



Better Codes Make Better Places

MEMORANDUM - EXTERNAL

TO: Town Board of Town of Southold, New York  
Planning Board of the Town of Southold, New York  
Heather Lanza, AICP, Planning Director

FROM: Sean Suder, ZoneCo, Lead Principal

DATE: March 5, 2025

RE: Ch. 280 – Zoning – **Town Board Review Draft**

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We are pleased to provide for the Town Board’s review a draft replacement of Ch. 280 – Zoning of the Code of the Town of Southold. The draft code is the first comprehensive revision to the Town’s zoning code since 1989 and is the culmination of a multi-year effort to implement the land use goals contained in the 2020 Southold Town Comprehensive Plan.

We have undertaken an extensive review of the existing zoning code for consistency with the existing zoning code. Additionally, we have made recommendations for better usability and for the promotion of Smart Growth Principles. The results are found in the September 20, 2023, Zoning Code Diagnostic Report (“Diagnostic Report”).<sup>1</sup>

In the Diagnostic Report, we concluded in part that:

*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 But the Town’s zoning code places it in the undistinguished company of many American communities that have outdated, piecemeal updated, cumbersome, and inadequate zoning codes that serve as a barrier to fully achieving the community’s vision.*

The Comprehensive Plan’s aim is in large part balancing preservation and growth:

*Future planning shall be compatible with existing community character while supporting and addressing the challenges of continued land preservation, maintaining a vibrant local economy, creating efficient transportation, promoting a diverse housing stock, expanding recreational opportunities and protecting natural resources.<sup>2</sup>*

Maintaining the rural and small-town character of the hamlets that make up Southold Town must be balanced with economic and environmental sustainability. The Comprehensive Plan’s land use goals reflect this vision.

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<sup>1</sup> A copy of the Diagnostic Report is available for review on the project website at <https://southoldzoningupdate.com/reports>.

<sup>2</sup> See Comprehensive Plan Chapter 1 – Vision Statement.

## **Comprehensive Plan Land Use Goals:**

The Comprehensive Plan sets forth 13 land use goals that can be advanced by the zoning code (Comprehensive Plan at pp. 7-15).

The first three goals are advanced by this project. The structural and formatting changes to the code address these goals:

- **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. (Comprehensive Plan at p. 7).
- **Goal 2: Review and Update Zoning Townwide.** 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. (Comprehensive Plan at pp. 8-13).
- **Goal 3: Enforce the Town Code.** Southold Town will continue to enhance its ability to enforce its regulations. (Comprehensive Plan at p. 13).

There are eight specific goals that are addressed by the draft code as indicated in this memo:

- **Goal 4: Improve Traffic Congestion and Safety.** Ensure infrastructure supports Town residents and businesses. (Comprehensive Plan at pp. 13-14).
- **Goal 5: Protect the Town Character.** Southold retains much of its small-town charm. (Comprehensive Plan at p. 14).
- **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. (Comprehensive Plan at p. 14).
- **Goal 7: Economic Prosperity.** Facilitate the growth of existing businesses and encourage new businesses for stable and sustainable employment. (Comprehensive Plan at p. 14).
- **Goal 8: Enable the Creation of Attainable Homes.** The Town must take steps to facilitate the creation of attainable housing in Southold. (Comprehensive Plan at p. 14).
- **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. (Comprehensive Plan at p. 14).

- **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. (Comprehensive Plan at pp. 14-15).
- **Goal 12:<sup>3</sup> 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. (Comprehensive Plan at p. 15).
- **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. (Comprehensive Plan at p. 15).

The draft code also aims to perpetuate and promote the Smart Growth Principles set forth in the Diagnostic Report (pp. 92-93), all of which are supported by the Comprehensive Plan Goals. The applicable Smart Growth Principles include:

- Conserving permeable land for natural stormwater management. (Comprehensive Plan Goals 6, 12).
- Aiding storm resiliency and coast evacuation by zoning for low-density residential uses. (Comprehensive Plan Goals 6, 12).
- Creating opportunities for a mix of walkable housing options to accommodate a broad range of demographics. (Comprehensive Plan Goals 4, 5, 10).
- Promoting small-scale pedestrian-oriented environments that promote walkability and biking. (Comprehensive Plan Goals 4, 13).
- Preserving historic development patterns while promoting adaptive reuse. (Comprehensive Plan Goals 5, 7).
- 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. (Comprehensive Plan Goals 7, 9).
- Permitting multiple-unit dwellings, apartment houses, and condominiums in Hamlet districts to create a diversity of housing types at higher density. (Comprehensive Plan Goal 8).
- Create a new district that strengthens and directs development toward existing commercial corridors. (Comprehensive Plan Goal 4, 5, 7).
- Create an equitable planning process by identifying and discussing issues of environmental justice, housing, and the local economic drivers with residents of all backgrounds. (Comprehensive Plan Goals – all).

