

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING**

**WHEREAS**, there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 8th day of November, 2017, a Local Law entitled **“A Local Law in relation to Amendments to Chapter 280 of the Town Code entitled ‘Zoning’”** and it is

**RESOLVED** that the Town Board of the Town of Southold will hold a public hearing on the aforesaid Local Law at Southold Town Hall, 53095 Main Road, Southold, New York, on the **5th day of December, 2017 at 7:30 p.m.** at which time all interested persons will be given an opportunity to be heard.

The proposed Local Law entitled, **“A Local Law in relation to Amendments to Chapter 280 of the Town Code entitled ‘Zoning’”** reads as follows:

**LOCAL LAW NO. 2017**

A Local Law entitled, **“A Local Law in relation to Amendments to Chapter Chapter 280 Zoning, in connection with the Affordable Housing”**.

**BE IT ENACTED** by the Town Board of the Town of Southold as follows:

**I. Purpose.**

To amend Chapter 280 to increase options for affordable housing within the Town of Southold and to increase regulatory compliance and grant funding availability for the same.

**II.** Chapter 280 of the Code of the Town of Southold is hereby amended by adding the underlined words and removing the struck items as follows:

**§ 280-13 Use regulations.**

[Amended 3-14-1989 by L.L. No. 3-1989]

In A-C, R-80, R-120, R-200 and R-400 Districts, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

**B.** Uses permitted by special exception by the Board of Appeals. The following uses are permitted as special exception by the Board of Appeals, as hereinafter provided, and, except for the uses set forth in Subsections **B(1)**, **(13)** and **(14)** hereof, are subject to site plan approval by the Planning Board:

**(17)** Conversion of existing space to affordable residential housing.

- a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.
- b. Converted space shall be limited to a maximum of six (6) moderate

income residential rental units.

- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.
- f. The premises must be located within a designated hamlet locus (HALO) zone

**D.** Rental permit for accessory apartments. Notwithstanding any prior course of conduct or permission granted, no owner of property shall cause, permit, or allow the occupancy or use of an accessory apartment created pursuant to § 280-13A(6) or § 280-13B(13) without a valid rental permit issued upon application to the Chief Building Inspector.[Added 6-15-2010 by L.L. No. 2-2010]

(3) The owner of an accessory apartment in an accessory structure lawfully existing pursuant to § 280-13B(13) shall, in addition to the information required in § 280-13D(1)(a) through (f), provide a certification that:

(a) The existing single-family dwelling or the accessory apartment in the accessory structure is occupied by the owner as the owner's principal residence.

(b) The other dwelling unit on the subject property is to be occupied by either a family member or a resident **an individual** who is currently on the Southold Town Affordable Housing Registry and eligible for placement.

(c) Rents charged to a tenant from the Affordable Housing Registry shall not exceed the rent established by the Town Board annually pursuant to § 280-30F of this Code.

(d) The dwelling unit is in compliance with all of the provisions of the Code of the Town of Southold, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.

#### **§ 280-17 Use regulations.**

In an R-40 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

**B.** Uses permitted by special exception of the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals, as hereinafter provided, and subject to site plan approval by the Planning Board:

(3) Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant

lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.

c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting

d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.

e. All converted affordable residential housing must have at least one parking space per unit.

f. The premises must be located within a designated hamlet locus (HALO) zone

C. Accessory uses, limited to the following:

(1) Same as § 280-13C of the Agricultural-Conservation District.

(2) Same as §280-13D of the A-C, R-80, R-120, R-200 and R-400 Districts.

#### § 280-30 **General regulations and requirements.**

A. The Town Board shall require the recording of covenants and restrictions that shall apply to all real property within the AHD District. The covenants and restrictions shall contain terms and conditions as the Town Board and Planning Board deem necessary to insure the property is used for purposes consistent with the purposes for which the AHD zoning classification was created, and they shall be subject to the approval of the Town Attorney. The covenants and restrictions shall include the following: [Amended 5-3-2016 by L.L. No. 4-2016]

C. Eligibility (non-age-restricted). In each AHD, the sale or lease of dwelling units and unimproved lots shall be reserved for moderate-income families who do not have any ownership interest in any other residence or vacant lot. The net worth of an applicant (individual or family) shall not exceed 25% of the purchase price of a home sold pursuant to this section. The eligible applicants ~~shall~~ must be ~~grouped~~ registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer ~~within each group in a formula acceptable to the Town Board. The priority groups are as follows: [Amended 7-29-2008 by L.L. No. 8-2008; 5-3-2016 by L.L. No. 4-2016]~~

