

VILLAGE OF ISLAND PARK  
**LOCAL LAW NO. 1 OF 1995**

A local law regulating non-conforming structures and uses

Be it enacted by the Mayor and Board of Trustees of the Village of Island Park that Local Law No. 1 as follows:

LOCAL LAW #1 OF 1995

1. Definitions applicable to Local Law

As used in this Local Law, the following terms shall have the meanings indicated:

LEGAL NONCONFORMING USE-Any nonconforming use, at the time such was commenced, was maintainable as a matter of right under the statutes, ordinances and general rules of the law then in effect in the Village of Island Park. Effective date shall be for purposes of this Local Law May 21, 1969.

NONCONFORMING USE - Any building or the use of any land or building which does not conform to the provisions of Zoning Ordinance #51 for the use district in which it is maintained or any building or structure which does not conform to the Building Code of the Village of Island Park or the New York State Building Construction Code. Effective date shall be on adoption of New York State Building and Fire Prevention Code by the Inc. Village of Island Park.

2. Continuation or change of legal nonconforming use

Any legal nonconforming use may be continued as provided in Zoning Ordinance 51. Such legal nonconforming use may be changed to another use which is permitted in the district in which such legal nonconforming use is expressly permitted by Zoning Ordinance f51, and such other use may be continued a legal nonconforming use in accordance with this Local Law, provided that the Board of Zoning Appeals, after application, notice and hearing in the matter prescribed by Section 7-704 of the Village Law, shall determine that

other use will not have a greater adverse effect on other properties in the vicinity, considered the purposes in view defined by Section 7-704 of Village Law than the use it is proposed to replace.

3. Abandonment

Whenever a legal nonconforming use shall have been abandoned or changed to a use conforming to the provisions of this Zoning Ordinance #51, for the period of one year, the land, building or structure in which said legal nonconforming use shall have existed shall not thereafter be used for any nonconforming use.

4. Authority to determine legal nonconforming uses.

The Commissioner of Building/Zoning , or at his designation the Building Inspector, may on the written verified application of the owner of property claiming a legal conforming use thereon, confirm such use by determining that such use is, in fact, a legal nonconforming use.

5. Evidence to accompany application to determine legal non-conforming use.

Every application under Section A hereof shall state or be accompanied by an affidavit or affidavits stating the evidentiary facts claimed to establish such use as a legal nonconforming use and shall be filed in duplicate with the Building Department. The Commissioner of Building/Zoning, and/or the Building Inspector, may in his discretion, require the production of additional evidence and make whatever independent investigation he may deem necessary.

6. Confirmation or denial of legal nonconforming use.

The Commissioner of Building/zoning, and/or the Building Inspector, upon the evidence submitted to and to and obtained by him, shall make and file with the Village Clerk a written determination confirming or denying that such use is a legal nonconforming use and stating the facts which he finds to be established by such evidence, the basis of such findings and the conclusions he has drawn from such findings.

7. Issuance or denial of certificate of occupancy.

A. Upon confirmation by the Commissioner of Building/zoning, and/or the Building Inspector, of any legal nonconforming use pursuant to this Local Law, he shall issue to the applicant a certificate of occupancy with an endorsement thereon specifying the legal nonconforming use so confirmed, and such certificate shall constitute presumptive evidence that such use is a legal no conforming use in any action or proceeding brought to enforce Zoning Ordinance #51.

B. Every nonconforming use for which a certificate of occupancy has not been issued, as provided in this Local Law, shall presumptively be an illegal nonconforming use for the purpose of any application to or proceeding before any officer or Board of the Incorporated Village of Island Park.

8. Effect of Local Law.

Nothing in this Local Law shall be deemed to make legal or to permit the confirmation of any nonconforming use which is not a legal non-conforming use or to invalidate the use of or require the confirmation of the use of any land, building or structure for which a valid certificate of occupancy has been issued prior to and is in effect on the effective date of this law.

9. Severability

If any clause, sentence, section, paragraph or provisions of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other part of this Local Law, but shall be confined in its operation to the clause, sentence, section, paragraph or provision directly involved in the action or proceeding in which the judgment or order so adjudging shall have been rendered.

10. The application fee for Two-family Non-conforming use as defined in this local law shall be \$250.00, all other buildings \$300.00.

11. This Local Law shall take effect upon filing with the Secretary of State.