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**Board of Trustees
Village of Greenport
Special Meeting
Old Schoolhouse
Front and First Streets
Greenport, NY 11944**

Thursday, May 9, 2024, at 4:00 p.m. – 5:30 p.m.

Motion to Open Meeting

Pledge of Allegiance

Board Discussion: Community Housing

1. ADU – Accessory Dwelling Units
2. Residential Zoning District
3. Residential in Commercial Districts
4. Other Opportunities

KEY PROPOSED CHANGES RELATING TO RESIDENTIAL DISTRICTS¹

1. Residential Zones: Combine R1 and R2 into single RD Residential Zone (as a related matter, rezone portions of R1/R2 that contain cemeteries to Park District)
2. Following uses permitted as of right in RD District:
 - a. Residential use by single household (single household dwellings)
 - b. Residential use by household with roommate (providing rental or other support services in exchange for housing) (home sharing dwellings)
 - c. Residential use for employee housing (subject to certain limitations)
 - d. Village buildings/structures
3. Following types of residential structures permitted as of right in RD District (solely for purposes of permitted uses stated above):
 - a. Single dwelling
 - b. Duplex (two-unit dwelling)
 - c. Multi-unit dwelling
 - d. Accessory dwelling units (ADUs) – may only be used as a single household dwelling independent of any other household living in a related primary dwelling
4. Certain conditions applying to ADUs:
 - a. All ADUs required to be built in conformance with NY State Building/Frie Code and any other applicable federal/State laws and have a valid Certificate of Occupancy
 - b. All ADUs to be bult on a permanent foundation
 - c. Minimum ADU size of 275 square feet; maximum ADU size no larger than the floor area of the smallest primary dwelling on property
 - d. No ADUs on property which contains multifamily dwelling

¹ NOTE TO TRUSTEES: Purpose of proposed revisions are: (a) revise Code to expressly permit ADUs, 2 family home conversions, roommate sharing and employee housing in R1/R2, (b) provide for bulk standard incentive No s for ADUs/2 family conversions as well as increased incentives to extent subject to affordable housing covenant, (c) clean up bulk standards and other Code provisions to make clearer and be consistent with actual predominant lot size etc. in Village and (d) update conditional uses and accessory uses in R1/R2.

- e. ADUs required to be sold jointly with primary dwelling on property
- f. Unless an ADU is “affordable”, ADU or primary dwelling must be owner occupied
- g. No rental of a dwelling unit on a property that has an ADU for less than 183 days (includes both ADU and primary dwelling)
- h. Only 1 ADU permitted on a lot (though may convert single unit dwelling to duplex and still add an ADU)
- i. Limited terms under which site plan approval is required: (a) where lot size does not meet minimum lot size, (B) where square footage of primary dwelling is being increased by more than 100 square feet or new detached ADU will have more than 250 square feet or (C) ADU with more than 1 bedroom
- j. Existing nonconforming building may be converted to ADU and maintain nonconforming setbacks without requirement to seek variances
- k. Existing ADUs permitted to be legalized so long as in compliance with NY Building Code
- l. Rental of any ADU or primary dwelling required to comply with Chapter 103

5. Following conditional uses permitted in RD District:²

- a. Places of worship
- b. Bed and breakfast facilities (conditions to be updated and to permit for a “resident” manager as well as owner occupancy; additional that bed and breakfast facilities be subject to annual licensing requirement)
- c. Schools (only up to secondary school)
- d. Libraries (not currently a permitted or conditional use in R1/R2)
- e. Day care facilities (both adult and children) (subject to certain conditions) (not currently a permitted or conditional use in R1/R2)
- f. Residential care facilities (subject to certain conditions) (not currently a permitted or conditional use in R1/R2)

² NTD: Current Code provisions for certain conditional uses that provide for “bulk” standards that are contained with definition of conditional use to be moved to Bulk Standard section. Following conditional uses in current Code to be deleted: cemeteries, philanthropic or eleemosynary institutions, hospitals or sanatoriums, and annual private membership clubs providing for recreational facilities.

- g. Fraternal lodges and offices for administration of not for profits
 - h. Rights of ways for utilities etc.
6. Permitted Accessory Uses to be updated and divided into two categories: permitted accessory uses and permitted accessory structures. New categories of permitted accessory structures and related conditions to be added including for solar systems and storage containers.
 7. Park Uses to be updated with following uses to be moved to, or added as, conditional uses (as opposed to permitted uses): playgrounds, swimming areas, amusement rides, utilities, campgrounds and potential area for mobile home or cottage housing (on eastern side of Moore's Lane only)
 8. Provisions relating to swimming pools as permitted accessory structures to be updated
 9. Provisions relating to Multi-unit dwellings to be updated and provide more flexibility
 10. Bulk Standards and certain related calculations to be updated as follows:
 - a. Minimum lot size to be reduced to 5000-7500 square feet
 - b. Minimum lot width/lot depth to kept same as in current Code
 - c. Building Height to generally be kept same as in current Code

Lot Coverage to be redefined to as follows: The percentage of lot area covered by the following structures (but without duplication): (a) any building measured to the furthest extent of the roof of any such building but excluding all portions of eaves and overhangs extending not more than two (2) feet horizontally from the exterior wall of such building, (b) any swimming pool, (c) any patio, deck, terrace or other similar structure constructed of, or on, an impervious surface, (d) any structure constituting a garage, shed, garden house, greenhouse, pool house or other similar structure, (d) any tennis court or other similar recreational facility constructed of, or based on, an impervious surface and (e) any other structure that is not expressly excluded pursuant to the following sentence which is constructed of, or on, or formed by, an impermeable surface. The following structures shall not be included in the calculation of lot coverage: at-grade driveways, walkways, parking areas (to the extent required in order to satisfy any applicable parking requirements set forth in Section 150-12 or 150-16), subterranean structures not visible from above and movable 20-pound liquid propane tanks.

- d. Lot Coverages to be increased as follows:
 - Single dwelling unit: 35%

Single Dwelling with ADU, if ADU is affordable, 50% if not, 40%

Duplex (no ADU): 45%

Duplex with ADU: if ADU is affordable, 60%, if not, 50%

Multi-Unit: if income restricted, 60%, otherwise 50%

Lot coverages for other permitted uses to be updated

- e. Code requirements relating to livable floor area to be deleted (rely on NY State building code requirements instead)
 - f. Front and side yard setbacks to be left as in current Code
 - g. Rear yard setback to be kept as in current Code unless ADU is a detached and exempted ADU, in which case reduced to the greater of that required under NY State Code and 5 feet.
 - h. Parking requirements to generally be reduced with additional reduction where housing is covenanted to be affordable
11. Nonconforming Building/Use provisions to be updated to make clear that construction in RD that does not affect an existing nonconforming building/structure/lot does not require that such nonconformity be "cured" or receive a variance so long as new construction is otherwise permitted under bulk standards

PROPOSED TERMS FOR ACCESSORY DWELLING UNITS IN R RESIDENTIAL DISTRICT¹

February 24, 2024 Draft

1. ADUs Permitted. Accessory dwelling units are permitted in the RD (Residential) District, subject to the following conditions:
 - a. An accessory dwelling unit may not be located on a lot where a current building violation exists unless the legalization or creation of the ADU would cure the violation.
 - a. All ADUs shall satisfy all applicable requirements of the New York State Building Code, New York State Fire Code and any other applicable federal and New York State laws relating to construction of dwellings and shall be the subject of a valid certificate of occupancy.
 - b. All ADUs shall be on a permanent foundation.
 - c. An ADU shall contain a minimum of 275 square feet and shall include independent cooking and bathing facilities.
 - d. No ADU shall have a floor area that is greater than the floor area of the primary dwelling. In the case of a duplex, an ADU shall not have a floor area that is greater than the floor area of the smallest dwelling unit in the duplex.
 - e. A converted ADU shall not include an expansion of an existing structure by more than [100] square feet. In such a case, such ADU shall be considered an attached ADU.
 - f. Parking shall be provided on the property to the extent required pursuant to Section 150-12.
 - g. Any necessary approvals from the Planning Board, Zoning Board of Appeals and Historic Preservation Commission shall have been obtained and be in full force and effect.
 - h. Any converted or attached ADU shall have an independent exterior access from the principal dwelling in which it is located or attached.
 - i. No ADUs shall be permitted on a lot with a multifamily dwelling.

¹ NTD: Discuss whether to also permit in CR District and, if so, consider appropriate requirements.

- j. No ADU shall be permitted to be sold independently from the sale of the building containing the primary dwelling on the applicable property on which such ADU is located.
 - k. In the case of any unrestricted ADU, the principal dwelling or ADU must be owner occupied.
 - l. No dwelling unit on a lot containing an ADU shall be rented for a period of less than [183] consecutive calendar days and any and all dwelling units on such lot, including, the ADU, that are not owner occupied shall be the subject of a valid current rental permit issued in accordance with Chapter 103.
 - m. An ADU shall only be used as an independent living space for a household separate from the persons living in the associated principal dwelling (i.e. an ADU shall not be used as a guest house or for accessory purposes for persons residing in the principal dwelling).
 - n. An ADU shall utilize the same vehicular access that services the principal building on the property.
 - o. All ADUs shall be connected to public utilities, including, but not limited to, water, electric and sewer services.
2. Design Standards for new detached ADUs. Any newly constructed building intended to serve as a detached ADU shall meet the following design standards:
- a. A detached ADU shall be located at least ten (10) feet behind the primary dwelling and shall not be located in any required front yard or side yard area.
 - b. A detached ADU shall have a principal facade and entry (with operable doors) facing a street or open space.
 - c. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
 - d. [The architecture style of such detached ADU shall be similar to that of the primary dwelling or other traditional buildings located within [250] feet of such property.]
3. Single-Dwelling Conversion. A owner of any property may elect to convert a single-dwelling into a duplex to the extent otherwise permitted by the Code. In such case both units comprising the duplex shall be treated as a primary dwelling and the owner of such property shall continue to be entitled to apply for an ADU pursuant to the terms of this Section.

4. Site Plan Approval Required. The following types of accessory dwelling units shall require site plan approval by the Planning Board:
 - a. ADUS proposed where the primary dwelling is located on a lot that does not meet the minimum lot area required under Section 150-12.
 - b. Any attached ADU or detached ADU that is constructed after the date of [insert date of amendment] that: (i) in the case of an attached ADU, involves an expansion of the associated primary dwelling by more than [100] square feet or (ii) in the case of a detached ADU, will have a gross floor area of more than [250] square feet. For the avoidance of doubt, any detached ADU that is located in a building that is in existence as of [insert date of amendment] shall not require site plan approval so long as the gross floor area of such building is not being increased in connection with such building being treated as a detached ADU.²
 - c. Any detached ADU that will contain more than one (1) bedroom.

Except as provided above, no Planning Board approval shall be required in connection with an ADU on a lot in the RD Residential District.

