



RESIDENTIAL ZONING OVERVIEW BOOKLET

TOWN OF SOUTHAMPTON
BUILDING AND ZONING DIVISION

WWW.SOUTHAMPTONTOWNNY.GOV

PHONE: (631) 287-5700 FAX: (631) 287-5754

TABLE OF CONTENTS	PAGE
Introduction	1
Subdivisions	
Non-Conforming Described Property & Subdivisions	2
Approved prior to October 14, 1957	
Existing Non-Conforming Setbacks	
Waterfront Lots	
Old Filed Map Overlay District	3
Special Old Filed Map Overlay District	
Existing Non-conforming Setbacks	
Wetlands Setback Reduction	
Required Side Yards	
Flagpole Lots	4
Lot & Required Rear Yard Coverage	
Multiple Front Yards & Irregular Shaped Lots	
Building Height	
Pyramid Law	5
Accessory Uses & Structures	6
Fences and Driveway Gate Regulations	
Sheds	
Aquifer Protection Overlay District	7
Accessory Apartments	8
Rental Permits	
DIAGRAMS	
Pyramid Diagrams	9
Corner and Through Lots	10
TABLES	
Residential Table of Dimensional Regulations	11
1957 Zoning Residence Districts	12

Application forms available at www.southamptontownny.gov

INTRODUCTION

This document presents an overview of some of the Residential Zoning Requirements for the Town of Southampton including non-conforming lots, setbacks, lot coverage and disturbance limitations. It is not meant to answer all questions and may not apply to all building lots. The Southampton Town Code can be purchased from the Town Clerk and is also available for free on-line at: www.southamptontownny.gov. **Additional information can be found there.**

Land Use Regulations for Residential Districts are given in Table 330-10. Zoning maps are available for viewing at the Building Department Office and are for sale in the Town Clerk's office. They are also available on-line with a subscription to the Geographic Information System (GIS). Applications for new construction (buildings, additions & accessory structures) must meet the dimensional regulations and setbacks for the Zoning District where the lot is located as shown in Table 330-11. Except as proved in the following.

SUBDIVISIONS

1. If the subdivision is in an area where the area zoning has not changed since the filing date, the subdivision zoning may be used. Zoning information is usually shown on the subdivision map. See major Up-zone dates given below.
2. If the lot no longer complies with current zoning due to an up-zone and the subdivision was approved after October 14, 1957, you are allowed to have both principal and accessory structure setbacks conforming to the zoning at the time of approval, provided the property has been held in Single and Separate ownership prior to the time the property became non-conforming by virtue of an up-zone. A Single and Separate Title Abstract must be provided as per 330-115D. For subdivisions approved between October 14, 1957 and May 21, 1972, old A, B, C zoning applies. See 1957 Zoning Table. See major Up-zone dates given below. Exception: Zoning Board of Appeals decision, D10464, states if a subdivision was approved by the Planning Board as a cluster subdivision and has open space put aside, a single & separate title abstract is not required. Please note that subdivisions approved prior to October 14, 1957 are treated as described parcels. See major Up-zone dates given below.

NON-CONFORMING DESCRIBED PROPERTY & SUBDIVISIONS APPROVED PRIOR TO OCTOBER 14, 1957

Relief for side and rear yard setbacks is allowed for the principal structure on non-conforming Described Properties as provided in 330-115D(10 and (2), and is commonly called the 3/10, 4/10 rule. Relief for side and rear yard setbacks is allowed for the accessory structures on non-conforming Described Properties as provided in 330-115D(5). Single and separate ownership must be shown to the time the lot became non-coming.

