

**§ 133-8. District B (Business).**

- A. District purpose: to provide areas for mixed business uses, including residential; business, retail and other services for island residents and visitors.
- B. Bulk regulations.
  - (1) Lot area shall be not less than 40,000 square feet.
  - (2) Lot frontage shall be not less than 100 feet. (3)
  - (3) Lot coverage for premises used in whole or in part as a dwelling shall not exceed the following:
    - (a) By buildings: 70% of lot area.
    - (b) By all impervious surfaces, including buildings: 75% of lot area.
  - (4) There shall be not more than one one-family dwelling per lot.
  - (5) Except as otherwise specified herein, setbacks for all structures shall be not less than the following:
    - (a) Front setbacks: 30 feet.
    - (b) Side and rear setbacks: 10 feet.
  - (6) The living area of a dwelling shall be not less than 780 square feet, excluding porches, breezeways, attached garages and basements.
  - (7) Building height shall not exceed two stories, and shall not exceed 25 feet for buildings on which there is a flat or mansard roof, or 35 feet for buildings on which there is a gable, hip or gambrel roof. **[Amended 6-3-2024 by L.L. No. 7-2024; 10-28-2024 by L.L. No. 15-2024]**
  - (8) Off-street parking. No business structure may be established unless sufficient off-street (on-site) parking facilities are provided to eliminate any traffic hazard, as follows: one parking space of 20 feet by 10 feet for each 200 square feet, or portion thereof, of interior space of the aggregate of all buildings situated on the parcel.
- C. Permitted principal uses.
  - (1) Residential:
    - (a) One-family dwellings.
  - (2) Community service:
    - (a) Structures and/or uses owned and operated by or for the Town of Shelter Island.
  - (3) Business:
    - (a) Retail stores or shops, including but not limited to the following, but excluding gas stations or other uses listed as requiring a special permit in § 133-8D:

- [1] Baker, pastry, candy or confectionery stores.
  - [2] Grocery stores and delicatessens.
  - [3] Liquor stores.
  - [4] Paint, wallpaper or interior decorating shops.
  - [5] Personal service shops, barbershops, beauty salons, travel agencies, dressmakers, tailors or similar shops.
  - [6] Radio and television shops and household appliances.
- (b) Offices, business or professional.
  - (c) The following trades and services:
    - [1] Boat building, repair and storage.
    - [2] Carpentry, cabinetmaking, furniture or upholstery.
    - [3] Electricians, blacksmith, welding, plumbing and heating shops.
    - [4] General builders and general contractors.
    - [5] Grounds maintenance, greenhouses and nurseries.
  - (d) Jewelry, watch, clock or optical goods and musical, professional or scientific instrument manufacture and/or repair.
  - (e) The raising or sale of trees, shrubs, plants, flowers, food crops and the tillage of the soil generally.
  - (f) The sale of milk, meat products and eggs.
  - (g) Oystering, clamming, scalloping and fishing in waters within the boundaries of the Town of Shelter Island.
  - (h) Job printing and bookbinding.
  - (i) Any use of the same general character as approved by the Town Board.
- D. Permitted principal uses requiring a special permit by the Town Board:
- (1) Animal hospital, subject to the following requirements:
    - (a) The housing of all animals shall be in a fully enclosed structure and shall not be closer than 100 feet to any street line or lot line.
    - (b) The entire lot shall be suitably landscaped in order to reduce the sound level.
  - (2) Bank.
  - (3) Boardinghouse.

