

ZONING DIAGNOSTIC REPORT

TOWN OF
SOUTHOLD, NY



September 20, 2023



ZONE CO⁺⁺

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Introduction

Section

01

Section 1: Project Introduction

As the first English speaking settlement in New York, the Town of Southold and its nine hamlets hold a special place in the state's history. For over three hundred years, the Town was settled and developed without zoning. The twentieth century brought new development pressures to the Town as the New York City region, particularly Long Island, grew rapidly. A zoning code was first adopted for Southold Town in 1957 and was overhauled in 1971 and again in 1989. In the decades that followed, increased development pressures, a burgeoning agritourism industry, erosion, and sea level rise have presented challenges, many of which have been addressed by piecemeal amendments to the code.

Southold is a unique community – a small historic town at the eastern edge of Long Island's north fork. But the Town's zoning code places it in the undistinguished company of many American communities that have outdated, piecemeal updated, cumbersome, and inadequate zoning codes that serve as a barrier to fully achieving the community's vision. One might retort that Southold is doing "just fine" and ask why the Town would spend precious public resources on something as insipid as revising the zoning code. The answer is that zoning impacts everyone who owns, uses, or interacts with real property – which is everyone who lives in, works in, or visits Southold Town and its hamlets.

When the Town's first major zoning code overhaul was completed in 1971, the legal concept of zoning was a little more than 50 years old. For a century now, zoning has been recognized as a legitimate exercise of a local government's police powers. Zoning was originally conceived to protect against the adverse public health, safety, and welfare impacts of severe overcrowding and incompatible land uses in New York City, in particular Manhattan. At the time, New York City was rapidly transitioning from a crowded nineteenth century-built environment to an even more crowded, denser, and much taller twentieth century-built environment. Regulations to address overcrowding were of paramount importance to a burgeoning metropolis.

In the decade that followed its adoption, New York City-style zoning made its way to towns and cities across America, including the Village of Euclid, Ohio adjacent to Cleveland. In 1926, the legal concept of zoning was tested by the United States Supreme Court in the *Euclid v. Ambler Realty Co.* Following the Euclid case, many American communities adopted what is commonly referred to as Euclidean zoning – a brand of zoning known for its emphasis on use segregation and setbacks to guard against incompatible land uses and to preserve natural light and adequate airflow. Southold's zoning code is primarily Euclidean, with some form elements only recently added.

Euclidean zoning is a proscriptive approach to land use that focuses on what cannot be done on real property. In response to trends that have emerged over the last decade, contemporary zoning codes focus on promoting a community's vision by prescribing regulations focused on advancing a community's vision. This approach is outcome driven and concentrates on varied land use issues, including use, building form, the pedestrian experience, and relationships among the public and private realm. It allows the community to set the vision and then regulate

to the outcome instead of regulating only to protect against undesirable outcomes.

A community's zoning should be the implementation of its vision as outlined in its planning. The Town's zoning should reflect the uniqueness of Southold and its hamlets and the collective vision of its residents. That vision should radiate through the regulations. As the Town prepares to consider amendments to the zoning code, this report provides a critical review of the Town's existing zoning regulations as they relate to the community's vision and desired outcomes. It also provides considerations of ways to better promote the Town's vision and desired outcomes through zoning amendments.

It is important to note that this analysis is not scientific or absolute. Revising a zoning code to better align it with a community's vision and desired outcomes is an iterative process among the Town's residents, its officials, and the consultant team.

The analysis, conclusions, and considerations in this report are based on our professional judgment derived from our knowledge and experience with land use regulations and zoning codes in communities of all shapes and sizes, including coastal communities and other communities in New York. It is also informed by our visits to Southold and our extensive discussions with Town officials.

This report is the beginning not the end of the discussion. It is intended to start the conversation in earnest by exposing shortfalls with the Town's current land use regulatory scheme and suggested considerations that will be the focus of robust policy discussions. Decisions on the scope and content of revisions are ultimately that of the Town upon extensive community engagement and input. The considerations in this report are subject to change as we more deeply engage with the community and learn more.

GUIDING PRINCIPLES

We have reviewed the zoning code through the policy lens of the Town's 2020 Comprehensive Plan – specifically Goal #1 "Update Town Code" – and in light of the following general zoning principles that inform ZoneCo's work:

1. Zoning should regulate only what needs to be regulated to advance the vision and promote public health, safety, and welfare.

Zoning regulations should place limits on the use of land only when necessary to promote general welfare. Regulations that do not relate to public interests, such as health and safety, may overstep the police power and may not be legally defensible.

2. Zoning should respect both existing and desired development patterns.

Zoning regulations should relate to a community's desired development patterns and quality of life. When regulations are out of step with desired development patterns, landowners will often resort to variances to gain approvals for projects that should otherwise be permitted. This increases the cost of investing in a community. Furthermore, processing such approvals and variances can unduly burden government departments.

3. Zoning should be the implementation of a plan, not a barrier to achieving desired outcomes.

Zoning should be a tool to implement a community's vision as expressed in its comprehensive plan. In many instances, a community invests time, funds, and energy into the development of a comprehensive plan, but zoning regulations are overlooked or revised over time in a disjointed manner. This scenario leads to outdated, inconsistent, and disorganized zoning regulations that are cumbersome, intimidating, and costly for property owners and administrators alike, and impede planning goals and economic development. On the other hand, a comprehensive update to zoning within the long-term planning process allows for clear, usable, defensible, and consistent regulations that operate efficiently to protect the public's interests and promote desired outcomes.

COMPREHENSIVE PLAN GOALS

The Comprehensive Plan includes 13 Town-Wide Goals. The first three objectives relate specifically to zoning. Goals five through thirteen are focused on protecting and enhancing the Town's character, natural resources, open space, parklands, and environment, agriculture and farmland preservation, environmental resilience, economic prosperity, and overall quality of life (collectively, hereinafter, the "Land Use Goals"). Each of the zoning code sections has been reviewed in light of the above goals, and their objectives and the considerations in this report are made in light of advancing one or more of them.

Goal 1: Update the Town Code

Revise the Town Code, particularly the Zoning Chapter and other Land-Use-related chapters, to be easier to use.

Goal 2: Review and Update Zoning Town-wide

Ensure that the existing zoning is appropriately located, uses are of the appropriate scale and intensity for the location, and all are consistent with the other goals of this plan.

Goal 3: Enforce the Town Code

Southold Town will continue to enhance its ability to enforce its regulations.

Goal 4: Improve Traffic Congestion and Safety

Ensure Infrastructure supports Town residents and businesses.

Goal 5: Protect the Town Character

Southold retains much of its small-town charm.

Goal 6: Protect and Enhance the Town's Natural Resources and Environment

The importance of managing and preserving Southold's natural resources while promoting responsible user experiences is paramount in maintaining the quality of life within the Town.

Goal 7: Economic Prosperity

Facilitate the growth of existing businesses, and encourage new businesses for stable and sustainable employment.

Goal 8: Enable the Creation of Attainable Homes

The Town must take steps to facilitate the creation of attainable housing in Southold.

Goal 9: Retain and Advance the Business of Agriculture

Agricultural uses occur on 30 percent of the land area in Southold Town, are important to the economy, and represent vital elements of the community's character.

Goal 10: Continue to Preserve Farmland and Open Space

Southold's character is created in large part by its open spaces, including farmland, natural lands, and parks.

Goal 12: Prepare the Town for Natural Hazards

Southold Town is subject to natural hazards, including hurricanes, flooding, and sea level rise, which can imperil human lives, property, and the environment.

Goal 13: Provide Quality Parks and Recreation Opportunities in the Town

Southold offers a diversity of recreational opportunities, from public tennis courts and playing fields, to nature trails and beaches.

The overarching goal of this zoning code re-write project is to craft custom-tailored, clear, consistent, user-friendly, resilient, equitable, and defensible zoning regulations that advance the Town's quality-of-life vision. The new code should be streamlined, made more user-friendly and more effective at achieving the Town's desired outcomes. Southold is not a one-size-fits-all community, and its zoning regulations should not be one size fits all.

Code Snapshot

Section

02

Section 2: Code Snapshot

While the Town of Southold was established in 1640, the Town's first municipal zoning code was introduced in 1957. A major zoning code rewrite and overhaul occurred in 1971 and again in 1989. Most of the provisions in the code's 244 pages have been piecemeal updated since, with a substantial number of updates having been made in 1994 and 2017. A significant number of piecemeal updates is usually a reaction to a zoning code that is not keeping up with an evolving community

Ch. 280 "Zoning" contains three categories of regulations:

- (i) administrative regulations (Articles I, XXIII-XXIX);
- (ii) zoning district regulations (Articles II-XV, XXX-XXXV); and
- (iii) generally applicable regulations (Articles XVI-XX, XXXVI).

The code has been regularly updated to address the land use issues of the day, which has created a set of regulations that do not reflect a cohesive and consistent vision for the Town. The zoning code should be written so that it proactively promotes the community's vision. For example, setting forth a clear vision for the size, scale, massing, and location of all structures in the Town should be as important, and in some instances, more important than their function.

The zoning code is decidedly outdated in key areas that adversely affect the usability, clarity, and overall effectiveness of the regulations. Some examples include the use of gender-specific pronouns, exclusively "he," "him," and "his," antiquated definitions, land uses that do not reflect desired uses, and a lack of graphics or tables to help convey complex concepts. It also uses appendices for important information, such as bulk standards, which if integrated into the code would make it easier to use and administer.

As a result of the piecemeal updates, the code needs to be read as a cohesive set of regulations promoting a commonly understood vision. It is a mashup of layers of decades of regulations that attempts one-size-fits-all solutions to bespoke issues – issues specific to a community on a narrow land mass at the end of an island (in one case, an island off an island) with significant development pressures and high land values.

Analysis & Considerations

Section

03

Section 3: Analysis & Considerations

Administrative Sections

(Articles I, XXIII-XXIX)

Articles I, XXIII-XXIX contain the code's administrative sections, which include general introductory provisions and definitions, nonconforming uses and buildings, site plan approval, special exception uses, board of appeals, and administration and enforcement. These sections provide the avenue for zoning applications, approvals, and appeals.

With respect to these sections, the Comprehensive Plan includes the following goals and objectives:

- Goal 1, Objective 1.4 - Review definitions.
- Goal 1, Objective 1.5 - Change obsolete terminology to more easily recognizable terms.
- Goal 1, Objective 1.6 - Revise the code to provide more clarity about the development process, including providing more clarity on when a site plan is required, landscaping requirements on commercial and industrial sites, parking schedule, special exception uses, and residential site plans.

