



SOUTHOLD
GET IN THE ZONE

OVERVIEW OF THE PROPOSED NEW ZONING CODE

Includes Highlights of Code Changes

This summary outlines how the Public Review Draft of the proposed zoning code is organized. It highlights some of the more significant changes from the existing code, however, it is not a comprehensive list of all changes.

The project's zoning consultant, ZoneCo, is preparing a detailed comparison between the existing code and Public Review Draft. This comparison will outline each section of the proposed code, explaining how it differs from the current version. It will also show how the new code aligns with and implements goals from the Southold Town Comprehensive Plan. This comparison document is expected to be published on the zoning website by April 28, 2025.

A note to readers: the Public Review Draft is not final, and we want your feedback on the proposed changes. Reorganizing a complex and outdated code can lead to unintended changes. If you see something that seems unfair or incorrect, let us know. We would like to hear from you, including about intentional changes — your input will help us shape the best possible zoning code.

Released for public review on April 22, 2025



Organization of the new draft zoning code:

The new draft zoning code has been entirely reorganized from the existing code.

The Table of Contents provides a good overview of the entire code and its organization.

The document is searchable.

Article I. Introduction and Using This Code

The first section provides standard language around the purpose and intent of the zoning. These reflect goals from the Southold Town Comprehensive Plan, as well as the goals of zoning in general. It also includes technical language around how the code applies to land, how conflicts within Town Code and uncertainties in zoning district boundaries are handled.

In this section are the rules for when a lot is recognized and when lots are considered merged. The rules have been improved from existing code on lot recognition by adding that if two or more recognized lots are merged by deed, the new larger lot is recognized without any need to go to the Planning Board or Zoning Board of Appeals.

The rules for merger have also been improved by adding language excluding lots created by cluster subdivision from merging.

There is also section with standards for measuring the various limits and requirements. One notable change is that lot coverage limits now include pavement, patios and other constructed surfaces including gravel driveways and sidewalks where it used to include only buildings.

Article II. Zoning Districts

The information on each zoning district is found in this section. Many of the districts have a new name, and there are four new zoning districts. See the table at the end of this document for a list of existing zoning districts compared to the proposed new zoning districts.

Each zoning district has its own page in this section with the required dimensions for lot size, the distance that buildings must be from property lines (aka setbacks), how much of the lot can be covered by the building and parking lots (aka lot coverage), and how tall a building can be, as well as other particulars. These pages replace the “bulk schedules” that are in the existing zoning code as Appendices.

The major proposed changes in zoning district names include

- Hamlet Business zone changed to Hamlet Mixed Use I (HMU I) and Hamlet Mixed Use II (HMU II)
 - HMU I is for the smaller hamlet centers with less infrastructure
 - A subset of the uses in HMU II leaving out the most intense
 - HMU II is for the larger hamlet centers that can support more intense uses.
- Limited Business to Rural Business I (RB I) and Rural Business II (RB II)
 - Rural Business I added for Fishers Island which requires a unique zoning district to accommodate contractors’ businesses in appropriate locations.

- Rural Business II is a less intense version of Corridor Business. It is located farther from the hamlet centers than Corridor Business. It allows residential uses and a longer list of uses than RB I– replaces the Limited Business zoning districts except in a few minor instances where the Transition Zone was considered a better choice than RB II.
- Residential Office to Transitional
 - This zoning district is meant to provide a transition and act as a buffer between residential zones and more intense commercial uses.
- Resort Residential to Resort Lodging and move to the “non-residential” zoning district to align with this zoning district’s focus on hotel and related businesses.

Article III. Uses & Specific Use Standards.

The code has been reorganized to make it easier to find out what uses are allowed in a particular zoning district.

The term “use” refers to the main purpose or activity on a parcel of land. The most common use in Southold Town is “single dwelling” which is another term for a house or single-family home. Examples of uses in business areas include retail stores, offices, and restaurants. The new “use” tables place all the uses and zoning districts in one place so it is easy to see at a glance where a particular use is allowed.

Section 280-40 Comprehensive Use Permissions.

There are two use tables in section 280-40 Comprehensive Use Permissions. The first table is for Residential Districts, and the second one is for Non-residential Districts (aka business and industrial districts).

For example, you can find the use of “retail store” in the table alphabetically, and then see each zoning district where that use is allowed. You could then go to the zoning map to see where those zoning districts are located or, you could find out what zone your parcel is in using the map, then consult the table to see which uses are allowed.

Accessory structures and uses are addressed at the end of this section in 280-41.

One of the most substantial changes in the uses allowed in the zoning districts is the removal of retail and restaurants from what used to be the General Business (B) zone and is now the Corridor Business zone. It is important to note that some General Business zoned parcels are proposed to now be Hamlet Mixed Use II. That zone does allow retail and restaurant uses. Check the maps for where this is proposed specifically, but generally, the change from the existing B zone to the new Hamlet Mixed Use zone is proposed in the areas of the Mattituck and Cutchogue shopping plazas.

