

Village of East Hampton, NY  
Tuesday, April 18, 2017

## Chapter 278. Zoning

### § 278-1. Definitions; nonconforming buildings.

- A. Definitions. For the purpose of this chapter, certain words and terms shall have the following meanings:

#### **ACCESSORY USE, BUILDING OR STRUCTURE**

A subordinate use, building or structure customarily incidental to and located on the same lot occupied by the main use, building or structure. The term "accessory building" or "accessory structure" may include a swimming pool, tennis court, garage, shed, pool house, greenhouse, deck, patio, unconditioned porch or other similar structure, none of which shall be designed for cooking or sleeping purposes, except those permitted pursuant to § 278-2B(7)(d).

[Amended 6-20-1997 by L.L. No. 13-1997; 3-15-2002 by L.L. No. 6-2002; 1-18-2013 by L.L. No. 1-2013; 3-2-2017 by L.L. No. 5-2017]

#### **ALTERATION**

As applied to a building or structure, a change or rearrangement of the structural parts or in the exit facilities thereof; or an enlargement, whether by extending on a side or by increasing in height; or moving from one location to another. The term "alter" in its various modes and tenses and its participle form refers to the making of an alteration. As used in this chapter, "remodel" or "reconstruction" is synonymous with this definition. Repairs or routine maintenance are not synonymous with this definition. By way of example, the replacement of a roof or windows or doors in place and in kind or an interior renovation that does not involve the installation of new systems, such as plumbing, heating or electrical systems, would not constitute an alteration for purposes of this chapter, but the installation of new windows or doors that are not in the same place and of the same kind as the existing ones or the introduction of new kitchen or bath facilities or habitable space in an area of a building not previously used as such would constitute an alteration.

[Amended 1-20-2012 by L.L. No. 2-2012]

#### **APARTMENT**

A room or grouping of rooms arranged and designed with provisions for cooking, living, sanitary and sleeping facilities such that it is suitable for occupancy by a single family on a long-term basis as its principal residence during the period of such occupancy or which, however arranged or designed, is in fact being used on such basis for such purpose. An entire "single-family residence," as herein defined, regardless of its actual occupancy or use, shall not constitute an "apartment" unit.

#### **ATTIC**

The unfinished space between the ceiling joists of the top story and the roof rafters.

[Added 3-15-2002 by L.L. No. 7-2002]

#### **AWNING**

An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning shall be comprised of a

lightweight, rigid or retractable skeleton structure over which a cloth fabric cover is attached. An awning shall be hung at least seven feet six inches above the sidewalk or grade. All awnings shall be made of fire-retardant materials. (See § 278-4G.)  
[Added 12-15-1995 by L.L. No. 31-1995]

**BUILDING**

A structure with a roof supported by walls.  
[Added 3-2-2017 by L.L. No. 5-2017<sup>[1]</sup>]

**BUILDING, COMMERCIAL**

A building devoted to a use permitted exclusively in the Commercial/Core Commercial Districts and/or the Manufacturing-Industrial District, regardless of the district in which the building is situated.  
[Added 3-14-2008 by L.L. No. 3-2008]

**BUILDING LINE WIDTH**

The length of a line which is parallel or concentric to the front lot line at the required principal building setback.  
[Added 3-2-2017 by L.L. No. 5-2017]

**BUILDING, PRINCIPAL**

A main building devoted to the principal use on a lot.  
[Added 3-2-2017 by L.L. No. 5-2017]

**BULKHEAD ENCLOSURE**

An enclosure with door panels housing a stairway that provides ingress and egress to a cellar, commonly referred to as a "Bilco door."  
[Added 3-2-2017 by L.L. No. 5-2017]

**CELLAR**

That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.  
[Added 3-15-2002 by L.L. No. 7-2002; amended 6-19-2015 by L.L. No. 17-2015; 3-2-2017 by L.L. No. 5-2017]