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<sup>3</sup> Goal 11 – “Continue to Provide Quality Human Services,” intentionally omitted.

**Code Structure:**

One of the first things you will notice about the draft code is its improved structure. The current zoning code has been piecemeal updated over time and as a result is unclear, inconsistent, not user friendly, ambiguous in parts, creates the need for too many variances, and is overall broken and ineffective at regulating modern land use and development in the Town of Southold.

Immediately apparent changes include the format and style of the draft code with the inclusion of tables and some illustrative graphics for ease of use and administration. The draft code is significantly less repetitive than the current code making it much easier to use, administer, and enforce (Comprehensive Plan Goals 1, 2, 3). The table of contents has been revised to be more intuitive and user-friendly as follows (Comprehensive Plan Goals 1, 2, 3):

<b>Existing Article</b>	<b>New Article</b>
Article I – General Provisions	Article I – Introduction and Using this Code (new location for all general provisions)
Article II – Districts	Article II – Districts (new location for districts, density, minimum lot size and bulk schedules, dwelling unit sizes, and all overlay and special districts)
Article III-XV – Districts (separate)	Article III – Uses and Specific Use Standards
Article XVI – Density, Minimum Lot Size and Bulk Schedules	Article IV – Generally Applicable Regulations (new location for wireless communications, parking and loading facilities, landscaping, screening, and buffer regulations, signs, farmland bill of rights)
Article XVII – Wireless Communications Facilities	Article V – Nonconformities (new location for nonconforming uses and buildings)
Article XVIII – Parking and Loading Facilities	Article VI – Administration and Procedures (new location for site plan approval, special exception uses, board of appeals, severability, and administration and enforcement)
Article XIX – Signs	Article VII – Definitions (new consolidated location of all defined terms)
Article XX – Landscaping, Screening, and Buffer Regulations	
Article XXI – Farmland Bill of Rights	
Article XXII – Supplementary Regulations	
Article XXIII – Nonconforming Uses and Buildings	
Article XXIV – Site Plan Approval	
Article XXV – Special Exception Uses	

Article XXVI – Board of Appeals	
Article XXVII – Administration and Enforcement	
Article XXIX – Severability	
Article XXX – Agricultural Planned Development District	
Article XXXI – Plum Island Conservation District	
Article XXXII – Historic Preservation District	
Article XXXIV – Recreational Floating Zone District	
Article XXXV – Marine III Zone District	
Article XXXVI – Residential Dwelling Size Units	

Because of the significant changes to organization and formatting, a redline against the current code is not possible. Therefore, this memo serves to outline the proposed changes to the current code included in the public review draft. Most, if not all, of the considerations included on page 17 of the Diagnostic Report have been implemented and each of the Comprehensive Plan goals related to land use have been addressed either directly or indirectly.

The following outlines some of the major substantive issues addressed in the draft code:

Proposed Code Amendment	Comprehensive Plan Goals Reference
<p><b>The Aquifer Protection Overlay (APO) District</b> is a new district intended to ensure the protection of the Town’s drinking water by restricting intensive and incompatible land uses. For example, all lots within the APO district are designated as critical environmental areas under SEQRA and incompatible uses within those areas are prohibited. This ensures groundwater protection by preventing harmful land uses in critical recharge areas and by limiting vegetation removal and development in high-risk areas. See Article II – Districts.</p>	6, 10, 12
<p><b>Retention of R-400, R-200, and R-120</b> large-lot zoning districts preserve large open spaces to maintain the Town’s rural character. For example, site plan review on these properties ensures that the established character of adjoining properties and of the surrounding neighborhood is respected and preserved. See Article II – Districts.</p>	5, 10
<p><b>The Preserved Land/Conservation Overlay (PLCO) District</b> is included to protect sensitive areas like wetlands, forests, and coastal lands. For example, uses of land promote the natural environment and no other</p>	6