- (4) Cemeteries.
- (5) Clubs: private or nonprofit organizations and/or facilities associated with such clubs, except golf, beach or country clubs.
- (6) Commercial accommodations, such as hotels and motels, subject to the following provisions:
  - (a) All outdoor activities shall be so located on the property that they shall be reasonably screened from view and compatible with the existing use of neighboring properties.
  - (b) Provisions shall be made for proper sanitary waste disposal and water supply facilities in conformance with the requirements of the Town and the Suffolk County Department of Health Services, and such facilities shall be designed to protect the groundwater from pollution, saltwater intrusion or excessive demand detrimental to the environment and neighboring properties.
  - (c) One parking space per guest bedroom shall be required.
- (7) Dry cleaners and coin-operated laundromats with more than four machines, provided that the overall facility shall be designed, located and operated to protect against pollution of groundwater.
- (8) Educational institutions, subject to the following requirements:
  - (a) No building shall be less than 50 feet from any street or boundary line.
  - (b) Any school shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively thereunder as such.
  - (c) Any school shall occupy a lot with an area of not less than one acre plus one acre for each 25 pupils for which the building is designed.
- (9) Funeral homes.
- (10) Gasoline service stations and fuel storage facilities, subject to the following provisions:
  - (a) All such uses shall be located on sites large enough to contain the impact of any potential accident that might result from such uses without damage to adjacent properties, surface waters, groundwater or tidal waters.
  - (b) The minimum lot size shall be 40,000 square feet; lot frontage shall be no less than 200 feet.
  - (c) The installation and use of petroleum products shall be in conformance with the regulations of the National Fire Protection Association, the Suffolk County Department of Health Services, the National Board of Fire Underwriters and any other federal, state, county and local agency having jurisdiction.
  - (d) The recommendations of the Fire Chief of the Shelter Island Fire District shall be considered prior to the approval of such use.

- (e) No church, school, library, playground, museum, historic building or similar place of public assembly, drainage channel, surface water or environmental parks shall be within 500 feet of the site.
  - (f) Entrance or exit driveways shall be located at least 20 feet from any side or rear property line. Such driveways shall be so laid out as to avoid the necessity of any vehicle backing across any right-of-way.
  - (g) All fuel pumps and tanks and dispensing devices shall be located at least 50 feet from any building, structure or street line.
  - (h) All automobile parts, dismantled vehicles and similar articles shall be stored within a building or behind a fence or shrubbery which will effectively screen the area from public view.
  - (i) Storage areas for vehicles waiting for service shall be provided on the site and shall not occur on a public street or highway.
- (11) Golf courses, private athletic fields, country clubs and beach clubs, subject to the following provisions:
- (a) All outdoor activities shall be so located on the property that they shall be reasonably screened from view and compatible with the existing or potential use of neighboring properties.
  - (b) Outdoor lighting shall not project direct light onto neighboring properties.
  - (c) There shall be no outdoor public address or music system audible beyond the limits of the property, except by permit of the Town Board.
  - (d) Provisions shall be made for proper sanitary waste disposal and water supply facilities in conformance with the requirements of the Town and the Suffolk County Department of Health Services, and such facilities shall be designed to protect the groundwater from pollution, saltwater intrusion or excessive demand detrimental to the environment and neighboring properties.
- (12) Hospitals, subject to the following requirements:
- (a) No building or part thereof shall be located within 50 feet of any lot line.
  - (b) All buildings shall be of fire-resistant construction.
  - (c) The use shall be served by adequate water and sewer systems approved by the Suffolk County Department of Health Services.
- (13) Marinas and boatyards subject to the following provisions:
- (a) No deleterious effect shall be created with reference to the surface water or groundwaters of the town, and the effect of development on the ecology of adjacent tidal waters shall be minimized.
  - (b) Sanitary rest rooms, holding tanks and sewage disposal shall be provided in

accordance with the regulations of the town, the Suffolk County Department of Health Services and New York State.

- (c) There shall be provisions made for the collection and disposal of boat-generated solid wastes in accordance with Town regulations.
- (d) Outdoor lighting shall not project direct light onto neighboring properties, other than those navigational aides deemed necessary by the town.
- (e) Fuel-storage facilities shall be adequately containerized so as to prevent spillage, leakage or damage from storms and shall be set back no less than 50 feet from the mean high water line, except that fuel pumps may be located conveniently to service boats, provided that adequate precautions are taken to prevent spillage in the waters of the town.
- (f) One parking space per each boat slip, mooring, dock space or similar unit of capacity shall be provided.

(14) Medical arts buildings.

(15) Movie theaters, indoor, subject to the following requirements:

- (a) Outdoor lighting shall not project direct light onto neighboring properties.
- (b) There shall be no outdoor public address or music systems audible beyond the limits of the property.
- (c) One parking space per every two persons of rated occupancy as determined by, the New York State Uniform Building and Fire Prevention Code shall be required.

(16) Moving and storage and general trucking, provided that all dismantled automobiles, trucks, tractors and similar equipment and parts thereof shall be stored within a building or behind a fence or shrubbery which will effectively screen the area from public view.

