

## **LOCAL LAW 15-2014**

### **A Local Law to Amend Chapter 342, Zoning, of the Code of the Village of Mamaroneck to amend certain provisions in relation to special permits for non-member events in the Marine Recreation District**

Be it enacted by the Board of Trustees of the Village of Mamaroneck, as follows:

**SECTION I.** Section 342-35, Marine Recreation District, is amended to read as follows:

§ 342-35. Marine Recreation District.

A. Permitted principal uses. The following are the only principal uses permitted in MR Marine Recreation Districts:

- (1) Recreational facilities of membership clubs, such as beach, golf, country, yacht, and similar clubs, whether or not they are wholly contained within buildings, including:
  - (a) Tennis courts, paddle tennis courts, swimming pools, beaches, facilities for docking, mooring and launching boats, basketball courts and other similar outdoor recreation uses (in accordance with any applicable local, county, state or federal laws);
  - (b) Boathouses, gymnasiums, cabanas, health and fitness facilities, racquetball courts, squash courts and other similar types of recreational facilities.

- (2) A principal clubhouse with activities and spaces customarily included within a membership club's principal clubhouse structure, such as meeting rooms, lounges, reception areas, game rooms, libraries, bathroom facilities and including incidental minor storage spaces, coat rooms, kitchen and pantry areas, but not including dining, entertainment and bar facilities, residential uses, administrative offices or maintenance and storage facilities.

B. Permitted accessory uses. The following accessory uses are permitted in MR Marine Recreation Districts only in conjunction with a principal permitted use:

- (1) Any accessory buildings or accessory use permitted in a residential district, except excluding professional offices, non-club offices, non-club business activities, studios and customary home occupations.
- (2) Dining, entertainment, and bar facilities, not to exceed 40% of the square footage of the principal clubhouse structure; however, kitchen facilities and outdoor, seasonal, unenclosed facilities shall not be included in calculating the percentage of dining, entertainment, or bar facilities, and this provision shall not apply to any clubhouse or principal structure which does not exceed 2,500 square feet.
- (3) Club administrative offices, locker rooms, maintenance facilities, storage buildings and laundry facilities necessary for club operations, boat storage, dock master and guard houses, cart storage, fuel and oil sales to members and guests only, facilities for pumping out of marine holding tanks, facilities for waste oil collection and other similar types of club support facilities.

(4) Residences for full-time, including full-time seasonal, caretakers and staff during the time of their employment.

(5) Seasonal residences for club members and their guests. The maximum number of seasonal residences permitted at any membership club is 12.

(6) Day camps.

(7) Fences, walls or retaining walls pursuant to § 342-14, except that fences of not less than 3/4 open construction shall be permitted up to 12 feet in height around tennis courts and other similar facilities.

(8) Other accessory buildings and accessory uses customarily incidental to the principal club use of the premises.

(9) Nonmember events:

(a) Any club which intends to conduct events or activities that are not restricted to members only or that are not hosted or financially guaranteed by a member (to be known as “nonmember events”) must first obtain a special permit from the Zoning Board of Appeals in accordance with the procedures set forth in Article X. Such special permit shall be for periods of no more than three years, at which time an application for renewal must be made, except that an application for a new special permit must be submitted upon a change or addition to the existing accessory uses. In order to obtain or renew a special permit, there must be a showing that, in addition to compliance with all applicable provisions of Article X and all other requirements of the Zoning Code, not more than 20% of the events or activities of any one of the foregoing accessory uses, in any calendar year, have been nonmember events. Upon application for renewal of any special permit, each club must demonstrate that, in addition to all other requirements, it has complied with any other conditions previously established by the Zoning Board of Appeals. A special permit to conduct nonmember events issued pursuant to this subsection shall apply to the entirety of the club property notwithstanding that a portion of such property extends beyond the MR zoning district into an adjoining residential zoning district.

(b) In addition to all other requirements, any club which holds a special permit shall annually file a copy of Internal Revenue Service Forms 990 and 990T with the Clerk-Treasurer of the Village.

C. Prohibited activities:

(1) No nonmember event may commence prior to 8:00 a.m.

(2) No event or activity commenced Sunday through Thursday may continue after 12:00 midnight, and no event commenced on a Friday, Saturday or the day before a legal holiday may continue after 2:00 a.m.

## **SECTION 2. SEVERABILITY**

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, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

## **SECTION 3. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.