5. Non-conforming building ADUs. Subject to receipt of any required site plan approval by the Planning Board and any certificate of appropriateness from the Historic Preservation Commission, ADUS shall be permitted to be created in the same location as an existing legally non-conforming building and may maintain any non-conforming setbacks related thereto. Nonconformities in an existing principal dwelling shall not be required to be corrected during or as a condition of approval of an application for an ADU.
6. Application Process.³
 - a. An owner of a property that wishes to have an ADU on the property shall file an application with the Building Inspector in a form to be provided by the Building Inspector. Such form shall indicate whether such ADU is an attached ADU, detached ADU and/or converted ADU and shall include the other information set forth on the form. An application for an ADU will include, among other things, the following information: the name of the owner, the address of the ADU, the floor area of the primary dwelling (or primary dwellings on the lot), the floor area of the proposed ADU, a plot plan of the property and a floor plan in respect of such ADU. To the extent that any site plan approval is in connection therewith, such application shall also comply with the requirements set forth in Section 150-31 to the extent applicable.

² NTD: Reference to “attached ADU’s” is not included in this second sentence since if an ADU in an existing building would be considered a converted ADU (as opposed to an attached ADU). By its nature an “attached ADU” requires some degree of new construction.

³ NTD: Discuss whether there should be a fee rebate for ADUs that are deed restricted as affordable housing units.

- b. The Building Inspector shall review an application for an ADU in order to determine whether it is consistent with the requirements set forth in this Chapter 150. Unless site plan approval is expressly required in connection with such ADU or a variance is required in connection with the proposed ADU, the Building Inspector shall approve or deny an application for an ADU within [75] days of receipt of a completed application if there is an existing principal dwelling on the lot; *provided* that such approval may be subject to the receipt of any other necessary approvals, including a certificate of appropriateness from the Historic Preservation Committee, if applicable; *provided further* that the Building Inspector shall not deny approval of an unpermitted ADU that was constructed prior to [date of Code amendment] so long as such ADU otherwise satisfies the requirements set forth herein.
7. Existing Units. ADUs created prior to [date of Code amendment] may be permitted by registering the applicable accessory dwelling unit with the Building Inspector and, subject to compliance with NY Building Code and any other applicable federal or New York State laws applicable to the construction of dwellings, receiving a certificate of occupancy. Application for registration will follow the same ministerial process as an application to build a new ADU.
8. Sale of Property. When a property that has an unregulated ADU is sold, the new owner(s) if they wish to continue to maintain an ADU must, within thirty (30) days of the sale, submit a notarized letter to the Building Inspector stating that either such ADU or the principal dwelling will be owner occupied.
9. Rental. Rental of either an ADU or any principal dwelling shall comply with the provisions of Chapter 103. In connection with obtaining a rental permit in respect of any ADU or principal dwelling where the applicable ADU is an unregulated ADU the owner(s) shall provide the Building Inspector with evidence reasonably satisfactory to the Building Inspector that either such ADU or a principal dwelling on the property are owner occupied.

BULK REQUIREMENTS FOR RD-RESIDENTIAL DISTRICT¹

[NEEDS REVIEW/INPUT FROM TECHNICAL/ENGINEERING STANDPOINT]

February 24, 2024 Draft

PROPOSED USE BUILDING OR STRUCTURE TYPE	Minimum Lot Area	Minimum Lot Width ²	Minimum Lot Depth ³	Building or Structure Height	Lot Coverage (Buildings and Structures) ⁴
Single Dwelling ⁵	Subject to Section 150-13(E), [5000-7500] square feet ⁶	Same as in existing Code for One-Family Dwelling in R-2 ⁷	Same as in existing Code for One-Family Dwelling ⁸	Same as in existing Code for One-Family Dwelling ⁹	35% ¹⁰
Single Dwelling with ADU	Subject to Section 150-13(E), [5000-7500] square feet	Same as in existing Code for One-Family Dwelling in R-2	Same as in existing Code for One-Family Dwelling in R-2	Same as in existing Code for One-Family Dwelling in R-2	To the extent the applicable ADU is an affordable ADU,

¹ NTD: Propose eliminating following bulk standard in residential district relating to livable floor area (to be governed by requirement that dwellings must be built in accordance with/comply with NY State Code).

² NTD: Section 150-13(E) to continue to apply.

³ NTD: Section 150-13(C) to continue to apply.

⁴ NTD: Definition of "Lot Coverage" to be revised as per "Definition" annex. This is particularly relevant to address proposed increase in "lot coverage" for certain categories of development to encourage additional housing.

⁵ NTD: References to "One-Family Dwelling" to be revised to refer to "Single Dwelling"; "Two-Family Dwelling" to be revised to refer to "Duplex" and "Multifamily Housing" to be revised to refer to "Multi-Unit Dwelling" throughout Code along with new definitions as per "Definition" annex.

⁶ Current Code: 10,000 square feet in R1, 7500 square feet in R2. Provision set forth in Section 150-12(E) to continue to apply.

⁷ Current Code is 80 feet in R1 and 60 feet in R2.

⁸ Current Code is 100 feet.

⁹ Current Code is 2.5 stories/35 feet.

¹⁰ Current Code is 30% in R1 or for one-family in R2 and 35% for two family in R2.

PROPOSED USE BUILDING OR STRUCTURE TYPE	Minimum Lot Area	Minimum Lot Width ²	Minimum Lot Depth ³	Building or Structure Height	Lot Coverage (Buildings and Structures) ⁴
Duplex (no ADU)	Subject to Section 150-13(E), [5000- 7500] square feet ¹¹	Same as in existing Code for Two-Family Dwelling ¹²	Same as in existing Code for Two-Family Dwelling ¹³	Same as in existing Code for Two-Family Dwelling ¹⁴	[50]%; in all other cases, [40]%. [45]%; ¹⁵
Duplex with ADU	[5000-7500] square feet	Same as in existing Code for Two-Family Dwelling	Same as in existing Code for Two-Family Dwelling	Same as in existing Code for Two-Family Dwelling	To the extent the applicable ADU is an affordable ADU, [60]%; in all other cases, [50]%

¹¹ Current Code: 7500 square feet

¹² Current Code: 60 feet.

¹³ Current Code : 100 feet

¹⁴ Current Code : 2.5 floors/35 feet

¹⁵ Current Code: 35%

PROPOSED USE BUILDING OR STRUCTURE TYPE	Minimum Lot Area	Minimum Lot Width ²	Minimum Lot Depth ³	Building or Structure Height	Lot Coverage (Buildings and Structures) ⁴
Multi-Unit Dwelling ¹⁶	[10,000] ¹⁷ square feet for the first 3 dwelling units <i>plus</i> not less [1000] square feet for each additional dwelling unit	Same as in existing Code for Two-Family Dwelling ¹⁸	Same as in existing Code for Two-Family Dwelling ¹⁹	Same as in existing Code for Two-Family Dwelling. ²⁰	To the extent such multi-unit dwelling is restricted to rental to qualified households in a manner similar to those applicable to affordable ADUs, [60]%; in all other cases, [50]% ²¹
Buildings, structures and uses owned or operated by the Village	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	[50]%

¹⁶ NTD: Propose deleting following conditions contained in 150-18 (applicable to multifamily dwellings): maximum density (limit to 6 dwelling units or families per acre per lot); requirement of no more than two (2) bedrooms; and requirement of minimum recreational area. Need also to consider whether separate standards should apply for “multifamily” (i.e. apartments) in CR.

¹⁷ Current Code: 48,000 square feet or in case of conversion of house in R2, 15000 square feet of lot area and at least 5000 square feet of lot area for each dwelling unit (150-8(B)).

¹⁸ Current Code: 200 feet at front building line.

¹⁹ Current Code : 240 feet.

²⁰ NTD : Propose eliminating current Code provision applicable to multifamily which provides that there can be no dwelling, sleeping or cooking below first story or above second story.

²¹ Current Code: 25% (Section 150-18)

PROPOSED USE BUILDING OR STRUCTURE TYPE	Minimum Lot Area	Minimum Lot Width ²	Minimum Lot Depth ³	Building or Structure Height	Lot Coverage (Buildings and Structures) ⁴
Fraternal Lodges and Offices for Not-for-Profits	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above
Bed and Breakfast Facilities	Same as that applicable to Duplexes (no ADU) ²²	Same as that applicable to Duplexes (no ADU)	Same as that applicable to Duplexes (no ADU)	Same as that applicable to Duplexes (no ADU)	Same as that applicable to Duplexes (no ADU)
Places of worship	10,000 square feet	Same as that applicable to Single Dwelling (no ADU) above	Same as that applicable to Single Dwelling (no ADU) above	Same as that applicable to Single Dwelling (no ADU) above	[20] ²³
Schools	Not less than one(1) acre <i>plus</i> one acre for each 100 pupils	Same as that applicable to Single Dwelling (no ADU) above	Same as that applicable to Single Dwelling (no ADU) above	Same as that applicable to Single Dwelling (no ADU) above	[20] ²⁴
Library, day care facilities and	10,000 square feet	Same as that applicable to Single	Same as that applicable to Single	Same as that applicable to Single	[50]%

²² Current Code: 10,000 square feet

²³ Current Code: 20% (Section 150-7(B)(1)(b)).

²⁴ Current Code: 20% (Section 150-7(B)(1)(b)).

PROPOSED USE BUILDING OR STRUCTURE TYPE	Minimum Lot Area	Minimum Lot Width ²	Minimum Lot Depth ³	Building or Structure Height	Lot Coverage (Buildings and Structures) ⁴
residential care facilities ²⁵		Dwelling (no ADU) above	Dwelling (no ADU) above	Dwelling (no ADU) above	
Railroads, essential services etc. and related structures	As per approved site plan	As per approved site plan	As per approved site plan	As per approved site plan	As per approved site plan

²⁵ NTD: Categories not in current Code.

SETBACKS AND PARKING REQUIREMENTS

PROPOSED USE/BUILDING/STRUCTURE TYPE	Front Yard Setback²⁶	One Side Yard Setback	Both Side Yards Combined Setback²⁷	Rear Yard Setback	Off Street Parking Requirements
Single Dwelling (no ADU)	Same as in existing Code for One-Family Dwelling in R-2 ²⁸	Same as in existing Code for One-Family Dwelling in R-2 ²⁹	Same as in existing Code for One-Family Dwelling in R-2 ³⁰	Same as in existing Code for One-Family Dwelling in R-2 ³¹	1 space ³²
Single Dwelling with ADU	Same as in existing Code for One-Family Dwelling in R-2	Same as in existing Code for One-Family Dwelling in R-2	Same as in existing One-Family Dwelling in R-2	To the extent the applicable ADU is both a detached ADU and an exempted ADU, solely with respect to the placement of such detached ADU and not with respect to any other accessory building, [the greater of that required pursuant to NY Building Code and [five (5)] feet]. In all other cases, same as in existing One-Family Dwelling in R-2.	If the ADU is an exempted ADU: 1 space In all other cases: 2 spaces.
Duplex (no ADU)	Same as in existing Code for Two-Family Dwelling in R-2	Same as in existing Code for Two-Family Dwelling in R-2	Same as in existing Code for Two-Family Dwelling	Same as in existing Code for Two-Family Dwelling ³³	1 space [for each dwelling unit (2 spaces total)] ³⁴

26 NTD: Sections 150-13(D)(2) and 150-13(D)(3) to continue to apply.

27 NTD: Section 150-13(E) to continue to apply.

28 Current Code: 30 feet for all residential properties (whether R1 or R2 or single family or two family).

29 Current Code is 12 feet in R1/ 10 feet in R2.

30 Current Code is 30 feet in R1 and 25 feet in R2.

31 Current Code is 30 feet for all residential properties whether R1 or R2 and whether single family or two family.

32 Current Code requires 2 spaces.

33 Current Code: 30 feet.

34 Current Code requires 1.5 spaces (Code isn't clear but presumably this is for each such unit for a total of 3 spaces per property).