Article I has a total of 266 definitions. Approximately 170 defined terms, or 64%, are original to a 1973 amendment of the code and approximately 36% of defined terms have been amended since then. Of those, the largest number were amended in 2017 (primarily agricultural terms) and 2019 (primarily recreational terms). With a majority of terms having been defined 50 years ago, many of which are uses, it is no wonder that two of the Comprehensive Plan's objectives include "review definitions" and "change obsolete terminology to more easily recognizable terms." (See Goal 1, Objectives 1.3, 1.4). We have aggregated all definitions in one place and are prepared to review and revise them during the project's calibration module (Module II).

Approximately 40% of the administrative code provisions were amended later than 2010. The administrative sections of the code are not necessarily broken; however, they could be improved and clarified for ease of use, streamlining, and administration. The following are considerations for the code rewrite:

Considerations: Consider the following:

- Include tables and graphics to organize procedures where appropriate. For example, a comprehensive procedures summary table is helpful for the user and administrator.
- Include “how to” provisions at the beginning of the code in a “Introduction and How to Use This Code” section. Glossaries tend to be long and despite previous conventional thinking not introductory or a helpful or effective way to begin a code. Move the definitions to a comprehensive glossary at the end of the code.
- Update the code’s purpose and intent statements to reflect the Comprehensive Plan goals and objectives.
- Relocate the administrative sections to the end of the code. Modern zoning codes typically locate the administration, procedures, and glossary sections toward the end of the code to focus the reader’s attention on answers to the primary questions: what can I do with my property and how can I do it? These important questions should be answered up front with procedures on how to seek and obtain approvals to follow later in the code for better organizational flow for the reader and the administrator.
- How to measure, interpret language, and how to read the zoning map are essential elements of using the code and should be clearly spelled out with concise wording and graphics/charts.
- Rename the code to better reflect the Comprehensive Plan goals and objectives as follows: “Southold Town Land Use Regulations.”
- Clarify and streamline the site plan review process; particularly the application perfection procedures and provide Town staff with authority to determine application completeness.
- Remove all fee schedules from the code and replace them with a reference to a fee schedule maintained by the Town that may be updated from time to time.
- Review all regulations involving legal standards for compliance with state statutory and common law by the Town attorney.
- For additional comments and recommendations, please see the “Administrative Articles” worksheet attached hereto as Appendix A.
- For a proposed table of contents, please see “Proposed Table of Contents” attached hereto as Appendix D.
- For comprehensive existing use tables, please see “Comprehensive Use Tables” attached hereto as Appendix E.

Zoning District Standards - Generally

(Articles II-XV, XXX-XXXV)

The zoning districts and associated standards could be more user-friendly using tables and illustrative and regulatory graphics. This will allow each district to be efficiently laid out so that all standards specific to that district are contained in a maximum of two-to-three pages.

Further, duplication abounds in the district sections. Provisions related to general exceptions to height and yard regulations, to lot grade topography and drainage, and any provisions that are generally applicable across districts should be located either in an introductory section or included with generally applicable regulations. Fewer long paragraphs and more tables and graphics will streamline each district.

The code contains 23 distinct zoning districts, eight of which being residential districts, six of which being business districts, and the remainder being agricultural, recreational, conservation, and preservation districts. The zoning districts are one-size-fits-all districts, meaning they are mapped throughout the Town based solely on desired land use and irrespective of their geographic location within the Town.

As such, the building standards and uses prescribed in each zoning district are not particularly calibrated to the numerous unique development patterns in and around each of the Town's hamlets. Some zoning districts are more frequently mapped in certain hamlets. Zoning districts that are most frequently mapped in a certain hamlet(s) should be custom tailored and particularly calibrated to the existing and desired development patterns in the hamlet(s) rather than generally calibrated to be mapped anywhere in the Town. Doing so would ensure regulations that are more intentional to desired outcomes.

The following are observations and considerations for each zoning district. The specific standards for each district along with those generally applicable standards will be reviewed and revised as part of the calibration module (Module II).

Agricultural-Conservation (AC)

The Agricultural Conservation (AC) zoning district is the most frequently mapped district in Southold and is most frequently mapped in Cutchogue and Mattituck/Laurel in the western portions of the Town. This zoning district is generally serving its intended purpose and is well crafted to advance the Land Use Goals related to the preservation and proliferation of agricultural uses in Southold.

Considerations: Consider the following:

- Including more robust farmstand regulations to address externalities such as increased traffic, parking, signage, and sales of food and products.
- Allowing an accessory dwelling unit (ADU) outside of the principal building to allow for additional affordable housing for farm workers.
- Rename the zoning district to more accurately reflect prevalent active uses rather than focusing on conservation.
- Re-evaluate list of permitted uses to more accurately reflect a mix of agribusiness uses, including agri-tourism uses.
- Evaluate the consistency of defined terms and uses related to agribusiness.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section within the district.



An example of an AC District development pattern

Low-Density Residential (R-80, R-120, R-200, R-400)

The R-80, R-120, R-200, and R-400 zoning districts are collectively the second most mapped districts in Southold Town. R-80 is found in all the Town's hamlets and alone is the third most mapped zoned in Southold Town, whereas R-120 and R-200 are found in only one hamlet each, Fishers Island and Orient (primarily on protected wetland areas owned by the State of New York), respectively. The R-80, R-120, and R-400 zoning districts are each mapped on more than 500 acres of property.

As its name indicates, these zoning districts are intended to be a "low-density" residential district, with minimum lot sizes of 40,000, 80,000, 120,000, 200,000, and 400,000 square feet, respectively. The distinction between these districts is primarily lot size. These districts evidence the Town's largely low-density residential development pattern.

While these zoning districts should be reorganized, reformatted, and recalibrated to address issues of redevelopment and infill construction, they are advancing six of the Land Use Goals.



An example of R-200 and R-400 District development patterns

Considerations: Consider the following:

- Separating R-80 from the other districts because of its prevalence.
- The R-120 zoning district only applies to Fishers Island and R-200 only applies to Orient. Consider recalibrating these districts specifically for the existing and desired development patterns in these respective hamlets and more aptly rename them “Fishers Island Residential” and “Orient Residential.”
- Creating tolerances through setback and height averaging so that property owners have a range of acceptable dimensions that are context sensitive and harmonious with surrounding properties. Do not allow variances outside of the range.
- Simplifying the accessory building height standards by calibrating them to the scale and height of the principal building. For example, an accessory structure to a one-story principal building could be 16 feet and an accessory structure to a two-story principal building could be 22 feet and could be measured in the same manner as the principal building.
- Creating residential scale, massing, and placement typologies to assist in achieving desired development patterns for redevelopment and infill construction.
- Allowing agriculture uses in these zones but with that different conditions than in the AC district to address scale and proximity to residential neighborhoods.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section within the district.

Low-Density Residential (R-40)

The Low-Density Residential (R-40) zoning district is mapped in all hamlets and is the third most mapped zone in Southold Town. The R-40 zoning district is the most common residential district and most closely reflects the most prevalent development pattern in Town – the single-unit house. This zoning district should be recalibrated to ensure that it is accurately reflecting current trends in residential development.

Considerations: Consider the following:

- Simplifying the accessory building height standards by calibrating them to the scale and height of the principal building. For example, an accessory structure to a one-story principal building could be 16 feet and an accessory structure to a two-story principal building could be 22 feet and could be measured in the same manner as the principal building.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for any specific comments and considerations for each section.



An example of R-40 District development pattern

Hamlet Density (HD) Residential District

The Hamlet Density (HD) Residential District is mapped primarily in the Greenport West hamlet. It appears to have limited application to only a few higher intensity planned residential developments.

Considerations: Consider the following:

- Reformulate this district to help diversify the Town’s housing stock options.
- Renaming this district to better reflect its intent and purpose.
- Adding accessory building requirements as in other residential districts.
- Revising uses to include multiple-unit dwellings, apartment houses, and condominiums to support year-round housing.
- Reformatting the district and addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for any specific comments and considerations for each section.



An example of Hamlet Density Residential District development pattern

Affordable Housing (AHD) District

The Affordable Housing (AHD) District is primarily mapped in the hamlets of Greenport West and Southold. This zoning district contemplates “high-density” “affordable” housing yet neither term is precisely defined in the code. The code also differentiates between tenant-occupied and owner-occupied units and includes minimum unit sizes in the AHD. The AHD directly promotes Land Use Goal 8 – Enable the Creation of Attainable Homes – but could do so in a more flexible manner and more effective manner.

Considerations: Consider the following:

- Renaming the district to “Community Housing” in order to match the Town’s Housing Plan
- Defining terms used in relation to this district, including “Smart Growth planning” and “Hamlet Locus Zones.”
- Reviewing the justification for the public purpose of differentiating between tenant and owner-occupied units as zoning does not typically differentiate between ownership and non-ownership. The justification is unclear.
- Clarifying the reference to “MIFDU tenant-occupied dwelling unit less than 850 square feet” under Minimum Requirements. The justification for this numerical requirement is unclear.
- Clarifying the characteristics of desirable areas for this district, proximity to grocery store, availability of public transportation by hamlet
- Reviewing the law related to the Planning Board granting a variance contrary to New York State Town Law (referral to Town Attorney).
- Re-evaluation of multi-unit housing parameters town-wide.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for any specific comments and considerations for each section.



An example of AH District development pattern

Resort Residential (RR) District

The Resort Residential (RR) District is primarily mapped for waterfront resort-style developments in Cutchogue, Greenport West, and Southold. It is currently only mapped on approximately 83 acres of the Town. The RR district addresses a very specific land use and development pattern and does not widely promote the Land Use Goals.

Considerations: Consider the following:

- Reformatting and addition of tables and graphics.
- See also the Consistency Matrix at Appendix "B" for specific comments and considerations for each section.



An example of RR District development pattern

Residential Office (RO) District

The Residential Office (RO) District is primarily mapped along County Roads 25 and 48 in Cutchogue, Greenport West, and Southold. The district is found on the edge of hamlet business districts where residential structures have been primarily converted to professional offices, each with their own driveway curb cut. This zoning district is only mapped on approximately 86 acres of the Town and is not likely to be expanded as conversions of single-family residences to commercial uses is not in furtherance of the Land Use Goals.

Considerations: Consider the following:

- Reviewing permitted uses to ensure they are appropriate transitions from commercial to residential uses.
- Reformatting and addition of tables and graphics.
- See also the Consistency Matrix at Appendix "B" for specific comments and considerations for each section).



