



## VILLAGE OF RICHFIELD SPRINGS

### LOCAL LAW # 1 of 2016

#### A LOCAL LAW TO RE-ZONE A PARTICULAR PARCEL OF PROPERTY WITHIN THE VILLAGE

**BE IT ENACTED** by the Board of Trustees of the Village of Richfield Springs, as follows:

#### **Section I. Authorization**

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

#### **Section II. Title and Purpose.**

This law shall be known as and may be cited as Local Law No. 1 of 2016, Amend the Official Zoning Map of the Village of Richfield Springs, to re-zone the a particular property from B-1 Business District to S-60 Residential District.

#### **Section III. Location of Modified Parcel**

The affected parcel is known as 23 Division Street, Tax Map No. 25.05-2-43.01.

#### **Section IV. Legislative Finding**

The Richfield Springs Board of Trustees finds and hereby determines that it is in the public interest to re-classify said parcel of property such that the land's zoning designation is made consistent with its established and current use, which is also consistent with the land's surrounding uses.

Subject parcel was, until 2016, part of the parcel No. 25.05-2-43.00 of the Tax Map on which operated a car wash in the B-1 Business District. The Village has no law for sub-divisions. Therefore, when relevant Village officials were consulted, they could only advise that resulting parcels should be re-sellable. Emphasis and reference was made to land dimensions, more particularly frontages and set-backs. However, no consideration seems to have been made for the resulting zoning class matter.

Notably, the sub-division resulted in two parcels: No. 25.05-2-43.01, with its front on Division Street, and 25.05-2-43.02, whose front remains on Bronner Street. Each and every other parcel with its front on Division Street is zoned S-60 Residential. Re-zoning 23 Division Street would not result in a designation which is out of character with any other on that street.

As originally zoned, a B1 parcel could rightly accommodate living quarters if they were part of the structure containing the business use. Though this was not the case (at least in recent years), the property at best was a non-conforming one whose uses were continued over the years. Re-zoning this property would discontinue a non-conforming use and legitimize its current use.

#### **Section V. Validity and Severability**

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

#### **Section VI. Repeal, Amendment and Supersession of Other Laws**

All other ordinances or local laws of the Village of Richfield Springs which are in conflict with the provisions force of this local law are hereby superseded or repealed to the extent necessary to give this local law and effect during its effective period.

**Section VII. Effective Date**

This law shall become effective immediately upon filing confirmation from the Office of the Secretary of State.