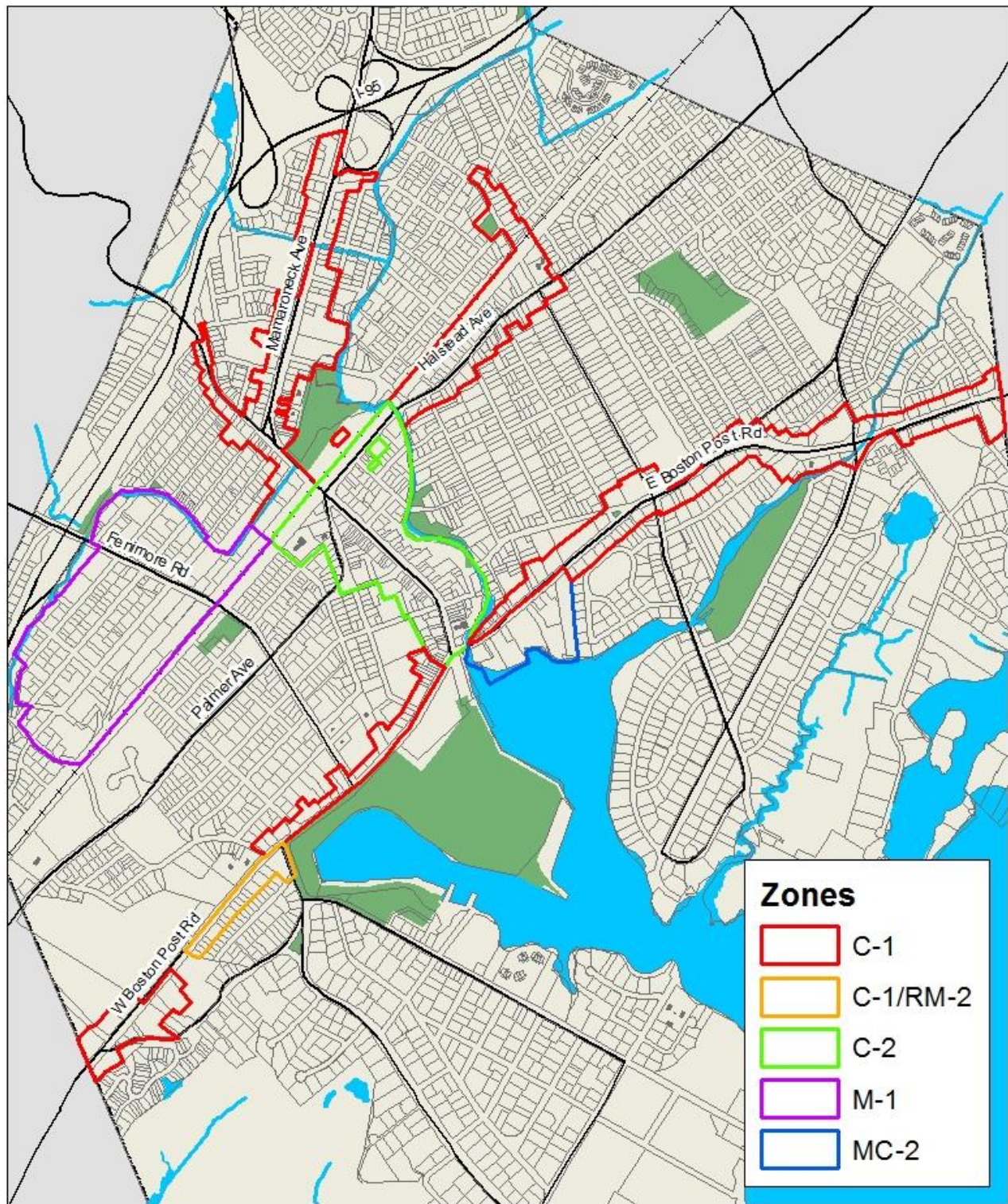
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Applicable Zoning Districts



Sources: Westchester County GIS,
Planning Department

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