An example of RO District development pattern

Limited Business (LB) District

The Limited Business (LB) District is mapped primarily along County Road 48. It is applied to approximately 102 acres and appears to be achieving the desired purposes of small-scale commercial uses along corridors outside of hamlet business districts. These uses are auto-oriented with at least one curb cut on County Road 48.

Considerations: Consider the following:

- Reviewing permitted uses to ensure they are appropriate transitions from commercial to residential uses.
- Revising language in this district to more clearly determine whether it is intended to allow for lots smaller than 40,000 square feet.
- Allowing a shallower front yard setback and encouraging side and rear yard parking as the minimum front yard setback of 100 feet guarantees a building setback from the street with front yard parking.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix "B" for specific comments and considerations for each section.



An example of LB District development pattern

Hamlet Business (HB) District

The Hamlet Business (HB) District is primarily mapped in the hamlet business districts of Cutchogue, Mattituck/Laurel, and Southold, but is mapped in all hamlets other than Greenport West. It is small town center zoning. Each of the hamlet business districts have unique attributes.

Most of these districts have a pedestrian-orientated development pattern; however, in a few instances the district includes commercial development with front yard parking. This district should be re-calibrated to ensure that it is protecting existing development patterns while achieving desired development patterns in this relatively small-scale fabric of the Town.

Considerations: Consider the following:

- Creating a Hamlet Business (HB) District with a subdistrict calibrated specifically for each unique hamlet commercial center.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section.



An example of HB District development pattern

General Business (B) District

The General Business (B) District is primarily mapped on the outskirts of Mattituck/Laurel Southold, and Cutchogue along County Roads 25 and 48, and is also mapped in all hamlets save New Suffolk. The auto-oriented district applies to approximately 154 acres of the Town. Existing development patterns in the district include traditional suburban-style commercial with front yard parking, including retail plazas, junior-box retail pharmacies and grocery, drive-through banks, standalone restaurants, and gas stations.

Considerations: Consider the following:

- Creating a new district called “Corridor Commercial (CC) District” that combines the General Business and Limited Business districts into one district calibrated for desired development patterns and uses along the Town’s commercial corridors.
- Allowing a shallower front yard setback and encouraging side and rear yard parking as the minimum front yard setback of 100 feet guarantees a building setback from the street with front yard parking.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section.



An example of GB District development pattern

Marine I, II, III (MI) Districts

These districts are sparsely mapped and do not serve all of their intended purposes.

Considerations: Consider the following:

- Re-evaluate the permitted uses in these districts.
- Consider hamlet-specific marine districts.
- Reformatting and addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section).

Light Industrial Park/Planned Office Park (LIO) District

The Light Industrial Park/Planned Office Park (LIO) District is primarily mapped in Cutchogue and Greenport West and on less than 100 total acres of the Town. It is intended for planned office/industrial park development off County Road 48 in Cutchogue and an existing light industrial park on County Road 25 in Greenport West.

Considerations: Consider the following:

- Combing the LIO and LI districts as they promote similar development patterns.
- Consider allowing additional uses such as artist live-work/maker spaces near hamlet centers, and allow for retail and other value-add uses.
- No other major considerations except reformatting and the addition of tables and graphics.
- See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section).



An example of LIO District development pattern

Light Industrial (LI) District

The Light Industrial (LI) District is primarily mapped in Cutchogue, but is also found in Greenport West, Mattituck/Laurel, Peconic, and Southold. The largest concentration of LI District zoning is adjacent to the largest LIO District, which is located on County Road 48 in Cutchogue.

Considerations: Consider the following:

- Combining the LIO and LI districts as they promote similar development patterns.
- Consider allowing additional uses such as artist live-work/maker spaces near hamlet centers, and allow for retail and other value-add uses.
- No other major considerations except reformatting and the addition of tables and graphics.
- See the Consistency Matrix at Appendix "B" for specific comments and considerations for each section).

Agricultural Planned Development (APD) District

The Agricultural Planned Development (APD) District does not appear to be mapped and its purpose is unclear. Zoning agricultural property for development one acre at a time does not seem to effectuate any of the goals of the Comprehensive Plan. Consider removing this district and amending the Agriculture-Conservation (AC) district to allow similar rights under limited circumstances. There are no other major considerations other than reformatting and the addition of tables and graphics to more clearly explain these regulations.



An example of LI District development pattern

See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section).

Plum Island Research District (PIR)

The Plum Island Research District is a special district tailored to Plum Island in the hamlet of Orient. This zoning district should be maintained. There are no major considerations other than reformatting and the addition of tables and graphics to more clearly explain these regulations.

See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section).

Plum Island Conservation District (PIC)

The Plum Island Conservation District is a special district tailored to Plum Island in the hamlet of Orient. It appears to be achieving its intended purpose of conserving Plum Islands’ natural features and should be maintained. There are no major considerations for this district.

See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section).

Historic Preservation District

The Historic Preservation District (HPD) does not appear to be mapped. There are no major considerations other than reformatting and the addition of tables and graphics to more clearly explain these regulations.

See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section).

Recreational Floating Zone District (RFZ)

The Recreational Floating Zone District (RFZ) does not appear to be mapped. There are no major considerations other than reformatting and the addition of tables and graphics to more clearly explain these dimensional regulations.

A floating zone is an optional zone that may be mapped upon petition of a property owner. These could also be what are referred to as overlay zones, which overlay existing base zones. These terms should be further clarified and we will whether this zone continues to be necessary.

See the Consistency Matrix at Appendix “B” for specific comments and considerations for each section).

Residential Dwelling Size Limits

The residential dwelling size limits were recently introduced and are applicable to all residential construction in Southold Town. There are no major considerations other than reformatting and the addition of tables and graphics to more clearly explain these dimensional regulations.

For additional comments and recommendations, please see the “Zoning District Articles” worksheet attached hereto as Appendix B.

For a proposed table of contents, please see “Proposed Table of Contents” attached hereto as Appendix D.

For comprehensive existing use tables, please see “Comprehensive Use Tables” attached hereto as Appendix E.

Generally Applicable Regulations

(Articles XVI-XX, XXXVI)

Articles XVI-XX, XXXVI contain regulations that apply across all zoning districts. These provisions, particularly signs and off-street parking, lend themselves well to tables and illustrative/regulatory graphics and they should be included where they are helpful.

Overall, the generally applicable regulations cover the basics but are imprecise and outmoded. These provisions most frequently promote Goal 5 – Protect the Town Character, Goal 7 – Economic Prosperity, and Goal 12 – Prepare the Town for Natural Hazards. While promoting the Land Use Goals, these provisions could be doing more to promote the other goals of the Comprehensive Plan, as follows:

- The existing wireless communications facilities provisions will require review and updating by a wireless communications consultant.
- While signage is generally tasteful in Southold, the sign code will need to be reviewed in its entirety and replaced with a content-neutral code following the United States Supreme Court’s decision in *Reed v. Gilbert*.
- The landscaping regulations should be updated to include a native species and prohibited species list and should include pervious surface requirements and limits on new impervious surfaces to address the impacts of development on stormwater runoff.
- Regulations regarding tourist camps, camp cottages, and trailers do not reflect modern trends in this industry.
- Off-street parking is an important issue in a spread-out and largely auto-dependent community. Bicycles are an important part of the transportation network of Southold,

- yet important bike infrastructure such as protected bike lanes and bicycle parking is lacking.
- Transportation is by private car and on foot. Ensuring adequate on-and-off-street parking is important to the success of the Town's businesses and quality of life. It is difficult to know whether the current off-street parking standards are adequate without undertaking a comprehensive parking demand study. Like most places, parking may be at a premium at certain times and readily available at others, which depends on the location with the Town.
 - Historically, zoning codes have prescribed off-street parking minimums to address peak demand, such as holidays and busy seasons. While this may ensure adequate off-street parking is provided for peak times of the year, it overburdens private property other times. Communities across the nation have eliminated or right sized their off-street parking minimums in favor of fair market determinations. Surface parking lots, while convenient, do not contribute to a vibrant pedestrian-oriented environment. In areas with pedestrian infrastructure, surface parking lots should not be permitted in the front yard or their location in the front yard should be limited such that most of the off-street parking is located in the rear or side yards.
 - Outdoor lighting technology has evolved considerably since the lighting restrictions were enacted in 1994. These provisions should be reviewed to determine modifications based on new technologies such as LED and whether to relocate the existing lighting standards from Chapter 172, which was added in 2010, to the Zoning Code.
 - There are three Municipal Code Chapters that require updating and aligning with the zoning chapter for consistency. Additional Chapters will be reviewed for consistency, discussed during the zoning update. The zoning chapter should reference these three chapters to indicating the importance and warrant review alongside the zoning chapter.
 - Chapter 277 Wind Energy;
 - Chapter 72 Agricultural Uses;
 - Chapter 253 Tourist and Trailer Camps; and
 - Others identified during zoning chapter update.

The best evidence of an effective zoning code is what is on the ground. The form of multi-family buildings is regulated solely relative to building length and separation, among other things. These provisions should be reviewed to determine whether this is the appropriate form for new multi-family construction in Southold. It may make sense to create a multi-unit building scale, massing, and design typology that can be followed to create certainty around this development type.

For additional comments and recommendations, please see the "Generally Applicable Articles" worksheet attached hereto as Appendix C.

For a proposed table of contents, please see "Proposed Table of Contents" attached hereto as Appendix D.

For comprehensive existing use tables, please see "Comprehensive Use Tables" attached hereto as Appendix E.

Summary Conclusion

Section

04

Section 4: Summary Conclusion

In summary, the zoning code has been piecemeal updated since 1971 to address the zoning and development issues of the day. While some more recent updates have been made to address more recent issues, the piecemeal nature of the revisions to date have created a disjointed code with inconsistencies and ambiguities that does not portray a unified or clear vision for the Town. The code lacks tables to organize lists such as uses. It also lacks illustrations and graphics to explain complex concepts more simply.

Overall, the code most notably promotes low-intensity development and agricultural uses, with some emphasis on economic prosperity and environmental sustainability. Where it does allow for commercial development, the code applies zoning in a one-size-fits-all manner that creates generic development patterns not reflective of the diversity of character of the numerous unique hamlets within the Town. Development pattern, geographic-based districts would allow for custom calibration of standards to the desired outcomes in these unique areas of the Town, which are numerous.

Every provision in the new zoning code should promote one or more of the Land Use Goals. A new zoning code should be simplified to reflect the relatively simple, small-scale, fine-grain development patterns of this historic area. Furthermore, the new code should focus on desired outcomes relative to new construction, additions, and infill development. Critical environmental issues including stormwater runoff, sea level rise, and erosion should be at the forefront of every decision in the new code. The code could be further streamlined by combing certain existing districts.