Equally as important to note with regard to any existing business that becomes non-conforming as a result of the new draft code, is the new regulation proposed for non-conforming uses in the business zones (see Article V Nonconformities, Section 280-65 Nonconforming Uses in Non-residential Districts).

Another change to uses is the hotel and restaurant uses is proposed to be removed from what is currently the Limited Business zoning district, and would become the Rural Business II zoning district. And similarly, restaurants will also be removed from the Residential Office zones that are proposed to become the Transition zoning district.

In the marine zones, the uses remain largely the same except that in Marine II, a restaurant or hotel has to be accessory to a marina to ensure we don't lose our marinas and working waterfronts. Existing restaurants and hotels in the Marine II zoning district that exist without a marina will be protected by being grandfathered in. Only new restaurants and hotels would have this restriction applied.

Hotels in the Marine II zone are proposed to have a cap on the total number of rooms of 30 to limit impacts to the environmentally sensitive shoreline.

There was considerable consolidation of use terms, meaning that it may appear some uses are proposed to be removed when instead they fall under a broader category. An example would be a bank, which is considered retail, is no longer listed in the use table, but is still allowed because it is considered the same as a retail store from a use perspective.

Section 280-44 Standards for Uses (aka “conditions”)

Following the Comprehensive Use Tables are the Use Specific Standards.

The Use Specific Standards are listed alphabetically and are also referenced next to the use in the second column in the Comprehensive Use Permissions table.

In the existing code these standards were scattered in various places. For example, in the existing code, a hotel use has standards such as minimum land area required per room and maximum room size scattered in at least four different places. This draft code has the standards all in one location.

Standards for accessory apartments, also located in several places in the existing code, are gathered together in this section with updated rules including allowing some market rate accessory apartments in some zoning districts.

The proposed code addresses the affordability of housing crisis in several ways beyond accessory apartments. These include new standards for creating apartment houses or developments of small cottages for rent in business zones (see “Dwellings as a Principal Use” in this section). The new code would allow a mix of market rate and rent-controlled units to encourage private developers to create a diversity of housing options that people can afford.

The new code also allows employers to house an employee at the site of their business (see Caretaker Dwelling in this section). And the Agricultural Uses section below contains standards for farms to create year-round housing on the farm for their farm employees.

Section 280-45 Agricultural Uses

Following the Use Specific Standards are the Agricultural Use standards. This is where the rules around agriculture uses are located. Farm stands, agricultural processing, farm wineries and farm worker housing are examples of the guidelines found here. The intent of the proposed code is to create a regulatory environment favorable to the continuation or farming in Southold Town.

This new code is also intended to replace, Chapter 72 Agricultural Uses.

Notable proposed changes include having “farm operation” be the principal use, and all related activities being considered accessory. Also added is “farm worker housing”, intended to address the need to house farm workers on the farm year-round, and not just seasonally.

Article IV. Generally Applicable Regulations

This section contains rules and requirements that apply to all zones. Below are examples and highlights of what has changed.

Parking (280-48)

Parking requirements have been greatly simplified from the existing code.

Signs (280-49)

Next is an extensive sign regulation section. This regulates the size, number, and location of signs.

Landscaping, Screening and Buffering (280-50)

Another section is the Landscaping, Screening, and Buffering Requirements. This section is to

- Protection appearance
- Property values
- Privacy
- Scenic viewsheds

A change to this section is the addition of screening requirements for (non-agricultural) developments on our New York Scenic Byways, which are County Route 48 and State Route 25.

Fences, Walls & Berms (280-53)

This section contains the rules about fences, walls and berms. The most notable difference here is that walls can no longer be located right on the property line.

Corner Lot Visibility & Clear Sight Triangle (280-54 & 56)

Corner Lot Visibility is addressed with the purpose of keeping intersections safe by preventing sight lines from being blocked by trees, shrubs, hedges, fences, walls or berms, with more detail following in the Clear Sight Triangle section. This section is very similar to what is in the existing code.

Outdoor Lighting (280-57)

Outdoor lighting regulations currently reside in another code section separate from zoning, and have been moved to zoning with the hope it will be easier to enforce and light pollution problems can be better addressed.

Outdoor Storage & Site Work (280-58)

Outdoor storage is also addressed here, as are rules around site work – when and how a site can be cleared and prepared for construction. Similar to what is currently in Town Code, with broader applicability in the proposed code.

Farmland Bill of Rights (280-60)

This section contains the Farmland Bill of Rights, which is exactly the same as it is in the existing code. This section states that Southold Town is a “right to farm” community and that noise and dust and odors must be tolerated when they are the result of agriculture because they are offset by the benefits from farming to the community.

