

LOCAL LAW 13-2017

A Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) to allow microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs in the Commercial Districts.

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

Section 1.

Section 342-3 of the Code of the Village of Mamaroneck is amended by adding the following definitions:

BEER

A fermented beverage of any name or description manufactured from malt, wholly or in part, or from any substitute therefor.

CIDER

The partially or fully fermented juice of fresh, whole apples or other pome fruits, containing more than three and two-tenths per centum but not more than eight and one-half per centum alcohol by volume: (i) to which nothing has been added to increase the alcoholic content produced by natural fermentation; and (ii) with the usual cellar treatments and necessary additions to correct defects due to climate, saccharine levels and seasonal conditions.

LIQUOR

Any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordials or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing.

MICROBREWERY

An establishment in which beer is manufactured which has the capacity to produce not more than 3,000 barrels of beer per year and does not produce more than 3,000 barrels of beer per year as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell beer for on-site consumption or for off-site distribution under the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority.

MICROCIDERY

An establishment in which cider is manufactured for sale which has the capacity to produce not more than 2,000 gallons of cider per year and which does not produce more than 2,000 gallons of cider per year, as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell cider for on-site consumption or for off-site distribution under the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority.

MICRODISTILLERY

As adopted

An establishment in which liquor is manufactured for sale which has the capacity to produce not more than 2,000 gallons of liquor per year and which does not produce more than 2,000 gallons of liquor per year, as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell liquor for on-site consumption or for off-site distribution under the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority.

MICROWINERY

An establishment in which wine is manufactured for sale which has the capacity to produce not more than 500 cases of wine per year and which does not produce more than 500 cases per year, as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell wine for on-site consumption or for off-site distribution under the New York State Beverage Control Law and any applicable New York Liquor Authority regulations.

NANOBREWERY

An establishment in which beer is manufactured which has the capacity to produce not more than 1,000 barrels of beer per year and does not produce more than 1,000 barrels of beer per year as determined by the barrelage tax reports it files with the New York State Department of Taxation and Finance and which is permitted to sell beer for on-site consumption or for off-site distribution under the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority.

RESTAURANT, BREWPUB

An establishment primarily engaged in the sale and service of food for on-premises consumption which also brews beer for on-site consumption and may lawfully sell beer for off-premises consumption in accordance with the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority, not more than 30 percent of the total gross floor area of the commercial space of which is used for brewing, bottling and kegging.

TASTING ROOM

An establishment or portion of a manufacturing establishment that allows customers to taste samples of beer, wine or liquor, must serve food, and may include the sale of such products in addition to related items, marketing events, and special events, in accordance with the New York State Alcoholic Beverage Control Law and the applicable regulations of the New York State Liquor Authority, and other State, County and Village applicable laws and regulations.

WINE

The product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, or other fruits or plants with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-four per centum by volume.

Section 2.

Section 342-56 of the Code of the Village of Mamaroneck is amended by adding the following to the schedule of off-street parking requirements.

Restaurant, Brewpub	1 for each 3 seats, plus 1 for each 2 employees
Tasting Room	1 for each 4 seats or 1 per 75 square feet of floor area devoted to patron use, whichever is greater, plus 1 for each 2 employees.

Section 3.

Section 342-30(A)(1) of the Code of the Village of Mamaroneck is amended by adding the following principal uses permitted in the C-1 General Commercial Districts:

- (r) Microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs, subject to the approval procedure set forth in Article X and in conformance with any additional requirements imposed in connection with that approval, in conformity with §342-47.1, and further provided that the premises are located along Hoyt Avenue and within 500 feet of the M-1 Manufacturing District.

Section 4.

Section 342-30(B) of the Code of the Village of Mamaroneck is amended by adding the following permitted accessory use in the C-1 General Commercial Districts:

- (3) A tasting room accessory to a microbrewery, microdistillery, microcidery, microwinery or nanobrewery.

Section 5.

Section 342-31(A)(1)(a) of the Code of the Village of Mamaroneck is amended to read as follows:

- (a) Uses permitted in the C-1 Districts, as permitted therein, but not microbreweries, microdistilleries, microcideries or microwineries.

Section 6.

Section 342-31(A)(1)(a) of the Code of the Village of Mamaroneck is amended by adding subsection (l), as follows:

- (l) Nanobreweries and brewpubs.

Section 7.

Section 342-31(B) of the Code of the Village of Mamaroneck is amended by adding subsection (3), as follows:

- (3) A tasting room accessory to a nanobrewery.

Section 8.

The Code of the Village of Mamaroneck is amended by adding the following Section 342-47.1, as follows:

§342-47.1. Micro-alcohol production and sale in commercial districts

Microbreweries, microdistilleries, microcideries, microwineries, nanobreweries and brewpubs shall be subject to the approval procedure set forth in Article X and in conformance with any additional requirements imposed in connection with that approval, and further provided that:

- A. Not more than 70 percent of the total gross floor area of the microbrewery, microcider, microdistillery, microwinery or nanobrewery shall be used for the brewing, distilling, cidery or winemaking function except for a brewpub where not more than 30 percent of the total gross floor area may be used for the brewing, bottling or kegging function.
- B. The microbrewery, microcider, microdistillery, microwinery, nanobrewery or brewpub shall obtain the appropriate manufacturing, wholesale, retail, marketing and/or other permits or licenses from the New York State Liquor Authority prior to the issuance of a certificate of occupancy.
- C. No outdoor storage shall be permitted for such uses.
- D. The manufacturing, bottling or kegging process shall be carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent or other external impacts that cause a disturbance off-site.

Section 9.

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 10.

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 to the extent that they are inconsistent with this local law.

Section 11.

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 and shall apply to all actions or proceedings pending upon its effective date or thereafter.