

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 01 2003

County East Hampton
City
Town of.....
Village

MISCELLANEOUS
& STATE RECORDS

Local Law No. ONE of the year 2003

A local law amending § 57-3A (Area and Height Regulations) with respect
(Insert Title)
to the required front-yard and rear-yard setbacks for all structures in
all residential districts.

Board of Trustees

Be it enacted by the of the
(Name of Legislative Body)

County East Hampton
City
Town of as follows:
Village

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

SECTION I. Legislative History and Intent.

On December 20, 2002, the Board adopted an amendment to Section 57-3.A. of the Zoning Code that established new setback requirements based on the size of the lot, irrespective of the underlying zoning classification of the district in which the lot lies. During the public hearings on the matter, some people expressed a concern that the new setback provisions would be inequitable as they were applied to small lots or oddly-shaped lots. This proposed amendment builds in automatic relief from the strict provisions of the new setback regulations for lots that are small or shallow in depth, by implementing an alternative setback of 30% of the lot depth for front yards and 20% of the lot depth for rear yards, analogous to the 20%-of-lot-width relief that is available for side yards in the law as enacted.

SECTION II. The provisions of §57-3.A of the Code of the Village of East Hampton are hereby amended as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each)

§57-3. Area and height regulations.

A. Area, setback and coverage requirements.

- (2) Front yard setback requirements. Except as hereinafter provided, no building or structure shall extend within the following distances of any street line. Setbacks are according to the actual lot size within the following ranges:

<u>Lot Size</u>	<u>Distance (feet)</u>
Less than 10,000 square feet	25
10,000 sq. ft. or greater but less than 20,000 sq. ft.	30
20,000 sq. ft. or greater but less than 30,000 sq. ft.	35
30,000 sq. ft. or greater but less than 40,000 sq. ft.	40
40,000 sq. ft. or greater but less than 80,000 sq. ft.	50
80,000 sq. ft. or greater but less than 160,000 sq. ft.	70
160,000 sq. ft. or greater	80

The minimum front yard setback shall be at the applicable distance set forth above, or at a distance from the front lot line equal to 30% of the depth of the lot, whichever is less. This calculation shall be based upon the lot depth throughout the width of the lot as measured perpendicular to the front lot line. However, here an existing residence is located inside the applicable front yard setback, that portion of the lot between the existing residence and the building envelope for the width of the existing residence is exempt from the required front yard setback, provided that side yard setbacks are met.

- (3) Side and rear yard setbacks. Except as hereinafter provided, no building or structure shall extend within the following distances of any side yard or rear yard property line. Setbacks are according to the actual lot size within the following ranges:

<u>Lot Size</u>	<u>Distance (feet)</u>
Less than 10,000 square feet	20
10,000 sq. ft. or greater but less than 20,000 sq. ft.	22
20,000 sq. ft. or greater but less than 30,000 sq. ft.	24
30,000 sq. ft. or greater but less than 40,000 sq. ft.	26
40,000 sq. ft. or greater but less than 80,000 sq. ft.	34
80,000 sq. ft. or greater but less than 160,000 sq. ft.	50
160,000 sq. ft. or greater	55

Each side yard setback shall be as set forth above, or 20% of the lot width, whichever is less. This calculation shall be based upon the lot width throughout the depth of the lot as measured parallel to the front lot line. The minimum rear yard setback shall be at the applicable distance set forth above, or at a distance from the rear lot line equal to 20% of the depth of the lot, whichever is less. This calculation shall be based upon the lot depth throughout the width of the lot as measured perpendicular to the rear lot line.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ONE of 2003 of the ~~(County)~~(City)~~(Town)~~(Village) of East Hampton was duly passed by the Board of Trustees on March 21, 2003, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

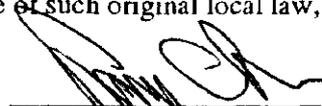
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____ of the County of Suffolk _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
LARRY CANTWELL, VILLAGE ADMINISTRATOR

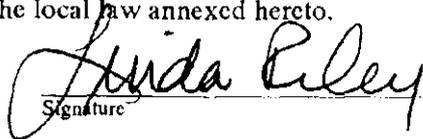
(Seal)

Date: March 24, 2003

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SUFFOLK

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



LINDA RILEY, VILLAGE ATTORNEY
Title

County _____
City of EAST HAMPTON
Town _____
Village _____

Date: March 24, 2003