As this report details, there is much that can be done to establish clear, consistent, user-friendly, streamlined, resilient, and defensible land use regulations that are custom tailored to the Southold of today and tomorrow. We look forward to your comments and feedback.

Consistency Matrix: Administrative Articles

Appendix

A

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
ARTICLE I. - GENERAL PROVISIONS		
Generally	-	Generally, this Article should include all introductory and explanatory provisions, including a rules of interpretation and measurement, and an ordinance roadmap to assist the user. Explanatory graphics and tables should be included where appropriate.
280-1 - Title	1983	The title of the code has not changed since 1983 and describes a code focused only on zoning. The Comprehensive Plan acknowledges that "[l]and use patterns, together with zoning regulations, are key aspects of how a community functions and develops. (Plan, Chapter 3). The Plan prioritizes land preservation, particularly agricultural lands (Plan, Chapter 3). In light of the overall goals and objectives of the Town, consider renaming the code the "Southold Land Use & Zoning Code"
280-2 - Purpose	1989	The stated purposes of the code have not been updated since 1989. Plan goals 4-13 (Plan, Chapter 3) should be incorporated into the stated purposes and existing purposes should be review for conformance with the Plan goals.
280-3. - Interpretation and Conflicts	1989	No considerations. This section is general legal language that should remain in the code.
280-4. - Definitions.	2021	Per Plan Objectives 1.3 and 1.4, all defined terms will be review and revised to reflect modern usage. Modern codes tend to include a single, comprehensive glossary at the end of the code rather than at the beginning. A defined term inventory has been created to aggregate all terms in one place for review and updating.
ARTICLE XXIII. - NONCONFORMING USES AND BUILDINGS		
Generally	-	Generally, this Article is legal in nature and should be reviewed by New York legal counsel to ensure conformance with the latest state laws on vested rights and property abandonment. This concept of nonconforming uses is especially important in a jurisdiction with such a large inventory of historic buildings.
280-120 - Purpose.	1989	This section is acceptable, subject to New York law review.
280-121 - Nonconforming uses.	1989	This section is acceptable, subject to New York law review.
280-122 - Nonconforming buildings with conforming uses.	2017	This section is acceptable, subject to New York law review.
280-123 - Nonconforming buildings with nonconforming uses.	2012	This section is acceptable, subject to New York law review.
280-124 - Nonconforming lots.	2021	It is unclear why lot coverage is a requirement for the use of a nonconforming lot. It is also unclear whether the lot coverage requirement is a minimum or maximum.
280-125 - Repairs and maintenance.	1989	"Normal maintenance" is not defined and is open to interpretation. Consider defining "normal maintenance" for purposes of clarity.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-126 - Involuntary moves.	1989	This section is subject to New York law review. One consideration is expanding the exceptions to include involuntary movements due to soil erosion or sea level rise.
ARTICLE XXIV. - SITE PLAN APPROVAL		
Generally	-	Generally, the site plan review process should be clearly articulated and all specific requirements set forth in tables for ease of use.
280-127 - Applicability.	2012	Consider including a table clearly indicating when site plan review is required. Also, consider exempting agricultural uses other than argi-tourism uses from site plan approval.
280-128 - Findings of fact; purpose.	2012	Consider reviewing and updating the purposes of site plan review to more closely reflect the Plan goals and objectives.
280-129 - Objectives.	2014	The list of objectives were added in 2012 and 2014. These should be reviewed to determine whether any objectives should be added/revised to reflect the superseding Comprehensive Plan. Additionally, the landscaping and screening requirements are not specified. They should either be specified herein or a reference to locate the specifications elsewhere in the code.
280-130 - Approval of site plan required.	2012	No considerations.
280-131 - Review procedure.	2012	To improve the efficiency and clarity of the site plan application process, we should consider making changes to the current code. This will benefit all parties involved, including applicants, staff, the Planning Board, and the Building Department. One potential improvement could be to streamline the determination of application acceptability, possibly through administrative review by Town staff (with appropriate technological upgrades) and input from the Planning Board on the application's merits.
280-132 - Duration of plan.	2012	No considerations.
280-133 - Application requirements.	2012	Consider including the submission requirements in table for ease of use. Additionally, the number of hard copies could be a burden on applicants. The Town should consider moving towards electronic review with a PDF reader. However, the Town will need to update it's technology with hardware and software updates.
280-134 - Architectural review standards.	2005	The architectural review standards are one-size-fits-all for the entirety of the Town. As warranted by differences in architecture and character, consider creating specific architectural standards for each hamlet.
280-135 - Architectural Review Committee.	2005	No considerations.
280-136 - Land clearing.	2006	This section has not been updated since 2006. Consider reviewing the fine amount to determine whether it is still an effective deterrent/penalty in 2023. Additionally, consider prohibiting land clearing unless permits for new development requiring clearing are in process. Additionally, this section should be moved to general regulations in order for all properties are subject to it.
280-137 - Standards for residential site plans.	2009	It is unclear to what type of residential development this site plan review process is applicable. Sec. 280-127 exempts single-family residences from site plan review. It is unclear whether this section contradicts Sec. 280-127. This section should be amended to make it clear that it applies to all residential development other than single-family uses on single-lots, if that is the intent.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-138 - Fee schedule for site plan applications.	2014	Unless required by state law, consider removing all fee schedules from the code and including them as policies that may be updated from time to time. Including fee schedules in the code makes it challenging to update them as doing so requires a legislative act. For instance, the fee schedule in this section is from 2005 and 2014. The fees should be reviewed to determine if they are still covering administrative expenses in 2023.
ARTICLE XXV. - SPECIAL EXCEPTION USES		
Generally	-	Generally, all special exception uses in the code require a public hearing, but certain special exception uses may consistently raise the same issues. For those special exception uses, consider creating permitted uses with specific conditions that would be reviewed administratively by Town staff. This will reduce demands on the Zoning Board of Appeals and streamline the process without adversely impacting surrounding land uses.
280-139. Purpose.	1989	No considerations.
280-140. Special exception uses; approval required.	1992	Consider including a comprehensive table of special exception uses either in this section for ease of reference.
280-141. Application; hearing; approval; violations of conditions.	2018	Consider deputizing Town staff to determine application completeness rather than the Zoning Board of Appeals. Also, consider allowing any special exception use that also requires site plan approval to be reviewed in a single hearing rather than two separate hearings.
280-142. General standards.	2012	It is unclear whether all or some of the general standards must be satisfied to justify the approval of a special exception. This should be clarified.
280-143. Matters to be considered.	1989	It is unclear whether all or some of the general standards must be satisfied to justify the approval of a special exception. This should be clarified.
280-144. Additional conditions and safeguards.	1993	This is duplicative of Sec. 280-141 above. Consider moving this provision into Sec. 280-141.
ARTICLE XXVI - BOARD OF APPEALS		
Generally	-	Generally, this section should be combined in an omnibus "Administration and Procedures" article for code streamlining.
280-145. Appointment; membership.	1989	No considerations.
280-146. Powers and duties.	2014	No considerations.
280-147. Additional conditions and safeguards.	1989	No considerations.
280-148. Rules of conduct and procedure.	1989	No considerations.
280-149. Fees.	2010	This is a model fee provisions that could be used in other fee sections of the code.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-150. Notice of hearing.	1995	No considerations.
ARTICLE XXVII - ADMINISTRATION AND ENFORCEMENT		
Generally	-	Generally, the provisions can be effective to enforce violations of the code. The issue with enforcement tends to be resources and staffing more than teeth in the code. Plan Goal 3 - Enforce the Town Code will be more of a resources issue than a code issue.
280-151. Administrative and enforcing officer.	2010	No considerations.
280-152. Revocation of permit.	1989	Consider gender neutral pronouns rather than assuming that the Building Inspector will be a male employee.
280-154. Certificates of occupancy.	1989	Are certificates of occupancy necessary for re-tenanting space? If so, consider exempting replacement of like uses from certificate of occupancy requirement.
280-155. Penalties for offenses.	2019	Updated in 2019. Requires New York law review.
280-156. Remedies.	2010	More than 10 years since adoption. Needs New York law review.
ARTICLE XXVIII - AMENDMENTS		
Generally	-	Generally, amendments are legislative acts and are governed by the rules of procedure of the Town Board.
280-157 - Procedures.	2003	No considerations.
280-158 - Fees for petitions for proposed amendments.	2003	No considerations.
280-159 - Additional notice requirements relating to petitions for proposed amendments.	2003	No considerations.
ARTICLE XXIX - SEVERABILITY		
Generally	-	Generally, the severability clause should be included in the general provisions of Article I.
280-160 - Severability.	1989	No considerations.

*Year Last Modified(Code Originally Adopted April 9, 1957 and amended in its entirety on November 23, 1971, and 1989)

