

Village of Lancaster Local Law _____ of the year 2023

A Local Law amending Chapter 350 "Zoning" Articles VII and XII of the Village Code relating to special use permits and the certificate of compliance required for outdoor service of food or drink.

Whereas the Village Board of the Village of Lancaster desires to enact provisions of the Village Code which would 1) particularize that which is required for issuance of a certificate of compliance pursuant to Village Code §350-97, 2) inform those desiring to conduct outdoor service of food or drink of the need to obtain a certificate of compliance, 3) provide for notice to those holding a temporary special use permit of the term of its duration and the period during which an application for a permanent special use permit may be submitted and 4) establish a 30 day period from the issuance of a temporary or permanent special use permit during which the Village Board may require a financial guarantee of those applying to conduct outdoor service of food or drink.

Now, be it enacted by the Village Board of the Village of Lancaster, New York as follows:

1) Section 350-64.E. (1) "Special use permits", "General provisions" of the Lancaster Village Code shall be amended to read as follows:

Public hearing and decision on special use permits. The authorized board shall conduct a public hearing within 62 days from the day an application is received on any matter referred to it under § 350-64. Public notice of said hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the date thereof. The authorized board shall decide upon the application within 62 days after the hearing. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the authorized board on the application after the holding of the public hearing shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and a copy thereof shall be mailed to the applicant. When a temporary special use permit has been granted by the Planning Commission, the decision of the Planning Commission mailed to the applicant shall be accompanied by notice to the applicant of the expiration date of the temporary special use permit and include the following language:

Not sooner than 90 days prior to the expiration of this temporary special use permit the certificate holder may apply for a permanent special use permit (Village Code §350-64.D(1)) . The term of the temporary special use permit shall be extended for the period during which the application for a permanent special use permit is pending (Village Code §350-64.B(1)).

The Village Clerk shall promptly advise the Village Board when a temporary special use permit has been granted by the Planning Commission. If the temporary special use permit relates to an application to conduct outdoor service of food or drink by an

eating or drinking establishment pursuant to Article XII of Chapter 350 of the Village Code, the Village Clerk shall advise the Village Board of Board's authority to require a financial guarantee per §350-96.A of the Village Code.

2) Section 350-96.A. of "Financial guarantee" of the Lancaster Village Code shall be amended to read as follows:

Upon receipt of notice that a temporary special use permit has been granted by the Planning Commission, or upon granting a permanent special use permit, the Village Board may within 30 days thereof require a financial guarantee in the form of cash, a performance bond or other security that an eating or drinking establishment shall comply with the provisions of § 350-94.B. and C. of this article. The Village Clerk shall give prompt written notice to the temporary special use permit or permanent special use permit recipient of the financial guarantee required by the Village Board. Said financial guarantee may, in the discretion of the Village Board, be required in an amount not exceeding \$10,000 and shall be forfeited upon the adjudication by a court of competent jurisdiction that an owner, operator or employee of said eating or drinking establishment operated an outdoor facility or provided outdoor service of food or drink in violation of the provisions of § 350-94.B. or C. of this article. Upon such forfeiture, the special use permit permitting the outdoor service of food or drink shall immediately be deemed terminated without the necessity of further activity by the Village Board and outdoor service of food or drink and the utilization of any outdoor facility shall be immediately discontinued.

3) Section 350-97. "Certificate of Compliance" of the Lancaster Village Code shall be amended to read as follows:

An eating or drinking establishment subject to the provisions of this article shall not provide outdoor service of food or drink until receipt from the Village Clerk of a certificate of compliance. The Village Clerk shall issue a certificate of compliance when satisfied that the subject eating or drinking establishment has obtained a temporary special use permit or permanent special use permit allowing outdoor service of food or drink at the intended location and has provided the financial guarantees which may be required pursuant to § 350-96.

4) This local law shall become effective the 20th day following its enactment.