(17) Nightclubs, taverns and bars, subject to the following provisions:

- (a) There shall be no outdoor public address or music system.
- (b) Premises and structures shall be so arranged and designed as to prevent activities on the premises from being visible from adjoining properties or the street, except for outside dining, and as to contain any sound or direct lighting emanating from activities within the premises.
- (c) One parking space per every two persons of rated occupancy as determined by the New York State Uniform Building and Fire Prevention Code shall be required.

(18) Nursery school or child day care, subject to the following provisions:

- (a) The school shall not have more than 15 children unless the building is of fireproof or semi-fireproof construction as defined by the New York State Uniform Building and Fire Prevention Code.

- (b) No play area shall be located on or adjacent to an open pool, watercourse, pond, lake or tidewater area without the benefit of suitable fence and protective devices.
  - (19) Nursing homes or rest homes, subject to the following requirements:
    - (a) No building or part thereof shall be located within 50 feet of any lot line.
    - (b) All buildings shall be of fire-resistant construction.
  - (20) Public garages or automobile shops, subject to the following provisions:
    - (a) All automobile parts, dismantled vehicles and similar articles shall be stored within a building or behind a fence or shrubbery which will effectively screen the area from public view.
    - (b) Storage areas for vehicles waiting for service shall be provided on the site and shall not occur on a public street or highway.
    - (c) Any storage of flammable liquids or gas shall be in conformance with applicable recommendations of the National Board of Underwriters, the regulations of the Suffolk County Department of Health Services and/or any other agency having jurisdiction.
    - (d) The overall facility shall be designed, located and operated to protect against pollution of groundwater.
  - (21) Public libraries, public museums and Town offices.
  - (22) Public utility structures necessary to serve the community.
  - (23) Recreation facilities, indoor and outdoor.
  - (24) Riding rings, noncommercial.
  - (25) Standard restaurants, provided that:
    - (a) One parking space shall be provided off street per four persons of rated occupancy (including outside dining) as determined by the New York State Uniform Building and Fire Prevention Code or 10 spaces, whichever is greater.
    - (b) There shall be no drive-through facilities.
  - (26) Two-family dwellings.
  - (27) Any use of the same general character as any of the uses herein specifically permitted or allowed on special permit in this section.
  - (28) Any change of any of the uses specifically permitted or allowed on special permit in this section.
- E. Permitted accessory uses.
- (1) Personal use by occupants of the premises:

- (a) Storage and repair of boats.
- (b) Private marina or dock. (See also Chapter 40, Boats, and Chapter 53, Docks).
- (c) The keeping and maintenance of livestock and/or poultry, provided that such animals shall not be housed within 40 feet of any lot line.
- (d) Private garages.
- (2) Business uses:
  - (a) The office of a professional person or a home business office, subject to the requirements of § 133-18.
  - (b) Bed-and-breakfast, subject to the requirements of § 133-14.
- (3) Other accessory uses.
  - (a) Accessory buildings or structures customarily used or incidental to any of the principal uses permitted in the district, provided that the accessory building shall be on the same lot as the principal building and under the same ownership and shall meet the bulk requirements of the district.
  - (b) Accessory apartments, as provided in § 133-17

**§ 133-9. District B-1 (Restricted Business).**

- A. District purpose. The restricted business zone was established to maintain the historic, park-like, government-center appearance of the Town center. Commercial enterprises are restricted to the types of uses that would have the least impact on the appearance, traffic patterns, character, and parking facilities of the existing neighborhood. Special permits are required for all buildings and uses (except governmental buildings and uses) in the district, to ensure that the special criteria established for this zone are considered in the initial planning process, whether it be for new buildings and uses or for the renovation or replacement of existing buildings or uses.
- B. Bulk regulations.
  - (1) Lot area shall not be less than 40,000 square feet.
  - (2) Lot frontage shall be not less than 100 feet.
  - (3) Lot coverage shall not exceed the following:
    - (a) By buildings: 50% of lot area.
    - (b) By all impervious surfaces, including buildings: 75% of lot area.
  - (4) Setbacks shall be not less than the following:
    - (a) Front setback: 30 feet.
    - (b) Side and rear setbacks: 10 feet.

