

LOCAL LAW NO. ___ OF 2019

A LOCAL LAW amending §116-9A(3), §116-9A(10)(a) and §116-9A(11)(a) to permit the construction of an accessory building or structure in the front yard on waterfront lots and corner lots provided the required accessory street setback is maintained.”

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

Section 1. Legislative Intent. Currently, the Zoning Law prohibits the construction of accessory buildings and structures within the front yard, which is defined as the open, unoccupied space on the same lot with a building, situated between the nearest roofed portion of the principal building and the front lot line (i.e. street right-of-way line). Corner lots have at least two front yards and the front yard on water front lots is between the street and the dwelling as opposed to the dwelling and the water body. In many instances, landowners on corner lots and waterfront lots have sought to construct accessory buildings and structures in conformance with the required street setbacks for such structures under §116-11.1C and have been directed to the ZBA because the buildings and structures are located within the “front yard.” Typically, in consideration of such cases, the ZBA has routinely found that waterfront lots and corner lots present inherent practical difficulties leading most often to the granting of relief, particularly if the accessory building or structure complies with the required accessory building or structure street setback. In many cases, the ZBA has cited a long standing policy and numerous precedents relating to allowing accessory structures in a front yard on waterfront lots, recognizing the environmental and aesthetic benefits of not placing such accessory buildings and structures on the water side of a dwelling. Similarly, corner lots typically are limited by two or more front yards leaving little or no room to accommodate customary accessory buildings and structures. Maintaining the required accessory street setbacks allows such buildings and structures to be accommodated on a lot while still protecting the open and unoccupied space of the required front yard setback for the principal dwelling. It is the intent of this local law to amend §116-9A(3), related to all accessory buildings and structures, §116-9A(10)(a), related to swimming pools, and §116-9A(11)(a), related to tennis courts, to permit the construction of such accessory buildings or structures in the front yard on waterfront lots and corner lots provided the required accessory street setbacks required under §116-11.1C are complied with.

Section 2. Amendment. Section §116-9A(3) is hereby amended by deleting certain strikethrough words and adding underlined words as follows:

§116-9A(3) Accessory buildings and structures, including private garages, shall not be placed within a front yard, a required side yard nor the total required side yards for a principal building, except that in the case of a waterfront lot or a corner lot, an accessory building or structure may be placed within a front yard, provided that such accessory building structure complies with the street setbacks under §116-11.1C. In the case of a corner lot, accessory buildings and structures may only be located within one of the front yards.

Section 3. Amendment. Section 116-9A(10)(a) is hereby amended by deleting certain strikethrough words and adding underlined words as follows:

§116-9A(10)(a) Such pool is installed in the rear yard or a side yard of the premises (if the pool is an

outdoor swimming pool), except that in the case of a waterfront lot or a corner lot, a swimming pool may be placed within a front yard, provided that such swimming pool complies with the street setbacks under §116-11.1C.

Section 4. Amendment. Section 116-9A(11)(a) is hereby amended by deleting certain strikethrough words and adding underlined words as follows:

§116-9A(11)(a) Such tennis court is installed in the rear yard or a side yard of the premises (if the tennis court is an outdoor tennis court), except that in the case of a waterfront lot or a corner lot, a tennis court may be placed within a front yard, provided that such tennis court complies with the street setbacks under §116-11.1C.

Section 5. Authority. The proposed local law is enacted pursuant to Village Law §7-708, as well as Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), 10(1)(ii)(a)(12), and 10(2).

Section 6. 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 provision so adjudged to be invalid or unconstitutional.

Section 7. Effective Date. This local law shall take effect upon filing with the Secretary of State pursuant to Municipal Home Rule Law.