

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 23th day of March, 2021, a need for amendments to the zoning code; and

NOTICE IS HEREBY FURTHER GIVEN, it has been presented a Local Law entitled **“A Local Law in relation to an Amendment to Chapter 280, Zoning”** and

NOTICE IS HEREBY FURTHER GIVEN that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at Southold Town Hall, 53095 Main Road, Southold, New York, on the **20th day of April, 2021 at 7:01 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **“A Local Law in relation to an Amendment to Chapter 280, Zoning”** reads as follows:

LOCAL LAW NO. 2021

A Local Law entitled, **“A Local Law in relation to an Amendment to Chapter 280, Zoning”**.

BE IT ENACTED by the Town Board of the Town of Southold as follows:

I. Purpose.

The purpose of this local law is to address issues concerning corner lots.

II. Chapter 280 of the Code of the Town of Southold is hereby amended to include the underlined words and remove the struck through words as follows:

§ 280-4 Definitions.

LOT, CORNER

A lot situated at the junction of and abutting fronting on two or more intersecting streets ~~where the interior angle of intersection does not exceed 135°~~. A lot abutting a curved street shall be deemed a "corner lot" if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135°.

YARD, FRONT

An unoccupied ground area open to the sky ~~between the street line, or between the street line established by the Official Map of the Town or an approved subdivision plat, and a line drawn parallel thereto. Except, if the owner of the lot does not have the right to use or travel over a bordering street, right of way or street line, the side of the lot bordering that particular street, right of way or street line shall not be considered to be a front yard, and any accessory structure placed in such yard shall comply with the applicable side yard setbacks for the zoning district within which it is located.~~ on the same lot with a building or structure, extending the full width of the lot and situated between the street line and the front line of the building or structure projected to the side lines of the lot. The depth of the

front yard shall be measured between the front line of the building or structure and the street line.

YARD, PRIMARY FRONT

For principal structures located on corner lots, that portion of said corner lot which has frontage upon one of the streets on which the lot is located and is identified as the primary front yard on plans or by physical layout.

YARD, REAR

An unoccupied ground area fully open to the sky ~~between the rear lot line and a line drawn parallel thereto.~~ on the same lot with a building or structure, extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building or structure projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the main building or structure. In the case of corner and through lots, as defined in this chapter, the rear lot line shall be opposite the primary front lot line.

YARD, SECONDARY FRONT

For principal structures located on corner lots, that portion of a corner lot which has frontage upon one the streets on which the lot is located and which not identified as the primary front yard, shall be deemed the secondary front yard.

YARD, SIDE

An unoccupied ground area fully open to the sky ~~between any property line other than a street or rear lot line and a line drawn parallel thereto between the front and rear yards.~~ on the same lot with a building or structure, extending from the rear line of the front yard to the front line of the rear yard and situated between the side line of the main building or structure and the adjacent side line of the lot. In the case of corner lots, as defined in this chapter, lot lines opposite a secondary front lot line shall be deemed a side yard and shall have a minimum width equal to the minimum side yard requirements of the zoning district in which located.

§ 280-105 Height of fences, walls and berms.

Fences, walls or berms may be erected and maintained, subject to the following height limitations:

- A. When located in the front yard of residential zones, the same shall not exceed four feet in height. When located in the front yard of nonresidential zones, the same shall not exceed six feet in height.
- B. When located in or along side and rear yards, the same shall not exceed 6 1/2 feet in height.
- C. When located in or along a secondary front yard the same shall not exceed 6 1/2 feet in height and shall be set back from the secondary front yard line no less than 10 feet.
- DC. In residential and nonresidential zones, except properties/parcels engaged in bona fide agricultural production, the installation of a deer exclusion fence may be permitted by obtaining a building permit issued by the Building Inspector, subject to the following criteria:
 - (1) When located in or along side and rear yards, the height of the deer exclusion fence shall not exceed eight feet.
 - (2) When located in or along a secondary front yard the height of the deer fence shall not exceed eight feet in height and shall be set back from the secondary front yard line no less than 10 feet.

- (2(3)) Specifications for construction of deer exclusion fences:
 - (a) Fencing fabric: high-tensile, woven wire fence fabric with graduated opening.
 - (b) Spacing between posts: 20 feet.
- (4) Deer fencing is prohibited in or along the front yard or primary front yard of any property.

§ 280-106 **Corner lots.**

- ~~A. On a corner lot, front yards are required on both street frontages, and one yard other than the front yard shall be deemed to be a rear yard, and the other or others side yards.~~
- AB. On all corner lots, berms, walls, fences and hedges or any other potential obstruction to vision shall not exceed a height of 2 1/2 feet above the average street level within an isosceles triangle having thirty-foot sides along each street to preserve sight lines for traffic.

§ 280-124 **Nonconforming lots.**

- A. This section is intended to provide minimum standards for granting of a building permit for the principal buildings of lots which are recognized by the Town under § 280-9, are nonconforming and have not merged pursuant to § 280-10.

- B. Such lot shall be required to meet the following:

Area (square feet)	Lot Coverage	Front (feet)	Side (feet)	Yard Both Sides (feet)	Rear (feet)
200,000 to 399,999	5%	60	30	60	100
120,000 to 199,999	10%	60	30	60	85
80,000 to 119,999	20%	60	20	45	75
60,000 to 79,999	20%	55	20	45	75
40,000 to 59,999	20%	50	20	40	60
20,000 to 39,999	20%	40	15	35	50
Less than 20,000	20%	35	10	25	35

- C. Nonconforming lots with primary and secondary front yards shall be required to meet the following:

Area (sq feet)	Primary Front yard	Secondary Front yard	Side yard
Less than 20,000	35	25 (15)	10
20,000 to 39,999	40	30 (20)	15

ZONING
280 Attachment 3
Town of Southhold
Bulk Schedule for Residential Districts

Column No.	i	ii	iii	Iv	v	vi	vii	ix	x	xi	xii
District	A-C	R-40	R-80	R-120	R-200	R-400	HD	RR	RO	Residential Unit where community water and sewer available	2-Family Detached Dwellings in R-80 District
Maximum requirements for 1-family detached Dwellings											
Lot size (square feet)	80,000	40,000	80,000	120,000	200,000	400,000	20,000	20,000	40,000	10,000	160,000
Lot width (feet)	175	150	175	200	270	270	75	75	150	60	270
Lot Depth (feet)	250	175	250	300	400	400	120	120	175	80	400
Front yard (feet)	60	50	60	60	60	60	35	35	50	30	60
Primary Front yard (feet)	<u>60</u>	<u>50</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>60</u>	<u>35</u>	<u>35</u>	<u>50</u>	<u>30</u>	<u>60</u>
Secondary front yard (feet)	40	35	40	40	40	40	25	25	35	20	
Side yard (feet)	20	15	20	30	30	30	15	15	15	15	30
Both side yards (feet)	45	35	45	60	60	60	30	30	35	30	60
Rear Yards (feet)	75	50	75	85	100	100	35	35	50	30	85
Livable floor area (square feet per dwelling)	850	850	850	850	850	850	850	850	850	850	850
Maximum permitted dimensions:											
Lot coverage (percent)	20	20	20	10	5	5	25	25	20	25	10
Building height (feet)	35	35	35	35	35	35	35	35	35	35	35
Number of stories	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½

III. SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

IV. EFFECTIVE DATE

This Local Law shall take effect after filing with the Secretary of State as provided by law.