PROPOSED USE/BUILDING/STRUCTURE TYPE	Front Yard Setback ³⁵	One Side Yard Setback	Both Side Yards Combined Setback ³⁶	Rear Yard Setback	Off Street Parking Requirements
Duplex with ADU	Same as in existing Code for Two-Family Dwelling in R-2	Same as in existing Code for Two-Family Dwelling in R-2	Same as in existing Code for Two-Family Dwelling in R-2	To the extent the applicable ADU is both a detached ADU and an exempted ADU, solely with respect to the placement of such detached ADU and not with respect to any other accessory building, [the greater of that required pursuant to NY Building Code and [five (5)] feet].	2 on-site parking spaces in total.

³⁵ NTD: Sections 150-13(D)(2) and 150-13(D)(3) to continue to apply.

³⁶ NTD: Section 150-13(E) to continue to apply.

Multi-Unit Dwelling	Same as in existing Code for Two-Family Dwelling in R-2 ³⁷	Same as in existing Code for Two-Family Dwelling in R-2	Same as in existing Code for Two-Family Dwelling in R-2	[15] feet.	One (1) parking space <i>plus</i> an additional parking space for each two (2) dwelling units located on the applicable property (i.e. in the case of a multifamily dwelling with three dwelling units, the required parking spaces would be two (2) spaces, in the case of a multifamily dwelling with four or five dwelling units, the required parking spaces would be three (3) spaces, etc.); <i>provided</i> that if such multifamily dwelling is deed restricted to rentals to qualified households in the same manner as affordable ADUs, the required number of parking
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³⁷ Current Code: 75 feet

							spaces shall be reduced by 50%. ³⁸
Buildings, structures and uses owned or operated by the Village	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	As required by Planning Board in connection with site plan approval (if applicable)
Fraternal Lodges and Offices	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	Same as that applicable to Single Dwelling (no ADU) as above	As per Section 150-16
Bed and Breakfast Facilities	Same as that applicable to Duplexes (no ADU) as above	Same as that applicable to Duplexes (no ADU) as above	Same as that applicable to Duplexes (no ADU) as above	Same as that applicable to Duplexes (no ADU) as above	Same as that applicable to Duplexes (no ADU) as above	Same as that applicable to Duplexes (no ADU) as above	One (1) parking space <i>plus</i> an additional parking space for each two (2) guest rooms located on the property. ³⁹
Places of worship	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	As per Section 150-16
Schools and Libraries	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	As per Section 150-16

³⁸ NTD: 1.5 paved dwelling units of minimum of 350 square feet per dwelling unit.

³⁹ Current Code requires one space per guest room.

Day Care Facilities and Residential Care Facilities	Same as that applicable to Duplexes (no ADU) as above	Same as that applicable to Duplexes (no ADU) as above	Same as that applicable to Duplexes (no ADU) as above	Same as that applicable to Duplexes (no ADU) as above	One (1) parking space for each two (2) employees <i>plus</i> one (1) parking space for each five persons of rated capacity; <i>provided</i> that in no event shall less than one (2) parking spaces be located on site.
Railroads, essential services etc. and related structures	As per site plan approval	As per site plan approval	As per site plan approval	As per site plan approval	As per site plan approval

PROPOSED AMENDMENTS RELATING TO RESIDENTIAL/PARK DISTRICTS

February 24, 2024 Draft

CODE SECTION/TERM	PROPOSED AMENDMENT
<p>ZONING DISTRICTS (§§ 150-3, 150-4, 150-7)</p>	<ol style="list-style-type: none"> 1. Rezone any portions of R-1 One Family Residence District containing cemeteries to Park District 2. Combine R-1 One-Family Residential District and R-2 One- and Two-Family Residence District into a single district referred to as “RD - Residential District”
<p>PERMITTED USES IN RD-RESIDENTIAL DISTRICT</p>	<p>[Construction of any new building or any construction or expansion in respect of any primary dwelling or ADU that will result in an increase in lot coverage of more than [250] square feet will require site plan approval by the Planning Board.]¹</p> <ol style="list-style-type: none"> 1. A single dwelling which may be used only as a single household dwelling, a homesharing dwelling or, subject to compliance with Section [employee housing section], employee housing. 2. Duplexes where each dwelling unit may be used only as a single household dwelling, a homesharing dwelling or, subject to compliance with Section [employee housing section], employee housing. 3. Multi-unit dwellings, where each dwelling unit may be used only as a single household dwelling, a homesharing dwelling or, subject to compliance with Section [employee housing section], employee housing. 4. Accessory dwelling units, which may only be used as a single household dwelling which is independent from any household living in the related primary dwelling (though such households may be related by blood or marriage).

¹ NTD: To be discussed. Concern is in respect of substantial changes to existing homes and/or demolition and building of new homes in Village outside of historic district which could have an adverse effect on the historic nature/character of the overall Village.

	<p>5. Buildings, structures and uses owned or operated by the Village, including parks, gardens and playgrounds and for providing municipal services, including fire and emergency services.</p>
<p>CONDITIONAL USES IN RD-RESIDENTIAL DISTRICT²</p>	<p>All conditional uses shall require conditional use and site plan approval by the Planning Board.</p> <ol style="list-style-type: none"> 1. Places of worship, including parish houses, but excluding any rectory, parsonage or other dwelling unit, which shall be treated as a single-household dwelling for purposes of the Code.³ 2. Nursery schools, pre-kindergarten and kindergarten schools, elementary grade schools or secondary schools; <i>provided</i> that any such school shall be organized as a not-for-profit organization. 3. Libraries; <i>provided</i> that any such library shall be organized as a not-for-profit organization. 4. Day care facilities, so long as such facilities are licensed by New York State. 5. Residential care facilities, subject to the following conditions: <ol style="list-style-type: none"> a. Such facilities shall be licensed by the State of New York. b. Such facilities shall not provide for the care of more than [six (6)/ten (10)] individuals. c. On-site staff services are limited to supervision and assistance and do not involve intensive rehabilitation and/or drug therapy services. d. [The facilities provides a minimum of [one toilet and one bathtub or shower for every [four (4)] residents.] e. No such facility shall include pre-release, work-release, probationary or other programs that serve as an alternative to incarceration.

² NTD: Provisions currently contained in section relating to minimum size, parking or set backs, generally to be addressed in bulk standards section of Code.

³ NTD: Conditions relating to required set backs and lot coverage to be moved to bulk standards Section.

<p>6. Fraternal lodges and offices for the administration of not-for-profit organizations.</p> <p>7. Bed and breakfast facilities, subject to the following conditions:⁴</p> <ul style="list-style-type: none"> a. Such facilities are clearly incidental and subordinate to the principal use of the applicable property as the principal domicile for the owner of such property or a resident B&B manager; <i>provided</i> that the Planning Board may allow the dwelling unit for the owner or resident B&B manager to be in a separate building from the bed and breakfast facilities located on the same lot provided all other zoning requirements are satisfied. b. No more than five (5) guest rooms shall be available for lodging as part of such bed and breakfast facilities. c. The owner occupant or resident B&B manager, as applicable, has a clearly identifiable bedroom and bathroom for personal occupancy purposes which is not available for use by guests. d. In no event shall any kitchen or food preparation facilities be available or accessible to guests; <i>provided</i> that accessory appliances such as a mini-refrigerator, coffee maker and/or microwave oven solely for the convenience of guests may be made available in a separate area from the kitchen. e. At least one (1) full bathroom shall be available for each two (2) guest rooms; bathrooms available for guests shall be for the exclusive use of the occupants of the guest rooms and shall be accessible from each guest room without going through another guest room or sleeping area. f. No more than two (2) persons and an accompanied minor shall occupy a guest room as part of such bed and breakfast facilities. 	
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⁴ NTD: Minimum lot size, house size, parking requirements etc. moved to bulk standards.

<p>g. Each guest room shall have a minimum size of [120] square feet and one (1) or more windows of at least four (4) square feet which can be opened and otherwise complies with NY Building Code, including, without limitation, Part 714 – Openings for Emergency Use.</p> <p>h. Such bed and breakfast facilities shall provide at least one (1) meal per day (which may be a continental breakfast) to guests at no charge other than for the fee charged for overnight lodging.</p> <p>i. Such bed and breakfast facilities shall not sell alcoholic beverages by the drink or in sealed containers.</p> <p>j. Such bed and breakfast facilities shall not serve alcoholic beverages for more than three (3) hours in any day.</p> <p>k. Following receipt of conditional use and site plan approval, the owner of any dwelling unit that includes bed and breakfast facilities shall be required to have in place a valid bed and breakfast license in accordance with Section XX of the Code.</p> <p>8. Rights of way and related structures necessary for railroad, essential services and wireless telecommunication to service areas within the Village; <i>provided</i>, that the Planning Board may require such uses to be appropriately screened to minimize any adverse impacts to adjacent residential uses and to protect the general health, safety and welfare.</p> <p>Following conditional uses to be deleted: (a) cemeteries; (b) philanthropic or eleemosynary institutions, hospitals or sanatoriums; and (c) annual private membership clubs providing for recreational facilities.</p>	
<p>PERMITTED ACCESSORY USES IN RD-RESIDENTIAL DISTRICT</p> <p>Subject to complying with any other applicable conditions set forth herein, the following shall be permitted as accessory uses in the RD-Residential District to the extent clearly incidental and subordinate to the principal use of the property as a dwelling unit:⁵</p> <ol style="list-style-type: none"> 1. Home occupations; <i>provided</i> that the following conditions are satisfied:⁶ 	

⁵ NTD: Provisions currently contained in section relating to minimum size, parking or set backs, generally to be addressed in bulk standards section of Code.

⁶ NTD: “customary home occupations” and “professional offices” combined into one definition (see definition annex) and then defined into two types.

