

VILLAGE OF LARCHMONT  
LOCAL LAW # 17-2016

A local law to amend the grandfathering provisions  
of the Zoning Law following amendments

Be it enacted by the Board of Trustees of the Village of Larchmont as follows:

**Section One.** Purpose and Intent.

This local law clarifies the provisions of the Zoning Law that concern land, buildings, structures, and outdoor equipment that were in compliance with the Zoning Law before amendments to the Zoning Law were adopted, but as a result of such amendments, are rendered nonconforming. These provisions are often known as grandfathering provisions.

**Section Two.** The title of Article IX of the Zoning Law of the Code of the Village of Larchmont is hereby revised to read as follows:

Article IX: Nonconforming Land, Uses, Buildings, Structures, and Equipment

**Section Three.** The introductory paragraph of § 381-71 of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

§ 381-71. Continuation of nonconforming buildings and uses.

Any building, structure, generator, outdoor HVAC (heating, ventilation, and/or air/conditioning) equipment, or use lawfully existing under the provisions of the zoning laws or regulations in effect immediately prior to any applicable change in zoning laws or regulations, although not conforming to the provisions of this chapter for the district in which it is situated on account of such change, may remain and/or be continued subject to compliance with the conditions set forth below.

**Section Four.** Paragraph 381-71.A. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

A. No such building, structure, generator, or outdoor HVAC equipment which is nonconforming with respect to the relevant provisions of this chapter or minimum area per family shall be enlarged, altered, or moved in such manner as to increase any such nonconformity.

**Section Five.** Paragraph 381-71.D. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

D. No such nonconforming building, structure, generator, outdoor HVAC equipment, or use, if changed to a building, structure, generator, outdoor HVAC equipment, or use that conforms to the provisions of this chapter, shall be changed back to a nonconforming building, structure, generator, outdoor HVAC equipment, or use.

**Section Six.** Paragraph 381-71.F. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

F. A one-family dwelling conforming to this chapter except as to area requirements, if accidentally damaged or destroyed, from whatever cause, may be restored on its original foundation.

**Section Seven.** Paragraph 381-71.G. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

G. No nonconforming building, structure, generator, or outdoor HVAC equipment, other than a one-family dwelling as referred to in Subsection F above, if destroyed or damaged to the extent, as determined by the Building Inspector, of over 50% of the volume of such structure above the foundation, shall be restored in nonconforming form or location on the lot or for the continuance of a nonconforming use therein. However, such building, structure, generator, or outdoor HVAC equipment, if accidentally destroyed or damaged due to fire, explosion or other similar cause, to the extent, as determined by the Building Inspector, of not more than 50% of its volume above the foundation, may, if so permitted by the Zoning Board of Appeals, be restored in substantially the same location, provided that it is not enlarged. The Zoning Board of Appeals may also permit the continuance without enlargement of such previously existing nonconforming use subject to such additional limitations and safeguards as it may deem necessary in the public interest for the protection of nearby conforming uses.

**Section Eight.** Paragraph 381-71.I. of the Zoning Law of the Code of the Village of Larchmont is hereby repealed and replaced in its entirety to read as follows:

I. Application for a permit to rebuild or restore the damaged portion of any building, structure, generator, or outdoor HVAC equipment damaged or destroyed as set forth in Subsection G above shall be filed within six months of the day of such damage and shall be accompanied by plans for reconstruction which, as to such portions, shall comply with the provisions of this chapter in all respects save as to the use of the building or structure.

**Section Nine.** The title of § 381-72 of the Zoning Law of the Code of the Village of Larchmont is hereby revised to read, "Nonconforming construction," and the § 381-72 is hereby revised by adding a sentence to the end of the paragraph to read as follows:

Except with respect to amendments concerning mechanical rock excavation and blasting, amendments to this chapter adopted between October 17, 2016, and November 21, 2016, shall not affect development(s) for which final subdivision approval or site plan approval was granted before October 17, 2016.

**Section Ten.** Severability.

If any section, subsection, clause, phrase, or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section Eleven.** Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.