

Town of Southampton



Residential Zoning Overview Booklet

Table of Contents

- pg 1. Introduction
Subdivisions
- pg 2. Non-Conforming Described Property & Subdivisions
approved prior to October 14, 1957
Waterfront Lots
Old Filed Map Overlay District
Special Old Filed Map Overlay District
- pg 3. Existing Non-conforming Setbacks
Wetlands Setback Reduction
Required Side Yards
Flagpole Lots
Lot & Required Rear Yard Coverage
- pg 4. Multiple Front Yards & Irregular Shaped Lots
Building Height
Pyramid Law
- pg 5. Fences and Driveway Gate Regulations
Sheds
Aquifer Protection Overlay District

Diagrams

- pg 7. Pyramid Diagrams

Tables

- pg 8. Residential Table of Dimensional Regulations
pg 9. 1957 Zoning Residence Districts

Introduction

This document presents an overview of some of the Residential Zoning Requirements for the Town of Southampton including non-conforming lots, setbacks, lot coverage and disturbance limitations. It is **not** meant to answer all questions and may not apply to all building lots. The Southampton Town Code can be purchased from the Town Clerk and is also available for free on-line at: www.town.southampton.ny.us.

Additional information can be found there.

Land Use Regulations for Residential Districts are given in Table 330-10. Zoning maps are available for viewing at the Building Department Office and are for sale in the Town Clerk's office. They are also available on-line provided you have a subscription to the Geographic Information System (GIS). Applications for new construction (buildings, additions & accessory structures) must meet the dimensional regulations and setbacks for the Zoning District where the lot is located as shown in Table 330-11.

There are several exceptions:

Subdivisions

1. If the subdivision is in an area where the area zoning has not changed since the filing date, the subdivision zoning may be used. Zoning information is usually shown on the subdivision map. See major Up-zone dates given below.
2. If the lot no longer complies with current zoning and if the subdivision was approved since October 14, 1957, and if the area has been up-zoned, you are allowed to have both principal and accessory structure setbacks conforming to the zoning at the time of approval, provided the property has been held in Single and Separate ownership prior to the time the property became non-conforming by virtue of an up-zone. A Single and Separate Title Abstract must be provided as per 330-115D. For subdivisions approved between October 14, 1957 and May 21, 1972, old A, B, C zoning applies. See 1957 Zoning Table. See major Up-zone dates given below. Exception: A Zoning Board of Appeals decision, D10464, states if a subdivision was approved by the Planning Board as a cluster subdivision and has open space put aside, a single & separate title abstract is not required.

Non-Conforming Described Property & Subdivisions approved prior to October 14, 1957

Relief for side and rear yard setbacks for the principal structure only is allowed for non-conforming Described Property as provided in 330-115D(1) and (2), and is commonly called the .3 / .4 rule. Single and separate ownership must be shown prior to the time the lot became non-conforming. Accessory structure setback relief is not given for described parcels. Please note that subdivisions approved prior to October 14, 1957 are treated as described parcels. See major Up-zone dates given below.

Major Up-zone Dates

- October 14, 1957 (zoning implemented using A, B, C, etc)
- May 22, 1972 (master plan and flag lots less than 20 foot prohibited)
- July 1, 1975 (subdivisions with 4 or less lots conforming to zoning)
- March 27, 1983 (5 acre up zone)
- April 4, 1984 (up zone)

Waterfront Lots

Except for oceanfront lots, the waterfront lot line shall be considered the front lot line. In such cases the street frontage is considered the rear yard and accessory structure setbacks are doubled (330-5 Definitions, Lot Line, Front, 330-83J). This condition may (does) not apply for some dug canals where the rear (waterfront) lot line is a common line to the lot across the canal. Lots in the Shinnecock Shores subdivision are an example. DEC and Wetlands Conservation approval and may be required for projects.

Old Filed Map Overlay District

Special zoning applies to subdivisions that were filed prior to May 13, 1931. The metes and bounds for this district are found in 330-53A. For new houses, in R 40 zoning and above, approval and transfer of development rights to make up for the undersized lot area via the Planning Board is required. See Article XI (330-52 through 330-56). Setback reductions for both principal and accessory structures are found in 330-55B. Note: Lots that were developed prior to the adoption of Article XI are treated as described parcels and get principal structure setback relief as provided for in 330-115 D (1) and (2). Accessory structures do not get setback relief.

Special Old Filed Map Overlay District

This district is South of Montauk Hwy and West of the Shinnecock Canal and also applies to non-conforming lots in subdivisions that were filed prior to May 13, 1931. Article XII (330-57 through 330-62) provides the regulations. In general, a lot with less than 10,000 square feet will require a variance to build.