<p>land uses are permitted. It protects the Town’s scenic and ecological integrity. See Article II – Districts.</p>	
<p><b>The Historic Preservation Overlay (HPO) District</b> is included to provide regulations to maintain historic structures and areas. While this district exists in the current code, it is not mapped anywhere in the Town, but remains important in protecting the Town’s character. See Article II – Districts.</p>	5
<p><b>The Community Housing Overlay (CHO) District</b> replaces the Affordable Housing District in its current iteration and provides for contextually appropriate affordable housing. Instead of being a base zoning district as it is currently, the overlay district allows for additional standards to be appended to base residential standards, allowing for greater flexibility for affordable housing types. For example, the density and development pattern of these areas is calibrated to balance attainable housing with the Town’s rural character. Additionally, the proposed code allows higher density housing in designated areas close to hamlet centers to promote walkability and reduce the cost of transportation needed to connect to businesses. Also, the proposed overlay implements eligibility requirements for attainable housing units to ensure local accessibility.</p> <p>The current AHD District focuses on creating high-density housing for moderate-income families while maintaining the historical and aesthetic character of neighborhoods. The new CHO Overlay Districts aims to create attractive and affordable housing through both public and private initiatives, prioritizing Smart Growth Principles.</p> <p>The existing AHD District requires a minimum lot size of 10,000 sq. ft. per unit (except for tenant-occupied units, which can be 3,300 sq. ft.), whereas the CHO District: allows higher density, with a minimum of one dwelling unit per 6,600 sq. ft. and a maximum of one per 3,300 sq. ft. if 100% of the units meet the community housing definition.</p> <p>The current AHD District specifically defines a moderate-income family as earning up to 120% of HUD median income, whereas the proposed CHO Overlay District uses a similar income-based restriction but prioritizes Community Housing eligibility and includes a lottery system for applicant selection.</p> <p>The current AHD District requires a three-stage review (Town Board approval of concept, Planning Board site plan review, and zoning classification), the proposed CHO Overlay District includes a four-stage process, adding a preliminary concept review by a designated committee before the Town Board considers district creation.</p>	8

Both districts enforce price control mechanisms to maintain affordability. The existing AHD District requires Town Board approval for sales, limits rental lease terms, and mandates that properties remain affordable indefinitely, and the proposed CHO Overlay District allows resale with Town approval and requires that resale prices are indexed to inflation (Consumer Price Index adjustments).	
<b>The Coastal Resilience Overlay (CRO) District</b> establishes stricter development standards in flood-prone areas to mitigate storm impacts. FEMA sea level rise design floor requirements are required to be satisfied and no lot may be elevated to meet such requirements preserving the natural topography of the Town. For example, the proposed ordinance encourages the use of natural shoreline stabilization techniques instead of bulkheads and hard barriers and regulates the construction of docks, piers, and marinas to prevent ecological disruption. This overlay district is intended to be a companion to the Uniform Building Code and the Town’s Floodplain Management regulations.	12
<b>The Hamlet Mixed-Use (HMU) Districts</b> (formerly Hamlet Density) allow for compact, walkable developments that support local business while preserving the Town’s small-town and rural character.	4, 5, 7
Limitations on <b>impervious surfaces</b> allows the Town to focus on preserving natural vegetation for groundwater recharge.	6, 10
Requirement for permits for significant <b>tree removal</b> to maintain canopy coverage and grading restrictions to prevent land degradation and improve water retention.	6
The new <b>Transitional (T) District</b> to transition between commercial and residential areas in a context-sensitive manner that provides for commercial uses in residential-scale structures. Limits outdoor storage and signage to preserve visual harmony in these transitional areas.	5, 7
Reducing impervious surfaces by allowing for shared parking solutions and simplifying the off-street parking minimum requirements to allow for more flexibility and alignment to actual parking needs.	4, 7, 10
New regulations for <b>large stores (5,000-12,000 square feet) and retail centers</b> for only one row of parking in the front yard and require the majority of the parking to be located in the side and rear yard. This is an important design consideration under prevailing Smart Growth Principles.	4, 5, 7
The addition of <b>buffering requirements</b> for non-residential and non-retail uses along Routes 48 and 25 to preserve the aesthetics of these scenic corridors and preserve the Town’s rural character.	5

The following address changes and updates to individual articles of the draft code:

## Article I – Introduction and Using this Code:

This section has been amended to be a more detailed and comprehensive guide to using the code. The additions to Article I advance Comprehensive Plan Goals 1, 2, and 3.

The current “General Provisions” section is primarily a list of definitions. The current code is missing quite a bit of introductory information that would be helpful in understanding how to use the code, including rules of measurement and calculation, including how to measure height, and general provisions about uses.

Sections including definitions and administrative provisions have been relocated to new articles at the end of the draft code, which is a much more common approach in modern zoning. See Articles VI and VII.

The purpose and intent provisions have been updated to include Smart Growth Principles as identified in the Diagnostic Report.

