

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.

FILED
STATE RECORDS

DEC 23 2016

County City Town Village
(Select one.)

of Village of Larchmont

DEPARTMENT OF STATE

Local Law No. 18 of the year 2016

A local law to revise the Zoning Law by regulating the location and dimensions of retaining walls
(Insert Title)
and the land surrounding them

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

County City Town Village
(Select one.)

of Larchmont

as follows:

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

Section One. Purpose and Intent.

The purpose of this local law is to establish regulations pertaining to the location and dimensions of retaining walls, as well as the land surrounding them. The installation of retaining walls has the potential to create detrimental impacts on visual aesthetics, drainage and water runoff, erosion slumping, and other environmental issues. These regulations intend to minimize these impacts and others that are caused by the destabilization of a sloped area, as well as control the scale, mass, and location of retaining walls. Overall, the regulations will permit the installation of retaining walls pursuant to reasonable controls that will protect property, the environment, and the health, safety, and welfare of the community.

Section Two. Paragraph 381-41.H. of the Code of the Village of Larchmont is hereby added to read as follows:

H. Retaining walls. In order to minimize potential detrimental impacts associated with disturbance of established vegetation on existing steep slopes and avoid creating new steep slopes or grading that is disharmonious with the neighborhood topography or character, all retaining walls shall comply with the following provisions, and no retaining walls shall be installed except where the applicant demonstrates that each disturbance and/or retaining wall is necessary for the reasonable use of the property and that no adverse impacts will result.

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

- (1) All retaining walls shall comply with the following design requirements:
 - (a) Structural retaining walls shall be constructed of permanent, uniform, engineered materials such as concrete, pre-cast block, or masonry. Exposed areas of the retaining wall shall be faced in a more naturalistic and/or rusticated material such as cultured stone, brick, or stone that reflects the prevailing wall style of older homes in the Village.
 - (b) Landscape retaining walls may be constructed in the same fashion as structural or retaining walls described in § 381-41.H.(1)(a) above, or of stone or cultured stone or durable or preservative-treated wood, or other durable materials.
 - (c) The grading in front of and behind all retaining walls and the retaining walls themselves shall be constructed in a manner so as to permit the continued flow of natural drainage, and shall not cause surface water to be blocked or dammed to create ponding, either upon the property upon which such wall is located, or upon any adjoining or adjacent property or street.
 - (d) Landscaping installed in the vicinity of any structural retaining wall shall be appropriate for the location and shall not have a root system that will impair the integrity of the retaining wall.
- (2) All retaining walls that exceed two and one-half (2 ½) feet in height, measured as set forth in § 381-41.H.(3), shall comply with the following additional design requirements:
 - (a) The applicant shall submit the following plans prepared by a licensed civil engineer: (1) a site plan showing the location and dimension of the retaining wall; (2) a grading plan with contour lines at a minimum of two (2) foot intervals; (3) construction details including the type of materials, height and thickness of the retaining wall, type of backfill, and drainage features; (4) soil cut / fill and import / export totals; and (5) a landscaping plan for areas within ten (10) feet of the proposed wall.
 - (b) Prior to the issuance of a building permit, all proposed retaining walls that exceed two and one-half (2 ½) feet in height shall be reviewed by the Village Engineer or consulting engineer for structural design and integrity, as well as the potential for adverse drainage, erosion, or other impacts.
- (3) Measurement of height. For the purpose of this § 381-41.H., the height of each retaining wall, and the height of each tier of a wall system, shall be measured as a vertical distance from its bottommost exposed grade to the top of the retaining wall. The maximum height along a varying-height retaining wall shall be used to determine the height of each wall.
- (4) Height and location of retaining walls.
 - (a) Retaining walls may abut property lines without a required setback.
 - (b) Only one retaining wall may be permitted in each of the following yard areas: (a) within twenty (20) feet of the front property line; (b) within twenty feet (20) of a side-

front property line; (c) within ten (10) feet of a side property line; and (d) within thirty (30) feet of a rear property line. In each case, the maximum permitted height of such single retaining wall within such distances from a property line shall not exceed two and one-half (2½) feet.