Existing Non-conforming Setbacks

Buildings that have legal non-conforming setbacks may be extended with the existing setback provided that all other zoning regulations conform, such as the Pyramid Height Law (330-84D). Exception: An extension of a setback granted via a former Zoning Board of Appeals decision must be examined on a case-by-case basis.

Wetlands Setback Reduction

Many lots are classified as wetlands. A list is maintained by the Southampton Conservation Department. In general, any construction or regulated activity within 200' of wetlands requires a Wetlands Permit per Chapter 325 before a building permit can be issued. Principal building setbacks may be reduced up to 50% of the dimensional regulations given in Table 330-11 as provided for in 330-83K. This relief is not granted to accessory structures. The building must conform to all other zoning regulations such as the Pyramid Height Law (330-84D). A variance may be required if the Conservation Board requires a building to be moved away from wetlands. Building permit applications must match wetland permit approvals. Conservation laws and regulations are strictly enforced.

Required Side Yards

Dimensional regulations (Table 330-11 and the relief granted in 330-115D) give total & minimum side yard setbacks. These setbacks apply to the side yard space between the front and rear walls of the principal structure, and are tightly regulated. The principal structure may have an unroofed stairs running along the side of the building or a window bulkhead that may encroach into a required side yard, however bilco doors are not allowed. Accessory buildings and other structures including pools, tennis courts, patios and decks are also not allowed in required side yards (See 330-76D and 83C).

Flagpole Lots

(330-5 definitions, Lot Line, Front) In the case of a flagpole lot, the front lot line used for the determination of width of lot and the required front yard shall be one of the internal lot lines designated by the owner. However, this does not apply for waterfront, oceanfront or street front lots since they are not true flagpole lots. Flagpole lots that do not have a 20' wide flagpole require a Single & Separate Title Abstract prior to May 22, 1972 as provided for in 330-115D.

Lot & Required Rear Yard Coverage

Lot coverage percentages shown as per 330-115 D(4) refer to roofed buildings (See 330-5 Definitions Lot, Coverage). Coverage of the Required Rear Yard for the main or principal building is limited to 20% and

includes accessory buildings and/or structures including pools, tennis courts, decks and patios greater than 12 inches above grade, etc as defined in 330-77D. The required rear yard is the principal building setback as defined in Table 330-11, or in the case of a non-conforming lot the relief granted in 330-115D. (See 330-5 definitions, Lot, Depth).

330-115D(4)
Lot size and Lot coverage:

0 - 59,999	20%
60,000 - 79,999	15%
80,000 - 199,999	10%

Multiple Front Yards & Irregular Shaped Lots

Some lots have multiple front yards, corner lots being the most common. In these cases front yard setbacks apply to each front yard. Where there is only one side yard, the minimum side yard setback applies. Other setbacks and yard criteria also apply as previously discussed. In these cases it is best to discuss the project and zoning criteria with a building inspector.

Building Height

The height of a building or structure is measured from the average elevation of the pre-existing natural grade fronting on the nearest street to the highest point of the highest roof including cupolas and spires but not chimneys. Single-family houses have a maximum height 32 ft and accessory buildings are 20'.

In a flood zone the maximum height of a dwelling is 40' and is measured from mean sea level (MSL). The height of accessory structures is measured from the Base Flood Elevation (BFE). See Definitions 330-5 Height of a Structure or Building, Base Elevation, Table 330-11, 330-77C & E.

Pyramid Law

Pyramid Law. Except on lots in the Village Business (VB) District, Highway Business (HB) District, Office District (OD), Hamlet Office/Residential (HO) District, Hamlet Commercial/Residential (HC) District, or Light Industrial (LI-40 and LI-200) Districts, all buildings and structures on any lot in any district must be set back from all property lines so that the height of any point of the building or structure is not greater than the horizontal distance of the point from the nearest property line to the building or structure at that location. Notwithstanding any language in this subsection, the maximum height limitation for a building or structure in the dimensional tables of this chapter (§§ 330-11, 330-34 and 330-38) EN shall not be exceeded at any point unless the structure is one ex-

empted under Subsection A hereof. An illustration depicting a typical elevation view showing the control of height of buildings and structures under this subsection is included at the end of this chapter. [Added 12-22-1992 by L.L. No. 55-1992; amended 11-14-1997 by L.L. No. 38-1997; 6-10-1997 by L.L. No. 47-2003; 8-26-2003 by L.L. No. 65-2003]. There are separate diagrams showing examples of pyramid law compliance in this brochure, if necessary you can discuss compliance with pyramid with a building inspector. If a dwelling has a non-conforming setback and proposed addition maintains the non-conforming setback they do not require a variance for pyramid law. The new addition's roofline must maintain same roofline as existing dwelling and be clearly shown on plans.

