

**NOTICE OF ENACTMENT  
LOCAL LAW NO. NINETEEN – 2021**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton, on August 20, 2021, adopted Introductory #16-2021 as LOCAL LAW NINETEEN of 2021, hereby amending Chapter 278 (Zoning) nonconforming buildings, structure, uses and lots.

**LOCAL LAW NO. NINETEEN – 2021 (INTRO. #16-2021)**

A Local Law amending Chapter 278 to clarify the definition of nonconforming buildings, structure, uses and lots and permitted enlargements, reconstruction, structural alterations, restoration or repair of same.

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

**SECTION I. Legislative Purpose and Intent.** This legislation is intended to provide for permitted enlargements, reconstruction, structural alterations, restoration or repair of nonconforming buildings, structures, uses and lots. The current code language has caused confusion and/or prohibited both repair/reconstruction and gradual conversion of such uses to conforming uses.

**SECTION II. Chapter 233 of the Code of the Village of East Hampton is hereby added as follows:**

**§278-1. Zoning; Definitions B. Nonconforming buildings, structures, uses and lots.**

**(1) Nonconforming Buildings, structures uses and lots.**

(a) Excluding those properties subject to the provisions of 278-3A(7) & (8), a nonconforming building or structure which lawfully exists that is devoted to a conforming use, or a building or structure which lawfully exists that is devoted to a conforming use on a nonconforming lot, may be enlarged, reconstructed, structurally altered, restored or repaired, in whole or in part, except that the "degree of nonconformity" shall not be increased. For the purposes of this subsection, an increase in the "degree of nonconformity" shall include any increase in the nonconformity of a nonconforming building or structure with the dimensional regulations of this chapter and shall include any increase in the nonconformity related to the length, width or height of the nonconforming portion of the building or structure.

**SECTION III. 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 IV. EFFECTIVE DATE.**

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

DATE: August 20, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
BY: Pamela J. Bennett,  
Village Clerk

**NOTICE OF ENACTMENT  
LOCAL LAW NO. TWENTY – 2021**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton, on August 20, 2021, adopted Introductory #17-2021 as LOCAL LAW TWENTY of 2021, hereby amending Chapter 278 (Zoning) to repeal certain limitations on permitted gross floor area.

**LOCAL LAW NO. TWENTY-2021 (Intro#17-2021)**

A Local Law amending Chapter 278 to repeal certain limitations on permitted gross floor area.

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

SECTION I. Legislative Purpose and Intent. This legislation is intended to repeal previously enacted restrictions on gross floor area.

SECTION II. Chapter 278 of the Code of the Village of East Hampton is hereby added as follows:

§ 278-3. A. Area, setback and height regulations.

(13) One-family and two-family detached dwellings.

(a) The maximum gross floor area for one-family and two-family detached dwellings, as permitted in all residential districts, shall be ten (10%) percent of the lot area plus one thousand (1,000) square feet or 20,000 square feet, or whichever is less.

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D. Accessory building and structure design requirements.

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(7) The maximum gross floor area of all accessory buildings on a lot shall not exceed two (2%) percent of the lot area plus 200 square feet.

SECTION III. 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 IV. EFFECTIVE DATE.

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

DATE: August 20, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
BY: Pamela J. Bennett,  
Village Clerk

**NOTICE OF ENACTMENT  
LOCAL LAW NO. TWENTY-ONE – 2021**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton, on August 20, 2021, adopted Introductory #18-2021 as LOCAL LAW TWENTY-ONE of 2021, hereby amending Village Code §278-3(B)(2)(b) to exempt handrails less than twelve (12") inches wide which are required by any New York State statutes, codes, rules and/or regulations from the calculation of height of a structure.

**LOCAL LAW NO. TWENTY-ONE – 2021 (Intro#18-2021)**

"A Local Law amending Village of East Hampton Code §278-3(B)(2)(b) to exempt handrails less than twelve (12") inches wide which are required by any New York State statutes, codes, rules and/or regulations from the calculation of height of a structure".

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

**SECTION I. Legislative Intent.** To exempt handrails less than twelve (12") inches wide which are required by any New York State statutes, codes, rules and/or regulations from the calculation of height of a structure.

**SECTION II. AMENDMENT.** The provisions of Village of East Hampton Code §278-3(B)(2)(b) are hereby amended as follows:

**§ 278-3 Zoning; Area, Setback and Height Regulations.**

(2) Resident districts.

