

ZONING

138 Attachment 3

Town of Southeast
Table of General Use Requirements
Residential Zoning Districts¹

[Amended 8-20-1998 by L.L. No. 5-1998; 2-18-1999 by L.L. No. 2-1999; 4-24-2003 by L.L. No. 7-2003; 11-18-2004 by L.L. No. 16-2004; 3-24-2011 by L.L. No. 4-2011; 8-8-2013 by L.L. No. 8-2013; 4-6-2017 by L.L. No. 4-2017; 12-13-2018 by L.L. No. 4-2018]

A District	B Uses Permitted by Right	B-1 Use Group	C Conditional Uses by Planning Board	C-1 Use Group	D Uses by Special Permit of the Town Board	D-1 Use Group	E Accessory Uses Permitted by Right	F Minimum Off-Street Parking		G Additional Use Requirements
								For Each Use	1 Space Per	
R-160	1. A single detached dwelling for 1 family and not more than 1 such dwelling per lot and any permitted accessory use shall be located on the same lot with the permitted lot to which it is accessory 2. The creation of an accessory apartment subject to § 138-22 and § 138-56.1 of this chapter 3. Farms, commercial greenhouses and nurseries, including the processing and selling of products therefrom, provided that there shall be no commercial piggeries, mink farms or slaughtering of animals 4. Buildings, uses and facilities of any governmental unit	p g N/A	1. A home occupation 2. Real estate offices which are owned and operated by the owner of the residence 3. Apartment in accessory structure on minimum of 5 acres 4. Bed-and-breakfast 5. Country inn	p p p p	1. Schools: a. Private elementary b. Private high school c. Colleges and universities 2. Nursery schools 3. Convalescent homes and nursing homes 4. Residential recreation facilities, public or private (not associated with subdivision approval or residential site plans) 5. Membership clubs, fraternal organizations and philanthropic institutions 6. Libraries, museums and art galleries 7. Cemeteries, provided that they offer only below-grade burial, not crematoriums, vaults or burial structures 8. Railroad rights-of-way, including customary accessory services therein, but not including switching, freight yards or storage sidings 9. Equestrian centers 10. Houses of worship	i i n p j p f f g N/A p § 138-63 f	Same as permitted in R-80	Same as permitted in R-80		Same as permitted in R-80
R-80	1. A single detached dwelling for 1 family and not more than 1 such dwelling per lot, and any permitted accessory use shall be located on the same lot with the permitted lot to which it is accessory 2. Buildings, uses and facilities of any governmental unit	a g	1. A home occupation 2. The creation of an accessory apartment subject to § 138-22 and § 138-56.1 of this chapter 3. Real estate offices which are owned and operated by the owner of the residence 4. Apartment in accessory structure on minimum of 5 acres 5. Communications towers and facilities for the installation of antennas for telephone, radio and television and other communications antennas ³	a N/A a a o	1. Schools: a. Private elementary b. Private high school c. Colleges and universities 2. Nursery school or day-care center, provided that such use meets all New York State requirements for licensing 3. Convalescent homes and nursing homes 4. Residential recreation facilities, public or private (not associated with subdivision approval or residential site plans) 5. Membership clubs, fraternal organizations and philanthropic institutions 6. Libraries, museums and art galleries 7. Cemeteries, provided that they offer only below-grade burial, not crematoriums, vaults or burial structures	i i n m j k f h g	1. The leasing of rooms and/or furnishing of board in a dwelling unit to a total of not more than 2 persons, provided that the person leasing the rooms and/or furnishing board shall reside in the dwelling unit 2. Any commercial greenhouse or activities involving the keeping of farm animals and/or three or more chickens or similar poultry shall be permitted on a lot of five acres or more. Any greenhouse or building in which such animals are kept shall not extend within less than 200 feet of any property or street line.	1. Single-family residence 2. Churches and places of worship 3. Professional offices and home occupations 4. Nursery schools 5. Private hospitals	1/2 dwelling 3 seats or 1 per 200 square feet of floor area, whichever is greater 300 square feet in such uses, but no more than 6 12 student seats, plus 1 for each 2 administrative personnel 2 beds, plus 1 space per 250 square feet of outpatient clinic floor area, plus 1 per 150 square feet of separate physician office space	1. A buffer with a minimum dimension of the respective setback may be required as condition of approval for any conditional or special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed conditional or special permit use and any lot in the residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where the adjacent use is similar to that proposed.

