

Local Law Filing

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 Nassau County
" City of
" Town
" Village Inc. Village of Farmingdale

Local Law No. 4 of the year 2023

A local law
(Insert Title)

TITLE:

Chapter 600, Zoning

Industrial I District

§ 600-121. Adult Uses.

Adult uses shall be allowable in the Industrial District only as a special use by the Zoning Board of Appeals after public hearing.

A. Purposes and considerations.

- (1) In the execution of this section, it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.
- (2) It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Village of Farmingdale.
- (3) These special regulations are itemized in this section to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minors.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and video tapes

and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT DRIVE-IN THEATER

A drive-in theater that customarily presents motion pictures that are not open to the public generally but excludes any minor by reason of age.

ADULT ENTERTAINMENT CABARET

A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers or other similar entertainments, and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT MOTEL

A motel which is not open to the public generally but excludes minors by reason of age, or which makes available to its patrons in their rooms, films, slide shows or videotapes, which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

ADULT THEATER

A theater that customarily presents motion pictures, films, videotapes or slide shows that are not open to the public generally but exclude any minor by reason of age.

MASSAGE ESTABLISHMENT

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

PEEP SHOWS

A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged, and which is not open to the public generally but excludes any minor by reason of age.

MEDICAL MARIJUANA STORE

Any establishment which sells medical or medicinal marijuana. The Zoning Board may permit this use, by special permit after a public hearing, in an alternate zoning district if the requirements of § 600-121 (D) (1), (2) and (3) are satisfied. This provision shall not permit any establishment or sale of retail or recreational marijuana within the Village of Farmingdale. The Village of Farmingdale has pursuant to Cannabis

Law § 131, expressly opted-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within its boundaries. Such retail cannabis dispensaries and/or on-site cannabis consumption establishments are prohibited in any zoning district in the Village of Farmingdale.

SMOKING AND TOBACCO RELATED PRODUCTS STORE

Any establishment which sells vaping, electronic cigarettes or other related tobacco products described in Chapter 465, Article I. The Zoning Board may permit these uses, by special permit, in an alternate zoning district if the requirements of § 600-121 (D) (1), (2) and (3) are satisfied.

C. The adult uses as defined in Subsection B above are to be restricted as to location in the following manner in addition to any other requirements of this Code:

- (1) Any of the above uses shall not be located within a one-hundred-foot radius of any area zoned for residential use.
- (2) Any of the above uses shall not be located within a one-half-mile radius of another such use.
- (3) Any of the above uses shall not be located within a five-hundred-foot radius of any school, church or other place of religious worship, park, playground or playing field.

D. The restrictions enumerated in Subsection C above may be waived by the Village Board of Zoning Appeals if the applicant shows and the Board finds that the following conditions have been met in addition to the general conditions contained in this chapter:

- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this section will be observed;
- (2) That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and
- (3) That 51% or more of the property owners within the restricted area as defined in Subsection C(1) of this section have signed a petition stating that they have no objection to the establishment of one of the uses defined above.

E. No more than one of the adult uses as defined above shall be located on any lot.

(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.)

I hereby certify that the local law annexed hereto, designated as local law No.4 of 2023 of the Village of Farmingdale was duly passed by the Board of Trustees On December 4, 2023, 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 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ and was deemed duly adopted on _____ 2006, 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 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ on _____ 2006.

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 2006 of the _____ was duly passed by the _____ on _____ 2006, and was (approved)(not approved) (repassed after disapproval) by _____ on _____ 2006. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2006, in accordance with the applicable provisions of law.

* 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. DOS-239 (Rev. 05/05)

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

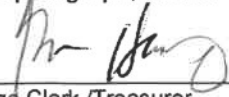
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2006 of the _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2006, 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 2006 of the County of Nassau 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 a 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, above.



Village Clerk /Treasurer

12/8/23

Date:

(Seal)

(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

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

Title Village Attorney

Village of Farmingdale

Date: 12/8/23

DOS-239 (Rev. 05/05)