

# VILLAGE OF BABYLON

## Proposed LOCAL LAW 10 of 2019

### AMENDMENT TO THE VILLAGE CODE

#### CHAPTER 365 ARTICLE IV SECTION 20 SUBSECTION A (4)

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Babylon as follows:

Chapter 365 Article IV Section 20 Subsection A (4) of the Retail Business Districts of the Code of the Village of Babylon is hereby deleted in its entirety and replaced with the following:

#### **Legislative Intent**

The Village Board has determined that it is necessary to regulate the uses in the Retail Business District within the Village. The Board of Trustees finds that this amended section is aimed to improve public health, safety, welfare and good order and that the governance of the Village will be enhanced by enactment of the regulations set forth in this article.

#### **§365-20: Retail Business Districts**

#### **A (4)**

The following uses may be permitted by special permit from the Board of Trustees after public hearing,

- (a) Restaurant, luncheonette, cabaret, hotel bar, cocktail lounge, café and other places for on-site consumption of food and beverages, whether such food and/or beverages are consumed inside of a structure or outside of a structure. Whenever the seating capacity (outside and/or inside) exceeds 20, the applicant and his/her successors and/or assigns shall provide on-site serving personnel (waiters or waitresses) to assist customers by taking orders and by the delivery of food/drinks to tables and the presentation of checks. On-site serving personnel (waiters or waitresses) to assist customers by taking orders and by the delivery of food/drinks to tables and the presentation of checks shall not be required whenever the seating capacity (outside and/or inside) is 20 or less.

- (b) The Board of Trustees shall review such application considering such planning concerns it determines in its discretion necessary to promote the public health, safety, and welfare.
- (c) There shall be 1 parking space for each 2 stools at counter areas or 1 space for each 3 linear feet of counter (whichever is greater); plus 1 parking space for each 2 seats at tables; plus 1 space for each 2 employees on the maximum work shift, unless waived by the Board of Trustees.
- (d) No special permit shall be required for any of the above uses which seat 8 persons, or less, which use is primarily take out service, or retail sale of food and prepared food, or ancillary to any other permitted use.

**Severability.**

If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.