Consistency Matrix: Zoning District Articles

Appendix

B

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
ARTICLE II. Districts		
Sec. 280-5 - District designations.	2013	There are 19 zoning districts, five of which are mapped on less than 100 acres and four of which are only mapped in one hamlet. Additionally, the districts represent one-size-fits-all zoning across the Town and its boroughs. The list of districts also does not include new zoning classifications added since 2013, including the Historic Preservation District (HP); Recreation Floating Zone District (RFZ), and the Marine III District (MIII).
Sec. 280-6 - Zoning map.	2004	Consider moving this section to a new Article I: Introduction to and Using this Code. Also, consider including specific information on where the official map is held on file and made available to the public.
Sec. 280-7 - District boundaries.	2004	Consider moving this section to a new Article I: Introduction to and Using this Code.
Sec. 280-8 - Effect of establishment of districts.	1989	
Sec. 280-9 - Lot recognition.	1997	
Sec. 280-10 - Merger.	2007	
Sec. 280-11 - Waiver of merger.	2008	
ARTICLE III: Agricultural-Conservation (AC) District and Low-Density Residential R-80, R-120, R-200 and R-400 Districts		
280-12. Purpose.	1989	Consider creating a separate section for R-80. R-120 only applies to Fishers Island and R-200 only applies to Orient. As such, consider creating new sections titled "Fishers Island Residential District" (formerly R-120) and "Orient Residential District" (formerly R-200). Consider renaming the AC District to more accurately reflect prevalent active uses rather than conservation.
280-13. Use regulations.	2022	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Consider more robust farmstand regulations. Consider allowing an accessory dwelling unit outside of the principal building as of right subject to the conditions in the code rather than as a special exception. Consider allowing two-family dwellings as of right on lots larger than 10,000 square feet. Consider removing the special exception standards from the use regulations and instead including them once in the administration and procedures section. Consider updating the chain link fence requirement for swimming pools to include any child-safe fencing. Consider adding wedding barn/venue regulations. Consider re-evaluating the permitted uses and definitions of the current AC District to reflect a mix of agricultural businesses uses, including agri-tourism. Consider allowing agricultural uses in these zones but with different conditions than in the AC district to address proximity to residential neighborhoods. Consider removing specific fee amounts from the code.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-14. Bulk, area and parking regulations.	1996	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
280-15. Accessory buildings and structures.	2018	The nuances in accessory building height with a sloping roof seem overcomplicated. More typically, accessory structure height is tied to the height of the principal building. For example, an accessory to a one-story principal building could be 16 feet and 22 feet if accessory to a two-story building.
ARTICLE IV: Low-Density Residential (R-40)		
280-16. Purpose.	1989	No considerations.
280-17. Use regulations.	2019	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
280-18. Bulk, area and parking regulations.	1989	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
280-19. Accessory buildings and structures.	1989	The nuances in accessory building height with a sloping roof seem overcomplicated. More typically, accessory structure height is tied to the height of the principal building. For example, an accessory to a one-story principal building could be 16 feet and 22 feet if accessory to a two-story building.
ARTICLE V: Hamlet Density (HD) Residential District		
280-20. Purpose.	1989	The purpose and intent of this district is unclear from its application. It is mapped for higher-intensity auto-oriented cluster developments. Consider reformulating this district to help diversify the Town's housing stock.
280-21. Applicability.	2019	No considerations.
280-22. Use regulations.	2006	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses. Consider revising uses to include multi-unit dwellings, apartment houses, and condominiums to support year-round housing.

*Year Last Modified(Code Originally Adopted April 9, 1957 and amended in its entirety on November 23, 1971, and 1989)

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-23. Bulk, area and parking regulations.	1989	There are no accessory building requirements as in other residential districts. These should be established and included in this section. The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
ARTICLE VI: Affordable Housing (AHD) District		
280-24. Purpose; applicability of amendments.	2004	Use of the terms "high-density housing" and "affordable" are subjective and fluid terms unless more precisely defined or not used. Consider renaming the district "Community Housing" in order to match the Town's Housing Plan. Clarify the characteristics of desirable areas for this district, such as proximity to services, by hamlet.
280-25. Definitions.	2016	All defined terms should be consolidated in a single comprehensive glossary.
280-26. Applicability.	2016	While the concepts in this section are laudible, they are not defined. For example, "Smart Growth planning" is not defined nor is the term "Hamlet Locus Zones." If terms are being used to guide decisions, they should be defined.
280-27. Use regulations.	2016	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses. Consider allowing detached accessory dwelling units in addition to those allowed in dwelling units. Restrictions could be introduced to mitigate any impacts on infrastructure.
280-28. Bulk, area and parking regulations.	2016	The only difference between a tenant-occupied unit and an owner-occupied unit is minimum unit size. It is unclear what the public purpose of differentiating between tenant and owner-occupied units as zoning does not typically differentiate between ownership and non-ownership. Additionally, the reference to "MIFDU tenant-occupied dwelling unit less than 850 square feet" under Minimum Requirements is unclear to what it related. Further, the 24 dwelling unit maximum is contrary to the goal of enabling the creation of attainable homes in any meaningful manner. Assume it is lawful for the Planning Board to grant a variance contrary to New York State Town Law? The modern trend in zoning is to either eliminate off-street parking minimum requirements or to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module. Consider re-evaluating multi-unit residence parameters town-wide.
280-29. Application procedure.	2014	No considerations.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-30. General regulations and requirements.	2019	These provisions are legal in nature and require review for compliance with current law by a New York licensed attorney.
280-31. Administration	2016	These provisions are legal in nature and require review for compliance with current law by a New York licensed attorney.
280-32. Applicability of other Code provisions.	2004	No considerations.
280-32.1. Maintenance and upkeep.	2006	Consider whether the fine amounts, which were established in 2006, should be increased.
280-33. Penalties for offenses.	2009	Consider whether the fine amounts, which were established in 2009, should be increased.
ARTICLE VII: Resort Residential (RR) District		
280-34. Purpose.	1989	This district is only mapped on approximately 83 acres and appears to achieve the desired purposes for certain unique waterfront development patterns in the Town.
280-35. Use regulations.	1995	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
280-36. Bulk, area and parking regulations.	1989	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
ARTICLE VIII: Residential Office (RO) District		
280-37. Purpose.	1989	This district is only mapped on approximately 86 acres and appears to achieve the desired purposes for residential to office conversions. Uses need to be reviewed to determine whether they are appropriate for transition between commercial and residential uses as these zones tend to be in transition areas.
280-38. Use regulations.	1995	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
280-39. Bulk, area and parking regulations.	1989	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.

*Year Last Modified(Code Originally Adopted April 9, 1957 and amended in its entirety on November 23, 1971, and 1989)

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
ARTICLE IX: Limited Business (LB) District		
280-40. Purpose.	2008	This district is only mapped on approximately 102 acres and appears to achieve the desired purposes for small-scale commercial uses along corridors outside of hamlet's central business areas.
280-41. Use regulations.	2022	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
280-42. Bulk, area and parking regulations.		Subsection B is confusing as written and should be rewritten to clearly demonstrate the intent. Is it intended to allow for lots smaller than 40,000 square feet? The modern trend in zoning is to either eliminate off-street parking minimum requirements or to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
280-43. Front yard setbacks.	1999	The minimum front yard setback of 100 feet guarantees a building setback from the street with front yard parking. Consider allowing a more shallow front yard setback and encouraging side and rear yard parking. The modern trend in zoning is to either eliminate off-street parking minimum requirements or to incorporate requirements for broad categories of uses such as retail, office, etc... The Bulk Schedule does not appear in the regulations.
ARTICLE X: Hamlet Business (HB) District		
280-44. Purpose.	2017	The Hamlet Business (HB) District is a one-size-fits-all district for all hamlet commercial centers. It is challenging and unnecessary to group each unique hamlet commercial center into a single district. This puts pressure on this district to be all things to all hamlets. A more strategic and intentional approach would be to create a Hamlet Business (HB) District with a subdistrict calibrated specifically for each unique hamlet commercial center.
280-45. Use regulations.	2003	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-46. Bulk, area and parking regulations.	1989	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
ARTICLE XI: General Business (B) District		
280-47. Purpose.	1989	The primary difference between the Limited Business (LB) District and the General Business (GB) District appears to be the lot size and thus scale of the development. A new combined district called "Corridor Commercial (CC) District" could be created and lot size, use, and bulk standards calibrated specifically to certain corridors. This would allow for the regulations to be more customized by location rather than being one-size-fits-all.
280-48. Use regulations.	2022	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
280-49. Bulk, area and parking regulations.	1989	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
280-50. Front yard setbacks.	1995	The minimum front yard setback of 100 feet guarantees a building setback from the street with front yard parking. Consider allowing a more shallow front yard setback and encouraging side and rear yard parking. The modern trend in zoning is to either eliminate off-street parking minimum requirements or to incorporate requirements for broad categories of uses such as retail, office, etc... The Bulk Schedule does not appear in the regulations.
ARTICLE XII - Marine I (MI) District		
280-51. Purpose.	1989	This district does not appear to fully serve its intended purposes. Consider hamlet-specific marine districts.
280-52. Use regulations.	2008	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.

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Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-53. Bulk, area and parking regulations.	1989	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
ARTICLE XIII - Marine II (MII) District		
280-54. Purpose.	1989	This district does not appear to fully serve its intended purposes. Consider hamlet-specific marine districts.
280-55. Use regulations.	2008	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
280-56. Bulk, area and parking regulations.	1989	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
ARTICLE XIV - Light Industrial Park/Planned Office Park (LIO) District		
280-56. Purpose.	1989	This district appears to serve its intended purposes.
280-57. Use regulations.	2022	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
280-58. Bulk, area and parking regulations.	1989	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-50. Front yard setbacks.	2018	No considerations.
ARTICLE XV - Light Industrial (LI) District		
280-56. Purpose.	1989	This district appears to serve its intended purposes.
280-57. Use regulations.	2022	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
280-58. Bulk, area and parking regulations.	1989	The modern trend in zoning is to either eliminate off-street parking minimum requirements or to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
280-50. Front yard setbacks.	2018	No considerations.
ARTICLE XVI - Density, Minimum Lot Size and Bulk Schedules		
280-65. Repeal of existing schedule; incorporation of new schedules.	1989	All dimensional standards should be incorporated into each district.
280-66. Conformance required.	1989	This is a general statement that should be included in Article I.
ARTICLE XXX - Agricultural Planned Development (APD) District		
280-170. Purpose	2007	The purpose and intent of this district is unclear from its application.
280-171. Definitions	2007	No considerations.
280-172. Classification	2007	No considerations.
280-173. Requirements for eligibility	2007	No considerations.
280-174. Zoning approval; application and review procedures	2007	No considerations.

*Year Last Modified(Code Originally Adopted April 9, 1957 and amended in its entirety on November 23, 1971, and 1989)

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
280-175. Conditions of approval	2007	No considerations.
280-176. Price for development rights	2007	No considerations.
280-177. Subsequent development right sales to Town	2007	No considerations.
280-178. Reserved	2007	No considerations.
280-180. Conditions	2007	No considerations.
280-181. Subdivision	2007	No considerations.
ARTICLE XXXI - Plum Island Research District (PIR)		
Sec. 280-182. Purpose	2013	This district appears to serve its intended purposes.
Sec. 280-183. Use regulations	2013	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
Sec. 280-184. Bulk, area and parking regulations	2013	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
Sec. 280-185. Setbacks	2013	No considerations.
ARTICLE XXXII - Plum Island Conservation District (PIC)		
Sec. 280-186. Purpose	2013	This district appears to serve its intended purposes.
Sec. 280-187. Use regulations	2013	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
Sec. 280-188. Bulk, area and parking regulations	2013	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
Sec. 280-189. Setbacks	2013	No considerations.
ARTICLE XXXIII - Historic Preservation District (HPD)		
280-190. Purpose; applicability of amendments	2015	This is a relatively new district, 2015, and does not appear to be currently mapped.
280-191. Definitions	2015	All defined terms should be consolidated in a glossary.
280-192. Eligibility	2015	No considerations.
280-193. Use regulations	2015	No considerations.
280-194. Pre-application procedure	2015	No considerations.
280-195. Application procedure	2015	No considerations.
280-196. Maintenance and termination	2015	No considerations.
ARTICLE XXXIV - Recreational Floating Zone District (RFZ)		
280-197. Purpose	2019	This is a relatively new district, 2019, and does not appear to be currently mapped.
280-198. Applicability	2019	No considerations.
280-199. Eligibility	2019	No considerations.
280-200. Boundaries	2019	No considerations.
280-201. Application procedure	2019	No considerations.
280-202. Permitted uses	2019	No considerations.
280-203. Dimensional and parking requirements	2019	No considerations.
280-204. Parking requirements	2019	No considerations.

