

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, 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.

NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
AUG 29 2005

MISCELLANEOUS  
& STATE RECORDS

~~XXXXXX~~  
~~County~~  
~~City~~  
of  
~~Town~~  
~~Village~~

SOUTHAMPTON

Local Law No. 44 of the year 2005

A local law AMENDING CHAPTER 330 (ZONING) OF THE CODE OF  
*(Insert Title)*  
THE TOWN OF SOUTHAMPTON.

Be it enacted by the TOWN BOARD of the  
*(Name of Legislative Body)*

~~XXXXXX~~  
~~County~~  
~~City~~  
of  
~~Town~~  
~~Village~~

SOUTHAMPTON

as follows:

SEE ATTACHED

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

LOCAL LAW NO. 44 OF 2005

A LOCAL LAW amending Chapter 330 (Zoning) of the Code of the Town of Southampton.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. LEGISLATIVE INTENT.

The purpose of this local law is to, in pertinent part, limit the height of an accessory building in any residential zone, as well as to omit any references to a "pool house" or "cabana" since such structures are already covered by the building and zoning standards for accessory buildings or structures.

SECTION 2. Section 330-76 (Placement of accessory buildings and uses in all districts) is hereby amended as follows:

§ 330-76. Placement of accessory buildings and uses in all districts.

- A. Accessory buildings, including garages, if detached from a main building or if connected only by an open breezeway-type structure, shall be not less than five feet from the main building. [Amended 5-13-1986 by L.L. No. 7-1986]
- B. A private garage may be constructed as a structural part of a main building, provided that when so constructed the garage walls shall be regarded as the walls of the main building in applying the front, rear and side yard regulations of this chapter.
- C. No accessory building shall be constructed upon a lot or plot unless a main or principal building already exists on said lot or plot and has a valid certificate of occupancy or a valid building permit has been issued and is in effect for the construction or erection of a main or principal building. This restriction shall not apply to agricultural or farm buildings.
- D. Accessory buildings and structures, including private garages, shall not be placed within a required front yard, a required side yard nor the total required side yard for a principal building, except as allowed elsewhere in this Chapter.
- E. An access driveway may be located within a required yard.
- F. Accessory off-street parking or truck loading areas shall be improved in accordance with Town specifications.
- G. Required accessory off-street parking areas or truck loading space shall not be encroached upon by buildings, open storage or any other use.

- H. The storage of manure or of odor- or dust-producing substances as an accessory use shall not be permitted within 50 feet of any side or rear lot line or within 100 feet of any front lot line.
- I. All accessory buildings, structures or land used for animal husbandry shall conform to the provisions of § 330-79.
- J. The keeping of more than two dogs more than six months old in outdoor shelters or pens or the keeping of any horses or farm livestock on the premises shall conform to the provisions of § 330-79, except in the case of a veterinarian, veterinary hospital or kennel.
- K. A wind energy conversion system may be constructed or erected in the applicable zones as prescribed in the Tables of Use Regulations, provided that:
- (1) Such wind energy conversion systems shall be set back from all property lines, aboveground utility lines, radio or television towers or other wind energy conversion systems a distance equal to or greater than the distance from existing grade at the foot of the tower to the top of the sweep of the blade or rotor system.
  - (2) No such system shall be located in a required yard.
  - (3) All guy wires and anchors shall be located at least 10 feet from any property lines.
  - (4) No wind energy conversion system shall be constructed until a building permit has been issued to the property owner by the Building Inspector. Each application shall be accompanied by a complete plan drawn to scale showing the location of the tower on site, existing grade elevation, location of all structures, aboveground power lines or other utility lines within a radius equal to the distance from existing grade at the foot of the tower to the top of the sweep of the blade or rotor system and dimensions and sizes of the various structural components of the tower's construction. Also submitted shall be a detail design of the entire structure, including footings, tower, rotor or blade system and any other component of the wind energy conversion system, with computations submitted by a registered professional engineer licensed in the State of New York certifying that the tower (including footings and rotor system) is designed to comply with the wind load requirements of the New York State Building Construction Code. It shall also be certified by said engineer that the energy conversion system is designed so as not to exceed the peak load requirements of the user(s) of the system.
  - (5) No climbing pegs shall be located closer than 12 feet to the ground level at

the base of the structure for freestanding single pole or guyed towers. A six-foot-high fence with a locking portal shall be required to enclose lattice towers.