330-115D(5)	Lot Area	Side and Rear Yards
Accessory Structure Setbacks (Residential Only)	(square feet)	(feet)
	0-39,999	10
	40,000-59,999	20
	60,000-199,999	30

MAJOR UP-ZONE DATES

- October 14, 1957 (zoning implemented using A, B, C, etc)
- May 22, 1972 (master plan and flag lots less than 20' prohibited)
- July 1, 1975 (subdivisions with 4 or less lots conforming to zoning)
- March 27, 1983 (5 acre up zone)
- April 4, 1984 (up zone)

EXISTING NON-CONFORMING SETBACKS

Buildings that have legal non-conforming setbacks may be extended within the existing setback provided that all other zoning regulations conform, (330-115C) such as the Pyramid Height Law (330-84D). Exception: An extension of a setback granted via a former Zoning Board of Appeals decision must be examined on a case-by-case basis.

WATERFRONT LOTS

Except for oceanfront lots, the waterfront lot line shall be considered the front lot line. In such cases the street frontage is considered the rear yard and accessory structure setbacks for the rear yard are doubled (330-5 Definitions, Lot Line, Front, 330-83J). This condition may (does) not apply for some dug canals where the rear (waterfront) lot line is a common line to the lot across the canal. Lots in the

Shinnecock Shores subdivision are an example. DEC and Wetlands Conservation approval and may be required for projects.

OLD FILED MAP OVERLAY DISTRICT - VACANT WITHOUT CO

Special zoning applies to subdivisions that were filed prior to May 13, 1931. The metes and bounds for this district are found in 330-53A. For new houses, in R 40 zoning and above, approval and transfer of development rights to make up for the undersized lot area via the Planning Board is required. See Article XI (330-52 through 330-56). Setback reductions for both principal and accessory structures are found in 330-55B. Note: Lots that were developed prior to the adoption of Article XI are treated as described parcels and get principal structure setback relief as provided for in 330-115 D (1) and (2).

SPECIAL OLD FILED MAP OVERLAY DISTRICT - VACANT WITHOUT CO

This district is South of Montauk Hwy and West of the Shinnecock Canal and also applies to non-conforming lots in subdivisions that were filed prior to May 13, 1931. Article XII (330-57 through 330-62) provides the regulations. In general, a lot with less than 10,000 square feet will require a variance to build.

WETLANDS SETBACK REDUCTION

Many lots are classified as wetlands. A list is maintained by the Southampton Conservation Department. In general, any construction or regulated activity within 200' of wetlands requires a Wetlands Permit per Chapter 325 before a building permit can be issued. Principal building setbacks may be reduced up to 50% of the dimensional regulations given in Table 330-11 as provided for in 330-83K, however, that such reduced front or rear yard shall not be less than 30 feet and any such reduced side yard shall not be less than 10 feet. This relief is not granted to accessory structures. The building must conform to all other zoning regulations such as the Pyramid Height Law (330-84D). Building permit applications must include Conservation Board approval and approved survey.

REQUIRED SIDE YARDS

Dimensional regulations (Table 330-11 and the relief granted in 330-115D) give total & minimum side yard setbacks. These setbacks apply to the side yard space between the front and rear walls of the principal structure, and are tightly regulated. The principal structure may have an unroofed stairs running along the

side of the building or a window bulkhead that may encroach into a required side yard. Exterior cellar entrances, commonly known as “bilco doors,” shall be exempt from setbacks, pursuant to § 330-11 of the Southampton Town Code, but must be located a minimum of five feet from all property lines and rights-of-way. The side of the bilco door facing the street and the side of the bilco door facing all adjacent properties along the side yard shall be screened from view. Accessory buildings and structures including pools, tennis courts, patios and decks are not allowed in required side yards (See 330-76D and 83C).

FLAGPOLE LOTS

(330-5 definitions, Lot Line, Front) In the case of a flagpole lot, the front lot line used for the determination of width of lot and the required front yard shall be one of the internal lot lines designated by the owner. However, this does not apply for waterfront, oceanfront or street front lots since they are not true flagpole lots. Flagpole lots that do not have a 20' wide flagpole require a Single & Separate Title Abstract prior to May 22, 1972 as provided for in 330-115D.