Fences and Driveway Gate Regulations

All fences and driveway gates/driveway posts exceeding 4 feet in height require a building permit and must meet the criteria as stated in section 330-109. If you have any questions see a building inspector in the building department to discuss the proper location of you proposed fence and/or driveway gate

Note: The Town of Southampton does not permit 8 foot deer fencing except on agricultural parcels with planning board approval.

Sheds

A residential storage shed which has a maximum of 120 square footage and height of 12 feet as defined in § 330-5 shall be permitted in the rear yard of a lot if it meets the rear and side yard setbacks for accessory structures as defined in § 330-11 of the Town Code. Residential storage sheds that are located on lots 80,000 square feet and less in all zoning districts, except waterfront lots, shall be allowed to have a minimum side and rear yard setback of 10 feet. This relief shall be granted for one residential storage shed per lot.

Aquifer Protection Overlay District

There are two Aquifer Protection Districts in the Town where the amount of disturbance of natural vegetation is strictly regulated and enforced. The regulations are described in Article XIII (330-63 through 330-69.3)

For residential lots, the amount of disturbance of natural vegetation shall not exceed the following percentages, except on flagpole lots, where the area of the pole shall be exempt from the total lot area and the total amount of clearing permitted:

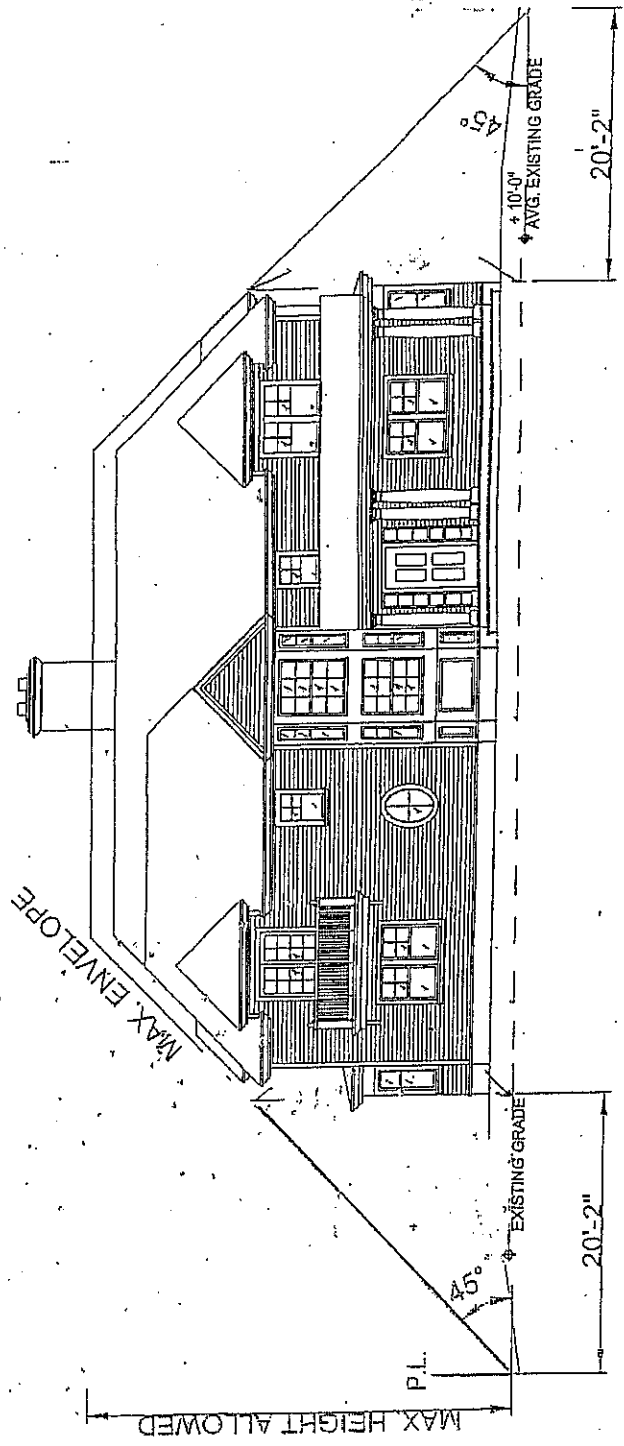
330-67A(4)(a):

Lot Size (square feet)	Percentage of Site
1 to 15,000	75%
15,001 to 30,000	60%
30,001 to 60,000	50%
60,001 to 90,000	35%
90,001 to 140,000	25%
140,001 to 200,000	20%
200,001 or greater	15%

Surveys must show the amount of disturbance and proposed disturbance. The applicant for a building permit shall have the proposed building and/or structure and the areas to be disturbed staked by a licensed surveyor in accordance with the survey. In addition, plastic surveying ribbon or an equivalent shall be placed around the perimeter of the area proposed to be disturbed in accordance with 330-69B.