*Year Last Modified(Code Originally Adopted April 9, 1957 and amended in its entirety on November 23, 1971, and 1989)

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
ARTICLE XXXV - Marine III Zone District (MIII)		
208-205. Use regulations	2019	Per Plan Objective 1.1, a comprehensive use table listing all permitted uses in the left column and each zoning district across the top will be developed and included in the new code. Also, all uses will be reviewed, modernized, and defined per Plan Objective 1.4. Per Plan Objective 1.2, each zoning district will be re-written to eliminate the need to refer to other zoning districts for the complete list of uses.
208-206. Bulk, area, and parking regulations	2019	The modern trend in zoning is to incorporate requirements for broad categories of uses such as retail, office, etc... All dimensional standards should be included in a table in the districts. A comprehensive table of standards can be included as an attachment or appendix. All dimensional standard will be reviewed once the list of districts are determined as part of the Calibration Module.
ARTICLE XXXVI - Residential Dwelling Size Limits		
280-207. Maximum gross floor area for residential dwellings in A-C, R-40, R-80,	2022	These are the newest provisions in the code. The usability of these provisions would benefit greatly from illustrations.
280-208. Pyramid Law	2022	The term "sky plane" should be defined. These provisions would benefit greatly from illustrations.

ARTICLE	MAPPED*	ADVANCES COMP PLAN LAND USE GOAL**
ARTICLE IV: Agricultural-Conservation (AC) District and Low-Density Residential R-80, R-120, R-200 and R-400 Districts	R-80 ALL; R-120 ONE (Fishers); R-200 ONE (Orient); R-80 >500; R-120 >500; R-400 >500	5,6,7,9,10
ARTICLE V: Low-Density Residential (R-40)	ALL; <500	5,6,8
ARTICLE V: Hamlet Density (HD) Residential District		5,6
ARTICLE VI: Affordable Housing (AHD) District	<100	7,8
ARTICLE VII: Resort Residential (RR) District	<100	7
ARTICLE VIII: Residential Office (RO) District	<100	7
ARTICLE IX: Limited Business (LB) District		7
ARTICLE X: Hamlet Business (HB) District		5,6,7
ARTICLE XI: General Business (B) District		7
ARTICLE XII - Marine I (MI) District	<100	7, 13
ARTICLE XIII - Marine II (MII) District		7, 13
ARTICLE XIV - Light Industrial Park/Planned Office Park (LIO) District	<100	7
ARTICLE XV - Light Industrial (LI) District		7
ARTICLE XVI - Density, Minimum Lot Size and Bulk Schedules		5

ARTICLE	MAPPED*	ADVANCES COMP PLAN LAND USE GOAL **
ARTICLE XXX - Agricultural Planned Development (APD) District		7,9,10
ARTICLE XXXI - Plum Island Research District (PIR)	ONE (Orient)	6
ARTICLE XXXII - Plum Island Conservation District (PIC)	ONE (Orient)	6
ARTICLE XXXIII - Historic Preservation District (HPD)	Not mapped	5
ARTICLE XXXIV - Recreational Floating Zone District (RFZ)	Not mapped	13
ARTICLE XXXV - Marine III Zone District (MIII)	Not mapped	13
ARTICLE XXXVI - Residential Dwelling Size Limits		5,8

*Mapped in all hamlets (ALL); Mapped in only one hamlet (ONE); Mapped on more than 500 acres (>500)

**Goal 5: Protect the Town Character;

Goal 6: Protect and Enhance the Town's Natural Resources and Environment;

Goal 7: Economic Prosperity;

Goal 8: Enable the Creation of Attainable Homes;

Goal 9: Retain and Advance the Business of Agriculture;

Goal 10: Continue to Preserve Farmland and Open Space;

Goal 12: Prepare the Town for Natural Hazards;

Goal 13: Provide Quality Parks and Recreation Opportunities in the Town)

Consistency Matrix: Generally Applicable Regulations

Appendix

C

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
ARTICLE XVII - Wireless Communication Facilities		
280-67-76.5	2010	These provisions will be reviewed separately by a telecommunications consultant TBD.
ARTICLE XVIII - Parking and Loading Areas		
280-77. Purpose	1989	The purpose statement does not address the reason for off-street parking minimums - namely for alleviating the overburden on public streets and ways for vehicular parking. Off-street parking minimums are not effective at addressing the issues raised in the purpose statement.
280-78. Off-street parking areas	2009	The modern trend in zoning across America is to eliminate minimum off-street parking requirements in favor of market-driven determinations. The Town must determine whether the public roads, ways, and public parking facilities are overcrowded with vehicular parking. If so, then minimum off-street parking requirements may be appropriate. If not, then there is no justification for minimum off-street parking requirements and they can be eliminated. If they are maintained, consider expanding the ability of the Planning Board to exempt any property from minimum off-street parking requirements if the applicant can demonstrate adequate public parking is available within a certain distance, say 600 feet from the proposed use. The parking location, dimension, and related regulations are common and generally accepted practices.
280-79. Off-street loading areas	1989	These provisions are common and generally accepted practices. Consider adding landscape and buffer requirements to all off-street loading areas.
ARTICLE XIX - Signs		
280-80-90.	1994	The sign code will need to be amended to be made content neutral in compliance with the United States Supreme Court decision in Reed v. Gilbert. Signs cannot be categorized by their content i.e. real estate sign. Modern signs codes include a menu of signs assigned by district and including illustrations. The entire sign code will be updated as part of this project.
ARTICLE XX - Landscaping, Screening and Buffer Regulations		
280-91. Purpose	1989	No considerations.
280-92. General requirements	1989	Consider including a list of prohibited vegetation re: invasive species and non-native species. Further consider including a pervious surface minimum requirement for all lots to facilitate rainwater absorption rather than runoff.
280-93. Front landscaped area	1989	No considerations.
280-94. Transition buffer area	1989	No considerations.
280-95. Landscaped parking area	1989	No considerations.
280-96. Properties located adjacent to creeks	1989	No considerations.

Town of Southold, New York (Ch. 280 "Zoning")	Year*	Consultant's Notes
ARTICLE XXI - Farmland Bill of Rights		
280-97-103	1997	No considerations.
ARTICLE XXII - Supplementary Regulations		
280-104. Exceptions and modifications	1997	These provisions are intended to address context-sensitive development patterns and flexibility.
280-105. Height of fences, walls and berms	2021	Consider requiring front-yard fences to be a maximum of 50% opaque to avoid creating closed-off environments in front yards. Retaining walls should be set back from property lines to allow for
280-106. Corner lots	2021	Consider renaming this section "visibility triangle" or "sight triangle" which are more commonly used terms for this concept. The heading "corner lots" could be confused with provisions related to corner lot lines and yards.
280-107. Building length and separation for buildings containing multiple dwellings	1989	Consider creating a typology for multi-unit buildings for the Town to simplify.
280-108. Courts	1989	The purpose of these provisions is unclear. Consider removing.
280-109. Access requirements	1996	No considerations.
280-110. Open storage	2006	No considerations.
280-111. Prohibited uses in all districts	2022	These provisions describe performance standards and have recently been updated. No considerations.
280-112. Provisions for community water, sewer and utility facilities	1989	These provisions are likely duplicated in building and other utility codes. Not sure they are necessarily repeated in the zoning code.
280-113. Land under water; filled water	1989	Consider locating this provisions in the zoning map section of the code.
280-114. Excavations	1993	No considerations.
280-115. Tourist camps, camp cottages and trailers	1989	These provisions seem out-of-date and may not reflect modern camping facilities. Additionally, specifically allowing a certain user to the exclusion of other users may not be legally defensible. This should be reviewed by a licensed NY attorney.
280-116. Building setback requirements adjacent to water bodies and wetlands	2017	These provisions have been recently updated. They should be reviewed to determine whether the setback distances remain sufficient.
280-117. Lighting restrictions	1994	The term "recreational lighting" is not defined. Additionally, a maximum height for recreational lighting should be included. The provisions of Ch. 172 should be incorporated into the zoning code.
280-118. Temporary outdoor display or storage	1996	No considerations.
280-119. Long-term outdoor display or storage	1996	No considerations.

*Year Last Modified (Code Originally Adopted April 9, 1957 and amended in its entirety on November 23, 1971)

New Code: Table of Contents

Appendix

D

New Code Table of Contents

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	Establishment of Districts Map
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	Rules of Measurement
	Determining Building Heights
	Determining Yards and Setbacks
	Determining Lot Coverage
	Determining Building Envelope
	Corner Lots and Double Frontage
	Encroachments
	Building Length
	Access Requirements
	Saving Provision/Invalidity
	Severability
	Ordinance Roadmap

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	Standards for Improvements
	Open Space Standards
	Farmland Bill of Rights
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	Intent and Uses
	Site Standards
	Standards for Improvements
	Open Space Standards
	Residential - Medium (RM)
	Intent and Uses
	Site Standards
	Standards for Improvements
	Open Space Standards
	Residential - Hamlet (RH)
	Intent and Uses
	Site Standards
	Standards for Improvements
	Open Space Standards

Affordable Housing District (AHD)
Intent and Uses
Site Standards
Standards for Improvements
Open Space Standards

Resort Residential (RR)
Intent and Uses
Site Standards
Standards for Improvements
Open Space Standards

Hamlet Transition (HT)
Intent and Uses
Site Standards
Standards for Improvements
Open Space Standards

Corridor Commerce (CC)
Intent and Uses
Site Standards
Standards for Improvements
Open Space Standards

Hamlet Commerce (HC)
Intent and Uses
Site Standards
Standards for Improvements
Open Space Standards

Marine District
Intent and Uses
Site Standards
Standards for Improvements
Open Space Standards

Marine District (M)
Intent and Uses
Site Standards
Standards for Improvements
Open Space Standards

Commerce Park (CP)
Intent and Uses
Site Standards
Standards for Improvements
Open Space Standards

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Plum Island Research District
Plum Island Conservation District
Historic Preservation District
Recreational Floating Zone District

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 On-Site Loading Standards

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 Exempt Signs
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OUTDOOR LIGHTING