The following is a side-by-side comparison of the existing Article I outline and the draft code Article I outline:

<b>Existing Section</b>	<b>New Section</b>
Sec. 280-1. Title.	Sec. 280-1. Title; Effective Date.
Sec. 280-2. Purposes.	Sec. 280-2. Purpose and Intent.
Sec. 280-3. Interpretation and Conflicts.	Sec. 280-3. Applicability.
Sec. 280-4. Definitions.	Sec. 280-4. Conflicts.
Sec. 134-5. Effective date.	Sec. 280-5. Severability.
	Sec. 280-6. Uncertainty of District and Overlay Boundaries.
	Sec. 280-7. Uses Generally.
	Sec. 280-8. General Rules of Measurement.
	Sec. 280-9. Building Height Measurement.
	Sec. 280-10. Lot Recognition.
	Sec. 280-11. Merging of Lots.
	Sec. 280-12. Waiver of Merger.
	Sec. 280-13. Building Materials.
	Sec. 280-14. Reserved.

The considerations for the introduction section of the draft code on page 17 of the Diagnostic Report have been implemented in the draft code.



<b>Considerations in Zoning Diagnostic Report (p. 17)</b>	<b>References</b>	<b>Comprehensive Plan Goals Reference</b>
Include tables and graphics to organize procedures where appropriate. For example, a comprehensive procedures summary table is helpful for the user and administrator.	Implemented; See all districts in Article II; See Article VI.	1, 2, 3
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.	Implemented; See Articles I, VI, and VII.	1, 2, 3
Update the code’s purpose and intent statements to reflect the Comprehensive Plan goals and objectives.	Implemented; All purpose and intent statements were reviewed and revised if necessary to reflect the Comprehensive Plan. Smart Growth Principles were added to the purpose and intent section.	1, 2, 3
Relocate the administrative sections to the end of the code. Modern zoning codes typically locate the administration, procedures, and glossary sections at 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	Implemented; See Articles VI, VII.	1, 2, 3

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 at the outset of the code.	Implemented; See Article I.	1, 2, 3
Rename the code to better reflect the Comprehensive Plan goals and objectives as follows: "Southold Town Land Use Regulations."	Not implemented because benefit of name change not evident.	1, 2, 3
Clarify and streamline the site plan review process; particularly the application perfection procedures and provide Town staff with authority to determine application completeness.	Implemented; See Article VI.	1, 2, 3
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 without legislative action.	Implemented.	1, 2, 3
Review all regulations involving legal standards for compliance with state statutory and common law by the Town attorney.	To be reviewed.	1, 2, 3

For the Town’s review and consideration, the following are additional proposed substantive policy changes in Article I for your review and consideration:

1. **Zoning boundaries dividing a lot:** The draft proposes including a provision where a district boundary divides a lot, the district with the more restrictive regulations shall be deemed to extend to the entire lot. This is to avoid creating unnecessary nonconformities and potential takings claims. Ideally, all split zones would be resolved by map amendments made pursuant to this project. This advances Comprehensive Plan Goal 2 to ensure that existing zoning is appropriately located.
2. **Tidal lands and lands under water:** The draft proposes designating the zoning on these lands to that of the district to which the lands are adjacent. This is to simplify existing regulations and eliminate additional split zones. This also advances Comprehensive Plan Goal 2.

3. **Design standards:** Building location, scale, and massing are addressed through the development standards in all districts. Additionally, the design of commercial development along the Town’s commercial corridors, which also serve as scenic byways is controlled through a maximum front yard setback requirement. This ensures that only one row of parking will be located in the front yard of a property so that commercial properties are not fronted by a sea of surface parking lots but are instead focused on the building and use. Other design standards include those determined by overlays such as the Coastal Resilience Overlay district. We did not include any minimum materials standards in the proposed code.

## Article II – Districts:

The most utilized provisions are related to use and development standards, so they are front and center in the draft code following the introductory provisions. Most of the proposed changes to the current code are within the Districts section of the draft code.

Article II begins with introductory provisions for all districts, including a table listing the districts and a provision on the zoning map along with their prior designations and names for ease of reference.