- (b) Within nine feet of the maximum permitted roof height an area equivalent to no more than 15% of the gross floor area on the first floor of the building shall be permitted to have a low pitch roof. Any low pitch roof area within nine feet of the maximum height limit shall be indicated on a two-dimensional roof plan and measured to the outside of the roof edge (drip line). Safety railings required by New York State statutes, codes, rules and regulations not exceeding twelve (12) inches in width shall not be included in calculation of height.

**SECTION II. 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 III. EFFECTIVE DATE**

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

Dated: August 20, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
By: Pamela J. Bennett,  
Village Clerk

**NOTICE OF ENACTMENT  
LOCAL LAW NO. TWENTY-TWO - 2021**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton, on August 20, 2021, adopted Introductory #19-2021 as LOCAL LAW TWENTY-TWO of 2021, hereby amending Village Code §278-2.A.(7) to add (e) Accessory Dwelling Unit.

**LOCAL LAW NO. TWENTY-TWO – 2021 (INTRO.# 19 – 2021)**

“A Local Law amending Village of East Hampton Code §278-2.B.(7) to add (e) “Accessory Dwelling Unit.”

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

**SECTION I. Legislative Intent.** Housing for family members, guests, and caregivers has long been an issue for an aging population in the Village of East Hampton. One of the ways this issue can be addressed is through the legalization of accessory dwelling units. The legislation proposed herein represents a measured approach to applying this solution.

**SECTION II. AMENDMENT.** The provisions of Village of East Hampton Code §278-2.A.(7) (e) are hereby amended as follows:

**§278-2. Zoning Districts.**

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- B. Residential zoning districts. In any residential district, no building, structure or premises shall be used or arranged or designed to be used in any part for other than one or more of the following specified purposes:

\* \* \*

- (7) Accessory uses and accessory buildings.

\* \* \*

- (e) Accessory Dwelling Unit. One detached accessory dwelling unit designed for cooking and/or sleeping purposes, located on a property containing 60,000 square feet or more that is located in a residential district and which contains a primary single-family residence. Such accessory dwelling unit authorized in this subsection shall be limited as follows: (i) an accessory dwelling unit may have no more than two bedrooms; (ii) shall not exceed the maximum ground floor area for accessory structures, but shall be counted toward the ground floor area of the principal structure; (iii) the occupancy of an accessory dwelling unit shall be limited to the family and/or guests of the occupants of the primary single-family residence, and/or to employees working on the premises or working in the primary dwelling unit; and (iv) an accessory dwelling unit may not be rented separately from the primary dwelling unit. The accessory dwelling unit must meet the setback requirement of the principal structure. The use of any parcel of land for both a single family residence and an accessory dwelling unit as provided in this subsection shall be a conforming use under the Code of the Village of East Hampton, and shall not be considered a prohibited use and/or nonconforming use pursuant to §278-1.B(2)(e) of this Code; provided that a Declaration of Covenants and Restrictions with respect to the parcel on which the accessory dwelling unit is located is recorded with the County Clerk which limits the use of the accessory dwelling as set forth herein. The height regulations of §278-3.B shall apply to an accessory dwelling permitted pursuant to this subsection. The issuance of any building permit for such use shall require the installation of an Innovative Alternative Septic System for all dwelling units on the subject real property.

**SECTION II. 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 III. EFFECTIVE DATE**

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

Dated: August 20, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
By: Pamela J. Bennett,  
Village Clerk

**NOTICE OF ENACTMENT  
LOCAL LAW NO. TWENTY-THREE - 2021**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton, on August 20, 2021, adopted Introductory #20-2021 as LOCAL LAW TWENTY-THREE of 2021, hereby amending Village Code §278-3(A)(9)(b) to exempt elevated walkways or accessways (including stairways) built by an individual property owner for the purpose of non-commercial access to the beach, calculation of height of a structure and permitted coverage.

**LOCAL LAW NO. TWENTY-THREE – 2021 (INTRO.# 20 – 2021)**

“A Local Law amending Village of East Hampton Code §278-3(B)(2)(b) to exempt elevated walkways or accessways (including stairways) built by an individual property owner for the purpose of noncommercial access to the beach, calculation of height of a structure”.

