

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of Rockville Centre

Town

Village

Local Law No. 1 of the year 2011

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

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County

City

of Rockville Centre **as follows:**

Town

Village

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 uses above the ground floor or ground level of a property.

- A. Except as provided in paragraph B of this section, no use otherwise allowed in a Business A, Business AA, Business AAA, Business B, Business C or

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Business C-2 District shall be conducted in whole or in part outdoors except on the ground floor or ground level of the premises, unless a special use permit for such outdoor use above the ground level or ground floor has been obtained from the Board of Trustees. No such approval from the Board of Trustees shall be required where a use of property, including the outdoor component above the ground level or ground floor, has been authorized by the Board of Appeals. For the purposes of this section, a use shall be considered to be conducted "outdoors" if all or any part of the use is conducted outside the exterior walls of the principal building on the property, or if any product, service, food or beverage is sold, displayed (other than lawful signage on an exterior wall), served, provided or consumed on the premises outside the exterior walls of the principal building.

- B. Any outdoor use above the ground floor or ground level allowed pursuant to paragraph A of this section and lawfully existing on January 1, 2011 or for which a building permit application has been filed on or before the effective date of this section, may continue without a required special use permit for a period not to exceed five years from January 1, 2011, provided, however, that if any such use is discontinued for a period of six 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 above the ground floor or ground level and not so abandoned shall be discontinued unless a special use permit has been issued for such use by the Board of Trustees pursuant to this section or the principal use at the property, including the outdoor use above the ground floor or ground level, has been approved by the Board of Appeals."

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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

(Name of Legislative Body)
I hereby certify that the local law annexed hereto, designated as local law No.1 of 2011 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on January 25, 2011, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20__, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body.

(Seal)

Date: January 25, 2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Village Attorney
Title

County

City

of Rockville Centre

Town

Village

Date: January 25, 2011