<p>a. Any type 2 home occupation shall require site plan approval from the Planning Board and in connection therewith, the Planning Board may specify the permitted hours of operation, the maximum number of customer/client visits that may occur in one any time, the maximum number of customers/clients that can be present during hours of operation and the number of parking spaces required to be maintained on site in connection with such home occupation in order to provide adequate off-street parking for any employees, customers or clients of such home occupation.</p> <p>b. Such home occupation shall be restricted to lawfully built enclosed buildings or structures and be conducted in such a manner as not to give an outward appearance of a business.</p> <p>c. No more than two (2) nonresident employees shall be on the applicable property at any time in connection with any such home occupation.</p> <p>d. No article or commodity may be offered for sale or be publicly displayed on the property except that incidental to the service being offered.</p> <p>e. Any sign relating to such business shall only be permitted in accordance with Section XX [Sign section].</p> <p>f. Such occupation is carried on in an area not exceeding [30]% of the entire building area of buildings or structures located on such property; <i>provided</i> that to the extent such occupation is carried on in the principal building on such property, such use shall not utilize more than 30% of the ground floor of such building.</p> <p>g. Type 1 home occupations shall not be required to provide any additional parking beyond what is required for residential use. Type 2 home occupations shall satisfy any applicable parking requirements set forth in Section 150-16.</p> <p>h. The equipment used for any home occupation and the operation thereof shall not create any vibration, noise, heat, glare, dust, odor, vapor, fume, smoke or gas discernible at the property lines. Any such home occupation shall comply with any applicable requirements under Chapter XX (Noise).</p>	
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<p>i. No home occupation shall create electrical, magnetic or other interference off premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties or use/or store hazardous materials above the quantities otherwise permitted at a residential property.</p> <p>j. No concerts or recitals shall be permitted to be held on any property.</p> <p>k. Exterior storage or display of goods or equipment is prohibited.</p> <p>l. The dwelling and property must remain residential in appearance and characteristics.</p> <p>2. [The keeping of up to three (3) customary household pets but excluding the commercial breeding or keeping of the same.][SUBJECT TO FURTHER DISCUSSION WHETHER THIS SHOULDN'T JUST BE ADDRESSED AS A PROHIBITION ON KENNELS AND OTHERWISE ADDRESSED ELSEWHERE IN CODE]</p> <p>3. [Off-street vehicle storage for non-residents, subject to the following conditions:</p> <p>a. No more than two (2) passenger automobiles, motorcycles or boats owned by non-residents may be stored at any property.</p> <p>b. Such storage shall only be permitted in a garage located on the property (i.e. such vehicles shall not be stored outside on such property.</p> <p>c. The property shall have sufficient on-site parking for vehicles owned by residents that otherwise complies with the requirements of Section 150-12 and 150-16 of the Code.][SUBJECT TO FURTHER DISCUSSION/REVIEW]</p> <p>4. [Boat storage; <i>provided</i> that no more than four (4) boats may be stored, docked, moored, or anchored for more than 48 hours on any property or adjoining waters or waterways.][SUBJECT TO FURTHER DISCUSSION/REVIEW]</p>	
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5. Yard sales, attic sales, garage sale, auction sales, porch sales or similar type of sales of personal property owned by occupants of the property and located thereon, subject to the following restrictions:

- a. No more than two (2) such sales shall be conducted on any property in any continuous twelve (12) month period.
- b. Any sign relating to such sale shall comply with the provisions set forth in the Code.
- c. A permit is obtained from the Building Inspector upon the payment of a fee established by the Board of Trustees from time to time.

6. [Solely with respect to any bed and breakfast facilities, the hosting of weddings, wedding receptions, family reunions, business activities and other events similar in nature (hereinafter referred to as an "event package"; *provided* that such event package must be part of a contract for services which shall include the rental of at least one (1) guest room and shall not constitute a separate commercial use. Event packages shall be permitted subject to the following requirements:

- a. Events resulting from the sale of an event package and all sales related thereto shall be contracted by a guest of the bed and breakfast facilities and shall include, at a minimum, the rental of at least one sleeping guest room in the bed and breakfast facilities;
- b. Attendance at any event held pursuant to an event package shall be limited to the maximum occupancy numbers permitted by [INSERT RELEVANT AUTHORITY] or [fifty (50)] persons and the owner occupant of such bed and breakfast facilities shall have complied with the provisions set forth in Chapter 44 to the extent applicable.
- c. Food and beverages shall only be consumed on the property during the applicable event.
- d. All services associated with the applicable event and all goods use or consumed during such event shall be made a party of the event package contract – there shall be no cash bar or other goods or services sold directly to event attendees or any direct retail sales outside of the event package.

	<p>e. Commercial vehicles related to the services associated with events shall not park on the street except</p> <p>f. to unload and load equipment and supplies,</p> <p>g. The kitchen(s) on the property may be used to prepare food served at the event.]</p> <p>Subject to satisfying any applicable requirements set forth in Section 150-12, accessory structures are permitted on any lot in the RD- Residential District to the extent clearly incidental and subordinate to the principal use of the property as a dwelling unit, including, without limitation the following:</p> <ol style="list-style-type: none"> 1. Garden houses, tool houses, sheds and other similar structures. 2. Private garages; <i>provided</i> that up to two passenger automobile spaces in such garage may be leased to persons not resident on the premises. 3. Walkways and driveways. 4. Handicapped ramps 5. Customary home recreational facilities but excluding major recreational facilities. 6. Retaining walls; <i>provided</i> that no retaining wall may be constructed without satisfactory drainage provisions or to a height exceeding [two (2)] feet. 7. Signs otherwise permitted pursuant to the Code.⁷ 8. Portable storage containers, subject to the following conditions: <ol style="list-style-type: none"> a. The Building Inspector shall be notified at least three (3) business days before the placement of a storage container on any lot.
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⁷ NTD: All sign provisions to be moved into Sign section of Code (to be updated).

- b. A portable storage container shall be located at a property for a maximum of 60 consecutive days, including the days of delivery and removal; *provided* that to the extent that there is ongoing construction activity at a property, such 60-day period may be extended in 30-day increments for up to a period of 180 days.
 - c. No storage container shall be larger than eight (8) feet wide by eight (8) feet high by 16 feet long.
 - d. No storage container shall be located within any public right-of-way or block any public sidewalk.
 - e. There shall be no more than one (1) portable storage container located on any property at any one time.
 - f. No storage container shall be located in the front setback of any property. If access exists, a storage container shall be placed in the rear yard of a property.
 - g. Any portable storage container shall be used for the temporary storage of household goods and related items only. The portable storage container may not be used for waste.
9. Tents for hosting private events, subject to the following conditions:
- a. Any such private event shall be conducted in accordance with Chapter XX [MASS ASSEMBLY PERMITS] to the extent applicable and Chapter XX [NOISE].
 - b. Such tent shall only be permitted to be on property for a total of 7 days including setup and breakdown.
10. Electric vehicle charging stations for personal use by residents on the property.
11. Residential swimming pools, including wading pools, to the extent permitted under Section XX.
12. Patios, paved terraces and decks, subject to the following conditions:

<p>a. [No structure extending two (2) feet above ground level may be constructed in any required yard and may not be constructed within five (5) feet of any property line.]</p> <p>b. No impermeable surface may be constructed within [five (5)] feet of any property line, except for (i) necessary driveways and (ii) walkways not exceeding [48] inches in width.</p> <p>13. Fences and arbors.</p> <p>14. Trash enclosures, outdoor shower enclosures, subject to the following conditions:</p> <p>a. Shower enclosures shall not exceed [four (4)] feet by [six (6)] feet in size, [eight (8)] feet in height and shall have a sanitary drain below grade. If such shower enclosure has a roof it shall be taken into account for purposes of calculating lot coverage [and total lot coverage].</p> <p>b. Trash enclosures shall not exceed [four (4)] feet by [six (6)] feet in size and four (4) feet in height.</p> <p>c. Any such structure shall be located in the rear yard.</p> <p>d. No such structure shall be located within [five (5)] feet of the side yard property line or [five (5)] feet of the rear yard property line.</p> <p>15. Small solar energy systems, subject to the following conditions:</p> <p>a. Any such system shall comply with all applicable building and electrical code requirements. The installation of any solar energy systems shall require the issuance of a building permit by the Building Inspector.</p> <p>b. Only building-mounted small solar energy systems shall be permitted. Any such system may be mounted on a principal or accessory structure, subject in the case of any building located in the historic district, to the receipt of a certificate of appropriateness with respect to the placement of such solar energy system.</p>	
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	<p>c. All applicable setback regulations apply to building-mounted small solar energy systems, Such systems may not encroach into any required side or rear setback.</p> <p>d. Only building-integrated and flush-mounted small solar energy systems may be installed on street-facing building elevations.</p> <p>e. Small solar energy systems affixed to pitched roofs shall not extend above the ridge or below the eave of the roof.</p> <p>f. In no event shall the rooftop placement of solar panels on a flat roof result in a total height greater than 15 inches from the building or structure's roof height.</p> <p>g. No ground-mounted solar energy systems shall be permitted.</p>
<p>PROHIBITED USES ON R RESIDENTIAL DISTRICT</p>	<p>The following uses are prohibited in the R Residential District:</p> <ol style="list-style-type: none"> 1. Junk Yards 2. Kennels 3. Except as expressly permitted as either a permitted use or permitted accessory use, the operation of any commercial enterprise on such property, including without limitation, any [short term rental] of the property or any portion thereof. 4. Except to the extent owned and operated or managed by the Village of Greenport, any major recreational facilities.
<p>PERMITTED USES IN PARK DISTRICT</p>	<ol style="list-style-type: none"> 1. Nature trails 2. Recreational facilities and sport playing fields 3. Other activities specifically permitted pursuant to Chapter 101 4. Firearm events

	<p>5. Watershed maintenance</p> <p>6. Informational kiosks and signs permitted pursuant to Section XX [signs]</p>
<p>CONDITIONAL USES IN PARK DISTRICT</p>	<p>The following shall be permitted subject to approval by the Village Board of Trustees:</p> <ol style="list-style-type: none"> 1. Playgrounds 2. Swimming areas (including beach areas or swimming pools) 3. Amusement rides such as carousels and miniature trains; ice skating rinks; skate parks; and other similar outdoor entertainment activities to the extent operated by the Village. 4. Solely on property located along Moore's Lane, utility facilities and necessary appurtenances providing services principally to the Village of Greenport and areas otherwise located with the Greenport Union Free School District: (a) water towers; (b) sewage treatment plants; and (c) electrical plants; <i>provided</i> that such facilities shall be municipally operated or operated by a qualified operator approved by the Village Board of Trustees from time to time. 5. Solely on property located along the eastern side of Moore's Lane, campsites (including use by recreational vehicles); <i>provided</i> that such campsites are municipally operated or operated by a qualified operator approved by the Village Board of Trustees from time to time. 6. Solely on property located along the eastern side of Moore's Lane, dwelling units consisting of mobile homes or cottage housing on terms and conditions to be established by resolution of the Village of Greenport Board of Trustees; <i>provided</i> that the overall operation and maintenance of such property is by the Village of Greenport or a qualified operator approved by the Village Board of Trustees from time to time
<p>EMPLOYEE HOUSING</p>	<p>Where permitted, employee housing shall be subject to the following conditions:</p>

1. To prevent overcrowding, the following schedule of occupancy shall apply to any dwelling utilized to provide employee housing:

Number of Bedrooms	Maximum number of Occupants
0/Studio	2
1	2
2	4
3	6

2. No more than [six (6)] persons shall occupy any such housing.
3. No tenant shall be entitled to rent or sublet to any other person.
4. All persons living in such housing must either be employed by the owner of such property or be part of the household of a person living in such housing that is an employee of the owner of such property.
5. The employer shall be responsible for the maintenance of the property, including, disposal of garbage, maintenance of landscaping and clearing of snow.