(c) A second retaining wall may be permitted beyond twenty (20) feet of a front or side-front property line, beyond ten (10) feet of a side property line, and beyond thirty (30) feet of a rear property line, provided that each second retaining wall shall not exceed three and one-half (3½) feet in height, and provided that the cumulative height of retaining walls in any yard is not greater than five (5) feet in height.

(d) The measurement of the cumulative height of retaining walls shall be the sum of the height of each separate wall (with the height of each retaining wall being defined as the measurement at its point of maximum height).

(e) Where a fence is placed directly above a retaining wall, or where the distance between a fence and retaining wall running roughly parallel is equal to or less than five (5) feet, the cumulative height of the retaining wall and fence shall not exceed five (5) feet. The area between such fence and retaining wall shall be maintained as a landscaped area consisting of lawn, shrubs, or other vegetation.

(f) Retaining walls running roughly parallel shall be separated by a bench of minimum horizontal distance equal to twice the vertical height of the taller of the two (2) retaining walls.

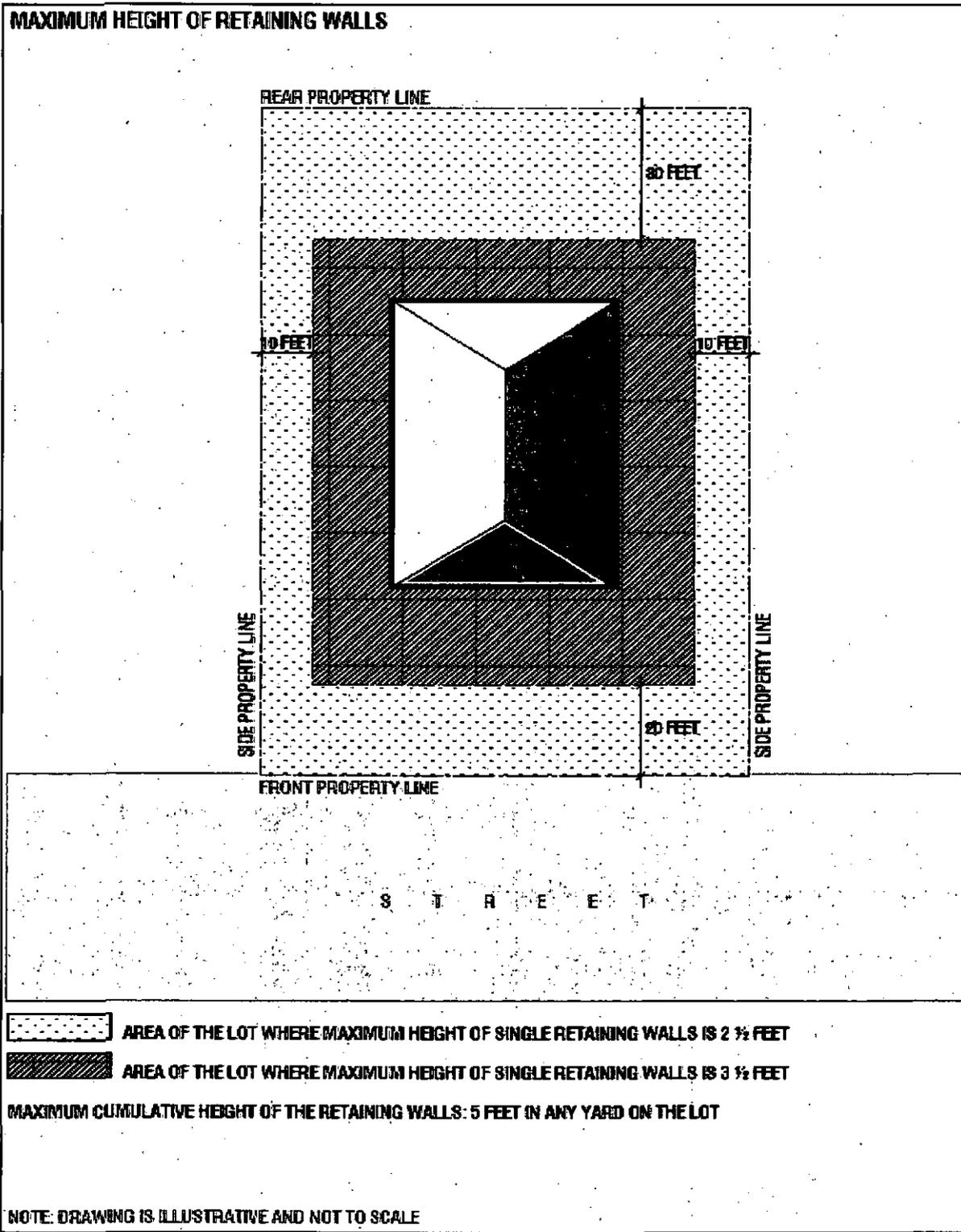
(g) Unless the presence of rock prevents regrading, the finished grade of areas in front of, behind, or between retaining walls shall not exceed one (1) vertical foot to four (4) horizontal feet, and shall be properly graded, stabilized, and drained in accordance with the Village Code.