Wireless Communication Facilities (280-61)

The last section is currently a placeholder. We will replace what is in the existing code with a proposed updated code to meet today’s standards. This section is on hold while our wireless consultant, CityScape, conducts a regional wireless study. Once concluded, the wireless consultant will present their findings and recommendations for Southold Town, and listen to input from the public about options for solutions to improving wireless service everywhere in town. After the public has commented, CityScape will conclude their recommendations to the Town Board and propose new zoning code that will incentivize the most desirable solutions.

Article V. Nonconformities

When a use, or building or lot does not conform to the regulations in the new zoning code, this section explains how that is handled. This section is largely unchanged from current code except for one major addition.

For businesses that may become a nonconforming use as a result of the new code, this new section will provide for those to be grandfathered in. There is a section called “Nonconforming Uses in Non-residential Districts” (280-65) that will apply to any business in a business district that becomes non-conforming from this code. The rules are set up to allow the business to continue, expand and be transferred and continue indefinitely, even if the business use is inactive for any amount of time.

Nonconforming rules for residential districts are proposed to remain similar to existing code.

Article VI. Administration & Procedures

This section provides the background for how zoning is administered, establishes the roles of the Building Inspector, Planning Board and Zoning Board of Appeals as well as the Architectural Review Committee, and provides an outline for procedures for building permit, site plan, variance and special exception applications. It also outlines the Town Board's legislative role in zoning.

One major change in this section is with regard to how development proposals that require Special Exception approval are handled. In existing code, nearly all Special Exception approvals are handled by the Zoning Board of Appeals, the exceptions being wireless facilities and large retail stores, which are handled by the Planning Board. This means that if someone proposes a use that is allowed by Special Exception, and requires site plan review and approval by the Planning Board, they have to apply to two different board, have two different hearings, and potentially receive conflicting conditions or decisions.

The draft code proposes that for applications that require both Special Exception approval, and site plan approval, the Planning Board will handle both. This will reduce the amount of paperwork that has to be filed, the number of public hearings, and ensure a consistent and more efficient decision-making process. This reduces the burden on the applicant, the public, and the Town staff.

Article VII. Definitions

The last section in the code contains all the definitions. There are many new definitions, and many terms from the existing code have been deleted or revised. The existing code had definitions scattered in various places, where this proposed code creates one location for all.

Major changes in definitions include the following:

- Lot coverage – now includes constructed surfaces
- Dwelling – no longer has a minimum size of 850 sq. ft.
- Agricultural definitions reworked to remove inconsistencies

Zoning Map

The Zoning Map Public Review Draft is located at southoldzoningupdate.com. This map shows the proposed and existing zoning district for each parcel with a slider feature that allows the user to switch back and forth between existing and proposed zoning.

There are two versions posted. One contains a slider where you can see how the zoning changes from existing to proposed. The other shows only the proposed zoning, and allows a parcel to be selected to see the proposed zoning district.

To find out what the zoning is for a particular parcel, enter the address into the zoning map online.

Zoning Map Changes Highlights

Residential Zoning Districts

Most of the residential zones remain unchanged on the zoning map, meaning that if the zoning is Residential-80 now, it is likely proposed to stay Residential-80.

Non-residential Zoning Districts

The majority of non-residential zones have remained in place on the zoning map, except many of the districts are proposed to have a new name (see table at the end of this document for a complete listing of existing and proposed new zoning districts).

For most of the existing zoning districts, the proposed zoning district will be the one that corresponds to the existing zoning district in the table. There are many individual exceptions to this. Below are highlights of the changes in the map for non-residential zoning districts (refer to the proposed zoning map to see all the proposed changes).

- Mattituck Hamlet Center
 - Applied the Hamlet Mixed Use II zoning district to include what is currently the General Business zoning district from New Suffolk Ave to Factory Ave, including the shopping center.
 - Applied the Hamlet Mixed Use II zoning district to include what is currently Light Industrial zoning nearest the hamlet center.
- Cutchogue King Kullen Shopping Center
 - Hamlet Mixed Use II zoning district applied to what is currently General Business zoning district
- Peconic on Route 48.
 - Rural Business II added to what is existing R-80/Limited Business/Agricultural Conservation on CR48 to the east of Carroll Ave.
- Protected lands in Greenport hamlet on Route 25.
 - Protected lands changed from existing Light Industrial to Residential-80.
- Greenport hamlet entry to Greenport Village on Route 25.
 - Expanded the General Business zoning district to include what is existing Light Industrial across the street – proposed as Corridor Business.
- Fishers Island
 - New zoning district Island Marine added to the ferry dock area and the yacht club area.
 - Hamlet Mixed Use I replacing the Limited Business zoning near the grocery store.
 - New zoning district Rural Business I added to some of the ferry-managed lands where contractors yards are currently located, and also near the airport.
 - Hamlet Residential zoning district added to the airport road area.

