

ANNEX B

**FRAMEWORK AMENDMENTS
RELATING TO CR RETAIL COMMERCIAL DISTRICT USES,
ENTERTAINMENT PERMIT REQUIREMENTS,
PARKING AND PLANNING BOARD REVIEW**

September 22, 2025

Why This Matters

Greenport’s Commercial Retail (CR) District is the historic heart of the Village. It must serve two equally important roles: a resident-serving district that anchors daily community life, and a tourism hub that sustains small businesses and generates economic activity. If resident-serving uses are crowded out, the downtown risks becoming overly seasonal and disconnected from year-round needs. If tourism uses are overly restricted, we risk losing jobs, investment, and vitality.

A particular challenge arises with seasonal businesses. While they play a valuable role in drawing visitors and enlivening the Village during peak months, their concentrated activity places unique pressure on parking, traffic, noise, and emergency services, while also leaving storefronts inactive or “dark” for large portions of the year. Based on two recent traffic and parking studies conducted by applicants in the Village using qualified traffic engineering firms, the Village’s own engineering consultant has confirmed that parking is largely maxed out at peak hours during the peak tourism season—particularly in the downtown core. This means that unmanaged seasonal surges directly contribute to congestion, safety risks, and spillover impacts into surrounding residential neighborhoods. Over time, these patterns can erode the stability of the downtown economy and weaken the Village’s identity as a year-round community.

At the same time, other existing zoning rules have created confusion, unnecessary red tape, and barriers for small property owners and businesses. Ambiguities about what uses are permitted versus conditional have slowed projects. Rigid, one-size-fits-all parking requirements have been especially problematic—failing to reflect the realities of small downtown lots, discouraging adaptive reuse, and creating hurdles for apartments, eating and drinking establishments, and other small businesses. Without clearer rules, the Village struggles to strike the right balance between growth, neighborhood character, and community needs.

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Finally, the current Code contains inconsistencies about when site plan or conditional use approval is required, often sweeping in minor building permit work that was never intended to trigger Planning Board review. This has created unnecessary hurdles for property owners while obscuring the Village's real focus on impacts to site layout, parking, curb-cuts, conditional uses, and nonconforming structures.

What We're Aiming For

The proposed amendments are designed to create clarity, balance, and flexibility:

- **Clarity of uses, definitions and responsibilities in connection with Planning Board approvals**
Clearly define which activities are permitted by right, which require case-by-case review, and which are not appropriate in the CR District. This ensures predictability for applicants and fairness in enforcement. In addition, since the 2023 amendment to the Code, it has become clear that certain provisions of the Code are ambiguous and require interpretation. By clarifying definitions and providing guidance on how uses are to be determined, the amendments aim to reduce hurdles, make reviews more consistent, and ensure a smoother, more predictable process for applicants and the Village alike. Finally, in an attempt to streamline the process and make it more transparent to the public, certain provisions are proposed to further clarify how the review and approval process is structured for any new business (including specific roles of Building Department and Planning Board).
- **Conditional review for seasonal businesses**
Shift all businesses that operate on a seasonal basis into the conditional use category. This allows the Village to welcome seasonal activity while ensuring impacts are thoughtfully managed. Conditional review gives the Planning Board authority to evaluate issues such as traffic, parking, and congestion during peak season—an especially critical factor given the Village's own consultant has confirmed that parking is already maxed out at peak hours in the downtown core. Other considerations include noise and nuisance controls, emergency service demands, storefront appearance during off-months, and the broader balance between seasonal and year-round commerce.
- **Elimination of specified parking requirements**
Remove all fixed, numerical parking requirements for permitted uses and similar conditional uses (including for all eating and drinking establishments). Instead, where Planning Board approval is required for a proposed use or site plan modification, the Board will continue to apply its general standards of review—evaluating potential impacts on public health, safety, and

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welfare. As part of that existing mandate, the Board considers the adequacy of parking and loading in light of the specific attributes of each business—including its size, location, hours of operation, and proximity to municipal lots or residential neighborhoods.

- **Simplified approvals for low-impact uses**

Reserve Planning Board review for uses with real potential for impact, while allowing low-impact businesses and housing to proceed without unnecessary hearings. The amendments clarify and streamline the thresholds for site plan and conditional use review—reserving formal Planning Board oversight for projects that truly affect site layout, circulation, parking, conditional uses, or nonconformities, while ensuring routine improvements can proceed without undue burden.

- **Balanced downtown economy**

Preserve Greenport’s identity as both a year-round community and a destination, ensuring resident-serving uses remain strong while still welcoming tourism uses in appropriate forms.

- **Transparency and fairness**

Establish clear standards for how existing uses are treated, how ambiguous or blended uses are classified, and how discretionary decisions are made.

- **Impact mitigation rather than prohibition**

Allow businesses to grow and evolve, with review requirements limited to uses likely to present adverse effects on neighbors and quality of life. Any such adverse effects to be evaluated on a case-by-case basis with mitigation requirements to be included as conditions to approval where appropriate.

In short, these amendments aim to further **modernize the Village Code** so that it is easier to understand, easier to administer, and more supportive of both year-round residents and small businesses, while still guarding against uses or practices that would erode the downtown’s character.

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CR RETAIL COMMERCIAL DISTRICT -- BACKGROUND ON POLICIES FOR USE DETERMINATIONS

Greenport’s Commercial Retail (CR) District is the historic heart of the Village. It is a small, tightly built district characterized by pedestrian-friendly streets, small lots, and a mix of shops, services, cultural spaces, and housing. The CR District serves two critical but sometimes competing roles:

- **It is the Village’s “main street”** — providing essential goods, services, and gathering places for year-round residents.
- **It is also a tourism hub** — attracting seasonal visitors whose spending supports local businesses and contributes to the regional economy.

Both functions are essential. Tourism supports jobs, generates tax revenue, and helps sustain a vibrant downtown. Resident-serving uses, however, are the backbone of daily community life and the anchor for a sustainable, year-round village. If tourism uses dominate, the district risks becoming overly seasonal, unaffordable, or disconnected from residents’ needs. If resident-serving uses are neglected, the district risks losing its vitality and economic base.

Immediately outside the Village, in the Town of Southold, light industrial and business districts already accommodate larger-scale, more intensive commercial uses. This regional context allows the Village’s CR District to remain focused on smaller-scale, pedestrian-oriented activity, without the need to absorb heavier or more auto-oriented businesses.

Seasonal Businesses: Why They Require Special Oversight

While seasonal businesses add vibrancy and variety during peak tourism months, they create unique challenges:

- Concentrated activity strains parking, traffic circulation, and public safety resources.
- Two recent traffic and parking studies conducted by qualified traffic engineers, reviewed by the Village’s consultant, confirm that parking in the downtown core is already maxed out at peak hours during the summer season.
- Vacant or “dark” storefronts in the off-season can weaken the streetscape and erode year-round community character.

For these reasons, seasonal businesses are best placed in the Conditional Use category, allowing case-by-case review and the imposition of safeguards tailored to their impacts.

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Purpose of Use Classification Framework

The purpose of this framework is to evaluate proposed uses within the CR District and to determine whether they are best treated as:

- **Permitted by Right** — clearly compatible with the district’s dual role and predictable in impact.
- **Conditional / Special Exception** — potentially acceptable but requiring case-by-case review to ensure balance between tourism and resident needs, particularly for seasonal or higher-intensity uses.
- **Prohibited** — inconsistent with the purpose of the district or likely to overwhelm its limited capacity.

This approach allows Greenport to actively manage the mix of uses downtown, ensuring that both visitors and residents are served, but neither overwhelms the other. It also ensures that zoning decisions remain consistent with the Village’s Local Waterfront Revitalization Program (LWRP), climate resiliency goals, and the State’s recognition of Greenport as a disadvantaged community under the Climate Leadership and Community Protection Act (CLCPA).

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Checklist / Chart for Classifying Uses

Consideration	Permitted (By Right)	Conditional / Special Exception	Prohibited
Consistency with District Intent	Clearly aligned with the district's purpose	Sometimes aligned, but only in certain locations, seasons, or under specific conditions	Fundamentally conflicts with district's purpose
Predictability of Impacts	Impacts are well understood and easily managed by code	Impacts depend on size, design, seasonality, or context; need case-by-case review	Impacts are inherently disruptive or unsafe
Compatibility with Surroundings	Compatible with adjacent uses; customary in the area	Compatible only if buffered, seasonal, or mitigated	Incompatible regardless of mitigation
Intensity of Use	Low to moderate; manageable by existing infrastructure	Moderate to high; may require operational limits (hours, deliveries, peak-season controls)	Excessively high intensity or hazardous
Need for Mitigation	None beyond standard zoning/site plan requirements	Yes—conditions or safeguards needed (e.g., parking management, storefront continuity, noise limits)	No feasible mitigation
Public Interest / Community Benefit	Supports community vision and year-round goals	Potentially beneficial but requires oversight (e.g., seasonal tourism activity)	Offers little or no benefit; undermines goals
Legal/Policy Alignment	Consistent with comprehensive plan, LWRP and other adopted policies	Potentially consistent, requires discretionary review	Inconsistent with long-term plans and policies
Examples	Retail shops, cafés, offices	Hotels, tasting rooms, event spaces, seasonal businesses	Heavy industry, auto salvage yards

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Step-by-Step Checklist for Appropriate Use Categorization

1. Is the use consistent with the stated intent of the zoning district?
 2. Are its impacts predictable and manageable without special oversight?
 3. Is it compatible with neighboring uses in scale and character?
 4. Does it require mitigation (buffers, hours, traffic/parking controls)?
 5. Does it serve a recognized community interest?
 6. Can adverse impacts—especially from seasonal surges—be reasonably addressed?
 7. Is it aligned with the Comprehensive Plan / LWRP / adopted policies?
- If **yes** to 1–3 → **Permitted**.
 - If **yes** to 1 but “maybe” on 2–4 → **Conditional / Special Exception**.
 - If **no** to 1 or 5–6 → **Prohibited**.

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Key Features of the Proposed Amendments

I. USES IN CR DISTRICT (SEE ANNEX B)

- A. Permitted Uses Expanded and Clarified:** Adds certain types of uses to ensure they are adequately captured as permitted uses and not ambiguous including artisanal manufacturing, small food production, cultural/fitness uses, personal services, professional offices, small catering facilities, and shared commercial spaces. Certain businesses moved to conditional use category as determined to be seasonal or have a higher intensity impact and require specific review on a case-by-case basis.
- B. Conditional Uses:** Revised to include certain types of uses currently present in CR district but not specifically allowed (i.e. places of worship). Category is intended to be limited to businesses identified as seasonal or higher intensity impacts requiring case by case review to ensure balance between business district, tourism and residential needs.
- C. Accessory Uses:** Clarifies what are permitted accessory uses (i.e incidental to a primary use) and when approval (if any) is required. Some accessory uses are by-right (storage, minor assembly, instructional workshops, background music, tasting/sampling). Others need approval (outdoor dining, food trucks, entertainment, solar, signage, curb-cuts).
- D. Prohibited Uses:** Clarifies what specific types of uses are expressly prohibited in CR District.
- E. Use Determinations:** Adds specific guidance on process for use determination and grandfathers all existing uses. Building Department (with referral if ambiguous) decides if a proposed use is permitted, conditional, accessory, or prohibited. Existing lawful uses can continue without need for additional approvals or compliance with bulk standards even if reclassified.

II. ENTERTAINMENT PERMIT (SEE ANNEX B)

- A. Scope:** Same as in current Code (i.e. covers entertainment and catered events); renamed as “event” permit to avoid misunderstandings as to what is covered under permit requirements.
- B. Exemptions from Permit Requirement:** Similar to under existing Code but clarifies which exemptions apply to entertainment versus catered events.

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- C. **Permit Issuance & Renewal:** Streamlines renewals and issuances. Building Department can issue permits without referral to Planning Board or a public hearing so long as certain criteria are met: (≤ 3 complaints in 24 months, ≤ 2 code violations, events indoors or prior permit still valid). Planning Board approval is only required if criteria is not satisfied.
- D. **Application Requirements:** Similar to under existing Code; certain requirements to be eliminated but applicants required to include event management plan and evidence of insurance in connection with hosting of catered events.
- E. **Ambient Impact Business:** Adds a category of “ambient impact businesses” (generally businesses located close to water or residential district that host amplified music after 9 pm) to clarify what types of businesses may be subject to additional requirements such as a sound impact study or specific sound mitigation requirements.
- F. **Catered Events:** Clarifies specific rules applicable to businesses hosting catered events including that (i) food service limited to on-site kitchens or licensed caterers; no outside cooking (food trucks, grills) unless approved in site plan, (ii) restrictions on party buses/limos (drop-off only in designated zones, no idling > 5 minutes), (iii) explicit prohibition on exceeding occupancy, (iv) prohibitions on obstruction of sidewalks/streets unless mass assembly permit obtained and (v) requirements relating to liability insurance.