**CELLAR STAIRWELL**

An unroofed space created by a soil retention structure allowing ingress and egress to a cellar door, including the structure designed and intended to retain the soil.  
[Added 3-2-2017 by L.L. No. 5-2017]

**CHIMNEY**

A vertical enclosure incorporated into a building containing one or more passageways for conveying flue gases and smoke to the outside atmosphere.  
[Added 3-2-2017 by L.L. No. 5-2017]

**COVERAGE**

In all residential districts, that percentage of lot area covered by the ground floor area of all buildings sited thereon, together with all other structures. In all other districts, that percentage of lot area covered by the ground floor of all buildings sited thereon, together with all other structures, including pavements and impermeable surfaces except for walkways located on the property which are available and open to the public and which connect public areas.<sup>[2]</sup>

**DISH ANTENNA**

A structure having as its main purpose the reception of radio signals from orbiting satellites or terrestrial sources. The term shall include all satellite earth stations of whatever configuration. Any base, pedestal, foundation, reflector, amplifier, lens, prism or other device located out of doors and connected to or used in conjunction with a dish antenna shall be deemed a part thereof.

#### **FAMILY**

[Added 11-19-1993 by L.L. No. 25-1993<sup>[3]</sup>]

- (1) Any number of persons occupying a single-family residence, related by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit.
- (2) Any number of persons occupying a single-family residence, not exceeding three, living and cooking together as a single stable and bona fide housekeeping unit where all are not related by blood, marriage or legal adoption. A group of persons whose association or relationship is transient or seasonal in nature, rather than of a permanent and domestic character, shall not be considered a "family."
- (3) Notwithstanding the provisions of Subsection (2) of this definition, a group of unrelated persons numbering more than three shall be considered a "family" upon a determination by the Zoning Board of Appeals that the group is functional equivalent of a family pursuant to the standards enumerated in Subsection (5) herein. Notwithstanding the above, a group of persons whose association or relationship is transient or seasonal in nature, rather than of a permanent and domestic character, shall not be considered a "family" under any circumstances.
- (4) In determining whether a group of more than three unrelated persons constitutes a family for the purpose of occupying a single-family residence, as provided for in Subsection (3) of this definition, the Zoning Board of Appeals shall utilize the standards enumerated in Subsection (5) in making said determination. Before making a determination under this subsection, the Zoning Board of Appeals shall hold a public hearing, after public notice, in conformance with this Chapter 278 of the East Hampton Village Code.
- (5) In making a determination under Subsection (4), the Zoning Board of Appeals shall find that:
  - (a) The group is one which in theory, size, appearance and structure resembles a traditional family unit.
  - (b) The group is one which will live and cook together as a single housekeeping unit.
  - (c) The group is of a permanent nature and is neither a framework for transient or seasonal living nor merely an association or relationship which is transient or seasonal in nature. Nothing herein shall preclude the seasonal use of a single-family residence by a group which otherwise meets the standards of this subsection at its permanent residence.
  - (d) All other requirements of this chapter regarding the use and occupancy of a single-family residence shall be complied with.
  - (e) Any determinations under this subsection shall be limited to the status of a particular group as a family and shall not be interpreted as authorizing any other use, occupancy or activity.
  - (f) In no case shall a single-family residence have more than one kitchen.
  - (g) In no case shall the people occupying a single-family residence have separate

written or oral leases or rental arrangements or the payment of rent for portions of the single-family residence among its owners and residence.

**FAST-FOOD RESTAURANT or DRIVE-IN**

A type of restaurant or store which contains a drive-in or walk-up window or which contains no indoor dining or which prepares individual portions of food on site and serves food or beverages over the counter in a ready-to-consume state, including but not limited to products such as ice cream cones or beverages in paper or plastic containers, without table service by waiters or waitresses, either as a primary or accessory use.

[Amended 7-31-2008 by L.L. No. 7-2008]]

**FENCE**

An enclosure or barrier made of wood, stone or other material constructed on or around a parcel of property designed to either limit access to an area or to screen such area from view, or both.

