

## Bill RVC 2023E

A local law to enact a temporary moratorium on approvals or permits for certain uses of real property in non-residential zoning districts in the Village of Rockville Centre.

Section one. Intent. The Board of Trustees ("Board") of the Village of Rockville Centre ("Village") is considering revisions to the zoning and other regulations of the Village, to be implemented by forthcoming legislation regulating, or prohibiting, certain businesses and uses of property in the Village. The Board of Trustees hereby finds and determines that if not properly regulated, such businesses and uses may be deleterious to the commercial business environment in the Village, create regulatory and law enforcement difficulties, and/or otherwise be inimical to the health, safety and welfare of the Village and its residents. For a reasonable period of time to permit the Board an opportunity to study and enact such legislation and regulations as may be determined to be appropriate and necessary, the Board deems it necessary to prevent any new such businesses or uses from obtaining vested rights to commence or continue operations, and to prevent existing such businesses and use from expanding or extending. It is the intention of this law to prohibit any such businesses or uses from commencing or expanding, and to prohibit any official, board or agency of the Village from issuing any approval or permit for commencement, expansion or extension during the term of this moratorium.

### Section two.

(a) During the term of his moratorium, no official, board or agency of the Village shall issue any approval or permit for the commencement, or any alteration or expansion, of any new businesses or uses listed in section three of this law, or for the erection, construction, alteration or expansion of any building or structure used or to be used for any of the businesses or uses listed in section three of this law.

(b) During the term of this moratorium, no business or use of any property, building or structure in any non-residential zoning district of the Village for any of the businesses or uses listed in section three of this law shall commence or be expanded, extended or enlarged.

Section three. The businesses and uses which are the subject of the moratorium enacted by this law are any sole proprietorship, limited liability

company, corporation, partnership or other entity or enterprise which is, in whole or in part, one or more of the following:

- (a) Vaping business or electronic cigarette business , in which any part of the on premises activity is the sale or use of electronic cigarettes as defined in subdivision thirteen of section thirteen hundred ninety-nine-aa of the Public Health Law.
- (b) Pawn shop..

Section four. Exemptions. In cases of hardship caused by the provisions of this law, the Board of Trustees may grant exemptions from the provisions of this law. No such exemption may be granted except (a) upon a public hearing before the Board of Trustees held, and notice given, in the same manner as required for public hearings before the Board of Appeals, and (b) upon a showing by the applicant that the provisions of this law have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board that without such exemption, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested exemption, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created. In approving any exemption, the Board may impose reasonable conditions, and shall grant the minimum exemption that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section five. This law shall be applicable to any application pending at the effective date of this law for a permit, license, or other approval (including zoning variances or use permits) for any business or use listed in section three of this law, and to any such business or use which prior to the effective date of this law has not lawfully obtained vested rights to commence or continue.

Section six. This local law and the moratorium enacted herein, shall take effect immediately as provided in the Municipal Home Rule Law, and shall remain in effect for a period of one year from such effective date, at

which time it shall expire unless sooner extended. By resolution(s) adopted without a public hearing, the Board of Trustees may, (a) extend such moratorium for no more than two additional periods of six months each, and/or (b) terminate this moratorium at any time prior to its expiration.

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