- (6) The minimum distance between the ground and any part of the rotor or blade system shall be 15 feet.
- (7) An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation at wind speeds greater than 40 miles per hour.
- (8) All power transmission lines from the tower to any building or other structure shall be located underground.
- (9) No television, radio or other communication antennas may be affixed or otherwise made part of such wind energy conversion system.
- (10) Wind energy conversion systems shall not cause interference with radio and/or television broadcasting or reception and shall comply with the provisions of 47 CFR 15 (Federal Communications Commission), as exists or as may be amended.
- (11) Evidence satisfactory to the Building Inspector shall be submitted that the wind energy conversion system complies with the regulations of the Federal Aviation Administration Part 77, Subchapter B, as exists or as may be amended.
- (12) All necessary approvals or other agencies having jurisdiction over such installation, including but not limited to a New York Board of Fire Underwriters Inspection Certificate, shall be presented to the Building Inspector of the Town of Southampton prior to the issuance of a building permit. In addition, the owner of the premises on which said system is to be erected shall sign a statement prepared by the Town acknowledging the provisions of § 330-76K(16) of this article and agreeing that the issuance of a permit for the construction of said wind energy conversion system is subject to such provisions. No person other than the owner of the premises may sign such statement.
- (13) Property owners may construct a wind energy conversion system for their use in common, but such a system may not be rented or leased to any other corporation or individual and shall be for the sole use and benefit of the owners of property which utilize such system or the tenants or lessees of such property. The mechanical or electrical energy produced or generated by such system may not be sold or otherwise made available to any individual or corporation other than the owner, tenant or lessee of the subject properties, or a public utility regulated by the Public Service

Commission. If such wind energy conversion system is to be used in common, all owners and users of such system shall be made part of the application, and appropriate underwriter certificates, etc., shall be submitted for all properties, buildings and structures to be served by such system.

- (14) A certificate of compliance indicating that the wind energy conversion system has been built in conformance with the plans and specifications filed with the Building Department shall have been issued prior to the operation of the wind energy conversion system.
- (15) No alterations, additions, modifications, substitutions or deletions shall be made to such wind energy conversion system without approval of the same pursuant to the provisions of this article.
- (16) The Building Inspector and/or the Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a wind energy conversion system has been constructed to inspect all parts of said wind energy conversion system installation and require that repairs or alterations be made if, in his judgment, there exists a deficiency in the operation or in the structural stability of the system. If necessary, the Building Inspector or Town Engineer may order the system secured or otherwise cease its operation. It shall not be required that the owner or his agent be present in the event of an emergency situation involving danger to life, limb or property.

SECTION 3. Section 330-77 (Placement of accessory buildings and uses in residence districts) is hereby amended as follows:

§ 330-77. Placement of accessory buildings and uses in residence districts. [Amended 12-27-1988 by L.L. No. 28-1988; 6-10-2003 by L.L. No. 47-2003; 10-26-2004 by L.L. No. 32-2004]

- A. Accessory off-street parking areas shall not be located in a required front yard or side yard and shall be not less than 10 feet from any property line in a required rear yard.
- B. No commercial vehicle nor any house trailer, mobile home, boat or boat trailer or any similar equipment shall be parked in any front yard or in any required side yard or within 10 feet of any property line in a required rear yard.
- C. The height of any accessory building located or constructed in any residential zone shall not have a height greater than 20 feet. However, this restriction shall not apply to agricultural or farm buildings.

- D. Accessory buildings and/or structures to be located or constructed in any residential zone in the required rear yard for a main or principal building shall not occupy more than 20% of such required rear yard, except for decks and patios within 12" of grade. The total lot coverage shall not exceed the maximum lot coverage provided in § 330-11.
- E. A residential storage shed as defined in § 330-5 shall be permitted in the rear yard of a lot if it meets the rear and side yard setbacks for accessory structures as defined in § 330-11 of the Town Code. Residential storage sheds that are located on lots 80,000 square feet and less in all zoning districts, except waterfront lots, shall be allowed to have a minimum side and rear yard setback of 10 feet. This relief shall be granted for one residential storage shed per lot.
- F. A deck, unroofed steps, patio, or terrace abutting or attached to a principal dwelling shall be subject to accessory structure setbacks, with the exception of distance from street regulations, as described in § 330-11.

#### SECTION 4. 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 provisions so adjudged to be invalid or unconstitutional.

#### SECTION 5. Effective Date.

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

(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. 44 of 2005 of the ~~(County)(City)(Town)(Village)~~ of SOUTHAMPTON was duly passed by the TOWN BOARD on 08/23 2005 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 #1, above.

*Marietta M. Seaman*

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

MARIETTA M. SEAMAN, TOWN CLERK

Date: AUGUST 24, 2005

(Seal)

(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.

*Kathleen Murray*

Signature

KATHLEEN MURRAY, ACTING DEPUTY TOWN ATTORNEY

Title

~~County~~  
~~City~~ of SOUTHAMPTON  
Town  
~~Village~~

Date: AUGUST 24, 2005