

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 23rd day of August, 2022, a Local Law entitled **“A Local Law in relation to Amendments to Chapters 280”** and

NOTICE IS HEREBY FURTHER GIVEN, that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at Southold Town Hall, 53095 Main Road, Southold, New York, on the **18th day of October, 2022 at 4:30 p.m.** at which time all interested persons will be given an opportunity to be heard.

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

LOCAL LAW NO. -2022

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

I. Purpose.

The purpose of this local law is to address issues concerning the maximum size of one and two family dwellings in certain zoning districts consistent with the Southold Town Comprehensive Plan adopted September 8, 2020, the Vision Statement of which calls for future planning within the Town to be consistent with existing community character and a periodic review and amendment of the Town Code to that end.

The Town Board because of objectives outlined in the plan, especially Chapter 3 Land Use and Zoning, finds it necessary to draft and adopt new code that establishes standards for the construction and reconstruction of residential dwellings in certain zoning districts. Such standards will establish maximum limits on house size based on lot size and are necessary to maintain the community character of the residential communities as called for in the Comprehensive Plan.

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

§280-4 Definitions.

FLAT, LOW SLOPE OR MANSARD ROOF

Any roof that has a pitch of 3:12 or less.

FLOOR AREA, GROSS (GFA)

The cumulative area, in square feet, of all floor levels of every story of all dwellings on a lot, including attached garages, having a clear height of not less than six feet measured

from the exterior faces of exterior walls or from the center line of party walls separating two buildings. Interior spaces with a floor-to-ceiling height in excess of fifteen (15) feet shall be counted twice for gross floor area.

The cumulative area shall not include roof overhangs less than three (3) feet, unenclosed porches, patios, decks, open terraces; balconies; basements and attics. Accessory buildings or structures shall also be excluded, except any portion thereof which may be converted to habitable space. Such habitable portion shall be included in the Gross Floor Area.

GROSS FLOOR AREA

See FLOOR AREA, GROSS

HEIGHT OF BUILDING

The vertical distance measured from the average elevation of the existing natural grade adjacent to the building, before any grade alteration or fill, to the highest point of the roof, parapet or railing, for flat and mansard roofs, and to the mean height between eaves and ridge for other type roofs.

SKY PLANE OF LOT

The Sky Plane is formed by imaginary lines starting at all property lines parallel or adjacent to the building or structure at ten (10) feet above the average elevation of the natural grade (prior to any grade alteration or fill) and extending inward toward the center of the lot at a 45 degree angle.

Article XXXVI Residential Dwelling Size Limits

§280-207 Maximum gross floor area for residential dwellings in A-C, R-40, R-80, R-120, R-200, and R-400 Districts.

A. Maximum gross floor area (GFA):

- 1. The gross floor area shall not exceed the permitted square footage calculated as follows:**
 - a. Lots containing up to 10,000 square feet of lot area: 2,100 square feet maximum.**
 - b. Lots containing up to 20,000 square feet of lot area: 2,100 square feet plus 12.5% of the lot area in excess of 10,000 square feet up to a total of 3,350 square feet maximum.**
 - c. Lots containing up to 30,000 square feet of lot area: 3,350 square feet plus 10% of the lot area in excess of 20,000 square feet up to a total of 4,350 square feet maximum.**
 - d. Lots containing up to 40,000 square feet of lot area: 4,350 square feet plus 7.5% of the lot area in excess of 30,000 square feet up to a total of 5,100 square feet maximum.**
 - e. Lots up to 80,000 square feet of lot area: 5,100 square feet plus 5% of the lot area in excess of 40,000 square feet up to a total of 7,100 square feet maximum.**
 - f. Lots up to 200,000 square feet of lot area: 7,100 square feet plus 2.5% of the**

lot area in excess of 80,000 square feet up to a total of 10,100 square feet maximum.

- g. All Lots in excess of 200,000 square feet of lot area: 10,100 square feet plus 1% of any additional lot area.
2. In determining the maximum permitted gross floor area, the following provisions shall apply:
 - a. “Lot area” shall have the same meaning as the area of a lot or parcel defined as “buildable land” in this Chapter.
 - b. In determining the maximum lot coverage, whether under the gross floor area requirement or the percentage restriction in this Section, the more restrictive requirement or standard shall apply.
 - c. The new construction, re-construction or improvement of any dwelling shall be limited by the standards established by this code, or by variance not to exceed the average GFA of dwellings in the immediate area as determined by the Zoning Board of Appeals.
 - d. Any existing dwelling as of the effective date of this section that exceeds the maximum GFA defined herein shall be deemed non-conforming for the purpose of this chapter.
 - e. The gross floor area restrictions set forth in this section shall not apply to farm labor housing.

§280-208 Pyramid Law

- A. Any building or structure on any lot in the A-C, R-40, R-80, R-120, R-200, and R-400 Zoning Districts must be within the sky plane.
- B. If, in the determination of the Chief Building Inspector, conformance with subsection (A) is not possible, a building or structure may be permitted so long as the overall height is not in excess of the average height of the adjacent parcels within 500 feet to each side of the subject parcel, on the same side of the street and in the same zoning district.

III. SEVERABILITY

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

IV. EFFECTIVE DATE

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

ZONIN+A1:M20G

280 Attachment 3

Town of Southold
Bulk Schedule for Residential Districts [Added __/2021 by L.L. No. 1-2021]

Column No.	i	ii	iii	iv	v	vi	vii	ix	x	xi	xii
District	A-C	R-40	R-80	R-120	R-200	R-400	HD	RR	RO	Residential Unit Where Community Water and Sewer Available	2-Family Detached Dwellings in R-80 District
Minimum requirements for 1-family detached dwellings ¹											
Lot size (square feet)	80,000	40,000	80,000	120,000	200,000	400,00	20,000	20,000	40,000	10,000	160,000
Lot width (feet)	175	150	175	200	270	270	75	75	150	60	270
Lot depth (feet)	250	175	250	300	400	400	120	120	175	80	400
Front yard (feet)	60	50	60	60	60	60	35	35	50	30	60
Side yard (feet)	20	15	20	30	30	30	15	15	15	15	30
Both side yards (feet)	45	35	45	60	60	60	30	30	35	30	60
Rear yard (feet)	75	50	75	85	100	100	35	35	50	30	85
Livable floor area (square feet per dwelling)	850	850	850	850	850	850	8502	8503	850	850	850
Maximum permitted dimensions: ⁴											
Lot coverage (percent)	20	20	20	10	5	5	25	25	20	25	10
Building height (feet) ^{(5) (6)}	35/25	35/25	35/25	35/25	35/25	35/25	35	35/25	35	35	35/25
Number of stories	2½	2½	2½	2½	2½	2½	2½	2½	2½	2½	2½

NOTES:

¹ See text of chapter and Density and Minimum Lot Size Schedules for applicable districts.

² Except one-bedroom or studio in multiple dwelling may have 600 square feet. Minimum floor area may be reduced up to 200 for moderate- and/or lower-cost dwellings.

³ Except one-bedroom or studio in multiple dwelling may have 600 square feet.

⁴ See Limits to Gross Floor Area (GFA) in Section 280-4

⁵ Building height for all districts: 35' to peak of sloping roofs, 25' for flat or mansard roofs see Definitions.

⁶ Roofs must be within the Sky Plane see Definitions.

DATED, August 23rd, 2022
BY ORDER OF THE SOUTHOLD TOWN BOARD

Denis Noncarrow
SOUTHOLD TOWN CLERK