

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. 8 of the year 2014

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

(Insert Title)

requiring green space buffers between residential and non-residential properties.

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. The Code of the Village of Rockville Centre is hereby amended, by adding thereto a new section, to be section 340-121.2, to read as follows:

“340-121.2. Green space buffer required between residential property and any adjoining non-residential property.

A. A professionally landscaped green space buffer shall be located and maintained on every property in a non-residential zoning district or used for non-residential purposes and which adjoins property in a residential district or used for residential purposes.

B. Such buffer shall consist of a minimum depth of five (5) feet from the property line between the properties, and shall be located and maintained along the entire length of the lot line and/or boundary separation between the properties. The buffer area may contain suitable trees, shrubs and grass, and shall include a six foot (6) high fence of suitable design located on the property line separating the non-residential property from the adjoining residential property.

C. Where the approval of the Board of Appeals, Planning Board, or Exterior Design Review Board is required for the use of the non-residential property, each such board shall have jurisdiction to enforce this requirement and approve the proposed buffer. Where no approval is required from any of such boards, the Building Department shall enforce this requirement and

approve the proposed buffer before any building permit issued for construction on the non-residential property.

D. The requirements of this section shall not be applicable to non-residential properties adjacent to residential properties if the non-residential property is lawfully being used without such buffer at the time of adoption of this section. However, in the event of any subsequent construction, enlargement or alteration of any building or structure on such property, or other development of such property requiring a permit or approval from the Village, such buffer shall be required to be installed and maintained as provided in this section unless determined by the appropriate authority not to be feasible after consideration of existing conditions on the site.

E. Where adjoining properties in a residential district and in a non-residential district lawfully are being used for a common use, the buffer zone required by this section shall be located along each exterior property line of such property which separates such entire property from any adjoining residential use or district.”

Section two. 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 three. 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 four. This local law shall take effect immediately 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. 8 of 2014 of the ~~(County)(City)(Town)(Village)~~ of Rockville Centre was duly passed by the Board of Trustees on October 6 2014, 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~~

(Seal)

Date: October 6, 2014

