

Trustee Wetlands R-80
2007-107, to Maritime Dist

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY INTRODUCTORY __-2007, TO CHANGE THE ZONE OF ALL AREAS COVERED BY TIDAL WATERS AT MEAN HIGH WATER IN THE UNINCORPORATED PORTION OF THE TOWN FROM R-80 TO MARITIME ZONING DISTRICT AND TO AMEND CHAPTER 198 (ZONING); ARTICLE II (ZONING DISTRICT; MAP; GENERAL REGULATIONS); ARTICLE IX (HEIGHT, AREA AND BULK REQUIREMENTS); AND ADD ARTICLE IVA (MARITIME ZONING DISTRICT)

Resolution for Town Board Meeting Dated: February 6, 2007

The following resolution was offered by:

and seconded by:

CCTO
CCO
147
2/28/07

WHEREAS, as part of the implementation of the Local Waterfront Revitalization Plan (LWRP) for Huntington Harbor adopted by the Town Board in April 2000 the Town is required to create a separate zoning district to encompass lands covered by tidal waters at Mean High Water; and

WHEREAS, areas covered by tidal waters at mean high water are currently zoned under §198-9 as the most "restricted residential use district" which has been determined to be inappropriate for surface waters and underwater lands; and

WHEREAS, the creation of zoning district to encompass areas covered by tidal waters at mean high water in the Town is necessary before the Huntington Harbor LWRP as well as the proposed required Unincorporated Town LWRP may be accepted by the New York State Department of State and incorporated into the New York Coastal Zone Management Plan (CZMP); and

WHEREAS, the Town Board has determined that the rezone of all areas covered by tidal water at mean high water is a Type I action pursuant to SEQRA, the Town Board is the only agency involved in approving this direct action, and therefore the Town Board has been established as lead agency.

NOW, THEREFORE,

THE TOWN BOARD,

Public Hearing
April 24, 2007

HEREBY AUTHORIZES the scheduling of a public hearing to consider adopting Local Law Introductory No.: __-2007 amending the "Amended Zoning Map of the Town of Huntington," as referenced in Chapter 198 (Zoning), §198-7, as referenced in Chapter 198-7, thereby rezoning all areas covered by tidal waters at mean high water in the unincorporated portion of the Town of Huntington from R-80 to Maritime Zoning District and further amending Chapter 198 (Zoning); 198-6 (Zoning District); 198-9 (Lands Under Water); 198-55 (Chart of Height, Area and Bulk Requirements) and add

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Article IVA (Maritime Zoning District) to be held on the _____ day of _____, 2007 at _____ at Town hall, 100 Main Street, Huntington, New York, at which time all persons interested in the subject thereof may be heard; and

HEREBY DIRECTS the Director of Planning and Environment to cause to be prepared a draft full environmental assessment form and recommendation for determination of significance pursuant to SEQRA.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW INTRODUCTORY NO. __ - 2007
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE II (ZONING DISTRICTS; MAPS; GENERAL REGULATIONS)
ARTICLE IX (HEIGHT, AREA, AND BULK REQUIREMENTS)
AND ADD ARTICLE IVA (MARITIME ZONING DISTRICT)

Section 1. Amendment to Chapter 198 (Zoning) to change the zone of all areas seaward of the mean high water mark within in the unincorporated portions of the Town of Huntington from R-80 to Maritime Zoning District by amending Chapter 198 (Zoning); 198-6 (Zoning District); 198-7 (Zoning Map); 198-9 (Lands Under Water); 198-55 (Chart of Height, Area and Bulk Requirements) and add Article IVA (Maritime Zoning District):

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CHAPTER 198
ZONING

* * *

ARTICLE II
ZONING DISTRICTS; MAP; GENERAL REGULATIONS

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§198-6. Designation of districts.

For the purposes of this chapter, the Town of Huntington outside of its incorporated villages is hereby divided into districts as follows:

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MZD Maritime Zoning District

198-7. Zoning Map

The boundaries of the districts enumerated in §198-6 of this Chapter are hereby established as shown on the map designated as the "Amended Building Zone Map of the Town of Huntington." The said map, together with all notations, references and every other detail shown thereon shall be as much a part of this chapter as if the map and every other detail shown thereon was fully described therein. Section 198-55 contains symbols on the map for the aforesaid districts.

The boundaries of the Maritime Zoning District shall be those set forth in 198- 33.5.

§198-9. Lands Under Water.

[Streams, lakes, ponds, harbors, salt marshes and portions of Long Island Sound and its various bays and estuaries] Fresh surface waters lying within the boundaries of the Town of Huntington, [any of] which are not indicated on the Zoning Map as being in a particular district, shall be considered as being in the most restricted residential use district, and such zoning classification shall continue regardless of any filling and draining of such [lands] areas, unless and until amended by action of the Town Board.

ARTICLE IVA
MARITIME ZONING DISTRICT

§ 198-33.3 Legislative Findings and Intent

The intent of the Maritime Zoning District is to regulate uses of all areas covered by tidal waters at mean high water within the Town to preserve, protect, enhance, and manage those areas. The Maritime Zoning District is the result of a recommendation in the Town of Huntington Local Water Revitalization Program for Huntington Harbor ("Huntington Harbor LWRP"), adopted in April 2000. Section V of the Huntington Harbor LWRP governs provides for techniques for implementation of the Local Waterfront

1/31/2007

Revitalization Program and proposes that the Town amend the Town of Huntington Town Code to establish a new district to encompass of all areas covered by tidal waters at mean high water within the Local Waterfront Revitalization Area. These areas are currently zoned as R-80 Residence District pursuant to §198-9 of the Huntington Town Code. According to the Huntington Harbor LWRP, the purpose of the new zoning district is to allow "...vessel uses and navigation, boat moorings, docks, piers, swimming, fishing, mariculture, projects, and similar uses of surface waters and underwater lands."

§ 198-33.4. Definitions. In addition to the definitions found in § 198-2, for the purposes of this section, the following terms shall have the meanings indicated herein, unless specifically indicated otherwise:

MEAN HIGH WATER- the line on the shore established by the average of all high tides based on available tidal data over a period of at least 18.6 years. In the absence of such data, less precise methods to determine the mean high water line may be used, such as physical markings, lines of vegetation or comparison of the area in question with an area having similar physical characteristics for which tidal data are readily available.

WATER DEPENDENT USE – any activity that can only be conducted on, in over or adjacent to a water body because such activity requires direct access to the water body, and that involves, as an integral part of such activity, the use of the water.

§ 198-33.5 *District Boundaries

The boundary of the Maritime Zoning District is the mean high water line along the shore of all those areas covered by tidal waters within the unincorporated portion of the Town of Huntington.

§ 198-33.6 Use Regulations.

A. Permitted Uses. Water dependent uses as defined in this Article, including, but not limited to:

- (1) Uses which depend on the utilization of resources found in coastal waters (i.e., fishing, shellfishing, mariculture activities);
- (2) Recreational activities taking place on coastal waters (i.e., swimming, fishing, boating, wildlife viewing);
- (3) Facilities and structures supporting water dependent uses, including, docks and in-water facilities used for storage, berthing or service of boats;
- (4) Navigational aids (i.e., buoys, navigational light structures);
- (5) Flood and erosion protection and control and structures supporting such use (i.e., breakwaters, bulkheads, tide gates); and