III. **PARKING, CURB CUTS AND LOADING ZONES (SEE ANNEX B)**

- A. **CR District:** Most parking requirements eliminated to help small businesses and housing. (See Exhibit 1 attached). Traffic impact of proposed use remains a criteria to be considered in connection with reviewing and approving applications for impact on public health, safety, welfare and surrounding residential neighborhoods and any conditions to the approval of such applications.
- B. **Flexibility:** Planning Board may waive or reduce parking requirements where applicable.
- C. **No More “Parking Impact Fee”:** Payment-in-lieu system eliminated.
- D. **Protecting What Exists:** Reducing/eliminating existing parking, driveways, curb-cuts, or loading zones requires Planning Board approval. (This is not new but criteria for review is made clearer).
- E. **Drive-ways.** Planning Board approval of repairs or construction of driveways is eliminated.

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- F. Standards for New Curb-Cuts:** Applicable criteria for Planning Board approval of new curb-cuts are made clearer and more streamlined including requirement to consider safety, alignment, pedestrian impacts, stormwater, and neighborhood character
- G. Review Factors:** Applications judged on, among other criteria, safety, access, neighborhood context, available parking alternatives, and mitigation measures (bike racks, landscaping, shared lots)

IV. SITE PLAN/CONDITIONAL USE APPROVAL PROCESS (SEE ANNEX B)

- A. Clearer Rules on When Approval is Needed:** In residential districts, Planning Board review is limited to things like new ADUs, subdivisions, curb-cuts, and multi-unit housing. In commercial/waterfront districts, approvals are required for bigger changes (conditional uses, expansions, demolitions, new construction, utility upgrades). Clarification is provided for development activities which are exempt from Planning Board review.
- B. Criteria applicable to review of Seasonal Businesses (generally open less than 9 months of the year):** Any seasonal use seeking approval needs to demonstrate that it will not have a direct material adverse impact on traffic/parking, provides local benefits, and won't crowd out year-round activity.
- C. Pre-Submission Process:** Reduces the numbers and types of "significant" applications (hotels, event spaces, multi-residential, formula businesses, etc.) that are required to go through a structured early review.
- D. Simplified Workflow:** Clarifies steps and roles of Building Department and Planning Board from application → SEQR review → referrals → public hearing → decision.

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USES IN THE CR RETAIL COMMERCIAL DISTRICT (SECTION 150-9)	
PERMITTED USES (Section 150-9(A))¹	<p>Other than any business constituting a formula business or a seasonal business, the following:</p> <ol style="list-style-type: none"> 1. Apartment dwelling units (including multi-residential properties), subject to certain conditions (see “Framework Amendments Relating to Housing”) 2. Retail except for (a) excluded retail or (b) any other retail that otherwise expressly falls within a category constituting a conditional use or a prohibited use 3. Galleries or studios 4. Artisanal manufacturing [with a net floor area not exceeding the applicable maximum NF area] 5. Banks and offices for finance and insurance services, including insurance agencies and brokerages 6. Personal services 7. Fitness facilities 8. Pet care facilities 9. Art and cultural facilities including theaters and museums 10. Fraternal lodges 11. Specialized instruction schools 12. Retail laundry or dry cleaners 13. Offices of real estate agents, brokers, real estate appraisers, property managers and other service providers relating to real estate and rental and leasing activities 14. Offices providing professional and technical services, including legal services, accounting services, architectural and engineering services and other similar services

¹ NTD: **Bolded** uses are either new or include clarifications from prior Code that either weren’t permitted or were not clearly permitted uses. Prior “permitted uses” of “newspaper printing, mortuary and funeral parlors and certain grandfathered eating and drinking establishments and hotels moved to Conditional Use Section (but continue on a fully grandfathered basis).

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	<p>15. Contractor, trade and repair services so long as (a) any storage of tools, parts and equipment is located entirely inside of a structure, (b) any retail sales are limited to products directly related to the principal service activity, (c) no vehicles or equipment are kept on site other than passenger vehicles utilized by customers or employees and (d) any on-site operations shall not reasonably be expected to create excessive noise, vibration, dust, glare or other nuisances and shall be conducted in a manner so as not to have an adverse effect on the surrounding commercial retail area.</p> <p>16. Administrative support offices and government offices or services.</p> <p>17. Production (including post-production), recording and distribution services for movies, video, sound recordings, software, newspapers, periodicals, media streaming and other content providers [with a net floor area not exceeding the applicable maximum NF area], but excluding any physical publishing or printing facilities for newspapers, periodicals, books or the like</p> <p>18. Small-scale food production [with a net floor area not exceeding the applicable maximum NF area]</p> <p>19. Food catering facilities [with a net floor area not exceeding the applicable maximum NF area]</p> <p>20. Restaurants [with a net floor area not exceeding the applicable maximum NF area or with a permitted occupancy exceeding 100 people]</p> <p>21. Shared commercial facilities for permitted uses <i>provided</i> that each individual business shall be subject to any maximum net floor area applicable to such use (if any) as a permitted use in the CR District.</p> <p>.</p>
CONDITIONAL USES (Section 150-9(B))²	<p>1. Formula businesses and seasonal businesses</p>

² NTD: **Bolded** uses are either new conditional uses or include clarifications from prior Code as to what activity constitutes a “permitted” conditional use. *Italicized* uses are uses that were in certain cases permitted uses in existing Code but have been moved to conditional uses. All existing uses that were either permitted or conditional uses under existing Code will be grandfathered without need for additional approval as either a permitted or conditional use as

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	<ol style="list-style-type: none"> 2. [Artisanal manufacturing, production, recording and distribution service facilities, small-scale food production and food catering facilities not otherwise expressly constituting a “permitted use”] 3. Shared commercial facilities to the extent not otherwise expressly constituting a “permitted use” 4. Any eating and drinking establishment that does not otherwise expressly constitute a “permitted use”, including any [restaurant that has a net floor area greater than the applicable net SF area], bar, catering hall or event space, microbrewery, micro-distillery, tasting room or <i>take-out food establishment</i>. 5. Motel or hotel (subject to current conditions in Code) 6. Day care center, nursery school or other educational services not otherwise expressly constituting a “permitted use” 7. <i>Postal delivery services</i> 8. Gasoline service station (including self-service gas station) or electric vehicle charging station 9. <i>[Convenience stores]</i> 10. Repair garage 11. <i>Mortuary, funeral and burial services</i> 12. <i>Veterinarian clinic</i> 13. <i>Medical offices or health care facility</i> 14. <i>Printing facilities</i> 15. Utilities and related structures rights-of-way 16. Places of worship
PERMITTED ACCESSORY USES AND STRUCTURES (Section 159-9(C))	<p>All accessory uses and structures must be incidental and subordinate to a principal use of the property that constitutes a permitted use or approved conditional use of the property.</p> <ol style="list-style-type: none"> 1. Dwelling Units:

applicable. Note that with respect to all eating and drinking establishments, proposed amendments generally eliminate any additional on-site parking requirements (see below).

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	<ul style="list-style-type: none"> a. Accessory dwelling units permitted (subject to relevant Code provisions) b. Permitted CR Home Occupations <p>2. By-Right Accessory Use(s) (no Planning Board approval or permit necessary):</p> <ul style="list-style-type: none"> a. <u>Back of house functions</u> (i.e. storage, stockrooms, break rooms, offices, employee lockers) b. <u>Minor on-site assembly/finishing accessory to retail</u> (i.e. framing, bicycle tuning, jewelry sizing) c. <u>Accessory retail sales</u> to a service use (i.e. salon products, studio merchandise etc.). d. <u>Instructional workshops/lessons</u> clearly tied to the principal use (i.e. bookstore readings, craft demos, cooking store classes). e. <u>Background music</u> (unamplified or low amplification) incidental to dining/retail and not otherwise constituting entertainment. f. <u>Customer conveniences</u>: (ATMs, vending machines, water bott filler, public Wi-Fi, coat/umbrella stands) g. <u>Tasting/Sampling</u> at retail food establishments (including small-scale food production or food catering halls) h. <u>Bicycle facilities & Racks</u> i. <u>Waste/Recycling Enclosures</u> j. <u>Other Uses</u> – any other incidental and subordinated use related to a primary use that is expressly contemplated by the definition of, or other provisions related to, a permitted or conditional use <p>3. Accessory Uses Allowed with Approval/Permit to extent required under Code:</p> <ul style="list-style-type: none"> a. <u>Outdoor lounge seating, bar and/or dining area</u>: Requires site plan approval
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	<ul style="list-style-type: none"> b. <u>Use of food truck, catering truck, mobile kitchen or other temporary food service vehicle</u>: Requires site plan approval for on-site use and/or outside storage. Inside storage is permitted as of right. c. <u>Entertainment or hosting of catered events</u>: To the extent required by Code, an event permit³ d. <u>Drive-up window/take-out window</u>: Requires site plan approval e. <u>Building systems (i.e. rooftop solar, EV Chargers, mechanicals, elevators)</u>: Requires site plan approval f. <u>Signage</u>: approvals and/or permits to extent required by Code (including any necessary HPC approvals) g. <u>Curb-cuts, Parking/Loading Zones</u>: Requires site plan approval h. <u>Shared or off-site accessory parking</u>: Use of property for providing shared parking or off-site accessory parking for another business that is not located on the relevant property is subject to site plan approval i. <u>Swimming pool</u>: Requires site plan approval, use is limited to guests of motel/hotel or, residents and guests j. <u>Other accessory structures</u>: Subject to site plan approval
PROHIBITED USES (Section 150-17)⁴	<ul style="list-style-type: none"> 1. Car wash 2. Nightclub 3. Short-term rental 4. Industrial uses 5. Manufacturing, other than artisanal manufacturing 6. Processing facilities other than to the extent expressly constituting a permitted or conditional use

³ NTD: “Entertainment Permit” to be redefined as “Event Permit” to make clear it covers both the hosting of entertainment and catered events. Catered Events to be redefined to clearly including the hosting of charitable events and private social events.

⁴ NTD: None of the proposed prohibited uses are currently permitted (either as of right or on a conditional use in CR but proposal is to make clear that they are explicitly excluded to avoid any ambiguity.

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	<ul style="list-style-type: none"> 7. Wholesale facilities 8. Pet boarding services and/or kennels 9. Research facilities 10. Storage facilities 11. Motorized vehicles sales and rentals (including motorized vessels) but excluding electric bicycles 12. Hospitals 13. Junkyards 14. Adult uses 15. Other prohibited uses contained in Section 150-17
RULES GOVERNING USE CATEGORIZATION/DETERMINATION (NEW SECTION TO BE ADDED)	<ul style="list-style-type: none"> 1. Continuation of Existing Uses; Effect of Code Amendments. <ul style="list-style-type: none"> a. No Automatic Approvals. The amendment of the Zoning Code shall not be construed to confer, confirm, or imply the status of a permitted use, conditional use, or site plan approval for any use, structure, or site improvement that has not otherwise been duly approved pursuant to prior versions of the Code or applicable law. b. Lawfully Established Uses. Any use lawfully established and operated as a permitted use under prior versions of the Code that, by virtue of amendment, is reclassified as a conditional use, may continue without the need for additional conditional use approval, <i>provided that</i>: (i) such use has not been abandoned or discontinued for a period of twenty-four (24) consecutive months and (ii) there is no substantial expansion in respect of the use or business. c. Substantial Expansion of Conditional Use. Any substantial expansion in respect of any conditional use shall require site plan and conditional use approval. d. Certain Accessory Uses. The use of outdoor areas of commercial establishments as an outdoor lounge area, bar and/or dining area shall only be permitted to the extent approved as part of the applicable site plan for