<b>New District Symbol</b>	<b>New District Name</b>	<b>Former District Symbol</b>	<b>Former District Name</b>	<b>Comprehensive Plan Goal Reference</b>
AE	Agriculture Enterprise	A-C	Agricultural-Conservation	9, 10
R-40	Residential 40	R-40	Residential Low-Density	5
R-80	Residential 80	R-80	Residential Low-Density	5
R-120	Residential 120	R-120	Residential Low-Density	5, 6
R-200	Residential 200	R-200	Residential Low-Density	5, 6
R-400	Residential 400	R-400	Residential Low-Density	5, 6
HR	Hamlet Residential	HD	Hamlet Density Residential	4, 5, 10
RL	Resort Lodging	RR	Resort Residential	5, 7
T	Transitional	RO	Residential Office	4, 5, 7
CB	Corridor Business	GB	General Business	4, 5, 7
RB-I	Rural Business I	LB	Limited Business	4, 5, 7
RB-II	Rural Business II	LB	Limited Business	4, 5, 7
HMUI	Hamlet Mixed Use I	HB	Hamlet Business	4, 5, 7
HMUII	Hamlet Mixed Use II	HB	Hamlet Business	4, 5, 7
M-I	Marine I	MI	Marine I	7
M-II	Marine II	MII	Marine II	7
IM	Island Marine	IM	Does not currently exist	7
M-III	Marine III	MIII	Marine III	7

I	Industrial	LIO; LI	Light Industrial Park/Planned Office Park; Light Industrial	7, 9
PIR	Plum Island Research	PIR	Plum Island Research	6, 7
PIC	Plum Island Conservation	PIC	Plum Island Conservation	5, 10, 12, 13
HPO	Historic Preservation Overlay	HPD	Historic Preservation	5
APO	Aquifer Protection Overlay	New	New	10, 12
CRO	Coastal Resilience Overlay	New	New	10, 12
PLC	Preserved Land/Conservation Land Overlay	New	New	10, 12, 13
CHO	Community Housing Overlay	AHD	Affordable Housing District	8

Throughout the Article II - Districts we eliminated significant redundancies, including provisions that appear in every district section such as use regulations, specific use standards, parking regulations, and accessory buildings and structures. Many of these provisions have been consolidated and moved to Article III (Uses and Use Standards), and Article IV (Generally Applicable Regulations).

We implemented most, but not all, of the considerations in the Diagnostic Report. In some instances, we added provisions based on considerations made after the report was published. The Diagnostic Report did not recommend any substantive considerations for the Resort Residential (RR), Plum Island Research (PIR), Plum Island Conservation (PIC), Historic Preservation District (HPO), and Recreational Floating Zoning District (RFZ) other than reformatting and inclusion of tables; however, upon further review, we amended the Resort Residential (RR) District to remove the residential component and focus solely on transient occupancy uses. We also revisited where it is mapped to reflect existing resort developments only.

These changes were made to better reflect existing developments and to mitigate concerns related to future development impacts. We removed the Agricultural Planned Development District (APD) and the Recreational Floating Zoning District (RFZ) because these districts are not mapped, their purpose is unclear, and they do not appear to advance any of the goals of the Comprehensive Plan. The draft code reflects no substantive changes in these districts.

*Agricultural-Conservation (AC); Now Agriculture Enterprise (AE)*

<b>Considerations in Zoning Diagnostic Report (p. 19)</b>	<b>Resolution</b>	<b>Comprehensive Plan Goals Reference</b>
Including more robust farmstand regulations to address externalities such as increased traffic, parking, signage, and sales of food and products.	Implemented.	4, 5, 7, 9
Allowing an accessory dwelling unit (ADU) outside of the principal building to allow for additional affordable housing for farm workers.	Implemented.	8, 9
Rename the zoning district to more accurately reflect prevalent active uses rather than focusing on conservation.	Implemented.	9
Re-evaluate list of permitted uses to more accurately reflect a mix of agribusiness uses, including agri-tourism uses.	Implemented.	9
Evaluate the consistency of defined terms and uses related to agribusiness.	Implemented.	9

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

<b>Considerations in Zoning Diagnostic Report (p. 21)</b>	<b>Resolution</b>	<b>Comprehensive Plan References</b>
Separating R-80 from the other districts because of its prevalence.	Implemented.	5
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.”	Not implemented. All existing residential zones were maintained.	5, 9
Creating tolerances through setback and height averaging so that property owners have a range of acceptable dimensions that are context	Not implemented. Most development standards remained unchanged from the current standards as the standards were determined	5

sensitive and harmonious with surrounding properties. Do not allow variances outside of the range.	to be less of an issue than the menu of zoning districts and location of the districts.	
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.	Implemented.	5
Creating residential scale, massing, and placement typologies to assist in achieving desired development patterns for redevelopment and infill construction.	Not implemented. All existing residential development standards were maintained.	5
Allowing agriculture uses in these zones but with that different conditions than in the AC district to address scale and proximity to residential neighborhoods.	Implemented.	9