LOT & REQUIRED REAR YARD COVERAGE

Lot coverage percentages shown as per 330-115 D(4) refer to roofed buildings (See 330-5 Definitions Lot, Coverage). Coverage of the Required Rear Yard for the main or principal building is limited to 20% and includes accessory buildings and/or structures including pools, tennis courts, decks and patios greater than 12 inches above grade, etc as defined in 330-77D. The required rear yard is the principal building setback as defined in Table 330-11, or in the case of a non-conforming lot the relief granted in 330-115D. (See 330-5 definitions, Lot, Depth).

330-115D(4)

Lot size and lot coverage:	0 - 59,999	20%
	60,000 - 79,999	15%
	80,000 - 199,999	10%
	200,000 and up	5%

MULTIPLE FRONT YARDS & IRREGULAR SHAPED LOTS

Some lots have multiple front yards, corner lots being the most common. In these cases front yard setbacks apply to each front yard. Where there is only one side

yard, the minimum side yard setback applies. Other setbacks and yard criteria also apply as previously discussed. In these cases it is best to discuss the project and zoning criteria with a building inspector.

BUILDING HEIGHT

The height of a building or structure is measured from the average elevation of the pre-existing natural grade at and along the side of the structure fronting on the nearest street to the highest point of the highest roof including cupolas and spires but not chimneys. Single-family houses have a maximum height of 32 ft. and accessory buildings are 20 ft. (On all flag lots and lots utilizing a right of way, the flag pole access or right of way shall be considered the street front).

Maximum height in any AE or VE Zone as shown on the applicable Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the Town of Southampton shall not exceed 40 feet above mean sea level plus required Residential Code of New York State free board or the maximum height as shown on this table, whichever is less.

PYRAMID LAW

Except on lots in the Village Business (VB) District, Office District (OD), Hamlet Office/Residential (HO) District, Hamlet Commercial/Residential (HC) District, or Light Industrial (LI-40 and LI-200) Districts, and residential storage sheds, all buildings and structures on any lot in any district must remain within the sky plane of the lot. The sky plane shall begin at all property lines from the average elevation of the existing natural grade (prior to any sit disturbance) adjacent to that building or structure and extend inward at an angle of 45°. Notwithstanding any language in this subsection, the maximum height limitation for a building or structure in the dimensional tables of the chapter (§§330-11, 330-34 and 330-38) shall not be exceeded at any point unless the structure is exempted under Subsection A hereof. An illustration depicting a typical elevation view showing the control of height of buildings and structures under this subsection is included at the end of this chapter.

For buildings and structures in any AE or VE Zone as shown on the applicable Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency for the Town of Southampton, the height of any building or structure must

remain in the sky plane of the lot. The sky plane shall begin at all property lines at base flood elevation plus free board required by the Residential Code of the State of New York and extend inward at an angle of 45°.

Exception: Existing buildings and structures located in any AE or VE Zone may be elevated and exceed the sky plane and the maximum height set forth above in order to conform with current state and local regulations.

However the height needed to comply, shall be the minimum required to do so. Residential additions and the relocation of a principal structure are not improvements that are applicable to this provision.

ACCESSORY USES & STRUCTURES -

Subordinate to the principal use or structure in intensity or size

The following accessory structures may be located in any required front or rear yard:

1. Awning or movable canopy not exceeding 10 feet height.
2. Open arbor or trellis.
3. Retaining wall, fence or masonry wall, pursuant to 330-109 of the Town Code
4. Unroofed steps, decks, patio or terrace not higher than one foot above ground level.
5. Accessory driveway structures, pursuant to Chapter 330, Article XXX, Driveway Standards of the Town Code.