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	<p>the property on which such commercial establishment is operating. If such approval is not readily apparent from a review of the last filed site plan for a particular property, such accessory use shall only be permitted to the extent that an amendment to such site plan has been filed and approved by the Planning Board expressly permitting such accessory use.</p> <p>2. Determination of Use and Relevant Approvals/Conditions (if any) in Connection with Blended, Multiple, Unlisted or Ambiguous Uses.</p> <p>a. The Building Department shall be responsible for the determination of whether a proposed use or uses in respect of any property constitutes a permitted use, a conditional use or a permitted accessory use and whether any approvals or permits are required in connection therewith.</p> <p>b. In connection with reviewing an application for a proposed use, if the Building Department finds that the provisions of the Code are ambiguous or a proposed use does not otherwise fall clearly within a permitted use, conditional use or permitted accessory use category but is not otherwise a use clearly prohibited under the Code, the Building Department shall refer such proposed use to the [Planning Board/Zoning Board of Appeals] for a determination as to whether such use is permitted use, conditional use, accessory use or is not otherwise permitted under the Code. The [Planning Board/Zoning Board of Appeals] shall make a determination of the property classification of such use and inform the Building Department of such proposed classification in writing so that the Building Department may determine what approvals or permits are necessary (if any) for the proposed use. In making a use determination, the Building Department and/or the [Planning Board/Zoning Board of Appeals] shall determine the most similar use classification based upon the nature, scale and intensity of the proposed activity.</p>
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	<ul style="list-style-type: none"> c. Where the proposed use consists of elements of two or more listed uses that are functionally integrated and not reasonably separable, the use shall be classified according to the use category that is most similar in nature, scale, and intensity, and shall be subject to the most restrictive applicable standards. d. No building permit, certificate of occupancy, or application for site plan or conditional use approval shall be issued by the Building Department or accepted for consideration by the Planning Board for an unlisted or ambiguous use until a use determination has been made in accordance with the other provisions set forth herein. e. Any use that is customarily incidental or subordinate to another use shall be treated as an accessory use and subject to review as to whether such proposed use constitutes a permitted accessory use and/or requires any additional approvals or permits in accordance with the Code. f. If there is more than one proposed principal use for a business or property and one such use constitutes a permitted use while another use constitutes a conditional use, conditional use approval shall be required solely in respect of the proposed conditional use; <i>provided</i> that any required site plan review shall cover the entire premises and/or site. g. If there is more than one proposed permitted use or conditional use for a business or property, each permitted use and/or conditional use shall be required to independently satisfy any applicable standards.
ENTERTAINMENT PERMITS (SECTION 150-51) (TO BE RENAMED EVENT PERMITS)	

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Events Subject to Requirement of Event Permit (Section 150-51 and other related provisions)	<p>The hosting by any business, facility or enterprise operating in any the WC, CR or CG Districts of any entertainment or catered event.</p>
Exemptions from Event Permit Requirement in respect of Entertainment (150-51(J))	<p>The following entertainment activities shall be exempt from the requirement that the sponsoring business or property have an event permit:</p> <ol style="list-style-type: none"> 1. Entertainment held at art and cultural facilities or fitness facilities to the extent hosted or sponsored as part of the regular course of their business (but subject to any applicable restrictions in any applicable conditional use or site plan approval). 2. Entertainment held on properties owned, leased or operated by a not-for-profit (including, without limitation, places of worship and fraternal lodges) to the extent hosted, sponsored or co-sponsored by such organization as part of its charitable, educational, cultural, religious or public service mission and not principally commercial in nature. This shall include entertainment held at private social events hosted at such property so long as the net proceeds from such event are intended solely to support the mission of such charitable organization. 3. Entertainment held at public parks or other public spaces that occurs either (a) in connection with any event directly sponsored by the Village or (b) in connection with any other event that has otherwise been expressly approved by the Board of Trustees of the Village pursuant to a Board resolution or the issuance of a mass assembly permit. 4. Entertainment occurring at any regular sporting event or tournament held at facilities intended for such purpose.

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	<ol style="list-style-type: none"> 5. Dance lessons, theatrical, music and /or other performing art lessons and recitals held at any property or building which is permitted to be used for the purposes of providing dance, acting, music or other similar performing art instruction in accordance with Chapter 150. 6. Entertainment that occurs in connection with any mass assembly event that is expressly exempted from the requirement of having a mass assembly permit pursuant to Section 44 of the Code. 7. Entertainment that occurs in connection with the hosting of any mass assembly event that has otherwise been approved as part of the applicable mass assembly permit. 8. Entertainment held in connection with any catered event that does not require an event permit (see below). 9. Entertainment provided at such commercial establishment fewer than six (6) times in any calendar year.
Exemptions from Event Permit Requirement in Respect of Hosting of Catered Events (150-51(J))	<p>The hosting of the following types of catered events shall be exempt from the requirement that the any business, facility or enterprise have an event permit:</p> <ol style="list-style-type: none"> 1. Catered events held on properties owned, leased or operated by a not-for-profit (including, without limitation, places of worship and fraternal lodges) to the extent hosted, sponsored or co-sponsored by such organization as part of its charitable, educational, cultural, religious or public service mission and not principally commercial in nature. This shall include catered events constituting private social events hosted at such property so long as the net proceeds from such event are intended solely to support the mission of such charitable organization. 2. Catered events that have been approved pursuant to a mass assembly permit.

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	<ol style="list-style-type: none"> 3. The hosting of any charitable event at any commercial establishment. 4. The hosting of any private social event at any commercial establishment fewer than six (6) times in any calendar year.
Event Permit Approvals (Section 150-51(C))	<ol style="list-style-type: none"> 1. The issuance of an event permit (including the renewal thereof) shall be an administrative ministerial matter whereby the Building Department shall issue the event permit to the applying entity without need for any other Village approval or public hearing in the following cases: <ol style="list-style-type: none"> a. The applying entity is operating in accordance with conditions contained in any applicable site plan or conditional use approval for the relevant property or business; b. No more than three (3) good faith complaints have been received in respect of the applying entity (or business operated thereby) in the prior 24-month period; c. No more than two (2) actual code violations have been issued in respect of the applying entity (or business operated thereby) in the prior 24-month period; and d. The applying entity satisfies at one of the following criteria: (i) such entity has a valid existing event permit which is in full force and effect at the time of application for a renewal of such permit and no change of control has occurred in respect of such entity since such event permit was issued OR (ii) such entity proposes only to host entertainment and/or any catered events indoors.

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	<ol style="list-style-type: none"> 2. Any replacement or renewal event permit issued by the Building Department shall be subject to the same terms and conditions as those applicable (if any) to the issuance of the prior existing event permit. 3. Planning Board approval and a public hearing shall be required in connection with the issuance of any event permit that is not eligible for issuance by the Building Department in accordance with “1.” above.
Application Requirements (Section 150-51B)	<p>An application for an event permit shall include the following (other application requirements in current Code to be eliminated):</p> <ol style="list-style-type: none"> 1. Applying entity name, address, Suffolk County Tax map number and contact info for the business applying for the permit. 2. The permitted occupancy applicable to the applying entity (and the business operated thereby) together with a copy of the applicable certificate of occupancy for such business. 3. Description of proposed days and hours for operation of business that may include entertainment. The application should indicate whether or not the entertainment will be limited to indoor entertainment. 4. If the applying entity proposes to host catered events, the following information: <ol style="list-style-type: none"> a. Whether the hosting of catered events will occur solely indoors or may also use outdoor space. b. An event management plan which describes how the entity proposes to address (i) any loading/unloading of goods and services necessary in connection with the hosting of entertainment and/or a catered event outside

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	<p>of ordinary course deliveries for such entity and (ii) vehicular access and patron or guest arrivals and departures in connection with any entertainment and/or catered event so as to minimize congestion and other adverse impacts on neighboring streets and properties.</p> <p>c. A copy of a certificate of insurance in respect of any applicable insurance requirements contained in the Code.</p> <p>5. Names and contact information for all responsible persons and confirmation that at least one responsible person will be on site at the time of hosting of any entertainment or catered event.</p> <p>6. A list of any written complaints or notices of code violations received by the business in the prior 2 years.</p> <p>7. A rough legible floor plan (which may be hand drawn) in respect of the business. The floor plan should include any outdoor seating, lounge or waiting areas for the applicable business and any accessory structures used by the business as part of its operations. The floor plan should indicate all areas in which the applicant proposes to host entertainment or catered events including any designated areas (i.e. stages, dance floors etc.) for musicians, performers and/or dancing.</p> <p>8. A list of any conditions contained in any applicable site plan approval, conditional use approval or existing event permit that apply to the relevant business or property.</p> <p>9. Confirmation that each responsible person is familiar with the Section of the Code governing the hosting of entertainment and/or catered events and that the applying entity will comply with all applicable requirements contained therein in connection with the hosting of entertainment and/or catered events.</p>
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	<p>An applicant shall provide the Building Inspector with such other information as the Building Inspector may reasonably request in order to determine whether Planning Board approval is necessary in connection with the issuance of such event permit.</p> <p>In connection with any application for any event permit that requires Planning Board approval, prior to scheduling such application for a public hearing and consideration, the Planning Board shall have received written confirmation from the Building Department as to the following: (a) any good faith complaints or code violations received or issued in respect of the applicant business in the prior 24 month period (including copies of any such complaints), (b) whether any conditions that might affect the applicant's right to host entertainment or catered events exist in any applicable site plan approval or conditional use approval on file with the Village and/or any existing event permit and, if so, a list of each such condition and copies of such approval or permit and (c) a determination as to whether such business constitutes an ambient-impact business.</p>
<p>Requirements Relating to Ambient-Impact Businesses (New Section to be added)</p>	<p>The following provisions shall apply to any ambient-impact business:</p> <ol style="list-style-type: none"> 1. To the extent that any applicant's business has been the subject of prior good faith complaints of violations of Chapter 88 (Noise) or there are any restrictions or conditions in the site plan or conditional use approval for the particular business that relate to the hosting of entertainment, the Planning Board may in connection with its consideration of approval of an event permit to such applicant, in its sole discretion, require that an applicant provide a sound impact study, including baseline ambient sound levels, projected sound levels, the modeling of sound propagation and identification of any sensitive receptors Any such sound impact study shall also include reasonable

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	<p>mitigants that the applicable business could undertake to limit the sound impact from such business on any identified sensitive receptors.</p> <ol style="list-style-type: none"> 2. If a sound impact study is required, the Planning Board may, as a condition to the issuance and effectiveness of any event permit, require that such business comply with any suggested mitigation measures in such study and any violation of such conditions shall constitute a violation of site plan approval for such business as well as the terms of the event permit and Chapter 88 (Noise). 3. Upon the receipt of more than two (2) good faith complaints regarding noise or entertainment at any ambient impact business within a 30-consecutive day period, the Building Department or the Planning Board may require that any such business conduct testing of the business's compliance with Section 88-4. If such testing indicates that the business does not comply with the conditions contained therein, the Planning Board may require a sound impact study in respect of such business and impose reasonable conditions on the event permit issued to such business so as to ensure the business's ability to meet the requirements of Chapter 88. Such measures may include (w) installation and maintenance of sound-absorbing baffling, acoustic panels, or comparable sound-limiting hangings that are effective or in place at any time when entertainment is hosted after 9:00 p.m., (x) requiring that all speakers and performances must be oriented away from residential zones and/or public waterways after 9:00 p.m., (y) prohibiting the use of any subwoofers or other bass-enhancing equipment that is not otherwise approved in connection with a sound mitigation plan after 9:00 p.m. and (z) prohibiting speaker towers or arrays above 8 feet. 4. In connection with any ambient impact business that proposes two or more locations for entertainment on its property and/or is within 100 linear feet of any other ambient impact business, the Building Department and/or the Planning Board may, among other reasonable conditions intended to address
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	any adverse impact on public health, safety and welfare, also impose one or more of the following conditions and/or restrictions designed to limit the effect of noise from competing entertainment at such business or in connection with another nearby ambient impact business: (a) limits on the hours during which such entertainment is permitted or on the type of event permitted (i.e. limited to acoustic music, etc.) and (b) limits or restrictions on the ability of an ambient impact business to host entertainment that is not indoor entertainment in more than one location on the property at the same time.
Limitations/Restrictions relating to Hosting of Catered Events. (New Section to be Added)	<p>The following rules and regulations shall apply to the hosting of any catered event at any property in the WC, CG or CR districts regardless of whether an event permit is required in connection therewith:</p> <ol style="list-style-type: none"> 1. In connection with any catered event, unless otherwise expressly approved as part of an applicable site plan for the property on which the applicable entity is operating, the provision of food and beverage service shall be limited to service by the relevant facility or commercial establishment operating the premises at which such catered event is being hosted or by a licensed caterer using kitchen facilities that are indoors on-site. No temporary outside cooking facilities including food trucks, mobile kitchens, grills, smokers or similar equipment shall be permitted on-site unless they have been expressly approved as part of the applicable site plan for such property. All on-site food preparation must occur within an approved commercial kitchen facility in compliance with applicable health codes. 2. Party buses, limousines or other large passenger vehicles that may provide transportation to and from any catered event in the Village shall be prohibited from drop-off or pick-up of passengers except within an on-site parking area of the relevant establishment or property or in a designated loading zone in the Village. No such vehicle shall idle on any Village Street for more than five (5)

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	<p>minutes.⁵ Any entity that hosts catered events shall be responsible for informing all event organizers, hosts, and vendors in writing of the conditions governing transportation and access for such events. Such not-for-profit and/or commercial establishment shall ensure that all such rules are communicated to event participants, guests, and vendors prior to the event and shall be responsible for exercising due diligence to ensure compliance therewith during the applicable event.</p> <ol style="list-style-type: none"> 3. No facility or commercial establishment shall exceed its permitted occupancy in connection with the hosting of any catered event, and the hosting of any catered event shall comply with all other applicable rules of the Code, including any limitations or restrictions in respect of noise contained in Chapter 88. 4. No catered event shall be held or operated in such a manner as to result in the material obstruction of adjacent sidewalks, streets, or public rights-of-way, unless expressly authorized pursuant to a mass assembly permit issued by the Village Board of Trustees. For purposes of this section, ‘obstruction’ shall mean blocking or impeding the free and safe passage of pedestrians or vehicles. 5. In connection with the hosting of any catered event at any commercial establishment, the hosting business shall ensure that it has obtained commercial general liability insurance covering the event that satisfies the following requirements: (a) such insurance is issued by an insurance carrier authorized to do business in the State of New York, (b) such insurance provides coverage of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, (c) such insurances shall name the Village of Greenport, its officers, employees and agents as additional insureds with respect to claims
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⁵ NTD: 5-minute limitation conforms to Chapter 88 (Noise) restrictions as well as NY State law (See 6 NYCRR Part 217-3).

