

TOWN OF NORTH CASTLE

Local Law No. 6 for the Year 2013

Adopted August 14, 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 WINE BAR & CAFÉ -- An establishment similar to a restaurant but limited to the extent that the accessory wine bar & café is not the sole principal use on the lot, seating is limited to a maximum of 72 seats and the total gross floor area of the accessory cafe is not in excess of 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; home furnishings and accessories (e.g., patio and sunroom furniture, side tables, consoles, chairs, topiaries and silk flower arrangements, vases and terrariums, coffee table books, pillows, bowls, candles and diffusers and tabletop settings), and luxury lifestyle accessories (e.g., soaps and lotions, jewelry and women's accessories (e.g., scarfs, sweaters, wraps); 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 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, garden center management offices and landscape design offices and accessory wine bar & café on the property shall not exceed 50% of the gross floor area of all on-site buildings (including greenhouses and storage buildings). Non-nursery uses over 5,000 square feet shall require Town Board special use permit approval.

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 11:00 p.m. 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 and shall additionally require Planning Board site plan approval.

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

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