- (5) Building height shall not exceed 35 feet. **[Amended 6-3-2024 by L.L. No. 7-2024; 10-28-2024 by L.L. No. 15-2024]**
- (6) Any building must contain a minimum of 600 square feet.
- C. Permitted principal uses:
  - (1) Structures and/or uses owned and operated by or for the Town of Shelter Island.
- D. Permitted principal uses requiring a special permit by the Town Board.
  - (1) Residential:
    - (a) One-family dwellings.
  - (2) Community service:
    - (a) Educational institutions.
    - (b) Libraries.
    - (c) Museums.
    - (d) Offices of county, state or federal government.
  - (3) Business offices, such as:
    - (a) Accountants.
    - (b) Architects.
    - (c) Attorneys.
    - (d) Audiologists.
    - (e) Bookkeepers.
    - (f) Chiropractors.
    - (g) Dentists.
    - (h) Draftsmen.
    - (i) Engineers.
    - (j) Financial advisors.
    - (k) Insurance agents or brokers.
    - (l) Journalists.
    - (m) Medical doctors.
    - (n) Opticians.
    - (o) Optometrists.



- (p) Osteopaths.
  - (q) Podiatrists.
  - (r) Physical therapists.
  - (s) Real estate agents or brokers.
  - (t) Surveyors.
- E. Permitted accessory uses requiring a special permit from the Town Board.
- (1) Residential:
    - (a) Private garages.
    - (b) The office of a professional person or a home business office, subject to the requirements of § 133-18.
    - (c) Bed-and-breakfasts, subject to the requirements of § 133-14.
    - (d) Home occupations if either already in existence or the activity is one allowed as a principal use at that location, subject to the requirements of § 133-18.
  - (2) Business:
    - (a) Private garages.
- F. Special permit criteria. Applications for special permits shall be subject to the provisions of §§ 133-19, 133-20, 133-33 and 133-34. In addition, all structures in the B-1 District and uses listed in Subsections D and E of this section will be subject to the following special permit criteria:
- (1) Off-street parking. No business structure may be established unless sufficient off-street (on-site) parking facilities are provided to eliminate any traffic hazard, as follows: one parking space of 20 feet by 10 feet for each 200 square feet, or portion thereof, of the interior space of all buildings situated on the parcel.
  - (2) Architectural features. Visible architectural features of all buildings and structures shall be compatible with the architectural styles of the existing Town government structures in the area.
    - (a) Roofs must be gabled, gambrel or hip type with aesthetically compatible roof materials.
    - (b) Exterior siding must be red brick, clapboard or shingle or a combination, finished in natural colors or colors appropriate to the neighborhood.
    - (c) Windows and doors must be of traditional design.
    - (d) Outdoor lighting must be limited to the minimum required for the safe illumination of entrances, walkways, ramps, steps and parking areas.

- (e) Traffic patterns. Site plan traffic flow shall be designed to promote ease of use and safety with adequate maneuvering space and safe ingress and egress from public roads.
  - (f) Signs. All signs must be of traditional design and subject to the provisions of § 133-27 except that temporary signs or posters as described in § 133-27B(7) shall be limited to the interior of all buildings.
  - (g) Off street loading and unloading areas. Site plan design must include provisions for off-street loading and unloading areas, preferably at the rear of all buildings.
  - (h) Water and sewerage. Provision for water and sewerage shall be in accordance with the Suffolk County Department of Health requirements.
  - (i) Outdoor storage. No outdoor storage, vending machines or display of any kind will be permitted.
  - (j) Window displays. Window displays shall be limited to signs indicating the name, address and/or type of businesses occupying the premises within.
  - (k) Other criteria. Any other criteria that the Town Board may deem critical to the retention of the municipal park-like or historical appearance of the area or to promote safety and minimize traffic congestion.
- G. Nonconforming lots, buildings and uses. All nonconforming lots, buildings and uses shall be subject to the provisions of § 133-21, 133-22 and 133-23, except as follows:
- (1) All approvals required in § 133-23 will be by the Town Board (not the Zoning Board of Appeals) with the exception of § 133-23G.
  - (2) Any alteration, expansion or restoration of buildings or structures shall conform where possible to the special permit criteria specified in Subsection F of this section.