SOUTHEAST CODE

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								For Each Use	1 Space Per	
R-80 (cont'd)					8. Railroad rights-of-way, including customary accessory services therein, but not including switching, freight yards or storage sidings 9. Real estate agency 10. Equestrian centers 11. Churches and places of worship and accessory parish halls 12. Farms, commercial greenhouses and nurseries, including the processing and selling of products therefrom, provided that there shall be no commercial piggeries, mink farms or slaughtering of animals	N/A a k f	3. The keeping of an aggregate of not more than 2 chickens or similar poultry is permitted on a lot of less than 5 acres; the keeping of roosters is prohibited on lots of less than 5 acres 4. The keeping of a reasonable number of customary household pets, but excluding the commercial boarding of the same. Customary household pets shall not be kept in such a manner as to create unsanitary conditions or constitute a nuisance. 5. Noncommercial nurseries for the private use of the owner of said nursery and not for the production of goods for sale 6. Notwithstanding the provisions above, a horse or pony may be kept on a lot of not less than two acres, and one additional horse or pony may be kept for each acre by which the lots exceeds two acres, up to a maximum of 15 horses. Any building in which a horse or pony is kept shall not extend within less than 100 feet of any property or street line. Any boarding of any horse or pony for compensation shall require a conditional use permit from the Planning Board and shall not be considered an accessory use permitted by right. 7. Accessory to a 1-family residence or agricultural use are the following private structures: barns, silos, garages, tennis courts, swimming pools and other similar structures 8. Accessory to a 1-family residence: outside storage of not more than 1 unoccupied recreational vehicle or boat and trailer, not exceeding 35 feet in length 9. The parking of not more than 1 commercial vehicle in a residential zone. Such vehicle shall not exceed 10,000 pounds as indicated on a valid state registration, nor shall such vehicle be more than 25 feet in length. Any commercial vehicle other than this one exception shall be parked in a garage. There shall be no parking of commercial vehicles in a residential zone other than described herein between the hours of 11:00 p.m. and 6:00 a.m., 7 days a week.	6. Convalescent homes, sanitariums and nursing homes 7. Membership clubs, fraternal organizations and philanthropic organizations 8. Golf courses or other outdoor recreational facilities 9. Libraries, museums and art galleries 10. Real estate agency/offices 11. Schools; i.e., private elementary, private high school, colleges and universities 12. Cemeteries 13. Permitted uses not listed above	2 beds 1/4 game court, plus 1 per 200 square feet of accessory use 1/3 hole, or 4 persons' practical capacity 200 square feet of floor space 300 square feet in such uses 300 square feet of floor area or 12 student seats, whichever requirement is greater, plus 1 space per 2 enrolled students over the age of 16 Minimum capacity for 40 vehicles clear of any public street Reasonable and appropriate parking based on the highest anticipated parking demand as determined by the Planning Board	2. Residential swimming pools. No person shall maintain a swimming pool unless the safeguards set forth herein are observed: a. All in-ground swimming pools and any pool that is not above the ground shall be encompassed within a permanent protective fence so that the entire perimeter of the swimming pool shall be surrounded thereby. The fence must be structurally sound, durable and maintain such condition, not less than 48 inches in height, with spaces not exceeding 3 1/2 inches between the pickets or planks and no more than 2 3/8 inches between linkage. The entrance gate or gates shall be self-closing with a self-latching device located at the top of the fence and, except for ingress to and egress from the swimming pool area, must be kept closed at all times. b. Aboveground pools need not be fenced, provided that the pool itself is so constructed that, when not attended by a person of suitable age, the steps or ladder to the pool shall be removed or raised in such fashion so that access cannot be gained. c. All fences and other safeguards referred to herein must be approved in writing by the Building Inspector of the Town of Southeast or the Zoning and Town Code Enforcement Officer. 3. Residential development in floodplain: in addition to any existing federal legislation, development activities within the town's floodplain will be further governed by any relevant section of this chapter.

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								For Each Use	1 Space Per	
R-80 (cont'd)							10. Accessory parking subject to Column F 11. Any building, stand or structure for the sale of farm products not exceeding 150 square feet 12. Accessory loading 13. Storage goods, equipment, raw materials or products accessory to any permitted use, screened from all property lines 14. Signs as permitted by the Sign Ordinance of the Town of Southeast ² 15. Private utilities			
R-60	1. Same as permitted in R-80	b	1. Same as permitted in R-80 2. Communications towers and facilities for the installation of antennas for telephone, radio and television and other communications antennas ³	— o	1. Same as permitted in R-80	—	1. Same as permitted in R-80	1. Same as permitted in R-80	—	1. Same as permitted in R-80
R-40	1. Same as permitted in R-80	c	1. Same as permitted in R-80, excluding Item No. 4 2. Communications towers and facilities for the installation of antennas for telephone, radio and television and other communications antennas ³	— o	1. Same as permitted in R-80	—	1. Same as permitted in R-80	1. Same as permitted in R-80	—	1. Same as permitted in R-80
R-20	1. Same as permitted in R-80, excluding Item No. 2	d	1. Same as permitted in R-80, excluding Item No. 4 2. Communications towers and facilities for the installation of antennas for telephone, radio and television and other communications antennas ³	— o	1. Same as permitted in R-80, excluding Item No. 11	—	1. Same as permitted in R-80	1. Same as permitted in R-80	—	1. Same as permitted in R-80
RMF	1. Same as permitted in R-80, excluding Item Nos. 2 and 4 2. Multiple dwellings, subject to the provisions of § 138-23	e	1. Same as permitted in R-80, excluding Item No. 4 2. Communications towers and facilities for the installation of antennas for telephone, radio and television and other communications antennas ³	— o	1. Same as permitted in R-80, excluding Item No. 11	—	1. Same as permitted in R-80	1. Same as permitted in R-80 2. Multiple dwellings	— 1/2 dwelling, plus 20% additional spaces for visitor	1. Same as permitted in R-80
LTW	1. A single detached dwelling for 1 family, and not more than 1 such dwelling per lot, and any permitted accessory use shall be located on the same lot with the permitted lot to which it is accessory 2. The creation of an accessory apartment subject to § 138-22 and § 138-56.1 of this chapter 3. Building, uses and any facilities of any governmental unit	g	None	N/A	1. Farms, commercial greenhouses and nurseries, including the processing and selling of products therefrom, provided that there shall be no commercial piggeries, mink farms or slaughtering of animals	g	1. Same as permitted in R-80	1. Same as permitted in R-80	—	1. Same as permitted in R-80

NOTES:

"N/A" means "not applicable."

¹ Editor's Note: See § 138-17 for instructions regarding the use of this table.

² Editor's Note: See Article XII of this chapter.

³ Subject to all general and special conditions of Article X and, specifically, those conditional use standards set forth in § 138-54.1.