SWIMMING POOLS

Swimming pools shall be a permitted accessory structure to (a) any dwelling in the R Residential District and (b) any hotel or motel otherwise permitted to operate pursuant to the Code, subject to the following conditions:

1. Swimming pools shall be required to be maintained in a clean and sanitary condition and in good repair.
2. Any such swimming pool shall (a) in the case of any residential swimming pool be operated solely for use by the household(s) residing on the property and their guests and not operated for any

commercial gain; *provided* that to the extent that any such property includes bed and breakfast facilities that are otherwise permitted under the terms of the Code, use of such swimming pool by guests staying at such bed and breakfast facilities shall not be deemed an operation for commercial gain; and (b) in the case of any swimming pool that is an accessory structure to any hotel or motel, solely for the use by guests staying at such hotel or motel and not for any other person.

3. No swimming pool shall be constructed, assembled, enlarged or altered unless a building permit is issued by the Building Inspector and, in the case of any swimming pool located in the historic district, a certificate of appropriateness is issued by the Historic Preservation Commission.⁸ Application for a building permit to construct a swimming pool shall be made to the Building Inspector and shall be accompanied by detailed plans and drawings, showing pool construction, lot lines, proposed location, fence construction, outdoor lighting system, if any, water-supply system, drainage-water-disposal system, appurtenances, filter system and such other information as may be required.
4. Any swimming pool shall be constructed, operated and maintained in compliance with the New York State Residential Code, Appendix G and the New York State Uniform Fire Prevention and Building Code. Pool walls and floors shall be constructed of an impervious material which shall provide a tight tank and shall be of sufficient strength to contain the water therein.
5. All swimming pools shall be constructed in such a manner that all water, either overflowing or emptying from same, shall be disposed of on the property on which such swimming pool is located. [In no case shall water from a swimming pool be drained, decanted or discharged, directly or in directly, into any wetlands or into any street or street drainage system.][**NEED TECHNICAL INPUT**]
6. Every swimming pool shall be completely and securely enclosed with a fence or wall, every part of which enclosure meets the requirements of the New York State Uniform Fire Prevention and Building Construction Code and, shall to the extent located in the historic district, have been approved by the Historic Preservation Commission.

⁸ NTD: Current Code requires a building permit for pools having a depth in excess of 16 inches and more than 100 square feet – most Codes reviewed had trigger for building permit set at depth of 16 or 24 inches and either no minimum area or minimum area of 25 feet. Please also see proposed definition of “swimming pool”.

7. No swimming pool shall be filled with water until the pool structure shall have been completely enclosed in accordance with this Section, which fencing shall have been inspected and approved by the Building Inspector as being in compliance herewith. [All heating elements and pumps shall be housed in closed structures, which shall prevent noise, sound or vibration caused by the heater and/or pump from crossing property lines.]
8. Any steps or ladders used to gain access to any aboveground swimming pool, if not within an enclosure, shall be removed from such swimming pool, retracted to a height of four feet above the ground or otherwise secured so as not to be able to be used for access to the swimming pool when the swimming pools is not in actual use.
9. Lights used to illuminate any swimming pool or swimming pool area shall be shielded or installed so as to prevent said lights from shining directly upon the property of any adjacent property owner.
10. No overhead electric lines shall be maintained within 20 feet of the nearest portion of a swimming pool or appurtenances. All swimming pools shall be grounded and conform to generally accepted and approved electrical Underwriters' Laboratories standards.
11. Should any owner abandon a swimming pool, such owner shall arrange to remove the depression and return the surface of the ground to its original grade and approximately the same condition as before the swimming pool was constructed and the Building Inspector shall be notified thereof.
12. Residential swimming pools and any connected apron, walkway or patio connected thereto: (i) shall be at least 20 feet from any property line, (ii) may not be located within any required front yard or side yard and (iii) shall be set back from the front property line by a distance greater than the actual front yard setback of the primary dwelling on the property.
13. Swimming pools located at any hotel or motel shall be located (i) at least 20 feet from any property line, (ii) may not be located within any required setback area and (iii) shall be approved as part of the site plan approval for such hotel or motel.
14. Any residential swimming pool, measured from the waters' edge, shall be at least ten (10) feet from the primary dwelling and any ADU located on the property.

	<p>15. No swimming pools shall occupy more than [10]% of lot area.</p> <p>16. Any swimming pool [that is located within 50 feet of any property line]⁹ shall be screened from the view of abutting properties by providing a [four (4)]- foot wide planted green space along the rear and side property lines to increase infiltration, add additional buffering, improve aesthetics and provide space for grading and conveyance of storm water; <i>provided</i> that a shed, garage or other similar accessory structure may serve as part of the “buffer” area contemplated herein for purposes of surrounding the swimming pool so long as it otherwise complies with applicable codes and regulations.</p> <p>17. Notwithstanding anything in this Section to the contrary, readily portable pools, such as children's wading pools, are exempt from the provisions of this Section.</p>
ACCESSORY DWELLING UNITS	See Exhibit A.
MULTI-UNIT DWELLINGS	<p>The following conditions shall apply to any multiunit dwelling:</p> <ol style="list-style-type: none"> 1. A property may contain a multi-residential complex; <i>provided</i> that for purposes of calculating lot coverage, minimum lot area and any applicable parking requirements, such calculations shall be made assuming that all dwelling units would be contained in a single building.] 2. No multi-unit dwelling may contain more than [six (6)] dwelling units and shall not exceed an overall length of [120] feet. 3. [A minimum of 10% of the lot on which any multiunit dwelling is located shall be designated and permanently reserved as a common area or open space containing one or more of the following: an outdoor recreation area, tree grove, play fields or playgrounds, sports courts, natural area with benches or similar open space amenities appropriate for the intended residents.] 4. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than [20 feet].] <p>[NEEDS TECHNICAL/ENGINEERING INPUT]</p>

⁹ NTD: Bracketed language is in current Code but consider requiring buffering in all instances.

	<p>5. Trash receptacles, recycling and storage facilities shall be oriented away from building entrances, setback at least 10 feet from any public right-of-way or adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height.</p>
<p>SIGNS</p> <p>LICENSING OF BED AND BREAKFAST FACILITIES¹⁰</p>	<p>SEE EXHIBIT B</p> <ol style="list-style-type: none"> 1. No bed and breakfast facility shall be operated without valid conditional use and site plan approval and the issuance of a valid bed and breakfast license to the owner of the dwelling unit in which such bed and breakfast facility is proposed to be operated. 2. Any owner of a dwelling unit that has a valid and effective conditional use and site plan approval shall file an application with the Building Inspector for the issuance of a bed and breakfast license on an application form to be furnished by the Building Inspector and approved by the Board of Trustees, which application shall include the following information: <ol style="list-style-type: none"> a. Name, address, Suffolk County Tax Map number and telephone number for the owner of the applicable dwelling unit, and, in the case that such dwelling unit is to be occupied by a resident B&B manager, the name and telephone number for such resident B&B manager. b. Whether the owner proposes that such bed and breakfast facilities will be available throughout the year or on a seasonal basis and, if on a seasonal basis, the contemplated period therefor. c. The number of rooms the owner proposes be made available for guest lodging on the premises. d. The days and hours, if any, that the owner proposes that alcoholic beverages be served to guests staying at the bed and breakfast facilities. e. Whether the applicable owner occupant or resident B&B manager owns any other property in the Town of Southold and, if so, whether such owner occupant or resident B&B manager maintains a residence at such other property.

¹⁰ To be added as a new Section or Subsection to Chapter 150.

	<p>f. A certification from the applicable owner or resident B&B manager, as applicable, to the effect that (i) the applicable dwelling unit constitutes or will constitute its principal domicile, (ii) it does not and will not maintain a residence elsewhere in the Town of Southold or the Village of Greenport and (iii) it does not and will not maintain a principal domicile anywhere other than at the applicable property, together with evidence reasonably satisfactory to the Building Inspector that the applicable property constitutes (or will constitute) the principal domicile of such owner occupant.</p>
<p>NONCONFORMING RESIDENTIAL STRUCTURES</p>	<ol style="list-style-type: none"> 1. Structural expansions and/or alterations or demolitions of existing structures and new construction may be made to conforming existing structures situated on existing nonconforming lots without regards to lot size, lot width or lot frontage requirements; <i>provided</i> that the expansion or alteration or new construction meets all the other area and bulk regulations applicable in the RD-Residential District. 2. Structural expansions and/or alterations may be made to nonconforming buildings or structures situated on a conforming lot in the RD-Residential District; <i>provided</i> that the expansion or alteration does not create any nonconformity nor extend or expand any existing nonconformity, whether vertically or horizontally and meets all other area and bulk regulations applicable in the RD-Residential District. 3. Structural expansion and/or alterations or demolition of existing structures and new construction may be made to nonconforming structures located on existing nonconforming lots without regard to lot size, lot width or lot frontage requirements; <i>provided</i> that the expansion or alteration or new construction does not create any nonconformity nor extend or expand any existing nonconformity, whether vertically or horizontally and meets all of the other area and bulk regulations of the RD-Residential District. 4. New construction of new buildings or structures otherwise permitted under the Code on any property located in the RD-Residential District on any property that has an existing nonconforming building are permitted without the need for any variance or other relief from the Zoning Board of Appeals in respect of such existing nonconforming building so long as the proposed new construction otherwise meets all of the area and bulk regulations of the RD-Residential District.

	<p>5. If there is an existing nonconforming structure on a nonconforming lot for which there is no evidence of a variance having been granted to permit such structure and the applicant for development can demonstrate to the satisfaction of the Building Inspector the nonconforming structure has existed in the same condition for a period of [25] years and the Building Inspector is not aware of any notice of violation or other legal order having been previously issued for its removal or abatement, then the structure will be deemed a nonconforming structure on a conforming lot and shall otherwise be subject to the foregoing provisions to the extent applicable thereto.</p>
<p>OTHER APPLICABLE SUPPLEMENTARY REGULATIONS</p>	<ol style="list-style-type: none"> 1. Consider whether "Notes" at end of 150-12(A) are still applicable. 2. Consider adding the following as a new clause to Section 150-13(A): (4) The foregoing provisions shall only apply to any accessory building other than an ADU that is otherwise permitted under the terms of this Chapter." 3. Consider reducing front yard setback applicable to one side of corner lots so that one front yard setback would be 30 feet and the other 15 or 20 feet (Section 150-13(B)(2)). 4. Consider what modifications might be necessary to Section 150-13(E)(2) in light of proposed changes to rear yard setbacks to encourage ADUs.
<p>PARKING REQUIREMENTS (Section 150-16)</p>	<ol style="list-style-type: none"> 1. Consider reducing parking requirements for home occupations (including professional offices) – at a minimum these should only apply to Type 2 Home Occupations (Section 150-15(A)(1)). 2. Consider clarifying what constitutes an "other area available for parking in Section 150-16(A)(2). 3. Consider whether parking spaces should be allowed in required side yard set-backs in Section 150-15(A)(3). 4. Consider clarifying parking size requirements under Section 150-16(A)(3)/150-16(A)(4) – currently requires 300 square feet and a minimum stall of 10/20 feet (which is only 200 square feet).