In the mid 80's, prior to the adoption of these Aquifer Overlay provisions, many subdivisions were approved with disturbance limits. The most restrictive disturbance limits are enforced. In addition, all subdivision vegetation and conservation buffers, and covenants & restrictions are to be adhered to.

Pyramid Law. Except on lots in the Village Business (VB) District, Highway Business (HB) District, Office District (OD), Hamlet Office/Residential (HO) District, Hamlet Commercial/Residential (HC) District, or Light Industrial (LI-40 and LI-200) Districts, all buildings and structures on any lot in any district must be set back from all property lines so that the height of any point of the building or structure is not greater than the horizontal distance of the point from the nearest property line to the building or structure at that location. Notwithstanding any language in this subsection, the maximum height limitation for a building or structure in the dimensional tables of this chapter (§§ 330-11, 330-34 and 330-38) Editor's Note: The Tables of Dimensional Regulations are included at the end of this chapter. shall not be exceeded at any point unless the structure is one exempted under Subsection A hereof. An illustration depicting a typical elevation view showing the control of height of buildings and structures under this subsection is included at the end of this chapter. [Added 12-22-1992 by L.L. No. 55-1992; amended 11-14-1997 by L.L. No. 38-1997]



537-2371 Joe F.

Residential Table of Dimensional Regulations

DIMENSION	CR200	CR120	CR80	CR60	CR40	R120	R80	R60	R40	R20	R15	R10
Lot area												
Minimum (square feet)	200,000	120,000	80,000	60,000	40,000	120,000	80,000	60,000	40,000	20,000	15,000	10,000
Minimum per dwelling unit (square feet)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum number of dwelling units on any 1 parcel, except as provided in Section 330-8												
Lot coverage												
Maximum lot coverage by main and accessory buildings (percent)	5	10	10	15	20	10	10	15	20	20	20	20
Lot width, minimum (feet)	200	200	175	150	150	200	175	150	150	120	100	75
Height, maximum												
Stories	2	2	2	2	2	2	2	2	2	2	2	2
Feet	32	32	32	32	32	32	32	32	32	32	32	32
Yards, principal building, minimum (feet)												
Front	100	80	80	80	60	80	80	80	60	40	40	30
Side, minimum for 1	50	30	30	25	20	30	30	25	20	20	15	10
Side, total for both on interior lot	125	75	75	65	60	75	75	65	60	45	35	25
Side, abutting side street on corner lot	100	80	80	80	60	80	80	80	60	40	40	30
Rear	100	100	100	100	70	100	100	100	70	60	50	30
Yards, accessory buildings and structures, except fences and retaining walls, minimum (feet)												
Distance from street	110	90	90	90	70	90	90	90	70	50	50	40
Distance from side and rear lot lines	50	30	30	30	20	30	30	30	20	10	10	8
Distance between												

1957 ZONING RESIDENCE DISTRICTS

DISTRICT	USES	LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARDS	REAR YARD	BLDG. AREA	ACCESSORY STRUCTURES
A	One family dwelling, church, school municipal, park, agriculture and accessory buildings	40,000 sq.ft.	150'	60'	Total 60' Minimum 20'	70'	15%	10'
B	Same as Residence "A"	25,000 sq.ft.	125'	50'	Total 40' Minimum 15'	60'	20%	8'
C	Same as Res. "A" & hospitals, private clubs, when authorized by the Board of Appeals	15,000 sq.ft.	100'	40'	Total 35' Minimum 15'	50'	20%	6'
D	Same as Res. "C", 2 family dwellings, garden apartments, when authorized by Board of Appeals	10,000 sq.ft.	75'	30'	Total 25' Minimum 10'	30'	20%	5'

BEACH RESIDENCE DISTRICTS

DISTRICT	USES	LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARDS	REAR YARD	BLDG. AREA
J	One family dwelling, church, municipal, park, playground, customary accessory use	Dune Road to Ocean	75'	40'	Total 35' Minimum 15'	50'	20%
K	Same as Res. "J"	Dune Road to Ocean	100'	40'	Total 35' Minimum 15'	50'	20%
K1	Same as Res. "J"	30,000 sq.ft.	100'	40'	Total 35' Minimum 15'	50'	20%