(h) Exceptions for heights of retaining walls in floodplain areas. The heights of retaining walls may be increased beyond the maximums set in set forth in §§ 381-41.H.(4)(b) and (c) where such retaining walls are utilized to raise the finished habitable floor area elevation of a building or structure above the 100-year floodplain elevation established by the Federal Emergency Management Agency or its successor, except that the heights of such retaining walls shall not raise the floor elevation of the habitable floor area above the floodplain elevation by more than two (2) feet. The applicant may be required to utilize methods that decrease the height of a single retaining wall, such as using two or more tiered retaining walls, or regrading the areas in front of or behind such walls.

(5) The Planning Board may, for good cause shown, permit retaining walls of greater heights and in different locations other than as specified in § 381-41.H.(4), but only upon a demonstration that the applicant used best efforts to comply with the standards set forth in § 381-41.H.(4). The Planning Board may vary such standards only to the minimum extent reasonably possible.

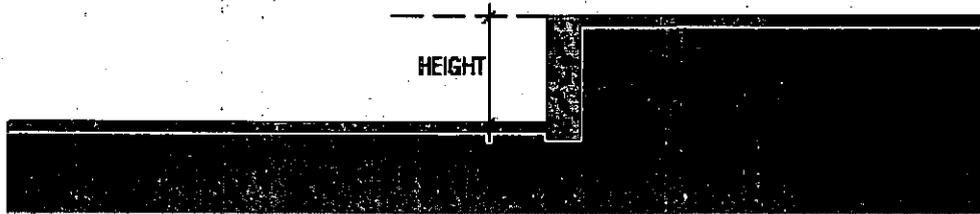
ILLUSTRATION: §§ 381-41.H.(4)(a), (b), (c), and (d)
MAXIMUM HEIGHT OF SINGLE RETAINING WALLS AND

MAXIMUM CUMULATIVE HEIGHT OF RETAINING WALLS

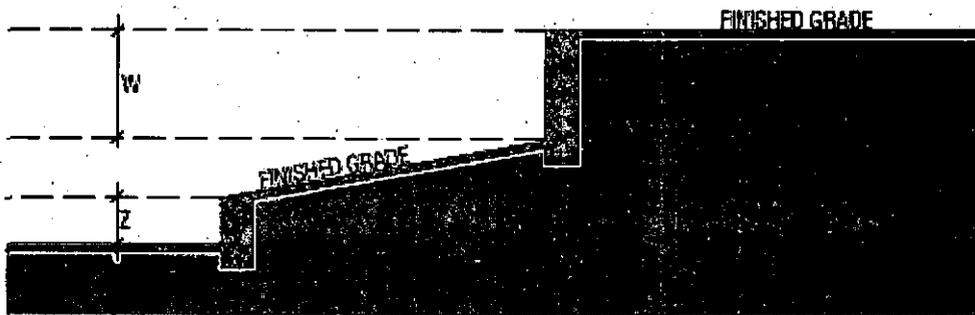
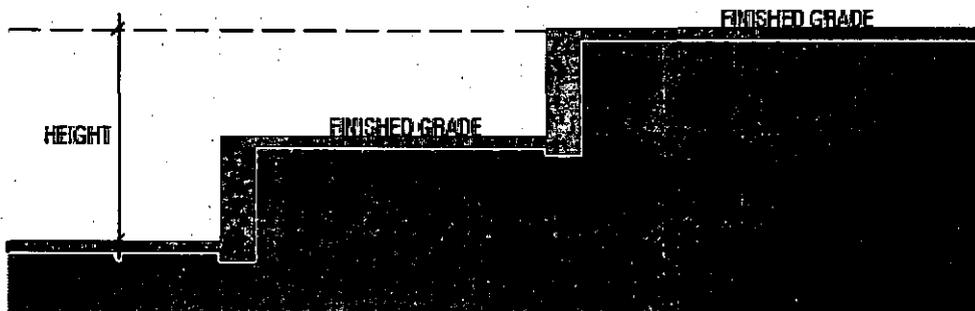