BULK STANDARDS	See Exhibit C.
DEFINITIONS	See attached.

TERM	PROPOSED AMENDMENT/PROVISION
	<p>Minimum required:¹</p> <p>Lot area (square feet): None [10,000]</p> <p>Lot width (feet): 25 [25][60]</p> <p>Lot depth (feet): None [100]</p> <p>Side yard(s) (feet):² None unless: [10]</p> <p>(a) to the extent included, in which case, not less than [five (5)] feet; and</p> <p>(b) to the extent within 25 feet of residential district (R1 or R2), in which case, not less than [10] feet</p> <p>Front yard (feet) [6] [15]</p> <p>Rear yard (feet) None unless within 25 feet of residential district (R1 or R2), in which case, not less than [10] feet [25]</p> <p>Livable floor area per TBD TBD</p>

¹ NTD: Consider whether these should be bifurcated between standards applicable to “expansions” of existing buildings/structures and “new build” (either due to empty lot and/or demolition of existing structure).

² NTD: TBD single versus both side yard requirements.

TERM	PROPOSED AMENDMENT/PROVISION
	<p>apartment square feet)</p> <p>Maximum permitted: 40³</p> <p>Lot coverage (percent) 40</p> <p>Number of stories No more than 3</p> <p>Building height⁴ [42]</p> <p>Parking Requirements [42]</p> <p>Those otherwise applicable/required under Section 150-16.</p> <p>The lesser of (a) the number of parking spots available on the applicable property/lot prior to commencement of such new build project and (b) one parking spot for each apartment to be included as part of such new build project plus any other parking requirements applicable to any other uses of the property pursuant to Section 150-16.</p>
Applicable Definitions	<p>“Affordable Housing Requirements”: with respect to any building or structure located in the CR District in which there is one or more apartments, not less than 50% of the [net] square footage of such building or structure that is utilized for apartments is comprised of affordable housing units.</p>

³ NTD: Consider whether this should be increased as “incentive bonus” also need to discuss how these standards should apply in instance of potential conversion of a parking lot.

⁴ NTD: Discuss adding incentive bonus for height to address mechanical units.

TERM

PROPOSED AMENDMENT/PROVISION

"Affordable housing unit" an apartment located in the CRHO Zone that is permanently affordable consistent with Section XX below through contractual arrangements, restrictive covenants and resale restrictions, subject to reasonable exceptions, including, without limitation, subordination of such arrangements, covenants and restrictions to a mortgagee and otherwise pledged to remain affordable in perpetuity to qualified households and satisfies the following criteria: such apartment is (A) owner occupied, (B) owned or managed by the Village of Greenport Housing Authority or its agents or (C) is a rental unit in which the Village of Greenport has an interest through the Village of Greenport Housing Authority or a similar agency or that is otherwise legally bound by the rental restrictions set forth in Section XX.

the maximum monthly rent (excluding utilities) does not exceed [110]% of the Fair Market Rent for Existing Housing promulgated for the Nassau-Suffolk, NY HUD Metro FMR Area and published annually in the Federal Register by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 8(c)(1) of the United States Housing Act of 1937 [42 U.S.C. §1437f(c)(1) and Part 888, Subpart A, Sections 111-115 of Title 24, Subtitle B of the Code of Federal Regulations (24 CFR 888.111-115)]. Starting the second year in which any such apartment is rented or leased and thereafter, the maximum monthly rental may be adjusted annually in accordance with the Annual Adjustment Factor published annually in the Federal Register by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 8(c)(2)(A) of the Housing Act [42 U.S.C. §1437f(c)(2)(A)] and Part 888, Subpart B, Sections 201, 202 and 203(3) of Title 24 of the Code of Federal Regulations [24 CFR 888.201, 202 and 203(3)]. *Permanently affordable unit* means a dwelling unit that is pledged to remain affordable in perpetuity to households earning no more than the maximum income limits specified in this Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, and the unit:

(1)

Is owner occupied; or

(2)

Is owned or managed by the Housing Authority of the City of Boulder or its agents; or

TERM	PROPOSED AMENDMENT/PROVISION
	<p data-bbox="267 336 300 388">(3)</p> <p data-bbox="332 336 487 1921">Is a rental unit in which the city has an interest through the Housing Authority of the City of Boulder or a similar agency that is consistent with § 38-12-301, C.R.S., or that is otherwise legally bound by rent restrictions consistent with § 38-12-301, C.R.S., or successor statutes. (Inclusionary Housing)</p> <p data-bbox="519 336 714 1921"><i>Permanently affordable unit</i> means a dwelling unit that is restricted to remain permanently affordable consistent with Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, through contractual arrangements, restrictive covenants, and resale restrictions, subject to reasonable exceptions, including, without limitation, subordination of such arrangements, covenants and restrictions to a mortgagee. (RGMS)</p> <p data-bbox="747 1365 779 1417">(A)</p> <p data-bbox="812 336 925 1921">(B) The maximum initial sales prices does not exceed the following multiples of the maximum aggregate family income for a moderate-income family, based upon the the family sizes and minimum required dwelling unit sizes set forth below:</p> <p data-bbox="925 336 1063 1921">"Apartment" a dwelling unit located in a building designed or used for three or more dwelling units or a dwelling unit located in a building or structure, the primary use of which is not for residential purposes, in either case to the extent providing accommodations to an individual, group of individuals or family for a term of not less than [thirty (30) days / six (6) months / twelve (12)] months.</p> <p data-bbox="1096 336 1177 1921">More than room or grouping of rooms arranged and designed with provisions for cooking, living, sanitary and sleeping facilities such that it is suitable for occupan</p> <p data-bbox="1209 336 1421 1921">"Area median income (AMI)": The Housing Area Median Family Income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined for the [Nassau-Suffolk, NY HUD Metro FMR Area] and adjusted for family size, or if such income standard, no longer exists, such other equivalent income standard determined by the [Greenport Village Housing Authority].</p>

TERM

PROPOSED AMENDMENT/PROVISION

“Expansion project”: any proposal to construct additional square footage to an existing building or structure, including through the addition of a story or half story to such building or structure.

“Household income”: all sources of financial support, both cash and in kind of adult occupants of an applicable dwelling unit, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance welfare programs, other sources of income regularly received, including Veterans’ (VA) payments, unemployment compensation and alimony, and awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the household members’ families for medical, personal or educational needs.

“Initial maximum allowable sales price”: an amount equal to [three (3)] times [120]% of area median income (AMI) [plus any subsidy available to the purchaser]/

“New build project”: the construction of a new building or structure, including any new building or structure that is to be built as a result of a proposed demolition of an existing building or structure or any portion thereof.

“Owner occupied affordable apartment”: an apartment where at least one occupant is an owner or such , and where all occupants have, in the aggregate, household income less than or equal to [120]% of the area median income (AMI).

“Qualified household” household where occupants have, in the aggregate, (a) a household income less than or equal to [120]% of the area median income (AMI) for owner occupied workforce housing apartments or (b) a household income less than or equal to [80]% of the area median income (AMI) for rental workforce housing apartments.

“Rental workforce housing apartment”: an apartment dwelling unit that is rented out for a term of not less than twelve consecutive months, where occupants have, in the aggregate, household income less than or equal to [80]% of the area median income (AMI).

TERM	PROPOSED AMENDMENT/PROVISION
Income Eligibility Required	<p>“Workforce housing apartments”: any owner occupied workforce housing apartment or rental workforce housing apartment.</p> <p>No person shall sell, rent, purchase or lease an affordable housing unit in the CRHO Zone except to a qualified household. A private owner of a single affordable housing unit may rent that unit in accordance with Section XX [Requirements for Sale of Affordable Units] below. All sales, rentals, purchases and leases of any affordable housing unit in the CRHO Zone shall comply with the provisions of this Chapter XX.</p>
Deed Restrictions Required	<p>No person offering an affordable housing unit for rent or for sale shall fail to lawfully reference in the grant deed conveying title of such unit and record with the county recorder, a covenant or declaration of restrictions in a form approved by the Village of Greenport. Such covenant or declaration of restrictions shall reference applicable contractual arrangements, restrictive covenants and resale restrictions as are necessary to carry out the purposes of this Chapter.</p>
Good Faith Marketing Required	<p>All sellers or owners of affordable housing units shall engage in good faith marketing and public advertising efforts each time an affordable housing unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of the availability of such units.</p>
Reference Information.	<p>Whenever this Section XX refers to information generated by HUD but no such information is generated by or available from that agency, the Village Board of Trustees shall be entitled to designate a sources for any necessary equivalent information which can be utilized in the enforcement of the provisions of this Section XX.</p>
Required Agreements	<p>Those applicants seeking site plan approval for any development to be located in the CRHO Zone which is to include affordable housing units shall enter into an affordable housing agreement with the Village of Greenport and execute such restrictive covenants and additional agreements in a form acceptable to the Planning Board as are necessary to carry out the purposes of this Section XX. Such agreements shall be on a form provided by the Building Inspector and shall document how the applicant will meet the requirements of this Section XX. The applicant shall provide all documentation and any other material requested by the Planning Board in connection with site plan approval involving any affordable housing units. An applicant shall not be eligible for a building permit until the affordable housing agreement and any required restrictive covenants are approved by the Village of Greenport.</p>
Residency Requirement:	<p>No owner or lessee of an affordable housing unit shall fail to occupy the purchased or rented unit as a primary residence.</p>
Criteria applicable to Affordable Housing Units:	<p>(a) No affordable housing unit shall be less than [350] square feet.</p>

TERM	PROPOSED AMENDMENT/PROVISION
	<p>(b) Affordable housing units shall have the same proportion of zero bedroom/studio, one-, two- or three- bedroom apartments as the market rate apartments located in the same building or structure.</p> <p>(c) Any affordable housing unit that has more than one bedroom shall have not less than one and a half bathrooms.</p> <p>(d) Roof forms, materials, doors, windows and other architectural features or historic or traditional buildings near the relevant property shall be referenced in the design of any new construction to the extent possible. The Planning Board may consult with the Historic Preservation Commission with respect to the proposed architectural style, building materials and colors applicable to any site plan application submitted in respect of the CRHO Zone.</p> <p>(e) The perceived architectural scale of any building that will include a third story shall be reduced through the proper use of window patterns, roof overhangs, awnings, modings, fixtures, the use of darker or subdued colors contrasting with lighter colors, upper story setbacks, building and roof articulation and other details that vary the exterior of the building and are consistent with the historical character of older buildings located in the CR District.</p> <p>(f) Trash enclosures (solid waste and recycling), storage and other accessory elements shall be designed as integral parts of the applicable building or structure.</p>
Quality of Units	Affordable housing units shall be of comparable quality, design and materials to the other apartment units in the applicable building or structure and shall be constructed with durable materials that promote sustainable, energy efficient and attractive affordable housing.
Affordable Owner and Renter Access to Amenities	Owners and renters of affordable housing units shall have access equal to that of owners and renters of the other apartments located in the applicable building or structure.
Ownership Type	Affordable housing units shall be for sale in the same proportion as the apartments intended for sale that are not affordable housing units; for example, if 50% of the units in a building or structure are "for sale" apartments then at least 50% of the affordable housing units must be "for sale" units.
Location of Affordable Housing Units	The story location of affordable housing units shall be at the discretion of the owner of the relevant property; <i>provided</i> that not less than 50% of the net floor area utilized for apartments shall consist of affordable housing units.