[Amended 10-16-2009 by L.L. No. 11-2009; 6-18-2010 by L.L. No. 6-2010; 3-2-2017 by L.L. No. 5-2017]

**FLAG LOT**

A type of lot (commonly flag-shaped in configuration) in which street frontage is provided by a strip of land which is narrow in relation to the remainder of the lot and which extends from the main body of the lot to the street. A lot which does not physically front on or abut a street, but which has access to a street by means of an easement over other property, shall be deemed to be included in this definition.

[Added 3-2-2017 by L.L. No. 5-2017]

**FRONTAGE**

The minimum frontage of any lot on a public street and the access width of any lot shall be 20 feet. Access width shall be measured perpendicular to the sides of the strip of land or right-of-way within the lot affording access to the street. However, in approving creation of no more than four lots, whether by subdivision or by subdivision waiver, the Planning Board may deem this definition to have been complied with if the new lot shall have 20 feet or more frontage usable for access on a common driveway, right-of-way or other similar property which other property itself:

[Added 4-17-1992 by L.L. No. 9-1992; amended 12-17-1993 by L.L. No. 26-1993]

- (1) Leads to a public street.
- (2) Is 20 or more feet in width at all points.
- (3) Is subject to the terms of a duly recorded and irrevocable legal instrument approved by the Planning Board which provides that the property will be suitably improved to provide access to the public street and will, in perpetuity, be available to the new lot in question for such street access.

**GARAGE**

An accessory building or structure, accessible by a driveway, designed and capable for use for the storage of motor vehicles owned and regularly used by or on behalf of the owner or tenant of the lot on which it is erected as an accessory to the permitted use of the lot.

[Amended 6-6-2013 by L.L. No. 14-2013; 5-16-2014 by L.L. No. 5-2014; 3-2-2017 by L.L. No. 5-2017]

**GARBAGE BIN**

A shed-type building with a roof and walls constructed primarily to house refuse containers which does not exceed dimensions three feet deep by five feet in length by five feet in height.

[Added 3-2-2017 by L.L. No. 5-2017]

**GRADE, FINISHED**

Natural surface of the ground, or surface of the ground after completion of any change in contour.

[Added 3-15-2002 by L.L. No. 7-2002]

**GROSS FLOOR AREA**

The area in square feet of the ground or first floor level of any building or structure, part thereof or addition thereto, plus the area of any other level or story of the same building or structure, as measured to the exterior face of the frame or masonry wall, but excluding cellars, attics or spaces with ceilings of less than five feet. Stairwells and interior spaces with a floor-to-ceiling height in excess of 15 feet shall be counted twice.

[Amended 3-15-2002 by L.L. No. 7-2002; 3-16-2012 by L.L. No. 3-2012; 3-15-2013 by L.L. No. 10-2013]

**GUEST ROOM**

A conventional bedroom, with or without bathroom facilities, being rented to paying guests, within an owner-occupied single-family residence. The term shall also include a room in a bed-and-breakfast or similar establishment, but does not include hotels, motels or inns. Such bedroom shall not be occupied by more than two persons and shall be at least 80 square feet in area. One residence may not contain more than two guest rooms.

[Amended 2-20-1998 by L.L. No. 4-1998]

**HOME OCCUPATION**

Any gainful activity customarily conducted within a single-family residence by the residents thereof that is clearly secondary to the residential use; that requires no structural alteration of the building; and which does not otherwise change the character of the building as a residence. The activity shall not employ any nonresidents of the dwelling and shall not occupy more than 25% of the gross floor area of the dwelling, exclusive of the cellar, attic and open porch floors, or 500 square feet, whichever is less. The home occupation must be conducted within the principal dwelling of an owner/resident thereof and, if conducted in the basement, shall be subject to the same floor area limitations. There shall be no external evidence of the activity, including audible noise, or parking of more than two vehicles, other than those owned by the owner/resident, or signs, other than one announcement sign not more than two square feet in area, and no mechanical or electrical equipment shall be used except customary household equipment. Home occupations shall not include uses such as the following: barbershop or beauty parlor, restaurant, breeding kennel, film studio, or antique or art dealer.