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	arising out of, or connected to such event and (d) such insurance shall be primary and non-contributory to any insurance maintained by the Village.
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PARKING AND RELATED MATTERS (Sections 150-12, 150-16 and 150-30.1) (APPLIES TO ALL DISTRICTS)	
Parking Requirements	<ol style="list-style-type: none"> Parking Requirements applicable to dwelling units/apartments (in any district): See “Annex A - Framework Amendments Relating to Housing”) Parking Requirements in CR, CG and WC Districts: As set forth in Exhibit 1 (generally eliminates parking requirements in CR district for almost all uses). Concept of “exempted uses” to be eliminated. Grandfathering of Existing Businesses. So long as there is no substantial expansion in respect of any business in existence as of the date of the proposed amendments to the Code, such business shall be deemed conforming with respect to the off-street parking requirements set forth on Exhibit 1 hereto, regardless of whether such use is permitted, conditional, or nonconforming and whether such use satisfies the on-site parking requirements set forth on Exhibit 1.
Planning Board Approval for Reduction in Parking Requirements for Permitted Uses	<ol style="list-style-type: none"> ADUs. The Planning Board may, in its sole discretion, waive the requirement for a parking space for any ADU. Reduction of Parking Requirements. Where parking requirements apply in respect of any permitted or conditional use in any district (but not with respect to any nonconforming use), the Planning Board may, in its sole discretion upon a finding that any such reduction is in the best interests of the Village community, reduce such parking requirements by (a) in the case of any permitted use, up to [50]% and (b) in the case of any conditional use (other than in the case of any seasonal business), up to [25]%. General Considerations and Intent. A reduction or waiver of any required parking spaces shall only be considered by the Planning Board to the extent that the property owner or developer has demonstrated to the satisfaction of the

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	<p>Planning Board that due to the size, configuration, access limitations, or other physical characteristics of the applicable property, it is not reasonably feasible to accommodate the required number of parking spaces on site without substantial alteration of the lot, significant loss of open space or vegetation, or adverse impact to the character of the neighborhood. In making such a determination, the Planning Board shall apply the factors set forth below under: “Factors to be Considered by Planning Board in Making a Determination to Approve any Reduction of any Required Parking Spaces, Existing Parking Spaces, Existing Driveways, Existing Curb-Cuts or Existing Loading Zones”. The intent of this provision is to avoid unnecessarily precluding the development of apartments or ADUs and/or the opening of small local businesses on small or constrained lots due solely to parking infeasibility.</p> <p>4. Payment In Lieu of Provision. The provisions relating to “Parking Impact and Mitigation Fee” set forth in Section 10-16(G) shall be eliminated.</p>
<p>Treatment of Existing Parking, Driveways, Curb-Cuts and/or Loading Zones. (Section 150-16 to be revised; Section 150-30.1 to be eliminated).</p>	<p>1. General Requirement: No owner of a property in any district shall reduce or eliminate any existing on-site parking space, driveway, curb-cut or loading zone on such property without the approval of the Planning Board.</p> <p>2. Determination of Existing Parking Spaces, Driveway, Curb-cut and Loading Zones.</p> <p>a. Existing Parking Spaces: Any area on a parcel of land, outside of the public right-of-way, that has been previously designed, improved, used, or customarily reserved for the parking or storage of motor vehicles, trailers, boats, or similar equipment. This includes areas used by automotive or marine-related businesses such as gas stations, vehicle repair shops, car dealerships, boat dealerships, and vehicle rental agencies, for the purpose of customer, employee, inventory, or service vehicle parking or storage.</p>

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	<p>b. Existing Curb-cut and/or Driveway: Any vehicular access point from a public or private street to a parcel of land that was previously constructed, paved, gravel-surfaced, or otherwise improved for the purpose of vehicle ingress and egress.</p> <p>c. Existing Loading Zone. Any designated, improved, or historically used area on private property intended to facilitate the loading or unloading of goods, merchandise, equipment, or passengers. This includes areas used for deliveries, service vehicle access, or passenger drop-off and pick-up associated with commercial, institutional, hospitality, or transportation-related uses.</p> <p>3. Determination of Existing Parking Spaces, Driveways, Curb-cuts or Loading Zones. Physical characteristics of a site such as surface treatment (pavement, gravel, compacted earth or gravel), lack of vegetative growth, curb modifications, aprons, tire wear, widened drive aisles, signage, proximity to service entrances, wheel stops and fencing, documentation such as site plans, aerial imagery, and/or consistent past use shall be taken into account in determining whether an area or portion of a site constitutes an existing parking space, driveway, curb-cut or loading zone.</p> <p>4. Presumption of Continued Existence. A parking space, driveway, curb-cut or loading zone shall be deemed existing even if currently overgrown, not maintained, obstructed and/or not in active use absent substantial evidence demonstrating that have been permanently eliminated or legally converted to another use pursuant to an approval or permit issued by the appropriate authority of the Village of Greenport.</p> <p>5. Calculation of existing parking spaces or loading zones. For areas that contain existing parking spaces or loading zones that are unstriped, overgrown, or otherwise non-functional any time of determination:</p>
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	<ol style="list-style-type: none"> a. Parking spaces shall be calculated based on the area's square footage divided by the minimum required stall dimensions in the current zoning chapter, including allowances for safe maneuvering and access aisles b. Loading zones shall be calculated based on the current minimum required dimensions for a loading space in the current zoning chapter
<p>Factors to be Considered by Planning Board in Deciding to Approve any Reduction of any Required Parking Spaces or any Existing Parking Space(s), Driveway, Curb-Cut or Loading Zone.</p>	<ol style="list-style-type: none"> 1. General Standard: The Planning Board shall not approve the reduction or elimination of any required parking spaces or existing parking space, driveway, curb-cut or loading zone unless the Planning Board, in its sole discretion, has determined that the reduction or elimination will not create an adverse impact on traffic, safety or the surrounding community. 2. Considerations. The Planning Board shall take the following into account in connection with making any determination in respect of any application to reduce or eliminate any required parking spaces or existing parking spaces, driveways, curb-cuts or loading zones: <ol style="list-style-type: none"> a. Access and Circulation <ul style="list-style-type: none"> • Whether the parking space(s), curb-cut, driveway or loading zone is necessary for safe and reasonable access to the property, including by emergency service vehicles • Opportunities to consolidate or eliminate redundant driveways or curb-cuts to improve safety and traffic flow • Potential impacts on pedestrian safety, sidewalk continuity, and neighborhood walkability • Whether elimination or reduction would result in unsafe vehicular maneuvers or increased reliance on informal or illegal parking

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	<ul style="list-style-type: none"> • In residential districts, elimination of an existing driveway or curb-cut shall not be permitted unless the property maintains an alternative legal and functional means of on-site vehicle access and parking. Conversion of garages, driveways, or parking areas to non-parking uses shall not, on its own, justify removal <p>b. Parking and Loading Needs</p> <ul style="list-style-type: none"> • Anticipated demand for on-site parking or loading based on the type, size, and intensity of proposed use for the applicable site • Frequency and nature of deliveries, pick-ups, or drop-offs, including by private vehicles, service vehicles, or emergency responders • Whether peak demand times align with broader parking or circulation constraints in the surrounding area <p>c. Availability of Alternatives</p> <ul style="list-style-type: none"> • Proximity and adequacy of public parking, shared or off-site parking, or on-street spaces • Feasibility of reconfigured access, rear or side lot access, or shared driveways in residential contexts • For passenger drop-off zones, the availability of suitable curb frontage or shared access points nearby <p>d. Site and Neighborhood Context</p> <ul style="list-style-type: none"> • Lot size, shape, and topography • Existing development pattern and block character
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	<ul style="list-style-type: none"> • Potential visual and functional improvements from removal of impervious surfaces or driveway consolidation • Impacts on adjacent properties, including potential for overflow parking in residential district(s) and/or increased street congestion • The character and capacity of adjacent streets, existing neighborhood traffic and parking constraints, frequency and nature of vehicle turnover associated with the proposed use, and any potential adverse impacts on the quality of life for nearby residents • On nonconforming lots or lots with limited frontage or irregular access, the Planning Board shall consider whether reasonable vehicle access can be maintained through alternative means, including shared or side access, and whether removal or relocation would unduly restrict lawful residential use or fire/emergency access <p>e. Mitigation and Design Enhancements</p> <ul style="list-style-type: none"> • Implementation of transportation demand management strategies (e.g., bike racks, transit incentives) • Provision of landscaping, green infrastructure, or sidewalk restoration in place of removed pavement • Use of signage, management plans, or other tools to address circulation and parking impacts <p>3. Conditional Approval of Reductions or Eliminations. The Planning Board may, in its sole discretion, condition approval of any reduction of required parking spaces or existing parking spaces or loading areas, or the elimination of an existing driveway or curb-cut, on the applicant implementing appropriate mitigation measures. These conditions may include shared parking agreements, designation of short-term or accessible spaces, improved pedestrian amenities, or restoration of sidewalk and curb to Village standards.</p>
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	<p>The goal of such conditions shall be to ensure that the change does not adversely affect traffic safety, accessibility, or neighborhood character.</p> <p>4. Elimination of Curb-cuts. The elimination of any curb-cut on a State road or right-of-way (i.e. Main Street) shall require the approval of New York State Department of Transportation as well as the Planning Board. In addition, in the event that the Planning Board approves the elimination of any curb-cut, the responsibility for restoring any sidewalk and curb shall be solely that of the property owner.</p>
Planning Board Approval for New Curb-cuts/Driveway Aprons.	<p>1. General Requirement: No owner of a property in any district shall construct or locate a curb-cut or driveway apron on any property abutting a Village Street or public right-of-way without the approval of the Planning Board.</p> <p>2. Factors to be Considered by Planning Board in Making a Determination to Approve the Placement of any Curb-cut. In making a determination on any application to construct or locate a curb-cut or driveway apron on a property abutting a Village street, the Planning Board shall consider the following factors:</p> <ul style="list-style-type: none"> a. Spacing and Alignment – Whether the curb-cut is appropriately spaced and aligned with adjacent driveways and intersections to minimize conflicts and preserve traffic and pedestrian safety. b. Sight Distance – Whether adequate visibility is provided for vehicles, pedestrians, and cyclists entering or leaving the driveway, taking into account curves, grades, and obstructions. c. Impacts on Public Infrastructure – Any effects on existing street trees, sidewalks, utilities, or stormwater management systems.