*Hamlet Density Residential District (HD); Now Hamlet Residential District (HR)*

<b>Considerations in Zoning Diagnostic Report (p. 23)</b>	<b>Resolution</b>	<b>Comprehensive Plan Goals Reference</b>
Reformulate this district to help diversify the Town's housing stock options.	Implemented.	4, 5, 8
Renaming this district to better reflect its intent and purpose.	Implemented.	4, 5, 8
Adding accessory building requirements as in other residential districts.	Implemented.	4, 5, 8

Revising uses to include multiple-unit dwellings, apartment houses, and condominiums to support year-round housing.	Implemented.	4, 5, 8
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*Affordable Housing District (AHD); Now Community Housing Overlay District (CHO)*

<b>Considerations in Zoning Diagnostic Report (p. 24)</b>	<b>Resolution</b>	<b>Comprehensive Plan Goals Reference</b>
Renaming the district to "Community Housing" to match the Town's Housing Plan	Implemented.	5, 6
Defining terms used in relation to this district, including "Smart Growth planning" and "Hamlet Locus Zones."	Partially implemented. Smart Growth Planning is defined but Hamlet Locus Zones have been removed.	5, 6
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.	Implemented.	5, 6
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	Implemented.	5, 6
Clarifying the characteristics of desirable areas for this district, proximity to grocery store, availability of public transportation by hamlet	Implemented.	5, 6
Reviewing the law related to the Planning Board granting a variance contrary to New York	To be reviewed.	5, 6

State Town Law (referral to Town Attorney).		
Re-evaluation of multi-unit housing parameters town-wide.	Implemented.	5, 6

*Resort Residential (RR); Now Resort Lodging.*

No specific considerations were recommended in the Diagnostic Report (p. 26). However, upon review, we propose renaming this district to reflect that it is focused on lodging rather than residential uses and amended the locations of this district to truly resort areas with transient occupancies.

*Residential Office District (RO); Now Transition District (T)*

<b>Considerations in Zoning Diagnostic Report (p. 27)</b>	<b>Resolution</b>	<b>Comprehensive Plan Goals Reference</b>
Reviewing permitted uses to ensure they are appropriate transitions from commercial to residential uses.	Implemented.	2, 3

*Limited Business District (LB); Now Rural Business I (RB-1) and Rural Business II (RB-II)*

<b>Considerations in Zoning Diagnostic Report (p. 28)</b>	<b>Resolution</b>	<b>Comprehensive Plan Goals Reference</b>
Reviewing permitted uses to ensure they are appropriate transitions from commercial to residential uses.	Implemented.	2, 3
Revising language in this district to more clearly determine whether it is intended to allow for lots smaller than 40,000 square feet.	Implemented.	
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.	Implemented. Shallower front yard setbacks for large retail, shopping center uses were introduced to reduce front yard parking.	5



*Hamlet Business District (HB); Now Hamlet Mixed-Use I (HMU-I) and Hamlet Mixed-Use II (HMU-II)*

<b>Considerations in Zoning Diagnostic Report (p. 29)</b>	<b>Resolution</b>	<b>Comprehensive Plan Goals Reference</b>
Creating a Hamlet Business (HB) District with a subdistrict calibrated specifically for each unique hamlet commercial center.	Implemented. Note that the new HMU-I district covers the larger hamlets and the HMU-II district the smaller hamlets.	4, 5, 7

*General Business District (B); Now Corridor Business District (CB)*

<b>Considerations in Zoning Diagnostic Report (p. 30)</b>	<b>Resolution</b>	<b>Comprehensive plan Goals Reference</b>
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.	Implemented. Note that the General Business district has been renamed the Corridor Business district to reflect its location on commercial highway corridors. The Limited Business district is not two districts, Rural Business I and II (RB-I and RB-II) reflecting the rural character of these businesses.	5, 7
Allowing a shallower front yard setback and encouraging side and rear yard parking as the current minimum front yard setback of 100 feet guarantees a building setback from the street with front yard parking.	Implemented. Shallower front yard setbacks for large retail, shopping center uses were introduced to reduce front yard parking.	5, 7

*Marine I, III, III Districts*

<b>Considerations in Zoning Diagnostic Report (p. 31)</b>	<b>Resolution; References</b>	<b>Comprehensive Plan Goals Reference</b>
Re-evaluate the permitted uses in these districts.	Implemented.	1, 2, 3
Consider hamlet-specific marine districts.	Not implemented. Marine districts remain the same with the addition of an Island	5, 7

