

PROPOSED LOCAL LAW P - 2017

A Proposed 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 C-1 zoning district and a portion of the C-2 zoning district

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

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

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.

BREW PUB

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 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.

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.

DISTILLERY

An establishment in which liquor is manufactured for sale which has the capacity to produce more than 10,000 gallons of liquor per year and 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.

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 15,000 barrels of beer per year and does not produce more than 15,000 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 10,000 gallons of cider per year and which does not produce more than 10,000 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

An establishment in which liquor is manufactured for sale which has the capacity to produce not more than 10,000 gallons of liquor per year and which does not produce more than 10,000 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 2,000 cases of wine per year and which does not produce more than 2,000 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 which is primarily used for the manufacture of craft beer, has a brewing system limited to a three barrel production system or less and 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.

TASTING ROOM

An establishment or portion of a manufacturing establishment that allows customers to taste samples of beer, wine or liquor and may include the sale of such products in addition to related items, marketing events, special events, entertainment and food sales.

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.

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, and further provided that**

- [1] the premises are located along Hoyt Avenue and within 500 feet of the M-1 Manufacturing District;**
- [2] not more than 70 percent of the total gross floor area of the microbrewery, microcidery, microdistillery, microwinery or nanobrewery may 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;**
- [3] the maximum annual production on the premises shall be limited to 3,000 barrels for a microbrewery; 2,000 gallons for a microcidery or microdistillery; 500 cases for a microwinery; and 1,000 barrels for a nanobrewery or brewpub;**
- [4] the microbrewery, microcidery, microdistillery, microwinery, nanobrewery or brewpub has obtained 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;

[5] there is no outdoor storage; and

[6] the manufacturing and bottling process is carried on in an area fully concealed from any street or neighboring residential zone and shall not produce noxious odors, dust, vibration, noise, effluent, excessive wastewater, or other external impacts that cause a disturbance off-site.

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 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) 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.

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 9.

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 10.

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.