

Town of Shelter Island

Local Law No. 3

Year 2024

A LOCAL LAW AMENDING CHAPTER 133, ENTITLED ZONING, TO ALTER THE MECHANISM TO EXCEED THE MAXIMUM SQUARE FOOT LIVING AREA FOR A ONE FAMILY VARIANCE AND TO INCREASE PENALTIES

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Legislative Intent.

The Town Board finds that the current Town Board special permit process employed to permit one family dwellings to exceed 5,999 square feet of living area is standardless, thus arbitrary. The Board further finds that large homes that are not, in size and mass, in keeping with the character of the community should not be deemed de facto permitted, with the mere procurement of a special permit. Thus, the Town Board has determined that the more appropriate method of reviewing such requests is the area variance which weighs the benefit to the applicant squarely against the burden to the health, safety and welfare that may be suffered by the community. The Zoning Board is thereby best suited, equipped, and statutorily authorized to handle such a review. Further, the Town Board has determined that to ensure compliance therewith enhanced penalties are necessary.

Section 2. Amendment.

Section 133-6(B)(6), 133-6(C)(1)(a) and 133-6(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended to read as follows:

§133-6. District A (Residential).

B. Bulk Regulations:

(6) The square foot living area of a one-family dwelling and any conditioned accessory structures shall not be more than 5,999 square feet, nor less than 1,200 square feet of which a minimum of 850 square feet must be on the first floor, excluding the following unconditioned structures: porches, breezeways, attached garages and basements.

C. Permitted principal uses:

- (1) One family dwellings

Section 3. Amendment.

Section 133-7 (B)(6), 133-7(C)(1)(a) and 133-7(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended to read as follows:

§133-7. District AA (Residential)

B. Bulk Regulations:

- (6) The square foot living area of a one-family dwelling and any conditioned accessory structures shall not be more than 5,999 square feet, nor less than 1,200 square feet of which a minimum of 850 square feet must be on the first floor, excluding the following unconditioned structures: porches, breezeways, attached garages and basements.

C. Permitted principal uses:

- (1) One-family dwellings

Section 4. Amendment.

Section 133-10(B)(6), 133-10(C)(1)(a) and 133-10(F)(1) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended to read as follows:

§133-10. District C (Residential)

B. Bulk Regulations:

- (6) The square foot living area of a one-family dwelling and any conditioned accessory structures shall not be more than 5,999 square feet, nor less than 1,200 square feet of which a minimum of 850 square feet must be on the first floor, excluding the following unconditioned structures: porches, breezeways, attached garages and basements.

C. Permitted principal uses:

- (1) One-family dwellings

Section 5. Amendment.

Section 133-38 of the Shelter Island Code Chapter 133 (Zoning), is hereby amended by adding the underlined words:

§ 133-38 Penalties for offenses.

D. For a conviction of §133-6(B)(6), §133-7(B)(6), or §133-10(B)(6): by a fine of not less than \$5,000 or up to \$500 per illicit square foot of living area over 5,999 s.f. or by imprisonment not to exceed one year, or both such fine and imprisonment.

Section 6. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in furtherance of Town Law §267.

Section 7. 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, provisions so adjudged to be invalid or unconstitutional.

Section 8. Effective Date.

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

Adopted: May 6, 2024

Effective: May 23, 2024