	Marine district specific to Fisher’s Island.	
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*Light Industrial Park/Planned Office Park District (LIO); Now Industrial District (I)*

<b>Considerations in Zoning Diagnostic Report (p. 31)</b>	<b>Resolution</b>	<b>Comprehensive Plan Goals Reference</b>
Combing the LIO and LI districts as they promote similar development patterns.	Implemented.	7
Consider allowing additional uses such as artist live-work/maker spaces near hamlet centers, and allow for retail and other value-add uses.	Implemented.	1, 2, 3, 7

**Article III – Uses**

Per our recommendation in the Diagnostic Report, we separated uses and specific use standards from the districts. This allows for uses and specific use standards to be set forth more comprehensively and in a more user-friendly format. The use tables should be reviewed in detail. Additionally, all uses have been reviewed and revised to a list of modern uses that reflect the Town. There are currently approximately 180 uses. We proposed consolidating and refining the list of uses to approximately 120 uses.

In addition to the refined list of uses, the substantive policy changes in Article III – Uses are as follows:

1. Reducing the number of special exception uses in favor of permitted uses with specific use conditions.
2. Eliminate the minimum square footage for dwelling units (currently 850 square feet).
3. Include definition of “household” replacing definition of “family.”
4. See additional regulations on accessory dwelling units (ADUs).
5. See new hotel categories and restrictions on size by rooms/acre.

**Article IV - Generally Applicable Regulations**

Existing generally applicable (non-district specific) regulations are spread throughout the code. We propose consolidating them into new Article VI for ease of use and administration. These provisions include off-street parking and loading, signs, landscaping, screening, and buffering requirements, building length, access requirements, fences and walls, driveway

construction and improvements, clear site triangle, outdoor lighting, outdoor storage, site work, and farmland bill of rights.

Much of the substance of the generally applicable regulations has been retained. The landscaping and buffering section has mostly been carried forward other than organization.

Most of the considerations in the Diagnostic Report (p. 28) relative to generally applicable regulations have been incorporated into the draft code.

For the Town’s review and consideration, the proposed substantive policy changes in Article IV – Generally Applicable Regulations are as follows:

1. Regulating impervious surface area rather than lot coverage or minimum landscape area.
2. Eliminating minimum parking requirements for each specific use and instead regulating generally by use category.
3. Setbacks for all walls, including retaining walls, from the lot line.
4. Inclusion of a tree-cutting permit for certain large, established trees.
5. Limitations on top-soil removal during excavation for new construction.

#### **Article V – Nonconformities.**

The nonconformities provisions largely remain the same as in the current code with some modifications to layout and flow.

#### **Article VI – Administration and Procedures.**

The administration and procedures, currently scattered, have been consolidated in Article VI – Administration and Procedures, and have been rearranged for legibility and ease of use.

#### **Article VII – Definitions.**

Definitions are currently located in Article I – “In General” and have been relocated to Article VII – “Definitions.” All defined terms have been updated according to any changes in usage in the Code.

Approximately 180 terms were added to the list of definitions and approximately 70 terms were removed from the Glossary as they are no longer used in the draft Code or are adequately addressed or defined elsewhere in the Code:

<b>Added Terms:</b>	<b>Deleted Terms:</b>
Adult Bookstore	Access
Adult Clubs or Adult Eating or Drinking Club	Accessory Apartment
Adult Day Care	Apartment
Adult Entertainment	Apartment House

Adult Live Performance	Arcade, Amusement
Adult Massage	Automobile Sales Lot or Building
Adult Massage Parlor	Boarding and Tourist Houses
Adult Novelty Shop	Building Line
Adult Paraphernalia	Certificate of Compliance
Adult Photographic Reproductions	Cluster
Adult Printed Materials	Club, Membership or Country or Golf
Adult Theater	Common Open Space
Adult Use/Medical Cannabis Dispensary	Court, Inner
Adult Video Store	Court, Outer
Affordable Housing	Court, Depth of Outer
Agricultural Product	Cul-de-Sac
Agricultural Product, Processed	Custom Workshop
Agritourism Activities	Dwelling, Semidetached
Airport, Basic Utility Stage II	Flea Market
Bank	Fraternal Organization
Battery Energy Storage System	Garage, Public
Boat Dock, Private	Gasoline Service Station
Boat Sales and Service	Grocery Store
Boat Yard	Guest Unit
Bona Fide Aquaculture/Mariculture Farm Operation (defined in Article III)	Historical Society
Bona Fide Farm Operation (defined in Article III)	Home Business Office
Brewery/Distillery	Home Professional Office
Campground	Hotel or Motel, Transient
Car Wash	Indoor Dog and Cat Care Facility
Caretaker Dwelling	Junkyard
Cemetery	Land-Based Aquaculture
Certificate of Occupancy	Lower and Moderate Cost Housing
Commercial Horse Boarding Operations	Main Floor
Commercial Recreation, Indoor	Master Plan
Commercial Recreation, Outdoor	Motel, Resort
Common Ownership	Motel, Transient
Community Housing	On-Farm Direct Marketing Building
Community Center	On-Farm Operation Direct Marketing
Comprehensive Plan	Outdoor Recreational Facilities
Contractor Shop	Partial Self-Service Gasoline Service Station
Contractor Storage Yard	Professional Office
Crops	Recreational Facilities
Crops, Livestock, Livestock Products	Recreational Facility, Commercial
Day-Care Center	Recreation Facility, Major
Day-Care Home	Recreation Facility, Minor

