

Proposed RVC Intro 17-10

A local law to amend the Code of the Village of Rockville Centre, in relation to outdoor uses in non-residential districts.

Section one. Chapter 340 of the Code of the Village of Rockville Centre is hereby amended, by adding thereto a new article, to be Article XXIII-A, to read as follows:

“ARTICLE XXIII-A Outdoor Uses In Non-Residential Districts

§340-118.1. Outdoor retail, commercial and other uses.

- A. No use otherwise permitted in a Business A, Business AA, Business AAA, or Business B District shall be conducted outdoors, in whole or in part, without a special use permit from the Board of Appeals. For the purposes of this section, a use shall be considered to be conducted “outdoors” if any part of the use is conducted outside the exterior walls of the principal building on the property. A use shall be considered to be conducted “outdoors” if any product, service, food or beverage is sold, displayed, served, provided or consumed on the premises outside the exterior walls of the principal building.
- B. Except as provided in paragraph D hereof, no special use permit may be issued pursuant to this section for any outdoor use described in paragraph A hereof if all or any part of such use is conducted other than on the ground level of the premises.
- C. Any outdoor use described in paragraph A of this section, lawfully existing on January 1, 2011, or for which a building permit has been issued on or before January 1, 2011, may be continued for a period not to exceed five years from such date, provided, however, that if any such use is discontinued for a period of three or more consecutive months such use shall be deemed abandoned and shall not thereafter resume. On and after January 1, 2016, any such existing lawful outdoor use not so abandoned shall be discontinued unless a special use permit has been issued for such use pursuant to this section.
- D. Notwithstanding any other provision of this section, a special use permit may be issued to authorize the continuation of an outdoor use other than on the ground level of any premise where such use lawfully exists on January 1, 2011 or a building permit has been issued for such use on or before January 1, 2011.”

Section two. Any local law, ordinance, or resolution of the Village in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.