

TOWN OF NORTH CASTLE

Local Law No. ___ for the Year 2013

A local law to amend Chapter 213 of the Town of North Castle Town Code to permit the creation of a new Accessory Wine Bar & Café in place of the existing Accessory Café as well as the expansion of the café from 1,000 square feet with 16 seats to 3,500 square feet with 72 seats. In addition, the local law would permit for less restrictive and additional uses in the NB Nursery Business Zoning District.

Section 1. Amend Section 213-3 of the Town Code to amend the definition of an ACCESSORY CAFÉ as follows:

~~ACCESSORY CAFE~~ WINE BAR & CAFÉ -- An establishment similar to a restaurant but limited to the extent that the accessory ~~eafe~~ wine bar & café is not the sole principal use on the lot, ~~waiter or waitress service is not provided, carry-out service is not provided,~~ seating is limited to a maximum of ~~16~~ 72 seats and the total gross floor area of the accessory cafe is not in excess of ~~1,000~~ 3,500 square feet.

Section 2. Amend Section 213-20 Schedule of Business District Regulations.

Permitted Principal Uses

3. The sale and display of garden and nursery accessories and supplies; hand garden tools, garden ornaments, garden supplies, birdseed, candles and other small household decorations home furnishings and accessories, and luxury lifestyle accessories; property owner operated garden center management offices and property owner-operated landscape design offices associated with the operation of the on-site nursery business; and ~~property owner-operated accessory wine bar & cafes not in excess of 3,500 square feet when located in a garden market building.~~ The total ~~gross floor area of sale and display of garden and nursery accessories and supplies, home furnishing and accessories, and luxury lifestyle accessories, hand garden tools, garden ornaments and supplies,~~ garden center management offices and landscape design offices and accessory wine bar & cafe ~~gross floor area~~ on the property shall not exceed 50% of the gross floor area of all on-site buildings (including greenhouses and storage buildings). ~~In addition, any accessory cafe shall be limited to no more than 25% of the gross floor area of the area used for the sale and display of nursery accessories, hand garden tools, garden ornaments and supplies.~~

Section 3. Amend Section 213-23.G Additional business district regulations as follows:

- (7) Accessory wine bar & cafes within the NB District shall only operate between the hours of 8:00 a.m. and ~~6:00~~ 11:00 p.m., ~~shall not serve alcoholic beverages and shall not hold any special events such as birthday parties and other similar group events.~~ Amplified music shall be prohibited outdoors. All indoor amplified music shall be adequately mitigated to the satisfaction of the Planning Board. Outdoor dining shall be permitted pursuant to Chapter 142.

Section 4. Amend 213-45. Schedule of Off-Street Parking Requirements. Amend the Accessory Café off-street parking requirement as follows:

Accessory Wine Bar & Cafe 1 for each 150 square feet of gross floor area

Section 5. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 6. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 7. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.