[Amended 1-18-2008 by L.L. No. 1-2008]

**HOME PROFESSIONAL OFFICE**

The office or studio of a resident physician, surgeon, dentist or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, real estate broker or salesperson, boat captain, insurance broker or agent or tutor. The activity shall employ no more than one person and shall not occupy more than 1/3 of the total floor area of the dwelling, exclusive of the cellar, attic and open porch floors, or 900 square feet, whichever is less. The home professional office must be conducted within the principal dwelling of the owner/resident thereof and, if conducted in the basement, shall be subject to the same floor area limitations. There shall be no external evidence of the office and associated activity, including audible noise, or parking of more than four vehicles, other than those owned by the owner/resident, or signs, other than one professional sign. "Tutor" shall be restricted to a person giving individual instruction in academic subjects to a single pupil at one time. A home professional office shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Dancing instruction, and instrument or piano or voice instruction, tearooms, tourist homes, beauty parlors, barbershops, hairdressing and manicuring establishments, convalescent homes, mortuary establishments, and stores, businesses, or trades of any kind not herein excepted shall not be deemed to be "home

professional offices.” The home professional office of a physician shall not include a biological or other medical testing laboratory.

[Amended 1-18-2008 by L.L. No. 1-2008]

**LOT**

A lawfully created tract or parcel of land under one sole or undivided ownership, occupied or capable of being lawfully occupied by one building and the accessory buildings customarily incidental to it, including such open spaces as are required by this chapter.

[Amended 5-16-2008 by L.L. No. 4-2008]

**LOT DEPTH**

The length of the shortest line that can be drawn from the front lot line to the rear lot line which crosses the portion of the lot on which a residence can be located.

[Added 3-2-2017 by L.L. No. 5-2017]

**LOT LINE, SIDE**

Any lot line other than a front or rear lot line.

**LOT WIDTH, FRONT**

The dimension measuring the shortest distance from side lot line to side lot line at the required minimum front yard setback for a principal building.

[Added 3-2-2017 by L.L. No. 5-2017<sup>[4]</sup>]

**LOT WIDTH, REAR**

The dimension measuring the shortest distance from side lot line to side lot line at the required minimum rear yard setback for a principal building.

[Added 3-2-2017 by L.L. No. 5-2017]

**NAMEPLATE**

A type of sign specifying the name of a business which shall be non-illuminated and shall not exceed two square feet in area.

[Amended 6-17-2005 by L.L. No. 13-2005]

**NONCONFORMING BUILDING OR STRUCTURE**

A building or structure lawfully existing on the effective date of this chapter or any amendment thereto affecting such building or structure, which does not conform to one or more current dimensional regulations hereof for the district in which it is situated, irrespective of the use to which such building or structure is put.

**NONCONFORMING LOT**

A lawfully created lot existing in single and separate ownership at the effective date of this chapter or any amendment thereto affecting such lot that does not have the lot area dimensions required by the applicable district regulations.

[Added 5-16-2008 by L.L. No. 4-2008]

**NONCONFORMING USE**

Any use of a building, structure, lot, land or part thereof lawfully existing on the effective date of this chapter, or any amendment thereto affecting such use, which does not conform to one or more current use regulations hereof for the district in which it is situated, including those for which a special permit was granted during the period of time when this chapter permitted the expansion or alteration of a nonconforming use pursuant to a special permit. Permission to temporarily conduct or continue a prohibited use granted by the Zoning Board of Appeals prior to the effective date of this chapter or any amendment thereto shall not be construed to establish a “nonconforming use” as herein defined, and, therefore, any such permission and the use which is authorized shall terminate upon the expiration thereof.

[Amended 11-21-2014 by L.L. No. 21-2014]

**OWNER-OCCUPIED**

The continual use and physical presence of the person having at least a fifty-percent legal or equitable interest in the premises.