OUTDOOR STORAGE

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WIRELESS COMMUNICATION FACILITIES

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Nonconforming Lots
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Stormwater Management Variances

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SITE DEVELOPMENT PLAN REVIEW

TEXT AND MAP AMENDMENTS

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AUTHORITY TO EXECUTE INJUNCTION BONDS

ENFORCEMENT AND PENALTIES

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GLOSSARY OF TERMS

Defined Terms (A-Z)

Comprehensive Use Tables

Appendix

E

Permitted Use

1	Agriculture - Barns, storage buildings, greenhouses (including plastic-covered) and other related structures
2	Agriculture - The keeping, breeding, raising and training of of specific animals
3	Agriculture - The raising of field and garden crops, vineyard and orchard farming, the maintenance of nurseries and the seasonal sale of products grown on the premises.
4	Agriculture - The retail sale of local produce from structures of less than 20 square feet floor area shall be set back at least 10 feet from any lot line.
5	Art, antique and auction galleries.
6	Artisan markets
7	Artists' and craftsmen's workshops.
8	Auditorium/theatre, library, art gallery, exhibit halls.
9	Auditoriums or meeting halls.
10	Auto repair shop.
11	Bakeshops (for on-premises retail sale).
12	Banks and financial institutions.
13	Beach clubs, yacht clubs or boat clubs, including uses accessory to them, such as swimming pools, tennis courts and racquetball facilities.
14	Bed-and-breakfast uses as set forth in and as regulated by § 280-13B(14).
15	Boardinghouses and tourist homes.
16	Boat and marine engine repair and sales and display, yacht brokers and marine insurance brokers.
17	Boat building, boat servicing and boat storage facilities, excluding retail sales of boats and accessories.
18	Boat docks, slips, piers or wharves for charter boats carrying passengers on excursions, pleasure or fishing trips or for vessels engaged in fishery or shellfishery.
19	Building, electrical and plumbing contractors' businesses or yards.
20	Buildings, structures and uses owned or operated by fraternal organizations and utilized for activities typically conducted by a fraternal organization,
21	Buildings, structures and uses owned or operated by the Town of Southold, school districts, park districts and fire districts.
22	Bus or train stations.
23	Business, professional and governmental offices.
24	Churches or similar places of worship, parish houses, convents and monasteries.
25	Cold storage plants, baking and other food processing and packaging plants that are not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluent.
26	Contractors' businesses or yards, including but not limited to building, electrical, plumbing, and landscapers' yards.
27	Convenience stores.
28	Custom workshops.
29	Dance Studios
30	Day-care facilities.

	AC	R-80	R-40	R120	R-200	R-400	Hamlet Density	Affordable Housing District (AHD)	Resort Residential RR	Residential Office RO	Limited Business LB	Hamlet Business HB	General Business GB	Marine I	Marine II	Marine III	Light Industrial Park/Planned Office Park	Light Industrial District	Plum Island Research District	Plum Island Conservation District	Historic District	Recreation floating
1	P	P	P	P	P	P			P		P		P				P	P				
2	P	P	P	P	P	P			P		P		P				P	P				
3	P	P	P	P	P	P			P		P		P				P	P				
4	P	P	P	P	P	P			P		P		P				P	P				
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Permitted Use

31	Educational facilities, with multiple buildings allowed in a campus-style development.
32	Educational facility related to the study of natural resources conservation.
33	Educational institutions.
34	Exercise Studios
35	Ferry terminals for ferry service to and from Plum Island only.
36	Food catering facility.
37	Funeral homes.
38	Garden Centers
39	Grocery stores up to a maximum of 25,000 square feet of gross floor area, exclusive of unfinished basements or attic areas,
40	Hotels.
41	Indoor dog and cat care facilities.
42	Land-based aquaculture operations, including research and development,
43	Laundromats.
44	Libraries or museums.
45	Libraries, museums, art galleries, exhibit halls, artists'/photographers' studios and dance studios.
46	Light industrial uses, with conditions
47	Machine and equipment workshop.
48	Major recreational facility.
49	Mariculture or aquaculture operations or research and development.
50	Marinas for the docking, mooring and accommodation of recreational or commercial boats, including the sale of fuel and oil primarily for the use of boats accommodated in marina.
51	Meeting hall and cultural centers.
52	Multiple dwelling units - apartments (for properties within one mile of hamlet centers).
53	Multiple dwellings, townhouses, row or attached dwellings
54	Museums and historical societies.
55	Museums housed in a designated historic landmark. All sewage will be treated by a sewage treatment plant or similar.
56	Museums with a nautical theme or galleries
57	Nature preserve.
58	Office buildings for businesses, governmental and professional uses, including administrative training, data processing, publication, financial and sales offices.
59	One accessory apartment in an existing one-family dwelling, subject to the issuance of a rental permit in accordance with § 280-13D and the following requirements:

	AC	R-80	R-40	R120	R-200	R-400	Hamlet Density	Affordable Housing District (AHD)	Resort Residential RR	Residential Office RO	Limited Business LB	Hamlet Business HB	General Business GB	Marine I	Marine II	Marine III	Light Industrial Park/Planned Office Park	Light Industrial District	Plum Island Research District	Plum Island Conservation District	Historic District	Recreation floating
31																			P			
32																				P		
33																					P	
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59	P	P	P	P	P	P			P		P											

Permitted Use

60	One-family detached dwellings, not to exceed one dwelling on each lot.
61	Owner-occupied moderate-income family dwelling unit ("MIFDU"),
62	Owner-occupied two-family dwellings.
63	Personal service stores and shops, including barbershops, beauty parlors, professional studios and travel agencies.
64	Philanthropic, eleemosynary (charitable) or religious institutions.
65	Printing and publishing plants.
66	Professional offices.
67	Public park.
68	Publishing and printing plants.
69	Recreational facilities with conditions:
70	Recreational facility, minor.
71	Repair shop (not including auto and marine).
72	Repair shops for household, business or personal appliances
73	Research laboratories with multiple buildings allowed in a campus-style development
74	Restaurants, except drive-in restaurants or formula restaurants.
75	Restaurants, excluding formula food and take-out restaurants.
76	Retail sale or rental of fishing, diving or bathing supplies and equipment if accessory to a marina or boatyard or ship's loft or chandlery
77	Retail stores, up to a maximum of 6,000 total square feet of gross floor area. Such retail stores greater than 3,000 total square feet shall comply with the retail building standards for HB Districts listed below, in addition to the site plan requirements of this chapter:
78	Retail stores, up to a maximum of 8,000 total square feet of gross floor area. Such retail stores greater than 4,000 total square feet shall comply with the retail building standards for B Districts listed below, in addition to the site plan requirements of this chapter.
79	Retail uses supplemental to the service business establishment.
80	Small business offices such as insurance agencies, real estate agencies, computer software services, financial planning securities brokers and like-kind small business establishments excluding retail sales of any kind or nature and limited to overall floor space of 3,000 square feet.

	AC	R-80	R-40	R120	R-200	R-400	Hamlet Density	Affordable Housing District (AHD)	Resort Residential RR	Residential Office RO	Limited Business LB	Hamlet Business HB	General Business GB	Marine I	Marine II	Marine III	Light Industrial Park/Planned Office Park	Light Industrial District	Plum Island Research District	Plum Island Conservation District	Historic District	Recreation floating	
60	P	P	P	P	P	P			P	P	P	P	P	P							P		
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Permitted Use

81	Small business offices.
82	Small wind energy systems on parcels greater than seven acres in size, which parcels are dedicated primarily to uses necessary for bona fide agricultural production, and subject to the standards provided in Chapter 277 of this Town Code.
83	Standard regulation golf course.
84	Telephone exchanges.
85	Tenant-occupied MIFDU, in accordance with the following requirements:
86	Theaters or cinemas (other than outdoor).
87	Tourist camp.
88	Train or bus stations.
89	Two-family dwelling, not to exceed one dwelling on each lot. The dwelling must be occupied by the owner of the property.
90	Wholesale businesses, private warehousing and public warehousing, and building material storage and sale, but excluding storage of coal, coke, fuel oil or junk.
91	Wholesale or retail sale and accessory storage and display of garden materials, supplies and plants, including nursery operations, provided that the outdoor storage or display of plants and materials does not obstruct pedestrian flow or vehicular traffic and does not occur within three feet of the property line.
92	Wholesale/retail beverage distribution.
93	Wineries as regulated by § 280-48A(11).

	AC	R-80	R-40	R120	R-200	R-400	Hamlet Density	Affordable Housing District (AHD)	Resort Residential RR	Residential Office RO	Limited Business LB	Hamlet Business HB	General Business GB	Marine I	Marine II	Marine III	Light Industrial Park/Planned Office Park	Light Industrial District	Plum Island Research District	Plum Island Conservation District	Historic District	Recreation floating	
81																					P		
82	P	P	P	P	P	P			P		P												
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85																							
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92													P										
93	P	P	P	P	P	P					P		P				P	P					

Special Permitted Use

1	Accessory apartments in single-family residences
2	Antique, art and craft shops and galleries
3	Apartments may be permitted over business and professional offices
4	Automobile laundries
5	Basic Utility Stage II airport, subject to the following conditions
6	Beach clubs, tennis clubs, country clubs, golf clubs and annual membership clubs
7	Bed-and-breakfast uses
8	Boarding and/or tourist homes
9	Cemeteries
10	Children's recreation camps organized primarily for seasonal use and subject to the following requirements
11	Commercial solar energy production system, subject to the following criteria
12	Conference facilities, subject to the following conditions
13	Contractors' businesses or yards
14	Conversion of an existing building to apartments
15	Custom workshops, provided that they shall not be all or part of a commercial center
16	Drinking establishments
17	Farm labor camps, subject to the following requirements
18	Ferry terminals
19	Fish markets, include a combination of wholesale and retail sale of finfish and shellfish
20	Fish processing plants
21	Flea markets
22	Food processing and packaging plants, not including fish processing plants
23	Formula food restaurants located within a shopping center in this zone
24	Fraternal or social institutional offices or meeting halls (nonprofit)
25	Fully enclosed commercial recreation facilities
26	Funeral homes
27	Health care facilities [Added 11-12-1996 by LL No 20-1996]
28	Historical society
29	Hotel or motel uses as set forth in and regulated by § 280-35B(4) of the Resort Residential (RR) District, except that the minimum lot size shall be three acres