TERM	PROPOSED AMENDMENT/PROVISION
Timing of Construction and Marketing	<p>The construction and marketing of affordable housing units shall be timed such that the units shall be constructed and pass final inspection concurrently with, or prior to the, other apartments in the applicable building/structure and affordable housing units shall be marketed concurrently with or prior to other apartments located in such building or structure.</p>
Requirements Applicable to For Sale Units	<p>(a) Initial Sale Price. The initial sales price of an affordable housing unit shall not exceed [120]% of the area median income (AMI).</p> <p>(b) No person shall sell an affordable housing unit except to a person that meets the income[, asset] and other eligibility requirements of this Chapter or any [asset and] income eligibility requirement that is included in any contract, covenant or any other agreement to which the Village of Greenport is a party or beneficiary.</p> <p>(c)</p>
Rental Restrictions for For Sale Affordable Housing Units	<p>(a) Affordable housing units that are deed restricted are initially owned by a developer. Prior to the first sale of such units to a qualified household and after receipt of a temporary or final certificate of occupancy, a developer who initially owns an affordable housing unit is required to actively market the affordable housing unit for a minimum of [120] days to facilitate a sale. Subsequent qualified household owners must also market the affordable housing unit for a minimum of [120] days to facilitate a sale. If, after this period, the affordable housing unit has not sold, the unit may be rented for a one-time period not to exceed [18] months. The developer or owner is required to continue to market the unit while it is being rented but may defer the sale to the end of the lease period. A written lease or rental agreement is required and a copy thereof must be provided to the Village of Greenport Housing Authority.</p> <p>(b) An owner may rent one bedroom in an affordable housing unit for any period of time subject to Village of Greenport Code requirements concerning the renting of residential property.</p> <p>(c) The following provisions apply to the rental of the entirety of affordable housing units; <i>provided</i> that these provisions to do not apply to the developer of the affordable housing units who owns the units initially prior to the first sale to a qualified household:</p>

TERM	PROPOSED AMENDMENT/PROVISION
	<ul style="list-style-type: none"> i. No owner shall fail to occupy an affordable housing unit for a minimum of [five (5)] years before renting the entirety of the unit. ii. No owner shall fail to provide 30 days notice to the Village of Greenport of intent to rent out an affordable housing unit. iii. No owner shall allow an affordable housing unit to be rented for more than one (1) year out of 7 years. The one-year period may be continuous or an aggregation of shorter time periods. iv. No owners= shall fail to provide a written lease or rental agreement to the Village of Greenport Housing Authority when renting the entirety of an affordable housing unit. v. No owner shall allow an affordable housing unit to be rented for a period of less than [30] days.
<p>Resale Restrictions on For Sale Units</p>	<ul style="list-style-type: none"> (a) A seller of an affordable housing unit must select a qualified purchase by a method that complies with the good faith marketing and selection process approved by the Housing Authority and the Planning Board in connection with the applicable site plan approval. (b) The resale price of any affordable dwelling unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions: <ul style="list-style-type: none"> i. Customary closing costs and costs of sale as reviewed and approved by the Housing Authority. ii. Consideration of eligible permanent capital improvements installed by the seller that have been approved in advance by the Building Inspector in accordance with rules or administrative guidance established by the Board of Trustees from time to time. iii. The resale price may include an inflationary factor or shared appreciation as applied to the original sale price pursuant to rules established by the Village of Greenport Board of Trustees from time to time. In developing such rules, the Village of Greenport Board of

TERM	PROPOSED AMENDMENT/PROVISION
	<p>Trustees shall take into account the purposes of this Chapter, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing.</p> <p>iv. The seller or an affordable housing unit shall neither levy nor charge any additional fees or any finder's fee nor demand any other monetary consideration other than as provided in this chapter.</p>
Ownership Associations	When accepting a for sale affordable housing unit
Requirements for Rental Units	
Development of New Build Projects	

DEFINITIONS

RELATING TO PROPOSED CODE AMENDMENTS FOR RESIDENTIAL DISTRICT¹

February 24, 2024 Draft

ACCESSORY DWELLING UNIT (ADU)

An attached, a detached or a converted dwelling unit located on a lot with a proposed or existing primary dwelling.

AFFORDABLE ADU

An ADU that is only available for rent to qualified households for a period of not less than [fifteen (15)/twenty-five (25) years][in perpetuity]. In order to qualify as an affordable ADU, such ADU must be the subject of a valid enforceable deed restriction or a contractual arrangement satisfactory to the Village of Greenport pursuant to which there is a legally binding rental restriction running to the benefit of the Village of Greenport that limits the rental of such ADU to a qualified household for a period of not less than [fifteen (15)/twenty-five (25) years][in perpetuity].

APARTMENT

A room or grouping of rooms arranged and designed with provisions for cooking, living, sanitary and sleeping facilities such that it is suitable for the occupancy of a single household on a long-term basis as such household's principal domicile during the period of such occupancy. A single-dwelling and a duplex shall not constitute nor be deemed to contain or constitute and "apartment". Any unit in a condominium or residential cooperative shall be deemed an "apartment" and not a single household dwelling.

AREA MEDIAN INCOME (AMI)

The Housing Area Median Family Income set forth in, or calculated from, regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1938, as amended by the Housing and Community Development Act of 1974, determined for the [Nassau-Suffolk, NY HUD Metro FMR Area] and adjusted for family size, or if such income standard, no longer exists, such other equivalent income standard determined by the Village of Greenport Board of Trustees.

¹ Definitions relating to "signs" to be contained separately in Exhibit B.

ATTACHED ADU

An ADU that is constructed as a physical expansion of a primary dwelling and is attached to a primary dwelling.

BED AND BREAKFAST FACILITY

Any commercial establishment located in a single dwelling and other buildings or structures appurtenant thereto, providing limited overnight lodging and meals for guests.

CONVERTED ADU

An ADU that is constructed within the walls of a primary dwelling or an existing detached building, including conversion of an existing attached or detached garage or other accessory building into an ADU.

COTTAGE HOUSING

Detached dwelling units intended to be used as single household dwellings and containing [1500] square feet or less of floor area. Cottage houses shall be built on a permanent foundation. Cottage houses may share common open space and parking and may have other common amenities, such as laundry and cooking facilities.

DAY CARE FACILITIES

Facilities that provide care, protection and supervision of children under the age of 16 years or persons of 60 years or older away from their residence for periods of less than 24 hours per day, but excluding any school.

DETACHED ADU

An ADU that is within an independent building entirely separate from a primary dwelling or any other building or structure on the property.

DUPLEX²

A detached dwelling that contains two (2) dwelling units on one lot (each of which has independent cooking facilities) which share common walls and/or or common floors or ceilings. A duplex is a primary dwelling located on a single lot with private yards on all sides.

² All references in Code to "Two-Family Residence" to be revised to refer to "duplex".

DWELLING

A building conforming to the definition of a “dwelling” under NY Building Code and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT

A building, or portion of a building, that contains one or more dwellings and that is designed for residential occupancy by one or more natural persons. Buildings with more than one set of cooking facilities are considered to contain a duplex, multi-unit dwelling or an accessory dwelling unit, as applicable, unless the additional cooking facilities are clearly accessory and incidental to the primary use, such as an outdoor grill or wet bar.

ELEMENTARY SCHOOL

A public or private school, secular or parochial, for the first four to eight grades of school that provides basic, compulsory state-mandated education. An elementary school may include a pre-kindergarten or kindergarten school.

EMPLOYEE HOUSING

A dwelling unit which is owned by or on behalf of a business operating in the Village of Greenport and which provides housing for employees of such business. In order for employee housing to be permitted, it must comply with the provisions set forth in Section [employee housing section].

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments or other permitted businesses of underground or overhead gas, electrical, steam or water transmission or distribution systems, communication (including cable and fiber optic systems), supply or disposal systems, including, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations and other similar equipment and accessories that are reasonably necessary to furnish utility services or for the public health, safety or general welfare.

EXEMPTED ADU

(a) An ADU that has less than [750] gross square feet and no more than one (1) bedroom or (b) an affordable ADU.

GARAGE

A covered permanent structure designed to provide shelter for vehicles, and which is an accessory structure to a dwelling or other primary use.

GUEST ROOM

A room occupied for sleeping by a person in exchange for compensation.

HOME OCCUPATION

A business or commercial activity that is carried out on the same site as a dwelling unit, and which is clearly incidental and secondary to the use of the property for residential purposes and does not change the character thereof, including, but not limited to: (a) maintenance of a studio and the conduct of related activities in connection therewith, (b) writing, (c) composition of music, (d) office facilities for a salesman, sales representative or manufacturer's representative, (e) professional office facilities for architects, interior designers, brokers, engineers, insurance agents, lawyers, real estate agents, accountants, psychologists, landscape design, medical practitioners, veterinarians and other similar professional activities, (f) student tutoring, (g) preserving and home cooking for sale off-site, (h) individual instrument instruction, (i) telephone solicitation work, (j) single chair beauty parlors or barber shops, (k) photo developing, (l) television or other electrical repair but excluding major appliances such as refrigerators, (m) small engine repairs, but excluding engines for automobiles, motorcycles, snowmobiles and boats, (n) upholstering, (o) dressmaking or tailoring, (p) pet grooming, (q) woodworking, including cabinet making, (r) massage therapy or (s) yoga or Pilates instruction.

HOMESHARING DWELLING

A dwelling unit which is shared by a household resident therein with one or more unrelated persons that would not otherwise constitute part of such household, and which provides for common cooking and bathing facilities for all such persons. In return for providing living space to such unrelated person or persons, the principal resident of such dwelling unit receives rent, assistance around the dwelling unit or a combination thereof.

HOUSEHOLD

One or more persons living as a single nonprofit housekeeping unit, whether or not they are related by blood, marriage or otherwise.

HOUSEHOLD INCOME

The total annual income from all sources of all members of an applicable household except income received by a household member under the age of eighteen (18) years of age or a full-time student of any age. Income includes but is not limited to compensation for

employment services, unemployment compensation, interest, dividends, rent, pension benefits, government benefits, welfare payments and disability income.

