

Proposed LOCAL LAW 2 OF 2021

(1) **Legislative Intent:** The purpose of this Local Law is to extend the expiration date of Local Law 2 of 2020 from March 12, 2021 to March 12, 2022. The purpose of Local Law 2 of 2020 and this Local Law is to promote and protect the public health, safety and welfare of the Village of Babylon by enacting a local law which establishes a moratorium on certain uses in the Business District between the hours of 1:00 a.m. and 5:00 a.m.

The Village Board of Trustees had enacted the moratorium so that it might have sufficient opportunity to evaluate the permitted uses in the Business District and their hours of operation and determine whether the hours of operation of permitted uses in the Business District should be statutorily amended, altered, modified, expanded or repealed as part and parcel of a plan to continue to revitalize the area without negatively impacting its residential neighbors. That moratorium is set to expire on March 12, 2021 and must be extended to allow the aforestated review to continue. An extension to the moratorium would also permit the Board of Trustees to consider whether buffer zones or distance restrictions are appropriate. This extended moratorium will provide an opportunity for the Village Board of Trustees to evaluate the Code changes needed without the possibility of new businesses opening that might conflict with the plan being developed. The Village Board has, therefore, determined that an extension to the moratorium be established prohibiting any new permitted uses which operate between the hours of 1:00 a.m. and 5:00 a.m. in the Business District. This moratorium shall be geographically limited in application to all properties within the Business District zoning classification. In establishing this extension to the moratorium the Board has also considered:

1. The need for conserving the value of buildings and land and the need to encourage the most appropriate use of land.

2. The need to attract retail business of such a character as to encourage, foster and promote the revitalization of the Business District while at the same time mitigating any detrimental impact on surrounding residential properties.

3. The need to ensure adequate parking and lessen congestion while balancing the need for business growth.

4. To provide adequate light and air.

5. To ensure physical compatibility with surrounding uses.

6. The need to reduce noise, litter, traffic and lighting which detrimentally impacts residential areas adjoining Business District property.

7. To encourage historic preservation.

(2) **Prohibitions:** Any permitted Business District use which is open for customers, or clientele between the hours of 1:00 a.m. and 5:00 a.m., excluding bars, taverns or restaurants within the Business District shall not be a permitted use.

(3) **Exemptions:** This local law shall not apply to bars, taverns or restaurants which are otherwise regulated by the special permit authority or existing businesses uses in operation at the effective date of this local law to the extent such uses are not in compliance herewith and otherwise legally permitted.

(4) **Imposition of Moratorium:**

a. For a period running from the effective date of this law until March 12, 2022, no application for the construction, erection, maintenance, or change of use to a use which is prohibited herein may be filed, accepted, or processed. For the purpose of this

law, an application shall be deemed to mean any request for official action by the Board of Trustees, or other boards, departments, or agencies of the Village of Babylon. No use which is prohibited herein and not otherwise exempt from the application of this local law may be maintained, notwithstanding §365-20 of the Code of the Village of Babylon.

b. The Board of Trustees of the Incorporated Village of Babylon shall have the power to vary or modify the application of the provisions hereof after public hearing by resolution of the Village Board, in its absolute and sole discretion, provided that such variance, or modification is consistent with the Village zoning plan, and with the health, safety, morals and general welfare of the Village.

(5) **Effective Date:** This Local Law shall take effect on filing with the Secretary of State and expire on March 12, 2022.