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

**SECTION I. Legislative Intent.** To exempt walkways or accessways for the purpose of non-commercial access to the beach from the calculation of coverage and to amend permitted coverage to be consistent with other proposed amendments to the Code.

**SECTION II. AMENDMENT.** The provisions of Village of East Hampton Code §278-3(B)(2)(b) are hereby are amended as follows:

§ 278-3 (Zoning; Area, setback and height regulations)

(9) Permitted coverage.

(a) Except as otherwise provided, the maximum permitted coverage for all structures on any lot or parcel of land in a residential district shall be twenty (20%) percent of lot area, except lots whose size is less than forty thousand (40,000) square feet, which may have a maximum permitted coverage of twenty (20%) percent of lot area plus five hundred (500) square feet.

(b) Driveways serving residential property, walkways over dunes, and a postman's walkway are exempt from coverage.

**SECTION II. 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 III. EFFECTIVE DATE**

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

Dated: August 20, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
By: Pamela J. Bennett,  
Village Clerk

**NOTICE OF ENACTMENT  
LOCAL LAW NO. TWENTY-FOUR - 2021**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton, on August 20, 2021, adopted Introductory #21-2021 as LOCAL LAW TWENTY-FOUR of 2021, hereby amending Village Code Ch. 104 (Code Enforcement Administration) to increase the permit fee by 100% whenever the work subject to a permit has been started prior to the issuance of the permit."

**LOCAL LAW NO. TWENTY-FOUR – 2021 (INTRO.# 21-2021)**

A Local Law amending Chapter 104 (Code Enforcement Administration) to increase the permit fee by 100% whenever the work subject to a permit has been started prior to the issuance of the permit.

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

SECTION I. Legislative Intent. It is the purpose of this local law to provide an appropriate penalty for performing work without benefit of a building permit where one is required.

SECTION III. The provisions of §104-8 of the Code of the Village of East Hampton are hereby amended as follows:

**§104-8. Permit fees.**

Upon filing an application for a building permit or a tent permit, fees shall be payable to the Village Treasurer in accordance with a schedule of fees which shall from time to time be fixed by resolution of the Village Board of Trustees. Any such fee shall be increased by 100% whenever the work subject to a permit has been started prior to the issuance of the permit. The building permit fee shall be waived for all modifications to existing buildings relating to improving access for persons with mobility impairments, including but not limited to ramps and bathroom renovations.

SECTION IV. 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 V. EFFECTIVE DATE

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

Dated: August 20, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
By: Pamela J. Bennett,  
Village Clerk

**NOTICE OF ENACTMENT  
LOCAL LAW NO. TWENTY-FIVE - 2021**

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Inc. Village of East Hampton, on August 20, 2021, adopted Introductory #22-2021 as LOCAL LAW TWENTY-FIVE of 2021, hereby amending Village Code §278-6 (Zoning; Parking Requirements) provide a waiver of parking requirements for workforce housing constructed in close proximity to mass transportation facilities.

**LOCAL LAW NO. TWENTY-FIVE – 2021 (INTRO# 22 – 2021)**

“A Local Law amending Village of East Hampton Code §278-6; Zoning; Parking Requirements; General Provisions”

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

**SECTION I. Legislative Intent.** The Village Board finds that there is a need for workforce housing throughout Suffolk County, the Town of East Hampton, and the Village of East Hampton. However, the costs, both financial and otherwise, to providing such housing are prohibitive. One of the major impediments are the cost of parking improvements, which are compounded by the current definition of “intensification”. This amendment seeks to address those issues and encourage the development of workforce housing in areas near mass transportation facilities (commonly referred to as “transportation oriented development”), where the need for a vehicle and concomitant parking is diminished.

**SECTION II. AMENDMENT.** The provisions of the Village of East Hampton Code §278-3(B)(2)(b) are hereby amended as follows:

**§278-6. Zoning. Parking Requirements.**

**A. Definitions.** For the purpose of this section, certain words and phrases shall have the following meanings:

**INTENSIFICATION** – Any principal or accessory structure or use of a property, which is hereafter introduced, changed, extended, expanded or altered. Intensification shall not include the reconstruction of an existing building; change of use from a non-conforming use to a permitted use; or a change of use to a different permitted use having the same parking requirements.