[Added 8-21-2009 by L.L. No. 9-2009]

**PARKING SPACE**

A dust-free off-street space sufficient in size to accommodate one parked motor vehicle and having an area of not less than 180 square feet.

**PEDESTRIAN WALKWAY**

A freestanding path or walkway no greater than 48 inches in width built substantially at finished grade consisting of stone, brick or similar material designed and intended to lead pedestrians to a destination.

[Added 3-2-2017 by L.L. No. 5-2017]

**PLAYING COURT**

A structure, or part thereof, which is designed or used for playing sports and consists of a playing surface of 375 square feet or more. All associated netting, fencing, backstops and other improvements shall be considered part of the playing court. Tennis courts, basketball courts, handball courts, racquetball courts, volleyball courts, ice rinks and other similar facilities shall be deemed included in this definition.

[Added 3-2-2017 by L.L. No. 5-2017]

**POOL HOUSE**

An accessory structure or a portion of an existing accessory structure customarily used in conjunction with a swimming pool.

[Added 6-20-1997 by L.L. No. 13-1997; amended 3-2-2017 by L.L. No. 5-2017]

**POSTMAN'S WALKWAY**

A freestanding path or walkway no greater than 48 inches in width leading from a driveway or from a street front to a door on a dwelling.

[Added 3-2-2017 by L.L. No. 5-2017]

**POWDER ROOM**

A bathroom consisting of a sink and toilet but no shower or bathtub.

[Added 3-2-2017 by L.L. No. 5-2017]

**PROFESSIONAL SIGN**

A sign bearing the name and profession of the resident practitioner which may not exceed two square feet in area.

[5]

**RESTAURANT**

A use in a building having as its sole purpose the preparation and serving of food for consumption on the premises within furnished dining areas, and including as a possible accessory the serving of alcoholic beverages with meals, but not including any form of live entertainment or dancing for guests. A restaurant shall not be construed to include any form of drive-in, open-front, curb-service or fast-food eating establishment or any form of tavern, bar, nightclub, discotheque or similar entertainment establishment.

[Added 7-31-2008 by L.L. No. 7-2008]

**RETAIL FOOD STORE**

A retail store for the sale of food, including a bakery, specialty food market, or store for the sale of retail food or beverage products, but not including a restaurant, fast-food

establishment, delicatessen, drive-in, tavern, bar, nightclub or discotheque. A retail food store shall not include tables or chairs or counters for on-premises consumption, and on-premises consumption in any form shall not be permitted as an accessory use to a retail food store.

[Added 7-31-2008 by L.L. No. 7-2008]

#### **RETAINING WALL**

A solid structure made of wood, stone, concrete or similar materials designed for the retention of soil or fill material greater than 12 inches in width and constructed with a structural footing.

[Added 3-2-2017 by L.L. No. 5-2017]

#### **SETBACK**

The distance which this chapter requires maintained between a property line, natural feature (including edge of wetlands, dunes and bodies of water) or other described place or thing and the nearest point thereto of any building, structure or other named improvement.

#### **SIGN**

Any advertising structure, display board, screen, structure, shadow box, poster, mannequin, banner, pennant, cloth, bill, bulletin, painting, printing or other device or object or part thereof used to announce, identify, declare, demonstrate, display or in any manner advertise or attract the attention of the public by means of letters, words, figures or colors. See § 278-4.

#### **SINGLE-FAMILY RESIDENCE**

A residential use of land consisting of a detached and freestanding building, commonly called a "house," designed or arranged for occupancy by one family, as defined herein, on a nontransient basis. A single-family residence which is rented to, or occupied by, a tenant or tenants for a term or terms of less than one month, excluding two two-week periods during any one calendar year, shall be deemed transient housing and is not permitted. A single-family residence may not contain more than two guest rooms, as defined herein, and may not contain more than one kitchen.

