

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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 City Town Village
(Select one:)

of Rockville Centre

Local Law No. 3 of the year 2018

A local law to amend the Code of the Village of Rockville Centre, in relation to

(Insert Title)

uses permitted in the Business A-1 District.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Rockville Centre as follows:

Section one. Findings. In 2017, the Board of Trustees of the Village of Rockville Centre enacted Local Law 5 of 2017, to create the Business A-1 District zoning regulations applicable to a corridor generally along certain portions of Long Beach Road which had formerly been zoned in the Business A District. Among the purposes of that new zoning district was to maintain the type, character and intensity of uses existing in that district, and restrict new or different development which was not within that type, character and intensity. Further review of those regulations has identified various uses which do not presently exist in that district, but which would be permitted by the regulations currently in effect. The Board of Trustees has concluded that such uses are undesirable, and would be out of character with the neighborhood which the Board is seeking to maintain in that corridor. Accordingly, this law is enacted to amend the list of uses permitted in the Business A-1 District so that such undesirable uses cannot be established after the enactment of this law.

Section two. Section 340-89 of the Code of the Village of Rockville Centre is hereby amended, to read as follows:

“340-89. Permitted uses. In the Business A-1 District, only the following uses are permitted:

A. Store for the sale of goods at retail or performance of customary personal services, or services clearly incidental to retail sales, but no fabrication or manufacturing except incidental to and on the same premises with such retail sale.

B. Business, professional, banking or post office.

C. Restaurant, cafe or other place serving food or beverages; provided, however, that nightclubs or cabarets, and drive-through windows, are prohibited.

D. General business, including printing office, printing shop, and dry-cleaning establishment.

E. Funeral home or parlor.

F. Private school.

G. Public garage, automobile service or gas filling station, taxi or motor vehicle station, dry-cleaning establishment, bowling alley, billiard or pool parlor, subject however, to the consent and permit of the Board of Appeals as provided in this chapter; provided, however, that the Board of Appeals shall not give its consent nor issue any permit for any activity which would include mechanical rides of any type.

H. Parking lot area for transient motor vehicles.

I. Storage warehouse.

J. Light manufacturing; provided, however, the consent and permit of the Board of Appeals is first obtained; and further provided that the noise caused by the operation of the machinery, the emission of odors, stenches, dust, smoke, gas or noise is confined within the building or premises where such manufacturing or assembling of articles is carried on.

K. Carpet or rug cleaning; provided, however, that the consent and permit of the Board of Appeals as provided in this chapter is first obtained; and provided further that the process or operation of cleaning carpets and rugs does not employ the use of flammables of any nature whatsoever, that the operation or process is completely performed within the building where such business is carried on and that the noise caused by the operation or process of cleaning and the emission of odors, stenches, dust, smoke or gas is confined within the building where such cleaning is carried on.

L. OMITTED.

M. Senior care housing, in accordance with § 340-111 et seq.”

Section three. Any local law or provision of the Code of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section four. Any use lawfully in existence in the Business A-1 District on

the effective date of this law, but which is no longer permitted in such District after the enactment of this law, may continue as a legal non-conforming use notwithstanding the provisions of this law. Any such legal non-conforming use shall be subject to all restrictions applicable to continuation of such uses, whether contained in the Village Code or otherwise.

Section five. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section six. This local law shall take effect upon adoption and filing pursuant to the Municipal Home Rule Law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 3 of 2018 of the ~~(County)~~(City)~~(Town)~~(Village) of Rockville Centre was duly passed by the Board of Trustees on May 7, 2018, in accordance with the applicable *(Name of Legislative Body)* 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 20__ of the ~~(County)~~(City)~~(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20__, 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 20__ of the ~~(County)~~(City)~~(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. *(Elective Chief Executive Officer*)*

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 20__ of the ~~(County)~~(City)~~(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, 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.

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 20__ of the City of _____ 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 _____ 20__, 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 20__ of the County of _____ 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, ___1___ above.

~~Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body~~

Date: May 7, 2018 _____

(Seal)