**B. General provisions.**

- (1) The requirements of this section shall apply to all nonresidential properties and districts throughout the Village of East Hampton, including any and all properties subject to the issuance of a special permit.
- (2) In the interest of pedestrian and traffic safety and in order to alleviate an undue burden on public streets and minimize traffic congestion, any project which constitutes an intensification as defined herein, shall comply with the applicable parking requirements of this section.
- (3) Preexisting nonconforming commercial uses shall comply with the same parking requirements as would otherwise apply to that use were it located in the Commercial or Manufacturing-Industrial District.
- (4) Special permit uses shall be subject to the provision of reasonably adequate and appropriate parking as required by § 278-7D(3)(g).
- (5) Size of parking spaces. Each parking space shall be a minimum of 10 feet in width and 18 feet in length or, at the discretion of the Design Review Board, a minimum of nine feet in width and 20 feet in length.



- (6) **On-site circulation.** All parking, loading and necessary circulation is to be accommodated on site. All parking spaces and loading berths shall be accessed by adequate driveways and turnarounds. Stacked parking and the use of public rights-of-way for immediate access to parking and loading is expressly not permitted.
- (7) **Driveways and turnarounds.** Aisles between rows of parking shall be no less than 24 feet wide. Minimum driveway width shall be 10 feet in width for one-way traffic and 20 feet in width for two-way traffic. All uses in the Limited Office District, together with all noncommercial special permit uses, shall be exempt from this requirement.
- (8) **Parking on separate properties.** Parking requirements for one piece of property may be satisfied by providing equivalent parking space on adjacent or neighboring property within 600 feet, as long as both pieces of property are in identical ownership.
- (9) **Handicapped parking.**
  - (a) The number of handicapped parking spaces in each parking lot shall be in accordance with the following table:

Total Spaces on Lot	Handicapped Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20, plus 1% over 1,000
  - (b) A shopping center or facility having at least five separate retail stores and at least 20 off-street parking spaces shall have a minimum of 5% of such parking spaces for the handicapped or 10 spaces, whichever is less.
- (10) **Exemptions.** A bulk fuel storage tank shall not be deemed a structure for the purposes of this section.

**C. Commercial District and Core Commercial District.** Where the application of the following requirements results in a fractional number, the required number of spaces will be rounded off to the next highest number. Wherever the parking requirement is based on the number of seats, a seating plan is required to be submitted in connection with any application for a building permit for such premises.

- (1) The following requirements shall apply for restaurants, bars, nightclubs, discos, dance halls and places of public assembly:
  - (a) Restaurants: one parking space per three seats, plus one parking space per employee.
  - (b) Bars, nightclubs, discos and dance halls: two parking spaces per three seats, Plus one parking space per employee.
  - (c) Places of public assembly: one parking space per three seats, plus parking space per employee.
- (2) Apartments: two parking spaces per apartment.

- (3) All other uses permitted in the Commercial District and Core Commercial District shall provide one parking space for each 200 square feet of gross floor area.

**D. Manufacturing-Industrial District.**

- (1) All uses permitted in the Manufacturing-Industrial District which are also permitted in the Commercial District shall follow the parking requirements for the Commercial District.
- (2) All uses permitted exclusively in the Manufacturing-Industrial District shall provide one parking space per each 300 square feet of gross floor area and one loading berth per each 10,000 square feet of gross floor area, except for repair garages, which shall provide one parking space per each 200 square feet of gross floor area.
- (3) Mixed uses, where one or more element of an enterprise is devoted to a use permitted in the Commercial and Core Commercial Districts and one or more element is devoted to a use permitted solely in the Manufacturing-Industrial District, shall provide the number of parking spaces commensurate with the percentage of gross floor area devoted to each use, except that if any portion of a building is used for retail sales, one parking space for each 200 square feet of gross floor area shall be provided.
- (4) Notwithstanding any other provision of the Code of the Village of East Hampton to the contrary, for any mixed use located within five hundred (500) feet of a public mass transportation facility which contains workforce housing, no parking requirement shall be imposed for any gross floor area devoted to the workforce housing.

**SECTION II. 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 III. EFFECTIVE DATE**

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

Dated: August 20, 2021

BY ORDER OF THE BOARD OF  
TRUSTEES OF THE VILLAGE OF  
EAST HAMPTON  
By: Pamela J. Bennett,  
Village Clerk