[Amended 9-17-1993 by L.L. No. 16-1993; 12-8-2009 by L.L. No. 13-2009]

#### **SPECIAL PERMIT USE**

A use permitted in one or more districts only if a special permit shall have been granted therefor, pursuant to § 278-7 of this Code.

#### **STOOP**

An unroofed staircase leading to the exit facilities of a single-family or multifamily residence.

[Added 3-2-2017 by L.L. No. 5-2017]

#### **STORY**

That portion of a building which is between one floor level and the next higher floor level or roof. For the purpose of measuring height by stories under the provisions of this chapter, one additional story shall be added for any pilings, piers or other foundation which causes the building to be elevated more than four feet above average natural grade. In the case of a property located in a FEMA flood zone, the area between the adjacent natural grade and the minimum required first-floor elevation shall not be considered a story.

[Added 6-19-2015 by L.L. No. 16-2015]

#### **STREET**

Any state, county or Village highway or road or any street shown on a filed subdivision map and any private road providing access to subdivided land.

[Added 3-2-2017 by L.L. No. 5-2017]

#### **STRUCTURE**

Anything, including any building, which is constructed or erected on or under the ground or the water or upon another structure or building, including antennas, aerials, tennis courts, swimming pools, decks and patios (including those set in sand) or other improvements, whether or not intended to be temporary, seasonal or permanent.

[Amended 4-17-1992 by L.L. No. 9-1992; 7-31-2013 by L.L. No. 16-2013; 12-18-2015 by L.L. No. 23-2015; 3-2-2017 by L.L. No. 5-2017]

#### **SWIMMING POOL**

Any enclosure or container, either for public or private use, which encloses a body of water greater than six feet in any direction and contains water of a depth of 18 inches or more. See § 278-5.<sup>[6]</sup>

#### **TENT**

Any structure, enclosure or shelter constructed of fabric or pliable material supported in any manner, including but not limited to a canopy, but not including an awning as that term is defined in this section.

[Added 2-18-2005 by L.L. No. 3-2005]

#### **TIMBER-FRAME LANDMARK**

An individual property that has been designated as one of the group of timber-frame landmarks, 1700 to 1850, designated by the East Hampton Village Board of Trustees pursuant to § 176-3A of the Code (Preservation of Historic Areas).

[Added 1-18-2013 by L.L. No. 1-2013]

#### **WINDOW SIGN**

Any sign placed on the inside (within no more than four feet) or outside of any window or door of any building which is visible from a sidewalk, street or other public place, not including merchandise on display. In the case of a real estate broker's office, merchandise shall be deemed to include photographs of properties for sale, provided that the square footage of the photographic display does not exceed 25% of the window area of the storefront.

[Added 5-15-1998 by L.L. No. 6-1998; amended 6-17-2005 by L.L. No. 13-2005]

#### **WINDOW WELL**

The clear space created by a soil retention structure located immediately adjacent to a window whose sill is lower than the adjacent finished grade. This includes the structure designed and intended to retain soil to allow the window to function and to provide pedestrian egress from the cellar to the outside.

[Added 3-2-2017 by L.L. No. 5-2017]

#### **YARD, FRONT**

The area of any lot with a building which lies between the nearest portion of that building and the front lot line of the lot, extending from side lot line to side lot line in the case of interior lots. Corner lots shall have two such front yards situated between the nearest portion of the building and the front lot line along each street.

#### **YARD, REAR**

The area of any lot with a building which lies between the nearest portion of the building and the rear lot line of the lot, extending from side lot line to side lot line.

#### **YARD, SIDE**

The area of any lot with a building which lies between the nearest portion of the building and the side lot line of the lot, extending through from the front yard, or from the front lot line where no front yard exists, to the rear yard or to the rear lot line where no rear yard exists.

