

## PROPOSED LOCAL LAW EE - 2017

A Proposed Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) regarding membership clubs in the Marine Recreation District

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:  
(Language in strike-through ~~abcedefhijk~~ to be deleted; language in bold is to be added)

### Section 1.

The following definitions established by section 342-3 of the Code of the Village of Mamaroneck, are amended as follows:

#### BONA FIDE MEMBER

An individual who is a member of the Membership Club and was a member of that Membership Club for at least six consecutive months prior to entering into any agreement or obligation regarding the event or activity, did not become a member of the Membership Club solely in connection with the event or activity and is expected to, and does, continue to avail himself or herself of membership privileges after the event or activity.

#### CLUB, MEMBERSHIP

A not-for-profit corporation or organization, which is organized under and exists pursuant to the Not-for-Profit Corporation Law of the State of New York and qualifies for exemption from federal income taxation as a social club pursuant to Internal Revenue Code § 501(c)(7) and the applicable regulations adopted pursuant to that section. A membership club must: (i) be organized and operated exclusively for pleasure, recreational and social; (ii) be supported solely by membership fees, dues, assessments and fees raised from its members through the use of club facilities or in connection with club activities; (iii) not have any net earnings which inure to the benefit of any private shareholder; and (iv) not allow its social and recreational facilities to be used by non-members except at the request of a bona fide member ~~with its facilities catering exclusively to members and/or their guests for recreational, athletic or social purposes; and where vending stands, merchandising, commercial or business activities are not conducted, except as required generally for the membership and purpose of such club. Clubs shall operate without profit or division of any revenues to its members, except as reasonable compensation for special services actually rendered, devoting all revenues received to supporting the purposes and objectives of the club or to charitable uses. Club facilities and property interests shall be owned or leased by the corporation or organization and shall not be owned, leased, rented, or otherwise encumbered for use by individual members or nonmembers.~~



## MEMBER EVENT OR ACTIVITY

An event or activity conducted at a Membership Club with respect to which a bona fide member of the Membership Club is fully financially responsible.

## NON-MEMBER EVENT OR ACTIVITY

An event or activity conducted at a Membership Club that is not either a member event or activity or an event or activity conducted for the benefit of a not-for-profit entity other than the Membership Club.

## RESIDENCE, SEASONAL

~~Living quarters~~A room not more than 600 square feet in size located only in the principal clubhouse of a Membership Club and without kitchen facilities ~~for transient use~~ used by bona fide members and guests of members ~~when accompanied by a member, and may be occupied between April 15 and October 15 and may not be occupied between October 16 and April 14. A seasonal residence room may not be occupied by the same person(s) for total stays of not more than 30 days in a calendar year. A seasonal residence is limited to a maximum of 600 square feet. Seasonal residences shall not have kitchen or cooking facilities.~~

## Section 2.

Section 342-35 of the Code of the Village of Mamaroneck is amended as follows:

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~~ The principal clubhouse of a Membership Club with activities and spaces ~~customarily included within a membership club's principal clubhouse structure, such as~~ where members of the Membership Club can socialize and entertain their guests in meeting rooms, lounges, reception areas, game rooms, libraries, dining and bar ~~bathroom~~ facilities ~~and including, together with bathroom facilities, incidental minor storage spaces, coat rooms, kitchen and pantry areas, but not including dining, entertainment and bar facilities, residential~~

uses and administrative offices, or maintenance and storage facilities supporting Membership Club operations.

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~~ 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.
- (3) Recreational buildings and facilities, such as tennis courts, paddle tennis courts, swimming pools, beaches, facilities for docking, mooring and launching boats, basketball courts, boathouses, gymnasiums, cabanas, health and fitness facilities, racquetball courts, squash courts and other similar types of indoor and outdoor recreational facilities (all in accordance with any applicable local, county, state or federal laws).
- (4) ~~Residences~~ Accessory residential facilities only for full-time and seasonal, ~~including full-time caretakers and staff during the time of their employment~~ workers employed by the Membership Club.
- (5) Not more than 12 seasonal ~~Seasonal~~ residences within the principal clubhouse for club members and their guests. ~~The maximum number of seasonal residences permitted at any membership club is 12. No seasonal residence may be occupied between October 16th of one year and April 14th of the next.~~
- (6) Day camps and sports and educational programs for members, but not schools.
- (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 from the playing surface in height around tennis courts and other similar facilities.
- (8) Outdoor dining facilities such as grills, bars and dining areas.
- (89) 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. Special permit uses. The following uses are permitted in MR Marine Recreation Districts by special permit of the Zoning Board of Appeals in accordance with the standards and procedures of Article X:

(1) Non-member events by and on the premises of a Membership Club, in accordance with the following terms and conditions:

(a) The applicant must establish at the time of its application for a special permit that it is a Membership Club as defined in § 342-3 by submitting its certificate of incorporation. If the applicant is exempt from federal income taxation, it must also submit the determination by the Internal Revenue Service granting that exemption and the forms 990 and 990T filed by the applicant for the preceding three years.

(b) The special permit will be valid for a period of three years.

(c) The Zoning Board of Appeals may revoke the special permit at any time if it determines, after a hearing, that the entity to which the special permit was granted is not a Membership Club.

(d) A Membership Club may apply to the Zoning Board of Appeals to renew its special permit six months prior to the date on which the

special permit will expire, but may not undertake any activities for which a special permit is required until such time as a renewed special permit is granted by the Zoning Board of Appeals.

- (e) The total number of nonmember events or activities at the Membership Club in any calendar year must be less than 20% of the total number of events or activities at the Membership Club during that calendar year.
- (f) The total revenue received by the Membership Club from nonmember events or activities in any calendar year must be less than 20% of the total revenue received by the Membership Club from all events or activities during that calendar year.
- (g) The total number of persons attending nonmember events or activities at the Membership Club in any calendar year must be less than 20% of the total number of persons attending all events or activities at the Membership Club during that calendar year.
- (h) On or before January 30th of each year, a Membership Club which has been granted a special permit for non-member events, must submit to the Zoning Board of Appeals (i) the forms 990 and 990T filed by the applicant during the preceding year, if any; (ii) a schedule of all member and non-member events conducted at the Membership Club, stating the number of persons attending each such event or activity and the revenue derived by the Membership Club from each such event or activity. The Zoning Board of Appeals may require the Membership Club to submit such additional information as the Zoning Board of Appeals may determine is relevant to establishing the Membership Club's compliance with the special permit.
- (i) The Zoning Board of Appeals may impose any other reasonable conditions it deems appropriate to ensure compliance with the provisions of this section and minimize the impacts of the Membership Club on adjacent neighbors and nearby neighborhoods.

D. Prohibited activities.

- (1) No commercial activity of any kind is allowed in the MR Marine Recreation Districts. "Commercial activity" means the buying or selling of goods or services other than the goods and services provided by the Membership Club to its members.
- (2) No nonmember event may commence prior to 8:00 a.m.
- (3) 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., unless the Membership Club's special permit so provides.

- (4) No outside amplification may be used after 10:00 p.m., unless the Membership Club's special permit so provides.

### Section 3.

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 4.

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 5.

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.