

Town of Shelter Island

Local Law No. 7

Year 2024

A LOCAL LAW AMENDING CHAPTER 133 ENTITLED ZONING

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

Section 1. Legislative Intent.

The Town Board finds that even though some single-family dwellings, which do not exceed the maximum height, are still inappropriate for the community, in that they overshadow adjoining homes particularly if they are constructed on narrow lots. Thus, the Town Board has determined that to ensure that homes are in keeping with an established neighborhood and do not create negative impacts on their neighbors, an additional height restriction is warranted.

Section 2. Amendment.

Section 133-1 of the Shelter Island Code Chapter 133 (Zoning), is hereby amended to read as follows:

§133-1. Terms defined; word usage.

Sky Plane

An area which begins at all property lines from the average elevation of the existing natural grade adjacent to that building or structure (prior to site disturbance), and extends inward at an angle of 45 degrees, except for lots located in the “B”, “B-1”, and “C” Zoning Districts whereby the average natural grade shall be augmented by 10’.

Section 3. Amendment.

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

§133-6. District A (Residential).

B. Bulk Regulations.

(7)

Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 4. Amendment.

Section 133-7(B)(7) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended to read as follows:

§133-7. District AA (Residential).

B. Bulk Regulations.

(7)

Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 5. Amendment.

Section 133-8(B)(5) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended to read as follows

§133-8. District B (Business).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof—and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 6. Amendment.

Section 133-9(B)(5) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended to read as follows

§133-19. District B-1 (Restricted Business).

B. Bulk Regulations.

(5) Building height shall not exceed 35 feet, and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

Section 7. Amendment.

Section 133-10(B)(7) of the Shelter Island Code Chapter 133 (Zoning), is hereby amended to read as follows

§133-10. District C (Residential).

B. Bulk Regulations.

(7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or

gambrel roof and all buildings and structures, except for chimneys, weathervanes and non-habitable spires, cupolas, domes, on any lot, shall remain within the sky plane of the lot.

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: June 3, 2024

Effective: June 12, 2024