

**CHAPTER 197: ZONING**  
**Article IV: Supplementary Regulations**

§ 197-36.1 Projections into Village owned rights-of-way in the B-1 zoning district.

- A. Projections/encroachments permissible as provided in subsection B of this section are subject to the following conditions:
1. Permissible encroachments under this section are licenses that are revocable by the Village at the Village's discretion.
  2. Permissible encroachments are subject to all applicable provisions of the Code of the Village of Westhampton Beach, specifically requirements of a certificate of occupancy, building permit, site plan approval and/or special exception as necessary.
  3. A license agreement detailing all applicable terms and conditions between the Village and the subject property owners and their successors, in a form approved by the Village Attorney, must be approved by the Board of Trustees and recorded against the subject property.
  4. The subject property owner shall indemnify the Village from any liability or maintenance of the encroachments and hold the Village harmless from any losses or damages associated with permitted encroachments. The indemnity and hold harmless shall be in a form of document approved by the Village Attorney.
  5. The Village Board of Trustees reserves the right to deny any proposed permitted encroachments and to revoke or discontinue any license agreement for such encroachments upon reasonable notice from the Village.
  6. In the event that the subject building is demolished, reconstructed or altered to where the permitted encroachments are removed from the public right-of-way, any prior approval or license agreement shall terminate.
- B. In the B-1 zoning district only, the following projections/encroachments into the Village owned right-of-way may be considered for a license:
1. Architectural features. Columns, pilasters, cornices, moldings, belt courses and similar decorative projections may project not more than four (4) inches when less than eight (8) feet above the adjacent sidewalk. Such encroachments may project one additional inch for every additional foot in height over the eight feet, up to a maximum of twelve (12) inches.
  2. Awnings. Affixed awnings may encroach up to two (2) feet provided the lowest part of the awning structure, including any brackets/supports, is at least seven-and-a-half (7.5) feet above the walking surface and/or steps below.
  3. Gutters. Gutters, scuppers, leaders and similar stormwater management features may project up to six (6) inches into the right-of-way.
  4. Signs. Permitted wall signs, hanging signs, and historic marquee signs may encroach as prescribed under §197-30.

- Underscore represents addition(s)

DATED: June 23, 2022

BY ORDER OF THE BOARD OF TRUSTEES  
VILLAGE OF WESTHAMPTON BEACH

Elizabeth Lindtvit, Village Clerk