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	<ul style="list-style-type: none"> d. Pedestrian Corridors – The need to minimize curb-cuts along primary pedestrian corridors or on blocks with an established streetwall or continuous front-yard landscaping. e. Streetscape Character – Whether the curb-cut and driveway placement result in excessive paving, loss of front-yard character, or visual disruption to the streetscape. f. Emergency and Service Access – Whether the curb-cut and driveway location provide for safe and effective access by fire, ambulance, sanitation, and delivery vehicles. g. Number and Width of Curb-Cuts – Whether the number and width of curb-cuts serving the lot are limited to the minimum necessary to provide safe and functional access, so as to avoid multiple or excessively wide openings. h. ADA and Pedestrian Safety – Whether the curb-cut design maintains accessible routes for persons with disabilities and minimizes conflicts between vehicles and pedestrians. i. Alternative Access – The feasibility of providing access from side streets, alleys, or shared driveways where available, in order to reduce the number of curb-cuts on primary frontages. j. Accessory Structures and On-Site Parking – Whether the curb-cut provides necessary and practical access to an accessory structure (such as a garage or accessory dwelling unit) or creates additional off-street parking that relieves pressure on on-street spaces. k. Drainage and Runoff – Whether the curb-cut and driveway construction will adversely affect drainage patterns, contribute to stormwater runoff, or interfere with curb and gutter function.
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	<p>1. Cumulative Impacts – Whether approval would contribute to an over-concentration of curb-cuts along a block, collectively undermining pedestrian continuity, landscaping, or traffic flow.</p> <p>In weighing these factors, the Planning Board shall balance the Village’s interest in minimizing curb-cuts and preserving safe, pedestrian-friendly streetscapes with the need to provide practical and safe access to properties. Particular weight may be given where a curb-cut supports access to an accessory structure or provides additional off-street parking that reduces reliance on on-street spaces.</p> <p>3. Conditional Approval of Curb-cut. Where a new curb-cut is approved, the Board may impose conditions relating to driveway width, material, location, and landscaping to ensure consistency with neighborhood character and minimize adverse impacts.</p>
Parking and Loading as Review Factor in Planning Board Review.	<p>1. No Additional Parking Presumption. There shall be a presumption against imposing additional parking or loading zone requirements in the absence of any express provision in the Zoning Chapter requiring off-street parking or loading zone in connection with a particular use.</p> <p>2. Planning Board Requirements. Notwithstanding the foregoing, in connection with any site plan or conditional use review and approval, the Planning Board may, in its sole discretion, require reasonable on-site parking spaces, loading areas, or alternative mitigation measures in connection with site plan or conditional use approval where the following apply: (a) the proposed use or development is reasonably likely to generate regular vehicular traffic specifically to the proposed use or property, including but not limited, customer pickups, deliveries, or attendance at scheduled meetings, appointments or events either presently or potentially in the future; and (b) either (i) the subject property is not located within one block (approximately 250 linear feet) of a municipal or publicly accessible off-street parking lot or</p>

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	<p>facility (this shall not include on-street parking) and/or loading zone or (ii) the subject property is within 250 linear feet of a residential neighborhood.</p> <p>3. Evaluation Considerations: In connection with making a determination that parking or loading zones are necessary in respect of any site plan or conditional use approval, the Planning Board shall consider the following:</p> <ul style="list-style-type: none"> a. Parking sufficiency and configuration of site plan to reasonably serve residents, employees, customers, and visitors b. Lot configuration and site constraints, including opportunities to provide safe, convenient, and clearly designated parking spaces or loading areas c. Nature of the business, including expected traffic generation, customer duration of stay, and whether the use involves on-site appointments, pick-up/drop-off, delivery operations and/or is a seasonal business d. Proximity to, and availability of, public parking facilities, with the principle that sites farther from public parking are more likely to require some on-site parking e. Avoidance of unnecessary paving or oversized parking areas, in order to reduce stormwater runoff, heat islands, and visual impacts f. Safe and convenient loading and unloading areas for businesses involving: <ul style="list-style-type: none"> • Frequent pick-up or drop-off of customers, guests, goods and/or services; • Customer take-out or delivery operations; or • Similar activities requiring short-term stopping
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	<ul style="list-style-type: none"> g. Traffic and circulation impact on adjacent streets, pedestrian safety, and neighborhood character h. Mitigation of potential conflicts with neighboring properties, including noise, congestion, and blocked driveways or rights-of-way <p>4. Conditions or Requirements: In connection with its review of any application for site plan or conditional use approval if the Planning Board has determined that the proposed site plan and/or use may create undue traffic, circulation, or loading conflicts, it may, in its sole discretion, impose reasonable conditions or requirements, including:</p> <ul style="list-style-type: none"> a. Designation of a limited number of on-site parking spaces based on on-site specific need b. Location and layout of parking and loading areas to minimize adverse impacts c. Designation of short-term pick-up/drop-off spaces d. Provision of dedicated loading areas or time-limited zones e. Reduction or relocation of excessive paved areas f. Shared or off-site parking or loading arrangements
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PLANNING BOARD ARTICLE XI	
Planning Board Approvals Required in Respect of Residential District(s)⁶	<p>In the residential district(s) of the Village, no approval of the Planning Board shall be required except for the following types of uses, actions or activities:</p> <ol style="list-style-type: none"> 1. Placement of any new curb-cut or driveway. 2. Elimination of any existing curb-cut or driveway. 3. Subdivision of property. 4. Conditional uses. 5. Construction of any New or Modified ADU. [new approval requirement] 6. Creation (whether through construction or conversion of an existing building) of more than two (2) dwelling units on any property (whether in the form of multi-residential building or otherwise). 7. Use of any property to provide parking for any other property in accordance with Section 150-16(A)(18). 8. To the extent specifically required by the Zoning Chapter in connection with any permitted accessory use.
Planning Board Approvals In CR, CG and WC Districts⁷	In the CR, CG and WC Districts of the Village, no approval of the Planning Board shall be required except for the following types of uses, actions or activities:

⁶ NTD: Based on input from residents as part of Planning Board survey there appears to be general support for either Planning Board or an architectural review board process for new construction in the residential district(s) (including the functional equivalent thereof). This concept is not currently included in the proposed amendments but should be discussed and considered by the Board of Trustees.

⁷ NTD: Under current Code, Planning Board approval is required in connection with any conditional use and in connection with almost any site plan modification (with very limited exceptions) outside of the residential districts. The drafting in current Code if read literally would trip site plan review in connection with routine maintenance which was not the intent. In practice, site plan modifications which don't alter the footprint of a building have not been

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	<ol style="list-style-type: none"> 1. Conditional Use. Any change in a property's use to a new conditional use, or any substantial expansion of an existing conditional use, shall require new conditional use approval. The continuation of a conditional use that has been previously and lawfully approved (including through the grandfathering provisions of the Code) shall not require new Planning Board approval solely by reason of (a) a change in control, or (b) a change in operational characteristics that do not alter the type of conditional use as previously approved (for example, a change in the type of cuisine served in a restaurant or the type of goods sold at a store), <i>provided</i> that: (i) all conditions of the original conditional use approval remain satisfied; (ii) no modification of the previously approved site plan is proposed that would otherwise require site plan approval; (iii) the prior conditional use approval was not expressly limited to a particular operator, entity, or business; and iv) the conditional use has not been abandoned or ceased to be actively operated for a continuous period of more than twenty-four (24) months. 2. Seasonal Businesses. In considering whether to approve a conditional use that is a seasonal business, in addition to the general findings required to be made by the Planning Board pursuant to Section 150-29, the Planning Board shall also make the following determinations: <ol style="list-style-type: none"> a. The proposed use will not unduly burden Village parking resources during peak season b. The proposed business will contribute positively to the Village economy and community by: <ul style="list-style-type: none"> • Providing meaningful employment opportunities for local residents;
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referred to the Planning Board if they involved a permitted use. The proposed amendments are intended to provide a clear list and guidance on when a proposed site plan modification requires review by the Planning Board.

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	<ul style="list-style-type: none"> • Supporting local supply chains (e.g., farm-to-table, local artisans); and/or • Demonstrating clear community benefits beyond short-term visitor spending. <p>c. The Planning Board has considered the number of other similar seasonal businesses in the district and determined that approval will not result in an undue concentration of such uses that could displace year-round activity or diminish economic diversity.</p> <p>d. The applicant or owner of the property has presented a plan to maintain an attractive and active storefront or site during the off-season, including lighting, displays, or other measures that avoid a vacant or “dark” appearance.</p> <p>e. Adequate fire, police, EMS, and other public services exist to serve the proposed use during peak season.</p> <p>f. The use will not create adverse seasonal environmental impacts, including litter, shoreline impacts (for waterfront uses), or excessive waste.</p> <p>g. Adequate provisions are made for waste management, recycling, and protection of environmental resources.</p> <p>h. Where seasonal workers are required, the applicant has presented a plan to provide or otherwise secure adequate housing for employees in a manner that does not displace year-round residents or exacerbate housing affordability challenges.</p> <p>3. Nonconforming Buildings and Nonconforming Uses. Any change, alteration or construction in respect of any nonconforming building or structure or any building or structure that is the subject of a nonconforming use shall require Planning Board site plan approval, except for: (a) ordinary repairs or maintenance in respect of such building and/or structure (including</p>
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	<p>repainting, re-roofing, replacing windows and doors and similar modifications) that don't change the height, size or footprint of the structure, (b) alterations in respect of such building or structure that do not require a building permit under Chapter 65 or the Uniform Code or (c) emergency repairs or replacement of structures, facilities, or site improvements where such work is necessary to protect public health, safety, or welfare, or to prevent further damage to persons or property.</p> <ol style="list-style-type: none"> 4. Fill. The placement, deposit, excavation or importation of fill shall require Planning Board site plan approval except for the deposit and grade of soil excavated at a property incident to any lawful construction which does not change the natural grade or existing topographical elevation of the property or existing surface water runoff. 5. Grading/New Construction: Any grading or regrading of property or any construction of any new building or structure shall require Planning Board site plan approval, other than any accessory structure that is less than 120 square feet in size; <i>provided</i> that in each case any such structure complies with any applicable bulk and density standards. 6. Expansion of Existing Buildings or Structures: Any alteration or construction in respect of any existing building or structure that involves an increase in (a) the height of such building or structure or (b) the gross or net floor area or footprint of such building or structure, shall require site plan approval. 7. Accessory Uses: To the extent expressly required by the Zoning Chapter. 8. Alterations or modifications to, or reductions of existing points of ingress/egress, curb-cuts, driveways, loading zones or parking spaces in respect of any property or existing building or structure shall require Planning Board site plan approval 9. New Parking: Addition of new parking spaces, including expansion of any existing parking areas, whether adding new spaces or altering the layout of
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	<p>existing ones and including modifications to driveways, parking lot layout, and driveway access shall require Planning Board site plan approval.</p> <p>10. New or Expanded Utility Connections: Alterations, modifications or construction that requires new utility connections (e.g., water, sewer, electric) or major upgrades to existing infrastructure shall require Planning Board site plan approval.</p> <p>11. Demolition: Demolition of all or any portion of a building or accessory structure that is greater than 120 square feet in the CR District shall require Planning Board site plan approval.</p> <p>12. Event Permits. Hosting of entertainment or catered events to the extent requiring an event permit approved by the Planning Board (see above re “Entertainment Permits”).</p> <p>13. Modifications from Prior Applicable Planning Board Approvals. Any modification or deviation from any express condition or requirement contained in an approved site plan, conditional use approval, or event permit or any material alteration of the property, building, or structure from the most recently approved site plan for the property, regardless of whether such modification, deviation or alteration would otherwise, standing alone, require site plan or conditional use approval (but subject in all cases to the following sentence).</p> <p>14. Subdivisions and Other. Subdivision, merger or any other matter or which Planning Board approval is expressly required under Village Code.</p> <p>For the avoidance of doubt, [but subject to the following sentence,] no approval of the Planning Board shall be required in connection with the following: (a) any alteration solely to the interior of a building or structure that does not impact or alter the exterior of such building or structure to the extent such alteration relates solely to a permitted use, (b) the change from one permitted use to another permitted use, (c) installation of small accessory structures that are less than 120 square feet in size, (d) any change of ownership, tenant or management in respect of any permitted use, or (e) minor site</p>
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	<p>work that does not affect overall traffic flow, access or drainage, such as repainting, re-roofing, replacing windows, doors and similar modifications that don't change the height, size or footprint of a structure s or other similar minor exterior work.</p> <p>[Notwithstanding the foregoing, any change from one permitted use to another permitted use that, in the determination of the Building Department, is reasonably anticipated to create materially greater impacts with respect to parking demand, traffic circulation, loading, noise, waste generation, or public infrastructure requirements shall require referral to the Planning Board for adequacy of site plan review.]⁸</p>
Significant Applications/Pre-Submission Process:⁹	<p>The following activities shall constitute significant applications and be required to go through a pre-submission review process:</p> <ol style="list-style-type: none"> 1. Any application for a conditional use or site plan approval that is in respect of a place of worship, catering hall or event space, motel or hotel or a formula business. [NTD: previously all conditional uses were subject to conditional use review]

⁸ NTD: Inclusion of this construct is dependent on how uses are ultimately classified as either conditional or permitted. For example, if eating and drinking establishments (other than small-scale restaurants) are categorized as permitted uses, most zoning codes require Planning Board review when a retail use is converted to an eating and drinking use, in order to confirm that the site plan is adequate to accommodate the greater intensity of such use. As presently drafted, the proposed list of conditional uses captures most higher intensity uses, which are subject to Planning Board approval on that basis.

⁹ NTD: While a pre-submission process for complex and intensive projects is valuable both for the community and the applicant, after two years of living with the current Code, it seems clear that in some instances the definition of what constitutes a “significant application” that is subject to a requirement of pre-submission review is overly broad and has the potential to sweep too many applications into this process unnecessarily lengthening review and approval timelines; the proposed amendments would narrow this requirement to uses with significant community impacts that warrant early Planning Board input, while still allowing applicants to opt in voluntarily.

