

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on the 16th day of February 2024 at 11:00 a.m. at LTV Studios, 75 Industrial Road, Wainscott, New York, at which time all persons interested will be heard with respect to “A proposed local law amending Ch. 278. Zoning; §278-1 (Definitions; nonconforming buildings) and §278-3 (Accessory building and structure design requirements and wetland setbacks), and §278-3 A (Wetland setbacks).”

INTRODUCTORY NO. 4 -2024 LOCAL LAW NO. 6 - 2024

A Local Law amending Ch. 278. Zoning; §278-1 (Definitions; nonconforming buildings) and §278-3 (Accessory building and structure design requirements and wetland setbacks), and §278-3 A (Wetland setbacks).”

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. Board of Trustees seeks to update certain provisions in the zoning code to provide for greater clarity in applying the zoning regulations, revise the setback requirements on flag lots, and to permit recreation rooms within detached garages. As development projects become more elaborate and unique in design, the Village Board of Trustees finds that revisions to the definition of Coverage are required to provide for more clarity in the code to ensure the calculation is properly applied and that the proper amount of green space is provided on residential and non-residential properties. The current setback requirements for Flag Lots requires property owners to select a random property line as being designated a front yard whereas the purpose of a front yard setback requirement is to create a uniform appearance of buildings along streets. Since buildings on a flag lot do not directly abut a street, the Board of Trustees seeks to change the code to eliminate the front yard setback requirement. The Board of Trustees seeks to amend certain provisions of the Zoning Code to permit recreation rooms within detached garage buildings. Village residents have sought to allow spaces within detached garages to be used for recreational rooms and home office spaces, which demand has increased since the Covid-19 pandemic. These proposed code provisions will permit the use of some finished space within garages for said uses, while still maintaining the building’s primary use as a garage for the storage of vehicles and home items, and imposes certain restrictions to ensure the finished spaces are not habitable and contain no sleeping quarters. The

SECTION II. Chapter 278 of the Code of the Village of East Hampton is hereby amended as follows (bold and underlined material is to be added; struck-thru material is to be deleted):

§ 278-1. Definitions; nonconforming buildings.

A. Definitions. For the purpose of this chapter, certain words and terms shall have the following meanings:

COVERAGE – ~~On~~ On all residential ~~districts~~ properties, that percentage of lot area covered by the ground floor area of all buildings and roofed structures sited thereon, together with all other structures. ~~On~~ On all other ~~districts~~ properties, that percentage of lot area covered by the ground floor of all buildings sited thereon, together with all other structures, including pavements and impermeable surfaces except for walkways located on the property which are available and open to the public and which connect public areas. Buildings and roofed structures shall be measured to the furthest extent of the roof as projected downward to the ground, except that cornices, eaves, and gutters projecting not more than 24 inches from the exterior walls shall be excluded,

LOT LINE, FRONT – A street right-of-way line at the front of a lot, ~~except that in the case of a flag-shaped lot, the front lot line shall be any one of the internal lines designated by the owner, which designation, once made, shall be permanent.~~ No lot shall have less than 20 feet on a public road or street, and at no point shall said lot be less than 20 feet in width.

YARD, SIDE – The area of any lot with a building which lies between the nearest portion of the building and the side lot line of the lot, extending through from the front yard, or from the front lot line where no front yard exists, to the rear yard or to the rear lot line where no rear yard exists. **Flat lots have side yards abutting each lot line.**

§ 278-3

D. Accessory building and structure design requirements.

(1) The maximum gross floor area of all accessory buildings on a lot shall not exceed 2% of the lot area plus 200 square feet.

~~(1) (2) No accessory building shall contain more than one room on any level or story or, except for a garage or an accessory building permitted pursuant to §278-2B(7)(d), §278-2B(7)(e) and (3) and (4) below. exceed 250 square feet in gross floor area.~~

(3) No accessory building shall exceed 250 square feet of gross floor area except for a garage or an accessory building permitted pursuant to §278-2B(7)(d) and §278-2B(7)(e).

~~(2) (4) Pool house design requirements:~~

~~(a) A pool house or any portion of an accessory structure dedicated to such use shall not exceed 250 square feet of gross floor area.~~

~~(b) (a) Interior plumbing fixtures shall be limited to a sink plus one powder room.~~

~~(c) (b) Pool houses shall not contain indoor showers, nor shall any pool house contain cooking or sleeping facilities.~~

(d) All plumbing fixtures shall drain to a sanitary system in an approved conforming location.