[1] *Editor's Note: This local law also repealed the former definitions of "building, area of," added 11-17-2000 by L.L. No. 7-2000, and "building line."*

- [2] *Editor's Note: The former definition of "delicatessen," added 4-17-1992 by L.L. No. 9-1992, which immediately followed this definition, was repealed 7-31-2008 by L.L. No. 7-2008.*
- [3] *Editor's Note: The original definition of "family" was repealed 11-19-1993 by L.L. No. 24-1993.*
- [4] *Editor's Note: This local law also repealed the former definitions of "lot line, front," as amended, and "lot line, rear."*
- [5] *Editor's Note: The former definition of "rooming house," which immediately followed this definition, was repealed 2-20-1998 by L.L. No. 4-1998.*
- [6] *Editor's Note: The former definition of "truck garden," which immediately followed this definition, was repealed 8-17-1990 by L.L. No. 7-1990.*

B. Nonconforming buildings, structures, uses and lots.

(1) Nonconforming buildings, structures, uses and lots.

- (a) Existing nonconforming structure. The provisions of this chapter shall not apply to any lawful nonconforming building or structure existing upon the adoption of this chapter or any pertinent amendment thereto.
- (b) Restoration of wall or structural member. Nothing herein shall prevent the restoration of a wall or other structural member of a building which shall have been declared unsafe by the Chief of the Fire Department or an engineer, architect or builder authorized by the Board of Trustees to examine and pass on the same.
- (c) Restoration of building. Nothing in this chapter shall prevent the restoration or the resumption of the use of a building having less than 50% of its sound value destroyed, exclusive of the foundations, by fire, explosion, act of God or act of the public enemy subsequent to the passage of this chapter, provided that the restoration and resumption shall take place within 12 months of the time of such destruction.

(2) Nonconforming uses.

- (a) Continuation of use. Every lawful nonconforming use may be continued in the building or structure or upon the lot or land which it occupies after the effective date of this chapter or after the effective date of any pertinent amendment thereto.
- (b) Change of use. No nonconforming use, if once changed to a use permitted in the district in which it is located shall ever be changed back to a nonconforming use.
- (c) Extension of use. A nonconforming use shall not be extended or enlarged.
- (d) Abandonment of use. A nonconforming use which is discontinued or ceases to exist for a continuous period of one year shall thereafter be deemed abandoned and accordingly be prohibited.
- (e) The use of any parcel of land, with the exception of timber-frame landmarks, for both a single-family residence and a separate building used or designed to be used in whole or in part for dwelling purposes in that it contains cooking and/or sleeping facilities, regardless of whether the use of the building is intended for or used by a separate family or as an accessory to the single-family residence for guests or employees or family members of the owners or occupants of the single-family residence, shall be a prohibited use, unless it is a nonconforming use as defined in this section, or a use variance shall have been granted therefor by the Zoning Board of Appeals pursuant to § 278-7.  
[Added 11-21-2014 by L.L. No. 22-2014]

(3) Nonconforming lots.

[Added 5-16-2008 by L.L. No. 4-2008]

- (a) A nonconforming lot may be used and a building or structure may be erected thereon

for use in accordance with all other applicable provisions of this chapter, provided that it has been held in continuous single and separate ownership from all adjacent lots since prior to January 16, 1959, or prior to any subsequent date that it became nonconforming with respect to its area dimensions. The Building Inspector may require a certified abstract title to such lot by a title company regularly doing business in Suffolk County certifying the single-and-separate status of a nonconforming lot during all applicable periods, as a prerequisite to the issuance of a building permit for a nonconforming lot.

- (b) If at any time after January 16, 1959, a nonconforming lot shall be held in the same ownership as one or more of the adjoining parcels, the lot shall be merged with the adjoining parcel and shall lose its status as a nonconforming lot, except to the extent that the lot created by the merger of the adjoining parcels remains nonconforming with respect to one or more of the dimensional regulations of the district in which it is situated.

[1] No merger shall hereafter result under this chapter where the ownership of a nonconforming lot becomes the same as the ownership of an adjoining parcel through the death of an individual of one of the parcels.

[2] No merger shall hereafter result under this chapter where adjacent nonconforming lots that are both improved with residences are held in the same ownership.