

INCORPORATED VILLAGE OF WEST HAMPTON DUNES

LOCAL LAW NO. OF THE YEAR 2024

A Law Amending Chapter 560, Table 560b, dimensional regulations in the Residential Zone of the West Hampton Dunes Village Code and Definitions

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Section 1.0 Title, Enactment, Effective Date,  
Intent, Authority.

1.1. Title

This Local Law shall be entitled “Local Law No. of 2024 of the Incorporated Village of West Hampton Dunes, a Local Law Amending Chapter 560 table 560-B dimensional regulations in the Residential Zone of the West Hampton Dunes Village Code and Definitions.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law of 2024, a Local Law of the Village of West Hampton Dunes.

1.3. Effective Date.

This local law shall take effect on the adoption of this local law by the Board of Trustees.

1.4 Purpose and Intent.

The Board of Trustees of the Village of West Hampton Dunes determines and finds that it is in the best interests of the residents of the Village to adopt regulations amending the height limitations of Table 560-B.

2.0 General Provisions

2.1 Amendment of Height, Maximum/Stories limitation of Table 560-B

The Height, Maximum/Stories limitation of Table 560-B is hereby amended to read “3” Stories.

2.2 Amendments to Section 560-5 Definitions.

A. The following existing definitions in Section 560-5 Definitions are amended to read as follows:

**STORY:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement shall be deemed to be a non-habitable additional story when the finished floor immediately above is six feet or more above the average elevation of the finished grade. A cellar shall not be deemed to be a story. An attic shall be deemed to be a story where it meets the requirements for habitable space.

**BASEMENT:** That space of a building that is partly below the base flood elevation, or partly below grade which has more than half of its height, measured from floor to ceiling, above the average finished grade of the ground adjoining the building. A story partly underground and having 1/2 or more of its clear height below finished grade is a “cellar” and "cellar" shall not be counted as a story. A basement shall be counted as a non-habitable additional story and shall not be counted as one of the habitable stories.

B. The following new definitions shall be added to Section 560-5 Definitions.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is any of the following:

1. More than 6 feet above average grade plane.
2. More than 6 feet above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet rise to the first habitable floor to the finished ground level at any point.

GRADE PLANE. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building between the structure and a point 6 feet from the building.

MEZZANINE: A mezzanine or mezzanines shall be considered a portion of the story below and shall not contribute to either the building area or number of stories provided the aggregate area of a mezzanine or mezzanines within a room or space shall be not greater than one-third of the floor area of that room or space in which they are located. The enclosed portions of a room or space shall not be included in determining the permissible floor area of the mezzanine. In determining the allowable mezzanine area, the area of the mezzanine shall not be included in the floor area of the room in which it is contained however the area of the mezzanine shall be included in determining the floor area. The clear height above and below the mezzanine floor construction shall be not less than 7 feet. The clear height of habitable spaces above or below mezzanines within dwelling units shall be not less than 8 feet. (This definition is intended to incorporate the NYS Uniform Code definition, a mezzanine that was compliant and approved by the Village under the prior Uniform Code or International Code definition shall be deemed to still be compliant).

### 3.0 Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.