

TOWN OF NORTH CASTLE

Local Law No. 8 For The Year 2008 (Adopted May 28, 2008)

A local law to create a new “Carry-out restaurant” permitted principal use in the SC and CB-A Zoning Districts, create a new definition of “Carry-out restaurant” and create an associated off-street parking requirement.

Section 1. Add the following new definition in proper alphabetical order to Section 213-3 of the Town Code:

RESTAURANT, CARRY-OUT -- A business enterprise primarily engaged in the retail sale of food or beverage products for consumption off the premises, but which also includes the incidental sale of ready-to-consume food and beverages from a counter-type installation for consumption on the premises where patrons usually select their orders from a posted menu and service and cleanup is generally performed by the customer, provided that the area devoted to customer seating represents less than 25% of the gross floor area of the establishment and complies with the area requirements of the New York State Uniform Fire Prevention and Building Code, whichever is less. A Carry-out restaurant may have up to a maximum of eight (8) seats. The term "carry-out restaurant" shall not include bakeries, delicatessens, grocery stores or other food sales establishments not providing customer seating on the premises.

Section 2 Amend the following existing definitions in Section 213-3 of the Town Code as follows:

ICE CREAM AND FROZEN CUSTARD STAND -- A business enterprise primarily engaged in selling ice cream, custard or other frozen ices for consumption either on or near the premises. Take-home packages also may be provided. (See also "restaurant," "restaurant, carry-out" and "restaurant, fast-food.")

RESTAURANT -- A business enterprise engaged in serving and preparing food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress and consumed on the premises. (See also "cafeteria," "cabaret," "ice cream and frozen custard stand," "restaurant, carry-out" and "restaurant, fast-food.")

RESTAURANT, FAST-FOOD -- A business enterprise primarily engaged in the sale of food and beverages selected by patrons from a limited line of prepared, specialized items, such as hamburgers, chicken, pizza, tacos and hot dogs, for consumption either on or off the premises, in a facility where the floor area available for dining is less than 1/2 of the gross floor area and a major portion of the sales to the public is at a drive-in or stand-up-type counter. The term "fast-food restaurant" shall not include bakeries, delicatessens or similar types of retail establishments. (See also "cafeteria," "cabaret," "ice cream and frozen custard stand," "restaurant, carry-out" and "restaurant.")

Section 3. Amend Section 213-20 of the Town Code to add Carry-out Restaurant as a permitted principal use in the SC and CB-A Zoning Districts.

Section 4. Amend Section 213-45A of the Town Code to create the following off-street parking requirement:

Carry-out restaurant: 1 space for each 200 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.

Dated: May 28, 2008