	AC	R-80	R-40	R120	R-200	R-400	Hamlet Density	Affordable Housing District	Resort Residential RR	Residential Office RO	Limited Business LB	Hamlet Business HB	General Business GB	Marine I	Marine II	Marine III	Light Industrial Park/Planned	Light Industrial District	Plum Island Research	Plum Island Conservation	Historic District	Recreation floating
1											SP											
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6	SP	SP	SP	SP	SP	SP			SP	SP	SP		SP	SP								
7	SP	SP	SP	SP	SP	SP	SP					SP	SP	SP	SP							
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9	SP	SP	SP	SP	SP	SP					SP		SP									
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27							SP															
28	SP	SP	SP	SP	SP	SP					SP											
29													SP									

Special Permitted Use

30	Laundry or dry-cleaning plants, subject to the following conditions
31	Light industrial uses, subject to the following conditions
32	Mariculture or aquaculture operations or research and development
33	Marinas for the docking, mooring or accommodation of noncommercial boats
34	Motel and hotel uses as set forth in and regulated by § 280-35B(4) of the Resort Residential (RR) District, except that minimum lot size shall be three acres
35	Museums with a nautical theme or art galleries
36	Nursery schools
37	One accessory apartment in a lawfully existing detached accessory garage, barn or storage building
38	Partial self-service gasoline service stations
39	Philanthropic, eleemosynary or religious institutions, health care, continuing care and life facilities, but excluding facilities for the treatment of all types of drug addiction
40	Places of worship, including parish houses (but excluding a rectory or parsonage, which shall conform to the requirements for a one-family dwelling)
41	Preservation and use of a federal or state designated historic building for the purpose of hosting community events, together with the use of part of such building for professional offices and/or one apartment, not to exceed a total of three uses per building, provided that such building is owned and maintained by a not-for-profit historic organization
42	Private elementary or high schools, colleges and other educational institutions
43	Private transportation service, including garage and maintenance facilities
44	Public garages, gasoline service stations, new and used motor vehicle lots, vehicle sales and rental, including the sale of recreation vehicles and trailers and boat sales, with accessory repair facilities, all subject to the following requirements
45	Public garages
46	Public utility rights-of-way as well as structures and other installations necessary to serve areas within the Town
47	Public utility structures and uses, except that wireless communication facilities must obtain approval pursuant to Article XVII
48	Repair of boats and marine items
49	Research, design or development laboratories, provided that any manufacturing shall be limited to prototypes and products for testing
50	Restaurants, takeout and formula food restaurants

	AC	R-80	R-40	R120	R-200	R-400	Hamlet Density	Affordable Housing District	Resort Residential RR	Residential Office RO	Limited Business LB	Hamlet Business HB	General Business GB	Marine I	Marine II	Marine III	Light Industrial Park/Planned	Light Industrial District	Plum Island Research	Plum Island Conservation	Historic District	Recreation floating	
30													SP				SP	SP					
31																		SP					
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35															SP								
36	SP	SP	SP	SP	SP	SP				SP	SP	SP	SP										
37	SP	SP	SP	SP	SP	SP					SP	SP											
38													SP										
39	SP	SP	SP	SP	SP	SP				SP	SP	SP	SP										
40	SP	SP	SP	SP	SP	SP				SP	SP		SP										
41	SP	SP	SP	SP	SP	SP	SP																
42	SP	SP	SP	SP	SP	SP				SP	SP	SP	SP										
43													SP										
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46	SP	SP	SP	SP	SP	SP				SP	SP	SP	SP					SP	SP				
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Special Permitted Use

51	Restaurants, freestanding, , except fast-food or formula restaurants
52	Restaurants, excluding outdoor counter service, drive-ins or curbside establishments
53	Retail sale of items manufactured, assembled, processed and produced on site
54	Retail stores in excess of 6,000 -12,000 total square feet of gross floor area
55	Retail stores in excess of 8,000 - 15,000 total square feet of gross floor area in any building,
56	Solar energy generation in excess of that needed to provide power to permitted
57	Stables and riding academies
58	Take-out restaurants, provided that eating on the premises of the take-out restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure and where the minimum lot size for a freestanding structure is 40,000 square feet
59	Telephone exchanges
60	Tourist camps as regulated by Chapter 88 or Chapter 253, Tourist and Trailer Camps, of the Town Code
61	Transient hotels or motels,
62	Truck or bus terminals (garages, parking facilities, loading docks, etc)
63	Two-family dwellings not to exceed one such dwelling on each lot
64	Veterinarian's offices and animal hospitals, subject to the following requirements
65	Yacht clubs

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63	SP	SP	SP	SP	SP	SP			SP	SP	SP												
64	SP	SP	SP	SP	SP	SP			SP		SP		SP										
65									SP														

Accessory Use

1	Accessory buildings, structures and other required facilities and equipment necessary to provide community sewers, water, heat, utilities and other community services to all buildings and structures on the premises
2	Any customary structures or uses which are customarily incidental to the principal use
3	Apartments are permitted within the principal building only
4	Boat docking facilities for the docking, mooring or accommodation of noncommercial
5	Cafeteria for personnel associated with permitted or special exception uses
6	Central heating and power plants accessory to the principal use
7	Child care
8	Convenience store located with a gas station use shall be considered an accessory use
9	Convenience stores associated with gas stations that do not meet these requirements are considered a second principal use and must meet the minimum bulk schedule requirements (eg, a gas station with a convenience store that is 1,200 square feet in size must have a minimum of 40,000 square feet of lot area)
10	Convenience stores associated with gas stations that do not meet these requirements are considered a second principal use and must meet the minimum bulk schedule requirements (eg, a gas station with a convenience store that is 1,200 square feet in size must have a minimum of 60,000 square feet of lot area)
11	Direct marketing of aquaculture or mariculture products
12	Fully enclosed storage facilities incidental to the principal use
13	Garden house, toolhouse, storage building, playhouse, wading pool, swimming pool or tennis court incidental to the residential use of the premises and not operated for gain
14	Home occupation, including home professional office and home business office

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1							A			A													
2	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
3								A				A	A										
4	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A								
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14	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A								

Accessory Use

15	Horses and domestic animals other than household pets
16	Indoor and outdoor recreation facilities for the exclusive use of executives and employees of the principal use and their families
17	Infrastructure necessary to the operation of the permitted or special exception uses
18	In-service training schools for employees of the principal use
19	Maintenance and utility shops incidental to the principal use
20	Museum
21	Off-street parking and loading
22	Off-street parking spaces accessory to uses on the premises
23	Off-street parking or loading areas
24	Offices for executive and administrative uses
25	On-site storage and repair facilities directly related to the primary permitted use
26	Open storage of materials or equipment, provided that such storage shall be at least 25 feet from any lot line, not be more than six feet high and be suitably screened by a solid fence or other suitable means of at least six feet in height
27	Outdoor pavilion, provided that no one pavilion shall be more than 500 square feet and the total lot coverage of pavilion on any one lot shall not exceed 1,500 square feet
28	Outside storage of equipment, supplies and materials associated with any of the normal operations of the principal use, provided that the storage is adequately screened along the road frontage and contiguous residential lots with natural vegetation, landscaping, fencing and/or as shall be deemed appropriate by the Planning Board
29	Private garages for the storage and service of motor vehicles owned by the owner of the principal use or the executives or employees thereof, or visitors thereto, including the sale of them, but not to the public generally of gasoline, oil and minor accessories
30	Private garages; provided, however, that not more than two passenger automobile spaces in such garages may be leased to persons not resident on the premises

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30	A	A	A	A	A	A	A		A	A	A	A	A	A	A								

Accessory Use

31	Processing of agricultural products, which meet the following standards
32	Recreational uses
33	Sanitary and laundry facilities
34	Sleeping quarters, apartments or dormitories providing accommodations solely for personnel associated with permitted or special exception uses
35	Snack bar
36	Storage sheds and tool sheds
37	The existing harbor and ferry facility for transportation by boat to and from the Island
38	Ticket offices, waiting areas, snack bar
39	The storage of either a boat or travel trailer owned and used by the owner or occupant of the premises on which such boat or travel trailer is stored, for his personal use
40	Use of aircraft in agricultural operations, provided that
41	Wineries may have an accessory gift shop
42	Yard sales, attic sales, garage sales, auction sales or similar types of sales of personal property

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31	A	A	A	A	A	A																
32	A	A	A	A	A	A																
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39	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A							
40	A	A	A	A	A	A																
41	A	A	A	A	A	A					A											
42	A	A	A	A	A	A	A		A													

Smart Growth Principles

The Town's existing zoning code includes numerous examples of Smart Growth principles applied to a waterfront community. These include:

- The Agricultural-Conservation (AC) zoning district, the most frequently mapped district in several hamlets, conserves significant expanses of permeable land that serves as nature-based stormwater management.
- The Low-Density Residential districts and land protected from development (not agricultural land), are mapped in areas most susceptible to climate change related events, with the higher density and commercial areas further inland. This aids in storm resiliency and coastal evacuation.
- The Affordable Housing District (AHD) contemplates high-density, affordable housing in the hamlets of Greenport West and Southold, promoting compact development in walkable downtown areas. These districts are essential in creating opportunities for a mix of housing options to accommodate all households, ages, backgrounds, and incomes.
- The Hamlet Business (HB) District promotes small-scale, pedestrian-oriented development to protect the historic businesses and structures in the downtown districts and maintain the vibrancy of municipal centers.
- A Historic Preservation District (HPD) has been established and may be used going forward to preserve structures and promote adaptive reuse.

This project reviews the administrative, procedural, and regulatory sections of the zoning code of the Town of Southold to refine and create equitable land use practices. The practice of preserving open space and farmland will continue, as will fostering the North Fork's waterfront heritage and historic walkable downtowns. Additional Smart Growth elements to emerge from the code rewrite include, but are not limited to:

- Providing a range of housing options and types to meet the needs of seasonal and year-round residents by allowing an accessory dwelling unit (ADU) outside of the principal building on local farms in the AC districts to accommodate farm workers.

- Permitting multiple-unit dwellings, apartment houses, and condominiums in Hamlet Density (HD) Residential District to create a diversity of housing types at higher density.
- The General Business (B) District will be part of a new district focused on strengthening and directing development toward existing commercial corridors.
- Bicycle infrastructure such as lanes and parking will be considered throughout the Town to improve access to the waterfront and alternatives to driving.
- Create an equitable planning process by identifying and discussing issues of environmental justice, housing, and the local economic drivers with residents of all backgrounds. Educate community members on how development decisions are made, and how they can participate in the process.

Through this project the Town of Southold will be closer to meeting their goals of protecting the Town's natural resources and environment, creating attainable housing, and retaining the historic character of Southold.

ZONE^{CO}++