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	<ol style="list-style-type: none"> 2. Conversion of any building to, or construction of, any multi-residential building or cluster or court cottage housing. 3. The construction of (a) a new building or (b) a new accessory structure in the CR, WC or CG District that is larger than 120 square feet. 4. Any construction of an addition, modification or expansion of any building or structure in the CR, CG or WC district that will (a) add an additional floor or story to such building or (b) result in an addition to the gross or net floor area of such building by more than the greater of (i) 30% or (ii) 250 square feet. <p>A final application for any approval that involves a significant application OR any application for a conditional use approval (whether constituting a significant application or otherwise) shall be accompanied by a community impact report. All significant applications shall also require a report from an independent professional engineering or planning consultant retained by the Village to review such application and provide input to the Building Department and the Planning Board. An applicant shall be responsible for the costs associated with retaining such consultant and the preparation of such report. The delivery of such report shall be a prerequisite to the scheduling of a public hearing in respect of a significant application. Such a report may, at the discretion of the Village's Building Department and the Planning Board, also be required in respect of other applications requiring site plan or conditional use approval. Within [20] days of receipt of an application (other than in respect of a significant application as to which the requirement of such report shall be automatic), the Building Department shall notify the applicant as to whether such report shall be required in connection with such application.</p>
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<p>General Review and Procedure Process for Planning Board Site Plan and Conditional Use Approvals</p>	<p>To be revised to simplify and make process clearer. Except with respect to any review involving a conditional use or the issuance of an event permit, such review shall be treated as a review for site plan approval and subject to the criteria applicable thereto and any other criteria expressly set forth in the Code with respect to the relevant matter that requires approval. Steps in process are as follows:</p> <ol style="list-style-type: none"> 1. Pre-Submission Conference for Significant Applications. Substantially the same as in current Zoning Chapter with following changes: (a) Planning Board to issue report by no later than 60 days after closing of hearing and (b) elimination of time-period by which applicant must submit full application without need to go back through pre-submission process. 2. Submission of Application and Review for Completeness. <ol style="list-style-type: none"> a. Applicant submits a complete application package to the Building Department for review for completeness. b. Building Department review must be completed within 45 days of receipt of application. Building Department to confirm with Planning Board Chairperson that all materials are complete and identifies what approvals are required in connection with the application and any identifiable variances that will be required. c. Incomplete applications returned to applicant with a list of deficiencies. d. Once application is complete, Planning Board to accept application (no public hearing required) at next regularly scheduled meeting. No final application shall be accepted by the Planning Board prior to either the issuance of (i) a notice of disapproval from the Building Department setting forth any required variances in respect of an application or (ii) written confirmation from the Building Department that no variances are required in connection with the application.
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	<p>3. SEQR Determination of Significance</p> <p>a. Upon receipt of a complete application, the Planning Board shall:</p> <ul style="list-style-type: none"> ○ Classify the action under SEQR (Type I, Type II, or Unlisted) ○ If coordinated review is required, circulate a Notice of Intent to other involved agencies ○ Assume or coordinate designation of Lead Agency ○ Issue a Negative Declaration (if no significant impacts) or Positive Declaration (if impacts may be significant, triggering an EIS) <p>b. No final action may be taken until SEQR is concluded.</p> <p>4. Referrals to Other Boards and Agencies. The Planning Board shall refer the application as required by law, including:</p> <ul style="list-style-type: none"> ○ Zoning Board of Appeals (ZBA) for any variances ○ Historic Preservation Commission (if applicable) ○ County Planning Board under GML §239-m, if required ○ Other Village/Town departments (e.g., Fire, Police, DPW) for technical input (required for any significant application) <p>5. Public Hearing. A public hearing shall be scheduled within 62 days of a complete application (or SEQR Negative Declaration, if applicable). A public hearing may be continued over more than one Planning Board meeting to the extent necessary. The Planning Board shall not render a decision in respect of any application until all necessary other approvals from local boards/agencies have been received.</p>
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	<p>6. Planning Board Review and Decision. The Planning Board shall render a decision within 62 days of the close of the public hearing, unless extended by mutual consent. The Planning Board may:</p> <ul style="list-style-type: none"> ○ Approve the application as submitted ○ Approve with conditions ○ Deny the application with written findings
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EXHIBIT 1

PARKING REQUIREMENTS (SECTION 150-16(A)(1))¹⁰

USE	REQUIREMENT ¹¹	RESIDENTIAL DISTRICT(S)	CR DISTRICT	CG DISTRICT	WC DISTRICT
Dwelling Unit	1 space per dwelling unit on property or, in the case of any dwelling unit that is a short-term rental, one (1) space per bedroom that permitted to be used as a short-term rental under and as required under Chapter 103 (Rental Properties)	Required	None	Required	Required
Home occupations in a dwelling unit or on a residentially zoned property	2 spaces per home occupation	Required	Permitted Accessory Uses: None Otherwise required	Required	Required

¹⁰ NTD: Subject in all respects to grandfathering provisions and other provisions of Code relating to on-site parking requirements (including waivers and reductions in respect thereof).

¹¹ NTD: Requirements in many instances have been reduced from current Code requirements.

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USE	REQUIREMENT ¹¹	RESIDENTIAL DISTRICT(S)	CR DISTRICT	CG DISTRICT	WC DISTRICT
Places of worship, art and cultural facility, postal delivery services and other places of public assembly not otherwise classified	The greater of (a) 1 space for each 300 square feet of net floor area and (b) 1 space for each 5 persons of permitted occupancy	Required	Permitted Uses: None Otherwise required	Required	Required
Educational services	In the case of (a) any pre-school, nursery school or elementary school the greater of (x) 2.5 spaces per classroom, plus 1 space for each 5 seats in any auditorium or other place of assembly, (b) secondary school, 4 spaces per classroom plus 1 space for each 5 seats In any auditorium or other place of assembly and (c) in all other cases, as determined by the Planning Board in connection with any site plan or conditional use approval	Required	Permitted Uses: None Otherwise required	Required	Required
Hospitals	1 space for each 3 beds	Required	Required	Required	Required
Mortuary, funeral and burial services	1 space for each 2 employees plus 5 spaces for each chapel	Required	Required	Required	Required

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USE	REQUIREMENT ¹¹	RESIDENTIAL DISTRICT(S)	CR DISTRICT	CG DISTRICT	WC DISTRICT
Eating and drinking establishments or any shared commercial facilities in respect of any of the foregoing	1 space for each 5 persons of permitted occupancy <i>plus</i> 1 space for every 3 employees	Required	Except with respect to any formula business, none Required for formula business	Required	Required
Artisanal manufacturing, production, recording and distribution services, small-scale food production, food catering facilities and any shared commercial facilities in respect of any of the foregoing (to be defined by specific cross reference to Use provisions)	1 space per 300 square feet of net floor area plus 1 space for every 3 employees	Required	None	Required	Required
Motels or Hotels	1 space for each guest room plus 1 space for every 3 employees	Required	Required	Required	Required
Medical facility or health care facility	The lesser of (a) 5 spaces for each physician (including any physician assistant) or dentist and (b) 1 space for each 300 square feet of net floor area	Required	Required	Required	Required

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USE	REQUIREMENT ¹¹	RESIDENTIAL DISTRICT(S)	CR DISTRICT	CG DISTRICT	WC DISTRICT
Veterinarian hospital or clinic	1 space for each 300 square feet of net floor area	Required	Required	Required	Required
Offices (other than to the extent applicable to any other express category of use that also constitutes an office)	1 space per 300 square feet of net floor area	Required	None	Required	Required
Gas Stations/Electric Charging Stations	4 spaces queuing line area for each pump plus 1 space for every 3 \employees	Required	Required	Required	Required
Repair Garage	3 spaces for each repair bay	Required	Required	Required	Required
Commercial marinas and docking facilities	1 space per boat slip, mooring, dock space or similar unit of capacity plus 1 space for every 3 employees	Required	Required	Required	Required
Private marina and/or docking facilities (i.e. operated solely for benefit of owner and guests without requirement of compensation)	1 space per 2 boat slips or dock spaces or similar unit of capacity	Required	Required	Required	Required
Yacht Clubs	The lesser of (A) to the extent that such yacht club is associated with a commercial	Required	Required	Required	Required

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USE	REQUIREMENT ¹¹	RESIDENTIAL DISTRICT(S)	CR DISTRICT	CG DISTRICT	WC DISTRICT
	marina or docking facility, the total spaces required if such yacht club were a commercial marina or docking facility and (B) the sum of (i) 1 space for every 2 members <i>plus</i> (ii) 1 space for three (3) employees				
Passenger Ferry Terminal	1 space per every 3-person ferry passenger capacity <i>plus</i> 1 space for each 3 employees	Required	Required	Required	Required
Marine Industry businesses not otherwise covered in listed uses and requirements (including shipbuilding, aquaculture etc.).	1 space per 750 square feet of net floor space	Required	None	Required	Required
Manufacturing, processing, industrial and wholesale uses (excluding any artisanal manufacturing, production, recording and distribution services, small scale-food production and/or food catering facilities or shared	1 space per 750 square feet of net floor space	Required	Permitted Uses: None Otherwise required.	Required	Required

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USE	REQUIREMENT ¹¹	RESIDENTIAL DISTRICT(S)	CR DISTRICT	CG DISTRICT	WC DISTRICT
commercial facilities in respect thereof)					
All other uses	1 space per 300 square feet of net floor area	Required	Permitted Uses and any seasonal business that would otherwise constitute a permitted use but for its seasonal nature: None Otherwise required	Required	Required

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APPENDIX A

CERTAIN PROPOSED DEFINITIONS FOR FRAMEWORK AMENDMENTS

ADMINISTRATIVE SUPPORT OFFICES: The use of property principally as an office engaged in administrative, clerical, or professional functions, including management, scheduling, bookkeeping, customer service, or similar activities for any business, enterprise, or not-for-profit. Such use shall not involve fabrication, assembly, or manufacturing; the storage, warehousing, or distribution or sale of goods or materials other than those incidental to office operations; or the storage or dispatching of commercial vehicles, construction equipment, or service fleets. All activities shall be conducted inside and shall not create noise, vibration, odor, traffic, or other impacts inconsistent with the character of the district. Contractor, trade and repair services, health care facilities and medical facilities shall not constitute administrative support offices,

AMBIENT IMPACT BUSINESS: Any business located within [150] linear feet of a public waterway or residential zoning district that hosts, or proposes to host, any entertainment involving a sound reproduction device (as defined in Chapter 88) after [9:00] p.m., except where such entertainment solely occurs indoors with all windows and doors closed to limit the transmission of sound beyond the premises. For purposes of this definition, “ambient impact” shall include amplified music, live or recorded performances, or other activities likely to project noise into surrounding public or residential areas.

ART AND CULTURAL FACILITY: The use of property for performing arts, movies, music, spoken word and/or other comparable expressive activities or in the display or preservation of objects of interest in the arts and sciences that is open to the public on a regular basis, including a theater, museum or library. Neither a gallery nor a studio shall constitute an art and cultural facility.

ARTISANAL MANUFACTURING: The use of property for small-scale, low-impact production of goods, other than food and beverages, primarily created, assembled, or finished by hand, with the aid of hand tools or limited mechanical equipment. Such uses typically involve bespoke, custom, or limited-run consumer items including, but not limited to, clothing, textiles, footwear, furniture, jewelry, glassware, ceramics, or similar craft-based goods. Artisanal manufacturing is distinguished from large-scale industrial or factory production by its scale, methods, and emphasis on craftsmanship. On-site retail sales, instruction, or demonstration may be permitted as accessory activities, provided they remain clearly subordinate to the primary manufacturing use.

BAR: A commercial establishment primarily engaged in the sale and service of alcoholic beverages for on-premises consumption by patrons seated at tables, counters, the bar, or standing in designated areas. The preparation or service of food provided only as an

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ancillary or incidental use shall not result in the classification of such use as a restaurant. Any establishment that regularly removes or rearranges seating to create a dance floor or dancing area shall be deemed to constitute a nightclub use.

[BASE NF AREA: (a) with respect to any eating and drinking establishment, [1500-1750]¹² square feet and (b) any other use, [750-1250] square feet.]

CATERED EVENT: Any charitable event, any private social event or any other similar event involving the closure of all or a portion of a property to the general public for purposes of hosting a private gathering of people who are coming together for an event to celebrate or for the benefit of an individual or individuals or a group organization.

CATERING HALL OR EVENT SPACE: The use of property primarily or regularly for the hosting of charitable events and private social events which are typically not open to the public. Any business, establishment or facility that either (a) closes to the general public in order to host such events more than (i) [four (4)] times in any month or (ii) [36] times in any calendar year or (b) utilizes any outside catering truck or trailer in connection with hosting of any such event, will be classified as a catering hall or event space for zoning purposes, even if the premises also operates as another permitted or conditional use during other times of operation.

CHARITABLE EVENT: An event hosted or sponsored by one or more bona fide not-for-profit, subject to the following conditions: (a) the primary and bona fide purpose of the event is to raise funds or awareness in direct support of the mission of the sponsoring not-for-profit, and the event is not principally commercial in nature, (b) representatives, officers, or members of the sponsoring not-for-profit must be present and actively involved in the conduct of the event, (c) if an event is held at a commercial establishment, one of the following applies: (i) the event is limited to invitees and the establishment is otherwise closed to the general public; or (ii) the event is open to the public only upon the purchase of a ticket or payment of an admission fee, with all net proceeds benefiting the sponsoring not-for-profit; or (iii) all net proceeds realized by the commercial establishment from sales or operations conducted during the event are donated to the sponsoring not-for-profit. No charitable event shall be conducted in a manner that circumvents or substitutes for normal business operations or promotional sales activities of a commercial establishment.