SHEDS

A residential storage shed which has a maximum of 120 square footage and height of 12 feet as defined in § 330-5 shall be permitted in the rear yard of a lot if it meets the rear and side yard setbacks for accessory structures as defined in § 330-11 of the Town Code. Residential storage sheds that are located on lots 80,000 square feet and less in all zoning districts, except waterfront lots, shall be allowed to have a minimum side and rear yard setback of 10 feet. This relief shall be granted for one residential storage shed per lot. Pursuant of Southampton Town Code 123-8 a residential storage shed, as defined in town Code 330-5, shall not require a building permit but shall require an owner's affidavit attesting to compliance with current Town Zoning Code regulations.

ACCESSORY DRIVEWAY STRUCTURES

Accessory gates/gateposts require a building permit. They shall have a minimum unobstructed clearance of 14 feet in both width and height for emergency vehicles. The height shall not exceed 8 feet inclusive of lights and final with the aggregate width not exceeding 25 feet. They shall also be set back 20 feet from the edge of the public or private road surface. (330-362)

FENCES

All fences exceeding 4 feet in height require a building permit. The maximum height on a residential lot is 6 feet and shall not be in a required front yard see, exceptions on page 10 (diagrams). Deer fencing over 6 feet is not permitted except on agricultural parcels with Planning Board approval. All fences shall have the finished side facing toward the adjoining properties. (330-109)

AQUIFER PROTECTION OVERLAY DISTRICT

There are two Aquifer Protection Districts in the Town where the amount of disturbance of natural vegetation is strictly regulated and enforced. The regulations are described in Article XIII (330-63 through 330-69.3)

For residential lots, the amount of disturbance of natural vegetation shall not exceed the following percentages, except on flagpole lots, where the area of the pole shall be exempt from the total lot area and the total amount of clearing permitted:

330-67A(4)(a):

LOT SIZE (Square feet)	Percentage of Site
1 to 15,000	75%
15,001 to 30,000	60%
30,001 to 60,000	50%
60,001 to 90,000	35%
90,001 to 140,000	25%
140,001 to 200,000	20%
200,001 or greater	15%

Surveys must show the amount of disturbance and proposed disturbance. The

applicant for a building permit shall have the proposed building and/or structure and the areas to be disturbed staked by a licensed surveyor in accordance with the survey. In addition, plastic surveying ribbon or an equivalent shall be placed around the perimeter of the area proposed to be disturbed in accordance with 330-69B.

In the mid 80's, prior to the adoption of these Aquifer Overlay provisions, many subdivisions were approved with disturbance limits. The most restrictive disturbance limits are enforced. In addition, all subdivision vegetation and conservation buffers, and covenants & restrictions are to be adhered to.