ILLUSTRATIONS: §§ 381-41.H.(3) and 381-41.H.(4)(c) and (d)

MEASUREMENT OF HEIGHT OF A RETAINING WALL

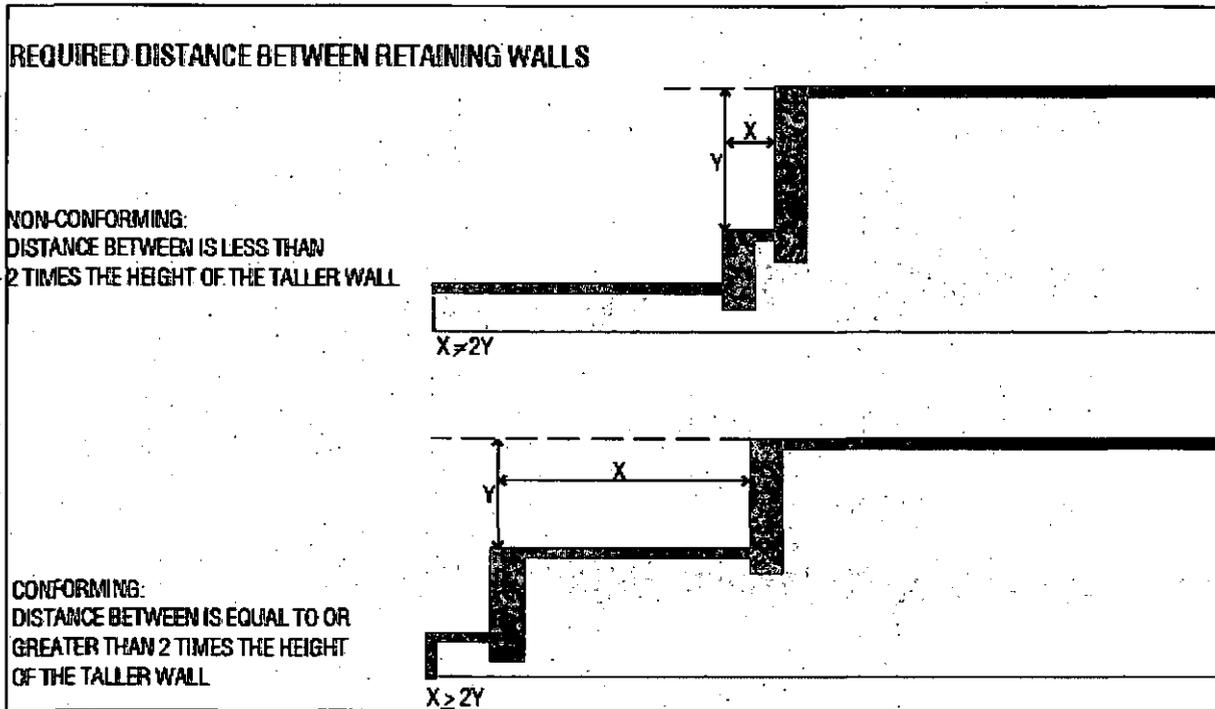


EXAMPLES OF MEASUREMENT OF CUMULATIVE HEIGHT OF RETAINING WALLS



HEIGHT = W + Z

ILLUSTRATIONS: § 381-41.H.(4)(f)



Section Three. 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 Four. Effective Date.

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

(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. 18 of 2016 of the ~~(County)(City)(Town)~~(Village) of Larchmont was duly passed by the Board of Trustees on December 19 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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.)

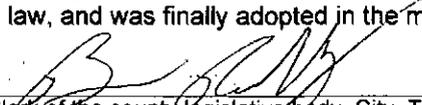
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: December 20, 2016

(Seal)