COMMERCIAL ESTABLISHMENT: A place of business operated by any person other than a not-for-profit.

¹² NTD: Set at 1500 square feet in respect of restaurants under current Code.

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COMMUNITY IMPACT REPORT: A detailed, written report that evaluates the potential impact of a proposed site plan modification and/or use on the Village and the residential community. The report must explain why, in the applicant's view, the proposed site plan and/or use of the site serves the public interest of the Village and demonstrate, with data and analysis appropriate to the scale of the project, how the use will affect the surrounding community. The report shall be contextual, addressing not only whether a criterion is met, but how it is met in the circumstances of the specific site and business. At a minimum, the report shall address the following:

- (a) **Consistency with Approval Criteria:** How the proposed use and/or site plan meets the general standards for conditional use and/or site plan approval (§150-30 and §150-31).
- (b) **Operations and Community Benefit**
 - i. Proposed days and hours of operation of uses throughout the year.
 - ii. The ways in which the business will serve or benefit the year-round residential community, not only seasonal visitors.
- (c) **Employment:** Anticipated number of employees and plan for local recruitment, training, and, if relevant, housing.
- (d) **Housing Impacts:** Any direct or indirect effects on housing availability and affordability in the Village.
- (e) **Fiscal Impacts:** Anticipated effect on Village revenues, property values in the vicinity, and other measurable economic effects.
- (f) **Environmental and Infrastructure Impacts:** Effects on water, sewer, waste disposal, noise, odors, lighting/dark sky, stormwater, and other environmental factors, with attention to adjacent waterways and/or residential areas within 500 feet.
- (g) **Aesthetic and Character Impacts:**
The degree to which the proposed use or construction is compatible and/or in harmony with the established character, scale, and architectural context of the Village. The report shall address visual and design elements—including building massing, height, materials, signage, and landscaping—and explain how the proposal preserves or enhances the Village's traditional character and sense of place. Where appropriate, the report should include illustrative materials (such as elevations, renderings, or photographs of comparable development) to demonstrate how the proposed project will integrate with its immediate surroundings, and the broader community fabric will be mitigated.
- (h) **Public and Emergency Services**

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- i. Anticipated demand for police, fire, EMS, street maintenance, and other municipal services.
- ii. Specific attention to whether peak-season operations may strain emergency response capacity and how those risks

In addition, if a proposed use is a seasonal business, the report shall also include: (i) plans for maintaining an attractive and active storefront or site during months of closure, to avoid vacant or “dark” appearances that detract from the streetscape, (ii) demonstration of how the business contributes to the community beyond short-term visitor spending, such as sponsoring local events, supporting Village organizations, employing local residents, or otherwise adding value to the year-round social and economic fabric of Greenport, (iii) explanation of how the proposed use diversifies or enhances the downtown business mix, rather than duplicating existing low-value seasonal offerings and (iv) a plan for attracting and retaining employees during peak season, including whether the business will provide, secure, or otherwise ensure access to suitable housing for seasonal workers and how such housing needs will be addressed without displacing year-round residents or worsening the Village’s housing affordability challenges.

CONTRACTOR, TRADE, AND REPAIR SERVICES: A commercial establishment primarily engaged in providing skilled trade, construction, maintenance, or repair services. This category includes but is not limited to building construction, carpentry, electrical, plumbing, HVAC, painting, landscaping, and similar trades; as well as the repair and maintenance of consumer goods such as clothing, jewelry, shoes, electronics, and small appliances. Such establishments may involve the on-site storage of tools, equipment, and materials, and may include limited retail sales of products directly related to the principal service activity. This use does not include motor vehicle or boat sales or repair, large-scale warehousing, or retail operations where sales to the general public are the primary activity.

[CONVENIENCE STORE: A small commercial establishment primarily engaged in the sale of a limited range of frequently purchased goods such as packaged foods, beverages, tobacco, personal items, household supplies, and newspapers, typically for immediate or on-the-go consumption. A convenience store is distinguished from a grocery store or supermarket by its smaller size, limited selection of products, and emphasis on convenience rather than a full line of food and household goods. A convenience store is often associated with a gasoline service station.]

DAY CARE CENTER: A facility, whether operated for profit or not-for-profit, licensed or required to be licensed by the State of New York (or other applicable authority), in which care, supervision, and protection are provided on a regular basis to children or adults for periods of less than twenty-four (24) hours per day, not including care given by relatives or in private homes.

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EATING AND DRINKING ESTABLISHMENT: Any restaurant, bar, catering hall or event space, microbrewery, micro-distillery, tasting room [, take-out food establishment] or other similar establishment that is engaged in the preparation and/or service of food or beverages for consumption on premises.

EDUCATIONAL SERVICES: Any facility or institution, whether public, private, or not-for-profit, having education, instruction, or training as its primary purpose. Educational services include but are not limited to preschools, elementary and secondary schools, colleges and universities, professional schools, trade or vocational schools, tutoring centers, test preparation centers, language schools, arts, music, or dance schools, instructional studios, and similar facilities providing academic, cultural, technical, or personal enrichment instruction. Educational services may be operated on a for-profit or not-for-profit basis and may include customary accessory uses such as libraries, cafeterias, administrative offices, and recreational or performance spaces.

ENTERTAINMENT: Any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen or participate or that is conducted for the purposes of holding or gaining the attention of, or entertaining, engaging, diverting or amusing guests or patrons, including, but not limited to: (a) live performances, presentations or activities conducted before guests or patrons whether by a single or multiple performers, including, but not limited to musical performances by singers, bands or instrumentalists, theatrical productions, stand-up comedy, dance performances, poetry or spoken word readings, dramatic readings, storytelling, performance art or other similar forms of artistic or expressive activity; (b) dancing to live or recorded music, (c) the presentation of recorded amplified music played on equipment which is operated by an agent or contractor of a business or establishment, commonly known as a “DJ” or a “disc jockey”, (d) karaoke or (e) contests which involve patron participation, including the hosting of trivia, “bingo” or other game contests; provided that, the term “entertainment” shall not include (x) the operation of a jukebox, radio, or the use of prerecorded music when used solely to provide background music not as a featured or advertised element of the establishment’s offerings; or (y) the operation of televisions for the primary purpose of broadcasting live or recorded sporting events, award shows, news programming, or other similar televised content of a non-performative nature, where no admission fee is charged and the broadcast is not accompanied by live commentary, performance, or promotional activity intended to constitute entertainment under this definition.

FOOD CATERING FACILITIES: A commercial establishment where food and beverages are prepared, cooked, and stored for off-site service, delivery, or consumption at private events or other locations, and where no on-site dining, seating, or retail food service is provided to the general public.

GALLERY: The use of property for the primary purpose of the sale of art or unique pieces created by artists or artisans, including, but not limited to painters, sculptors, etchers, carvers, weavers, photographers, potters, jewelers and the like.

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GOOD FAITH COMPLAINT: A good faith written complaint alleging a Code violation by a business or property filed by an individual person with the Village of Greenport based on the honest belief that a Code violation has occurred, supported by specific facts or observations and submitted with enough detail to allow a reasonable investigation.

GOVERNMENT OFFICE OR SERVICES: The use of property for providing for the administration and other functions of local, State or federal government and related uses, including, but not limited to, public safety and emergency services and other government office but excluding any postal delivery services and any educational facility.

HEALTH CARE FACILITY: A facility used to provide an integrated range of medical and/or surgical services, primarily for in-patients on a twenty-four-hour basis. Out-patient clinics and other forms of ambulatory health care facilities may exist as accessory and integral services to the in-patient services.

INDOORS: With respect to any use or event, such use or event shall take place entirely within a fully enclosed building or accessory structure that is: (a) bounded by four permanent walls (exclusive of doors and windows) and (b) covered by a permanent roof. For purposes of this definition, open-sided structures, piers, rooftop areas, awnings, tents, gazebos, decks or patios shall not be considered indoor, regardless of whether they are partially roofed or partially enclosed.

KENNELS: A commercial establishment where four (4) or more dogs, cats, or other household pets are boarded, housed, groomed, trained, bred, or cared for, whether for compensation or not. This use shall not include (a) incidental keeping of pets by a household, (b) veterinary clinics that temporarily house animals as an accessory use to medical treatment, (c) pet care facilities or (d) municipal animal control shelters.

MANUFACTURING: A commercial establishment engaged in the mechanical, physical or chemical transformation of materials, substances or components into new products. The assembling of component parts of manufactured products is generally considered manufacturing unless more appropriately categorized as construction activity.

[MAXIMUM NF AREA: (a) to the extent that in connection with the opening of any use that is limited as a permitted use by total net floor area, the owner or constructs new dwelling units on the same property on which such use is to be located (whether in the form of apartment dwelling units or accessory dwelling units) that constitute a permitted use in the CR Retail Commercial District, the base NF area *plus* an additional [100] square feet for every such new dwelling unit that has a net floor area of [500] or more square feet and (b) in all other cases, the applicable base NF area.]

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MEDICAL FACILITY: A facility other than a health care facility where dental, medical, mental health, surgical and other personal health services are provided on an outpatient basis.

MICROBREWERY, MICRO-DISTILLERY: Any commercial establishment where beer and malt beverages are made on site and offered for consumption on site, offered for sale directly to customers, sold to licensed retailers or sold to licensed wholesalers for distribution purposes. New York State law establishes an annual production limit of 75,000 barrels for microbreweries and 75,000 gallons for micro-distilleries.

NET FLOOR AREA: The total horizontal area of all floors of a building or portion thereof devoted to a particular use, measured from the interior faces of exterior walls. Net floor area shall include all habitable or occupiable spaces customarily available for the use of occupants, patrons, customers, or employees, and shall include outdoor areas designed or intended for occupancy (such as patios, decks, or balconies). In connection with any commercial establishment (but not any apartment or dwelling unit), net floor area shall exclude restrooms, storage areas, mechanical rooms, utility shafts, hallways, stairwells, elevator shafts, and other areas not customarily available for occupant, patron, customer, or employee use.

NOT-FOR-PROFIT: Any entity that: (a) is organized and operated for charitable, educational, literary, scientific, cultural, civic, patriotic, or similar public purposes and (b) does not operate for the private profit or benefit of any individual, shareholder, or member. Not-for-profit organizations, include, but are not limited to: (i) public institutions such as public schools and public libraries, (ii) organizations formed under federal tax-exempt status, including but not limited to sections 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code; (iii) chartered entities or associations organized under New York State law for public benefit purposes, such as veterans' organizations, fraternal societies, civic clubs, and cultural institutions; and (iv) private nonprofit museums, theaters, historical societies, or educational institutions open to the public and serving a public interest. The term shall not include entities that primarily serve commercial, recreational, or entertainment purposes for private gain, or that are not otherwise in good standing as tax-exempt or charitable organizations under applicable law.

NURSERY SCHOOL: An educational facility, whether public, private, or not-for-profit, that provides organized instruction, socialization, and supervised play to children generally between the ages of two (2) and five (5) years, in preparation for kindergarten or elementary school. A nursery school may operate in conjunction with or separately from a day care center and may include outdoor play areas and administrative offices as customary accessory uses.

PERMITTED CR HOME OCCUPATIONS: An accessory use of a dwelling unit in the CR Retail Commercial District for a business, professional, or creative activity that is clearly incidental and subordinate to the principal residential use of the premises and

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that does not generate customer or client visits to the property, does not involve on-site sales of goods to the public, and does not materially change the residential character of the dwelling unit. Such occupation shall be conducted solely by the residents of the dwelling, with no non-resident employees working on site, and shall not produce noise, vibration, dust, odor, glare, or other impacts detectable beyond the property. Deliveries or shipments related to the occupation shall be limited to those of a type and frequency customarily associated with a residential dwelling.

PERMITTED OCCUPANCY: With respect to any establishment, the maximum number of persons permitted to occupy such establishment at any given time, inclusive of both patrons and employees. Permitted occupancy shall be determined as follows: (a) where a Certificate of Occupancy or other official governmental approval establishes a maximum occupancy, such number shall govern for the areas covered by such approval; and (b) for any portion of the premises not expressly covered by a Certificate of Occupancy or other governmental approval, including but not limited to accessory structures, outdoor areas, patios, or decks, permitted occupancy shall be calculated at a rate of one person for every fifteen (15) square feet of net floor area customarily available for patron or employee assembly, excluding landscaped areas or areas not designed for regular occupancy.

PERSONAL SERVICES: A commercial establishment providing personal, non-medical services to individuals or households, including but not limited to barbershops, beauty salons, nail salons, spas, tailors, travel agencies, and housekeeping or cleaning services. Personal services are characterized by their direct provision to consumers for personal care, convenience, or household needs, and do not include professional offices (such as legal, medical, or financial services) or contractor services involving building trades.