Disturb	Residential Cluster
Distribution Facility	Restaurant, Take-Out
Drinking Establishment	Roadside Farm Stand or Agricultural Stand
Driveway	Roadside Stand
Dry Cleaner	Shopping Center
Drive-up Service Window	Sign Area
Educational Facility	Snack Bar
Electric Vehicle Charging Station	Tourist Camp
Event Space	Tourist Cottage
Excessive Lighting	Townhouse
Exterior Lighting	Transient Rental Amenity
Facility	Transient Rental Property
Farm Cidery	Usable Open Space
Farm Brewery	Yard, Primary Front
Farm Distillery	Year-round Rental
Farm Worker Housing	Zoning Board
Farm Roadside Sales	
Farm Roadside Stand, Bona Fide	
Farm Seasonal Worker Housing	
Farm Store	
Farm Tasting Room	
Farm Winery	
FEMA Zones - Coastal A, V, VE	
Fenestration	
Fertilized Vegetation	
Fertilizer	
Fixture	
Flood Protection Equipment	
Floor Area Ratio	
Footcandle	
Freeboard	
Fueling/Charging Station	
Full Cutoff	
Fully Shielded	
Funeral and Burial Services	
Garden Center, Retail	
Garden Center, Wholesale	
Glare	
Golf Course	
Greenhouse, Permanent	
Hazardous Substance	
Hazardous Waste	
Height of Accessory Building	

Herbicide
Holiday Lighting
Hotel
Hotel, Country Inn
Hotel, Maritime Inn
Household
Household Pet
IESNA
IESNA Recommended Practices
Illuminance
Incompatible Uses
Industrial, Heavy
Industrial, Light
Kennel
Lamp
Landmark Designation
Landscape Lighting
Laundry Facility, Retail
Lighting
Light Pollution
Light Source
Light Trespass
Lot Area, Net
Lumen
Luminaire
Marine Facility
Microbrewery and/or Micro-distillery
Moderate-Income Dwelling Units
Mounting Height
Multi-Use Building
Natural Vegetation
Non-essential Exterior Lighting
Not-for-profit Organization
Office
Medical Office
Parks and Recreation
Parking Garage
Partially Shielded
Personal Services
Pesticide
Pet Boarding Service
Pet Care Facility
Pet Day-Care

Pet Grooming
Private Garage
Processed Agricultural Product
Public Administrative Facilities
Religious Facility
Research
Residential Storage Shed
Restaurant, Full-Service
Restaurant, Quick Service
Retail Center
Retail Recreation
Retail Sales
Retail Store, Large
Retail Store, Small
Sea Level Rise - Base Flood Elevation (SLR-BFE)
Sea Level Rise - Design Flood Elevation (SLR-DFE)
Seasonal Camp
Self-Service Storage Facility
Septage
Service Business
Short-Term Rental Housing
Sign, Awning
Sign, Building Entrance
Sign, Façade Wall
Sign, Freestanding Hanging
Sign, Monument
Sign, Projecting
Sign, Sidewalk
Sign, Temporary Yard
Sign, Window and Door
Skyglow
Solar Panels
Smart Growth Principles
Story, Half
Substantially Rehabilitate
Theater or Cinema
Town Code
Tract
Transfer Station
Transportation Terminal
Uniformity Ratio (U Ratio)

Unshielded Fixture
Underlying Zoning
Variance, Area
Variance, Use
Vehicle and Boat Storage Facility
Vehicle Repair Garage
Vehicle Sales and Rental
Veterinarian Hospital or Clinic
Waste Disposal Area
Waste Materials
Watercraft

We look forward to discussing the Town Board review draft with you and receiving your comments/questions.