- Protected Lands Overlay district added over the majority of the parade grounds.

To review all of the proposed changes to the zoning map, refer to the online map at southoldzoningupdate.com.

In the upcoming public forums we will go through each hamlet in more detail and explain the proposed changes.

Notes about what is not yet included in the new draft code:

Battery Energy Storage Systems (BESS)

The Town Board is extending the moratorium on BESS until NY State updates the fire code. Once that is done, the next step is for the Town to update the Town Comprehensive Plan specifically to address BESS, the relationship to solar and wind power, and the size and number of BESS that can be landed in Southold Town being proportionate to the electrical load produced locally. This update to the Comprehensive Plan requires public engagement and input.

After the update on BESS is added to the Comprehensive Plan, draft regulations will be created and public input gathered on the regulations.

Short Term Rentals (aka AirBnB)

The Town Board is working on the code to rein in short term rentals separately from the zoning update. The Town Board convened a task force last year that came up with recommendations for moving forward with better regulations and enforcement of short-term rentals. The first step was to hire a company that can help track and enforce the code. That has been done. Next the Town Board is working with the Town Attorney and Town Planning to draft new code for short term rentals. The timeline for the new code is meant to run concurrent with the zoning update. Details will be shared with the public when the new code is ready for public review.

Sea-level Rise and Coastal Resilience.

The Town Board intended to include an overlay zoning district that would set forth requirements for low-lying areas that are vulnerable to sea level rise and storm surge. The basic idea is to limit the number and size of new structures being placed in harm's way from sea level rise and storm surge.

A rough draft of this was presented in the Town Board Review Draft, but removed from the Public Review Draft due to it requiring more thought and details that were outside the scope of our zoning consultant's contract. Also landing the overlay district on a map was challenging.

The idea is not off the table and some version could be added back into zoning. One idea was that instead of an overlay district shown on a map, the standards for coastal resilience could be applied anywhere property elevations meet certain thresholds.

Aquifer Protection Overlay District

The Town Board intended to include an overlay zoning district that would set forth requirements to help protect drinking water, well water, and the water quality of the creeks and bays.

A rough draft of this was presented in the Town Board Review Draft, but removed from the Public Review Draft due to it requiring more thought and details that were outside the scope of our zoning consultant's contract.

The idea is not off the table and some version could be added back into zoning. Since water has become an issue all over Southold Town, measures to protect our water should be town-wide, not limited to an overlay district. The Town's Water Conservation Committee will work to make recommendations about this.

Historic Preservation Overlay District

This proposed overlay district was originally a zoning district in the current zoning that was created when several iconic church buildings were being sold. That created concern that those buildings would be torn down. The intent of this zoning district was to allow more uses than the current zoning to incentivize a buyer to restore and keep the building intact. This zoning district was never applied or used.

It was changed by our consultant for this update from a zoning district to an overlay district. This simply means that if it were to be applied, the underlying zoning would remain, and this overlay district would convey the additional permitted uses.

It has been removed from the Public Review Draft because in the ten years since it was first enacted, it was never used, so the need for it has not been demonstrated.

TABLE OF ZONING DISTRICTS Existing and Proposed New

Former Symbol	Former District Name	New Symbol	New District Name
Residential Districts			
AHD	Affordable Housing District	CHO	Community Housing Overlay
AC	Agriculture Conservation	AE	Agriculture Enterprise
APDD	Agricultural Planned Development (never mapped)		Removed
HD	Hamlet Density	HR	Hamlet Residential
R40	Residential 40	R40	Residential 40
R80	Residential 80	R80	Residential 80
R120	Residential 120	R120	Residential 120
R200	Residential 200	R200	Residential 200
R400	Residential 400	R400	Residential 400
Non-residential Districts			
B	General Business	CB	Corridor Business
HB	Hamlet Business	HMU I	Hamlet Mixed Use I
HB	Hamlet Business	HMU II	Hamlet Mixed Use II
HPD	Historic Preservation (never mapped)		Removed
LB	Limited Business	RB II	Rural Business II
LI	Light Industrial	IND	Industrial
LIO	Light Industrial Office	IND	Industrial
M I	Marine I	M I	Marine I
M II	Marine II	M II	Marine II
M III	Marine III	M III	Marine III
PIC	Plum Island Conservation	PIC	Plum Island Conservation
PIR	Plum Island Research	PIR	Plum Island Research
RFZ	Recreational Floating Zone (never mapped)		Removed
RO	Residential Office	T	Transitional
RR	Resort Residential	RL	Resort Lodging
	New	RB I	Rural Business I
	New	IM	Island Marine
	New	PCLO	Preserved/Conservation Land Overlay