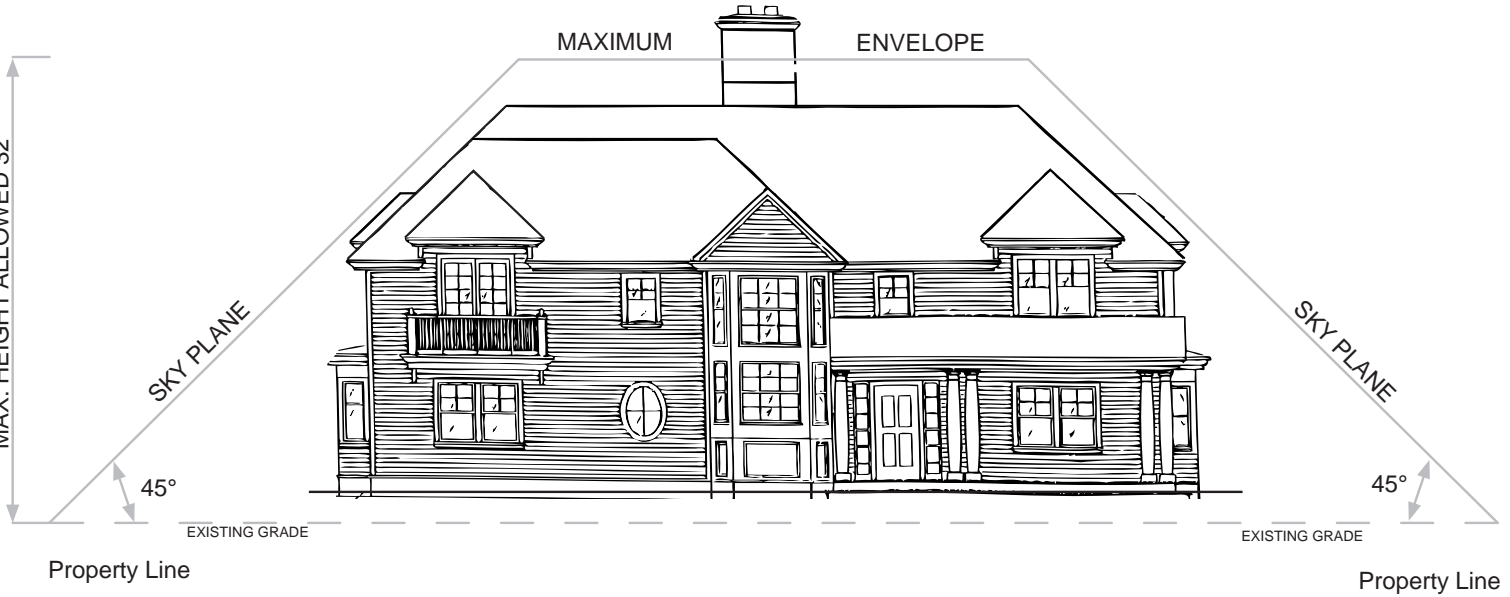
ACCESSORY APARTMENTS

You can create an accessory apartment in your home or in an accessory building on your property provided your property meets the current zoning and your lot is at least 30,000 square feet in size. You must submit a building permit application to create the apartment, and simultaneously submit an application for a three-year accessory apartment permit. The permit requires Suffolk County Health Department Approval along with other required documentation. The application can be found on the Town website at www.southamptontownny.gov. You are not permitted to have an accessory apartment and a rental permit on the same property.

RENTAL PERMITS

You are permitted to rent your house for no less than a two week period provided you obtain a permit from Code Enforcement. The permit is valid for two years and is renewable. Code Enforcement can be reached at 631 702-1712 and is located on the lower level of Town Hall.

MAX. HEIGHT ALLOWED 32'



Property Line

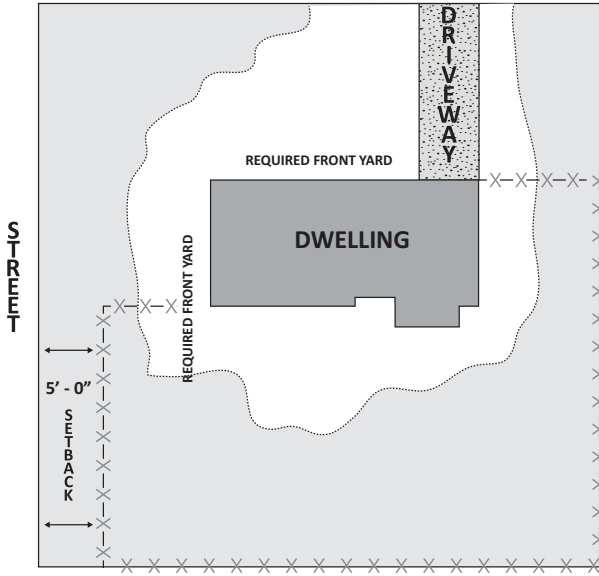
Property Line

CORNER LOTS

(Two Front Yards)