~~(e) Pool houses shall not be insulated and/or heated, nor shall any pool house contain cooking or sleeping facilities.~~

~~(4) (3) Detached garage design requirements:~~

(a) No habitable space, toilet, shower or bathtub shall be permitted inside a garage on any level.

(b) No plumbing of any kind shall be permitted on the second floor over a garage.

(c) A garage shall be accessible by an improved driveway, designed and capable for use for the storage of motor vehicles owned and regularly used by or on behalf of the owner or tenant of the lot.

~~(3) (4) Detached garage containing a pool house or recreation room design requirements:~~

A ~~ground level~~ pool house and a recreation room may be attached to an existing or proposed garage or located within a preexisting accessory structure in excess of 250 square feet of gross floor area when the following criteria are met:

(a) ~~The preexisting accessory structure or the garage~~ **building shall** conform with the required setbacks of §278-3A(5)(c) and those of Chapter 101, Coastal Erosion Areas; Chapter 124, Preservation of Dunes; and Chapter 163, Freshwater Wetlands.

(b) A pool house shall be located at ground level of the building and comply with the requirements of §278-3. D. 4.

(c) A recreation room shall be located on the second story of the building.

(d) Interior plumbing associated with a recreation room shall be limited to a sink plus one powder room.

(e) A recreation room shall not contain indoor showers, nor shall any recreation room contain cooking or sleeping facilities.

~~(b) There is no proposed enlargement of the preexisting accessory structure, unless the preexisting accessory structure is used solely as a garage with or without storage areas.~~

~~(e)~~ **(f) The portion of the structure garage to be utilized as a pool house or recreation room is restricted to said use and there shall be no internal passages into the garage portion of building.**

~~(d)~~ **(g) The remaining portion of the preexisting accessory building is used as a garage portion of the building shall be restricted to use as defined in §278-1. or storage area and conforms with the building and fire codes. and shall be accessible by an improved driveway, designed and capable for use for the storage of motor vehicles owned and regularly used by or on behalf of the owner or tenant of the lot.**

~~(e)~~ **(h) The property owner shall file a declaration of compliance Covenants and Restrictions with this subsection and shall authorize an annual inspection by the Code Enforcement Officer on 24 hours' notice.**

~~(4) Garage design requirements:~~

~~(a) No habitable space, toilet, shower or bathtub shall be permitted inside a garage on any level.~~

~~(b) No plumbing of any kind shall be permitted on the second floor over a garage.~~

~~(c) A garage shall be accessible by an improved driveway, designed and capable for use for the storage of motor vehicles owned and regularly used by or on behalf of the owner or tenant of the lot.~~

~~(5) No pedestrian walkway, as defined in this chapter, shall be located within 10 feet of a swimming pool, nor shall it be designed or intended to be used as a patio, deck or similar accessory structure.~~

~~(6) No accessory building or accessory structure shall exceed 14 feet in height, except a garage, which shall not exceed the following height limitations or the height limitations under §278-3B(2), whichever is less.~~

~~(a) On lots of less than 10,000 square feet, a garage shall not exceed 16 feet in height.~~

~~(b) On lots greater than 10,000 square feet, but not more than 20,000 square feet, a garage shall not exceed 18 feet in height.~~

(c) On lots of more than 20,000 square feet, a garage shall not exceed 20 feet in height.

~~(7) The maximum gross floor area of all accessory buildings on a lot shall not exceed 2% of the lot area plus 200 square feet.~~

278-3 A.

(8) ~~Freshwater wetland~~ Wetland setbacks. Except for docks, none of the following structures or activities shall be located within the following distances of the landward edge of any ~~freshwater wetland~~ (See Chapter 163 of this Code for additional requirements):

Structure or Activity	Distance (feet)
Building	150
Septic or Discharge System	200
Clearing of land, landscaping or Fertilization	125

SECTION III. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION IV. EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated: February 2, 2024

By Order of the
BOARD OF TRUSTEES
Inc. Village of East Hampton
GABRIELLE MCKAY
Deputy Village Clerk