

HBP-6-2024

A local law to amend Chapter 146 of the Village of Hewlett Bay Park Village Code with respect to legal non-conforming uses, buildings and structures.

Section 1. The Code of the Village of Hewlett Bay Park is hereby amended by amending section 146-3, to read as follows:

“§ 146-3 Continuation of legal nonconforming use, building or structure.

- A. Except as otherwise provided in this chapter, any lawful nonconforming use, building or structure may continue; provided, however, that such use, building or structure shall not be altered, enlarged or otherwise expanded to increase the non-conformity of such area that does not comply to the current code. As used in this section, the term "enlarged" shall include, but not be limited to, an increase in the floor area, building area or portion of a lot or premises used for or occupied by the use; and the term "expanded" shall include, but not be limited to, any increase in volume, size, hours of operation or any other parameter of measurement of a nonconforming use, building or structure.
- B. Any nonconforming use, building or structure which is diminished in volume, size, hours of operation, floor area, building area, portion of a lot or premises used for or occupied by said use, or in any other parameter of measurement of such use, building or structure, shall not thereafter be increased in such previously reduced aspect or parameter unless such increase is permitted by the provisions of this chapter in effect at the time of such increase.”

Section 2. Any local law, ordinance, or resolution of the Village of Hewlett Bay Park in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed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 3. 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 4. This local law shall take effect immediately upon adoption and filing of such law pursuant to the Municipal Home Rule Law.