330-109A-6b

STREET

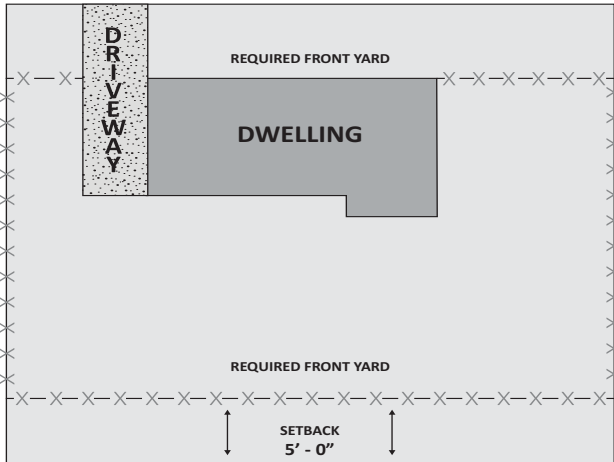


THROUGH LOT

(Residential)

330-109A-7b

FRONT



FRONT

**TOWN OF SOUTHAMPTON
RESIDENCE DISTRICTS TABLE OF DIMENSIONAL REGULATIONS**

DIMENSION	CR200	CR120	CR80	CR60	CR40	R120	R80	R60	R40	R20	R15	R10
LOT AREA												
Minimum (square feet)	200,000	120,000	80,000	60,000	40,000	120,000	80,000	60,000	40,000	20,000	15,000	10,000
Minimum per dwelling unit (square feet)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum number of dwelling units on any 1 parcel, except as provided in § 330-8												
LOT COVERAGE												
Maximum lot coverage by main and accessory buildings (percent)	5	10	10	15	20	10	10	15	20	20	20	20
Lot width, minimum (feet)	200	200	175	150	150	200	175	150	150	120	100	75
Height, maximum												
Stories	2	2	2	2	2	2	2	2	2	2	2	2
Feet	32	32	32	32	32	32	32	32	32	32	32	32
YARDS, PRINCIPAL BUILDING, MINIMUM (FEET)												
Front	100	80	80	80	60	80	80	80	60	40	40	30
Side, minimum for	50	30	30	25	20	30	30	25	20	20	15	10
Side, total for both on interior lot	125	75	75	65	60	75	75	65	60	45	35	25
Side, abutting side street on corner lot	100	80	80	80	60	80	80	80	60	40	40	30
Rear	100	100	100	100	70	100	100	100	70	60	50	30
YARDS, ACCESSORY BUILDINGS AND STRUCTURES, EXCEPT FENCES AND RETAINING WALLS, MINIMUM (FEET)												
Distance from street	110	90	90	90	70	90	90	90	70	50	50	40
Distance from side and rear lot lines	50	30	30	30	20	30	30	30	20	10	10	8

**TOWN OF SOUTHAMPTON
1957 ZONING RESIDENCE DISTRICTS**

DISTRICT	USES	LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD	BLDG. AREA	ACCESSORY STRUCTURES
A	One-family dwelling, church, school municipal, park, agriculture and accessory building	40,000 sq. ft.	150'	60'	Total 60' Minimum 20'	70'	15%	10'
B	Same as residence "A"	25,000 sq. ft.	125'	50'	Total 40' Minimum 15'	60'	20%	8'
C	Same as residence "A" and hospitals, private clubs, when authorized by the Board of Appeals	15,000 sq. ft.	100'	40'	Total 35' Minimum 15'	50'	20%	6'
D	Same as residence "C", 2-family dwelling, garden apartment, when authorized by board of appeals	10,000 sq. ft.	75'	30'	Total 25' Minimum 10'	30'	20%	5'

BEACH RESIDENCE DISTRICTS

DISTRICT	USES	LOT AREA	LOT WIDTH	FRONT YARD	SIDE YARD	REAR YARD	BLDG. AREA	ACCESSORY STRUCTURES
J	One-family dwelling, church, municipal park, playground, customary accessory use	Dune Road to Ocean	75'	40'	Total 35' Minimum 15'	50'	20%	
K	Same as residence "J"	Dune Road to Ocean	100'	40'	Total 35' Minimum 15'	50'	20%	
K1	Same as residence "J"	30,000 sq. ft.	100'	40'	Total 35' Minimum 15'	50'	20%	