PET CARE FACILITIES: A commercial establishment providing for the care of household pets, including pet grooming, pet day-care and retail sales of pet products but excluding (a) the provision of housing and care of household pets in the absence of the owner for a period of 24 hours or more and (y) the breeding or sale of animals.

PLACES OF WORSHIP: A building, structure, or portion thereof, used primarily for religious worship, instruction, ceremonies, or other customary religious functions. Such uses may include sanctuaries, chapels, temples, mosques, synagogues, or other facilities used for similar purposes. Accessory uses customarily associated with places of worship, such as meeting rooms, classrooms for religious education, administrative offices, and spaces for community or fellowship activities, shall be permitted, provided they are clearly incidental to the principal religious use.

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PRIVATE SOCIAL EVENT: A gathering or function which is by invitation only, not open to the general public, and not promoted or advertised for public attendance, for the primary purpose of socializing, celebrating, or marking a personal occasion. Examples include weddings, rehearsal dinners, baby showers, birthday parties, anniversaries, family reunions, or similar functions.

POSTAL/DELIVERY SERVICES: A facility providing mail, parcel or packing shipping, receiving and related customer services, including the sale of shipping supplies and incidental retail items. Such uses may include customer drop-off and pick-up counters, post office boxes and limited on-site sorting or handling of parcels. Postal and delivery services are distinguished from freight terminals or distribution centers by their scale and function; they are intended to serve individuals and small businesses and shall not include large-scale warehousing, long-term storage or heavy truck and freight operations.

PROCESSING FACILITIES: The use of property in which the principal activity consists of the large-scale mechanical, chemical, or industrial treatment, conversion, or transformation of raw materials or bulk products into different forms, finished goods, or component parts for distribution or sale. In the case of the CR Retail Commercial District, this term shall not include small-scale food preparation, artisanal manufacturing, or similar activities customarily accessory to a retail, eating and drinking establishment, or service use constituting an express permitted or conditional use.

RESEARCH FACILITY: The use of property in which the principal activity constitutes scientific, technical, or industrial research, testing, and development.

RESTAURANT: A commercial establishment primarily engaged in the preparation, sale, and service of food and non-alcoholic or alcoholic beverages for on-premises consumption by patrons seated at tables or counters. To qualify as a restaurant, the establishment must contain a designated food preparation area that includes, at a minimum, facilities for refrigeration and handwashing. Cooking equipment (such as stoves or ovens) is not required. The service of alcoholic beverages, if provided, shall be clearly incidental to the preparation and service of food. Any establishment that regularly removes or rearranges seating to create a dance floor or dancing area shall be deemed to constitute a nightclub use. [A take-out food establishment shall not constitute a restaurant for zoning purposes but shall constitute an eating and drinking establishment.]

RETAIL: A commercial establishment primarily engaged in the sale of merchandise to the general public for personal or household consumption such as food and beverages, furniture and furnishings, garden supplies, plants, apparel, appliances, items commonly sold at pharmacies and drug stores, cosmetics, beauty supplies, sporting goods, bicycles, toys, office products, books and other media. Ancillary onsite repair or service functions customarily associated with the principal goods sold on the premises provided such activities are incidental in scale shall not alter the primary retail character of the establishment.

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RETAIL, EXCLUDED: Retail that primarily involves any of the following: (a) sales of motor vehicles, motorcycles, or boats, except that the sale of (i) small, non-motorized watercraft such as kayaks, canoes, paddle boards, or similar recreational equipment and (ii) electric bicycles shall be considered permitted retail, (b) sales of automotive parts and tire stores, (c) warehouse clubs, membership stores or other wholesale outlets primarily oriented toward bulk sales, (d) outdoor power equipment dealers, (e) manufactured (mobile) home dealers, (f) stores selling cannabis, (g) big box or large format retail (i.e. home improvement superstores, electronic megastores), (h) pawn shops, (i) firearms and ammunition dealers, (j) adult retail businesses[, (k) convenience stores]¹³ [and [(l)] any other retail of a similar intensity to the foregoing that is inconsistent with the pedestrian-oriented, small-scale retail character of the Village.]

RETAIL LAUNDRY OR DRY CLEANERS: A commercial establishment providing laundry or dry-cleaning services directly to individual consumers. Such uses may include: (a) self-service laundromats where customers operate coin- or card-operated washing and drying machines; and (b) staffed establishments where garments, linens, and other household items are received for cleaning, pressing, folding, or minor alterations, with cleaning performed either on-site or sent to an off-site plant. This use is limited to retail service of individual customers and expressly excludes commercial laundry operations serving hotels, hospitals, restaurants, or other institutional or wholesale clients. The use of combustible or hazardous solvents or chemicals in cleaning processes is prohibited. Only cleaning methods utilizing non-combustible, non-hazardous cleaning agents shall be permitted except for the incidental use of combustible solvent for the removal of spots.

SEASONAL BUSINESS: Any commercial business establishment that is open and/or operated on a limited basis only during a recurring portion of the calendar year, typically coinciding with a high-demand or tourism period, and not conducted on a continuous year-round basis. A business shall be deemed to be a “seasonal business” if it is open to the public for fewer than nine (9) consecutive months in any twelve-month period, or if it substantially curtails its operations for more than three (3) consecutive months in any twelve-month period. Temporary closures attributable to circumstances beyond the control of the business (including but not limited to severe weather events, mandated utility outages, or other public safety emergencies) shall not, by themselves, cause a business to be deemed “seasonal;” provided that a decision not to operate based solely on financial considerations and/or the lack of employees shall not constitute something beyond the control of a business for purposes of determining whether such business is a “seasonal business.”

SHARED COMMERCIAL FACILITIES: The use of a building or portion thereof to provide individual work areas, studios, or offices for multiple separate businesses or occupants engaged in uses otherwise constituting a permitted use or conditional use, as applicable, together with common or shared facilities (such as kitchens, storage, meeting rooms, shipping/receiving space, or other

¹³ NTD: Bracketed reference to convenience store to be included if convenience store is included as a conditional use as opposed to a permitted use.

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ancillary areas) that are clearly accessory to and intended to support such businesses. Examples of shared commercial facilities include co-office workspaces, incubator kitchen or other small business spaces and facilities that provide space for different artists, galleries, small-scale food production and/or artisanal manufacturing spaces with each such business having a clearly defined space but sharing common spaces and building ingress and egress.

SMALL-SCALE FOOD PRODUCTION: The use of property for low-intensity food preparation and manufacturing use involving the small-batch production, assembly or packaging of food and beverage items other than alcoholic beverages). Such uses may include baking, roasting, confectionery, coffee or tea roasting and preparation, snack production or similar activities that emphasize freshness, craft or specialty goods. Small-scale food production is distinguished from large-scale or industrial food processing by its limited scale, reliance on handcraft methods or light equipment and compatibility with commercial districts. Accessory on-site retail sales, tasting or demonstration are permitted. This use shall not include breweries, wineries or distilleries.

SPECIALIZED INSTRUCTION SCHOOLS: The use of property for providing instruction or training in specific subjects or skills, including but not limited to fine arts, music, dance, theater, crafts, languages, academic tutoring, standardized test preparation, or similar fields. Such facilities are intended for supplemental, recreational, or skill-development purposes and do not confer state-recognized primary, secondary, or post-secondary academic degrees or diplomas. For purposes of this definition, “Specialized instruction schools” shall not include elementary or secondary schools, colleges, universities, or other institutions of general academic education.

STUDIO: The use of property for the creation of original works of visual art, including but not limited to painting, drawing, printmaking, sculpture, photography, and other similar media, primarily for artistic expression, exhibition, or instruction. A studio may include incidental sales of works created on the premises but shall not involve production activities that constitute artisanal manufacturing.

[TAKE-OUT FOOD ESTABLISHMENT: A commercial establishment primarily engaged in the preparation and sale of food or beverages for off-premises consumption. Limited seating may be provided for customers waiting or consuming food on-site, but such seating is generally incidental to the principal use of the premises as a take-out facility. Examples include delicatessens, pizzerias, sandwich shops, or take-out Chinese food establishments.]

TASTING ROOM: A commercial establishment operated by a manufacturer of alcoholic beverages, such as a brewery, distillery, cider house, or winery, where customers can sample and purchase alcoholic products. A tasting room is intended for the promotion and sale of beverages produced on-site or on within the Village of Greenport or the Town of Southold. It may incidentally be

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accompanied by limited food offerings however it is not intended for full-scale dining and is principally focused on tasting experiences and the sale of beverages.

VETERINARIAN CLINIC: A facility where licensed veterinarians provide medical, surgical, dental, diagnostic, and preventive care services to household pets, small domestic animals, and other companion animals. Services may include examination, treatment, hospitalization, diagnostic imaging, laboratory services, and limited overnight boarding incidental to medical care. A veterinarian clinic or hospital may include accessory retail sales of pet-related products, provided such sales are clearly subordinate to the primary veterinary use. The use shall not include large-scale animal breeding, kenneling, animal shelters, or livestock treatment facilities unless expressly authorized as a conditional use.

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Appendix B: Anticipated Community Concerns

In developing this preliminary framework, the Planning Board recognizes that proposed changes to uses, event permits, and parking policy in the CR District may raise questions or objections from members of the community. To ensure transparency, the following anticipated concerns have been identified, along with the general approach reflected in the draft amendments. These points are intended to guide further discussion and refinement during the public review process.

Neighborhood Character

Concern: Categories of permitted uses and allowance of apartments/ADUs in the CR District may be perceived as inconsistent with the Village's historic Main Street character.

Response: Use categories remain limited to small-scale, pedestrian-oriented activities. Larger or more intensive tourism uses (bars, hotels, event spaces, tasting rooms, formula businesses) are shifted to conditional review. Historic Preservation Commission and Planning Board oversight will continue to safeguard compatibility with context.

Parking and Traffic

Concern: Eliminating or reducing parking requirements could worsen shortages and increase spillover into residential streets. Seasonal businesses may exacerbate congestion.

Response: Parking minimums are eliminated only in the CR District where small lots and pedestrian orientation make them impractical. The Village also maintains several municipal parking lots within the district which provide shared capacity to support downtown businesses and residents. Importantly hotels still require parking recognizing that they specifically generate long-term vehicle demand from guests. In addition, the Planning Board retains authority to require parking, loading or curb-cut modifications where circulation, safety or neighborhood impacts warrant it. Traffic management and emergency access reviews will be coordinated with Fire and Police Departments to ensure public safety.

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Economic Vitality

Concern: Restricting or conditioning certain tourism-oriented uses may reduce investment and seasonal economic activity.

Response: Tourism uses remain permitted with conditional oversight to ensure they contribute positively without overwhelming year-round commerce. Findings for seasonal business approvals require demonstration of employment benefits, community contributions, and balanced economic diversity. This approach balances economic development with sustainability and quality of life.

Noise and Entertainment

Concern: Event permit requirements may burden businesses or reduce nightlife vibrancy.

Response: The intent is not to prohibit entertainment but to streamline approvals, clarify exemptions, and focus oversight on ambient-impact businesses near residential zones or waterways. Routine, low-impact entertainment remains permitted with minimal review.

Vacancy and Storefront Continuity

Concern: Seasonal or conditional uses may leave storefronts “dark” in the off-season, undermining downtown vitality.

Response: Seasonal businesses must provide storefront activation plans (lighting, displays, art installations) to ensure year-round streetscape vitality.

Housing and Workforce

Concern: Seasonal businesses may displace year-round residents or fail to provide for seasonal workforce housing, worsening affordability.

Response: Previously the Code did not make any distinctions between seasonal and year-round businesses. The intention in moving seasonal businesses to conditional use status is to provide a tool to limit the proliferation of these types of businesses and the potential adverse effects these types of businesses have on the community and the creation of a vibrant year-round economy. Seasonal business applicants must present workforce housing plans that avoid displacement of residents. ADUs and small apartments remain incentivized to support housing availability.

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Infrastructure and Environment

Concern: Seasonal surges could strain water, sewer, sanitation, and stormwater systems; waterfront uses may affect shorelines and climate resiliency.

Response: Applicants must demonstrate adequate capacity and mitigation measures. Conditions may require enhanced waste management, recycling, and compliance with the Village's Local Waterfront Revitalization Program and CLCPA resiliency goals.

Concentration of Uses

Concern: Too many similar seasonal or tourism-oriented businesses could crowd out resident-serving uses and reduce economic diversity.

Response: The Planning Board must consider the cumulative number of similar uses in determining whether approval would lead to undue concentration and imbalance in the district.

Treatment of Pre-Existing Uses

Concern: Automatically reclassifying existing businesses as lawful permitted/conditional uses may entrench problematic activities.

Response: The draft ensures that existing uses are not unfairly disrupted, while subjecting any substantial expansions to current standards. Accessory uses without proper approvals must seek compliance, preventing informal practices from continuing unchecked.

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