IMPERVIOUS SURFACE

Nonporous ground covers or areas, such as sidewalks, roads, parking areas and rooftops that shed stormwater and hinder the penetration of water into the ground.

INCIDENTAL AND SUBORDINATE TO

Secondary in nature to, and less apparent than, the primary use of a property.

KENNEL

Any property or portion thereof where three (3) or more dogs or cats aged six months or older are boarded or bred for compensation.

LIBRARY

A building or structure used primarily for the housing of books or other literary material on premises for reading, study, reference and/or lending. Collections of books, manuscripts and similar materials for public lending, studying and reading.

LOT COVERAGE

The percentage of lot area covered by the following structures (but without duplication): (a) any building measured to the furthest extent of the roof of any such building but excluding all portions of eaves and overhangs extending not more than two (2) feet horizontally from the exterior wall of such building, (b) any swimming pool, (c) any patio, deck, terrace or other similar structure constructed of, or on, an impervious surface, (d) any structure constituting a garage, shed, garden house, greenhouse, pool house or other similar structure, (e) any tennis court or other similar recreational facility constructed of, or based on, an impervious surface and (f) any other structure that is not expressly excluded pursuant to the following sentence which is constructed of, or on, or formed by, an impermeable surface. The following structures shall not be included in the calculation of lot coverage: at-grade driveways, walkways, parking areas (to the extent required in order to satisfy any applicable parking requirements set forth in Section 150-12 or 150-16), subterranean structures not visible from above and movable 20 pound liquid propane tanks.

MAJOR RECREATIONAL FACILITIES

Any recreational facility that is based on an impermeable surface or is not easily portable. Playground equipment or a sandbox made for home use does not constitute major recreational facilities even if it is attached to the ground so long as it is not based on an impermeable surface.

MASSAGE THERAPY

The provision of massage therapy by a certified massage therapist in accordance with and subject to regulations set forth in N.Y. Educ. §§7800-7807 [HARRIS BEACH TO CONFIRM CORRECT CITATION].

MEDICAL PRACTITIONER

A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse or other similar health professional licensed and/or certified by New York State.

MIXED-USE BUILDING

A building that contains one or more apartments located above the first floor and has one or more permitted commercial businesses located on the first floor.

MOBILE HOME

A vehicle or structure constructed for movement on the public highway that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and was otherwise manufactured or constructed in accordance with federal and state standards and regulations in effect at the time of construction or manufacture.

MULTI-UNIT DWELLING³

A detached dwelling located in the RD Residential District or a mixed-use building located in the CR Retail Commercial District [or the CG General Commercial District] that is occupied by (a) in the case of a dwelling located in the RD Residential District, three (3) or more apartments that share common walls and/or common floors/ceilings and (b) in the case of any mixed-use building, one or more apartments that share common walls and/or common floors/ceilings with businesses located in such building. The apartments contained in any multi-unit dwelling may be owned either in common by the same owner of all other apartments located in such multi-

³ NTD: References to multifamily dwelling throughout Code to be revised to refer to multi-unit dwelling.

unit dwelling or by separate owners and may be used for occupancy by the owners thereof and/or tenants, subject to any other applicable provisions set forth in the Code. Multi-unit dwellings include condominiums and residential cooperatives.

MULTI-UNIT RESIDENTIAL COMPLEX

Two or more multi-unit dwellings located on a single lot.

NOT-FOR-PROFIT ORGANIZATION

A group, organization, institution or other legal entity formed to provide goods and/or services for a charitable, educational, religious, literary or scientific purpose but not for pecuniary profit or financial gain and which either meets the requirements of Section 501(c)(3) of the Internal Revenue Code or is formed pursuant to the New York State Not-for-Profit Corporation Law as a “charitable corporation” or a “non-charitable corporation” as defined therein.

NURSERY SCHOOL

A school for children between the ages of two (2) and four (4) years of age.

NY BUILDING CODE

New York State Uniform Fire Prevention and Building Code, together with any rules or regulations promulgated by New York State in connection therewith, as in effect from time to time.

OFFICE

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.

OWNER

With respect to any real property, any person (including any legal entity) who alone, or jointly with any other person or persons, has legal title to any real property, including a mortgagee in possession or with maintenance responsibility due to a foreclosure or other proceeding. The owner of any real property that is owned by a legal entity (as opposed to a natural person or individual) shall be deemed to be any controlling person of such legal entity.

OWNER OCCUPANT OR OWNER OCCUPIED.

With respect to any property, an owner of such property maintains such property or a portion thereof as such owner’s principal domicile

PERMANENT FOUNDATION

A structural system built of durable materials that supports and anchors the structure of a building and transmits the load of such building to the earth. A permanent foundation may take the form of a basement, cellar, crawl space, concrete pit or slab or a pier and beam system.

PLACES OF WORSHIP

A use primarily providing meeting areas for religious activities that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship. The category includes buildings or structures primarily intended as a place for public worship and related activities such as religious education, meeting halls and kitchens or places for personal worship or meditation operated by an entity that is qualified by the Internal Revenue Service as a religious not-for-profit organization. This category includes buildings and all customary accessory uses or structures, including, but not limited to, a chapel, gymnasium, social hall and social services programs, but excludes any dwelling units.

PRE-KINDERGARTEN AND KINDERGARTEN SCHOOL

A public or private school, secular or parochial, for children between the ages of four (4) and six (6) years of age that provides basic, compulsory state-mandated education.

PRIMARY USE

An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used. A site may have more than one primary use.

PRIMARY DWELLING

The primary existing or proposed residential building containing one or more dwelling units that is arranged, intended, designed and used as the living quarters, including cooking facilities for one or more persons living together. A single dwelling, a duplex or a building holding multi-unit dwellings constitutes a primary dwelling.

PRINCIPAL DOMICILE

With respect to any dwelling unit or property and person, such person maintains such dwelling unit or property (or a portion thereof) as its principal domicile for not less than [183] days in any calendar year and, as to which, whenever absent therefrom, such person intends to return. A person may have only one principal domicile. Evidence of two or more of the following shall be deemed to constitute reasonably satisfactory evidence that a residential property constitutes a person's principal domicile:

- (a) The applicable person claims such property or dwelling unit as its domicile for purposes of voter registration.
- (b) The applicable person claims such dwelling unit or property as its domicile for purposes of the issuance of a valid New York state identification card (including a driver's license).
- (c) The applicable person has filed its most recent federal and New York State tax returns with such dwelling unit indicated as its home address on such returns.
- (d) [The applicable person is a member of the Greenport Village Fire Department or one or more Village Boards (including statutory Boards such as the Zoning Board Appeals, Historic Preservation Commission or Planning Board).]
- (e) Pay stubs issued within the prior six-month period to the applicable person show the applicable dwelling unit as the address of record for such person.
- (f) Evidence that social security, worker's compensation, unemployment, pension or other similar benefit payments are paid to such person at the address of such dwelling unit.
- (g) In the case of an owner of the property, the property is entitled to a Basic or Enhanced STAR exemption for purposes of real property taxes.

PRINCIPAL RESIDENT

With respect to any dwelling unit, the household, which is legally entitled to occupy such dwelling unit, whether as a result of being the owner thereof or as being named as a tenant pursuant to a legally binding lease with the owner of such dwelling unit.

QUALIFIED HOUSEHOLDS

The household occupying a dwelling unit has a household income of less than or equal to [80/100]% of AMI.

RECREATION FACILITIES

Any equipment or facilities intended for recreational activities, including, without limitation, basketball nets, volleyball nets, soccer nets, goal posts, playground equipment, outdoor exercise equipment, tennis courts squash courts or pickleball courts, but excluding swimming pools.

REQUIRED YARD

With respect to any property or lot, the front yard, rear yard and/or side yards applicable thereto in accordance with the setback requirements set forth in Sections 150-12 and 150-13; *provided* that to the extent an variance has been granted in respect of any of the requirements set forth in Section 150-12 in respect of such property or lot, a required yard shall be the front yard, rear yard and/or side yards applicable thereto taking into account any such variance.

RESIDENT B&B MANAGER

With respect to any bed and breakfast facilities, a natural person hired by an owner of the dwelling unit in which such bed and breakfast facilities are located to live in such dwelling unit on a full time basis and act as manager of the applicable bed and breakfast facilities pursuant to a written binding agreement with a term of not less than [twelve (12)] months (subject to customary rights of termination or eviction). Written authorization identifying such persons shall be filed with the Building Inspector. A person may not qualify as a resident B&B manager unless he/she has the authority to accept, reject, oversee the conduct and expel guests to maintain order at the bed and breakfast facilities. There shall be no more than one person designated as a resident B&B manager by the owner of the applicable property.

RESIDENTIAL CARE FACILITIES

A dwelling unit where long -term (i.e. more than 28 days) residential occupancy and personal care for a group of persons with some limits on ability for self-care (such as children, the aged or disabled persons) is provided. In addition to the provision of room and board, services such as supervision, protection, assistance while bathing, dressing, grooming, eating, management of money, transportation and recreation may be provided.

RESIDENTIAL SWIMMING POOL

A swimming pool that is an accessory use to one or more dwelling units located in the R Residential District.

SECONDARY SCHOOL

A public or private school, secular or parochial, that is intermediate between elementary school and college and usually offering general, technical, vocational or college-preparatory courses.

SINGLE DWELLING⁴

⁴ All references in Code to "One-Family Dwelling" to be revised to refer to "Single Dwelling".

A detached dwelling which contains only one dwelling unit including, only (1) set of cooking facilities, and is of the type generally considered to be for use by a single household (regardless of the actual use of such dwelling). A single dwelling is a primary dwelling located on a single lot with private yards on all sides.

SINGLE-HOUSEHOLD DWELLING

A dwelling unit that is occupied by a single household.

SMALL SOLAR ENERGY SYSTEM

A system of solar collectors, panels, controls, energy storage devices, heat pumps, heat exchangers and/or other materials hardware or equipment to collect solar radiation and cover it to a usable energy from designed to serve a residential, commercial, institutional or industrial use on a single lot and not intended for production of energy primarily for off-site sale or consumption. Solar energy systems include thermal and photovoltaic systems.

SWIMMING POOL

Any man-made body of water which is constructed, used or maintained to provide recreational facilities for swimming, bathing or wading and which is capable of containing water to a depth greater than [18/24] inches [and having a plane surface area of water greater than [25]⁵ square feet], including all appurtenant equipment.

TYPE 1 HOME OCCUPATION

A home occupation which does not involve any employees (other than persons otherwise resident on the applicable property) or customers coming to the property.

TYPE 2 HOME OCCUPATION

A home occupation where either one or more employees (residing outside of the property) or customers/clients come to the property. Examples of Type 2 home occupations include, but are not limited to, professional office facilities, student tutoring (unless taking place solely on-line), individual instrument instruction, single chair beauty parlors or barber shops, pet grooming, massage therapy and yoga or Pilates instruction.

UNREGULATED ADU

⁵ NTD: Current Code defines by reference to 100 feet, most Codes reviewed had lower or no area threshold.

Any ADU other than an affordable ADU.