~~(1) Income-eligible individuals or families who have lived in the Town of Southold in the same school district as the dwelling unit or lot for a period of at least three years prior to the submission of their application.~~

~~(2) Income-eligible individuals or families who have lived in the Town of Southold for a period of at least three years prior to the submission of their application.~~

~~(3) Income-eligible individuals/families who have been employed in the Town of~~

~~Southold for a period of at least three years prior to the submission of their application.~~

~~(4) Income-eligible individuals/families who have previously lived for a minimum of three years in the Town of Southold and wish to return.~~

~~(5) To all other eligible applicants.~~

**D.** ~~Age-restricted (age 55 and over) dwelling units or unimproved lots. The sale or lease of dwelling units and unimproved lots in an age-restricted community shall be reserved for age eligible moderate-income families registered in the Town of Southold Housing Registry, as administered by the Government Liaison Officer in the following order of priority:[Amended 7-29-2008 by L.L. No. 8-2008]~~

~~(1) Income-eligible individuals or families where the head of household is age 55 or over, who have had a primary residence in the Town of Southold for a period of at least five years prior to the submission of the application, and do not own real estate. Household annual income may not exceed 80% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(2) Income-eligible individuals or families where the head of household is age 55 or over, who have had a primary residence in the Town of Southold for a period of at least five years prior to the submission of the application, and do not own real estate. Household annual income may not exceed 100% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(3) Income-eligible individuals or families where the head of household is age 55 or over, who have had a primary residence in the Town of Southold for a period of at least five years prior to the submission of the application, and who will be divested of all real estate holdings within 90 days of the contract execution with the project sponsor (such ninety-day period may be extended by resolution of the Town Board). Household annual income may not exceed 80% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(4) Income-eligible individuals or families where the head of household is age 55 or over, who have had a primary residence in the Town of Southold for a period of at least five years prior to the submission of the application, and who will be divested of all real estate holdings within 90 days of the contract execution with the project sponsor (such ninety-day period may be extended by resolution of the Town Board). Household annual income may not exceed 100% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(5) Income-eligible individuals or families where the head of household is age 55 or over, who have had a residence in the Town of Southold for a period of at least five years prior to the submission of the application, and who will be divested of all real estate holdings within 90 days of the contract execution with the project sponsor. Household annual income may not exceed 100% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

~~(6) Other income-eligible applicants age 55 or over whose household annual~~

~~income may not exceed 100% of the HUD median income for Suffolk County, and net worth may not exceed twice the price of the unit to be purchased.~~

**§ 280-38 Use regulations.**

In the Residential Office (RO) District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- B.** Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided and subject to site plan approval by the Planning Board, provided that not more than one use shall be allowed for each 40,000 square feet of lot area:

(6) Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot.. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.

c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting

d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.

e. All converted affordable residential housing must have at least one parking space per unit.

**§ 280-41 Use regulations.**

In the LB District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- B.** Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided and are subject to site plan approval by the Planning Board:

(5) Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot.. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

b. Converted space shall be limited to a maximum of six (6) moderate

income residential rental units.

- c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting
- d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.
- e. All converted affordable residential housing must have at least one parking space per unit.

**§ 280-44 Purpose.**

The purpose of the Hamlet Business (HB) District is to provide for business development in the hamlet central business areas, including retail, office and service uses, public and semipublic uses, as well as hotel and motel and multifamily residential development that will support and enhance the retail development and provide a focus for the hamlet area.

**§ 280-45 Use regulations.**

[Amended 5-9-1989 by L.L. No. 6-1989; 12-12-1989 by L.L. No. 23-1989; 7-31-1990 by L.L. No. 16-1990; 5-16-1994 by L.L. No. 9-1994; 11-26-1994 by L.L. No. 26-1994; 2-7-1995 by L.L. No. 3-1995; 10-17-1995 by L.L. No. 21-1995; 5-6-2003 by L.L. No. 10-2003]

In the HB District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:

- A.** Permitted uses. The following are permitted uses and, except for those uses permitted under Subsection **A(1), (2), (3)** and **(20)** hereof, are subject to site plan approval by the Planning Board:[Amended 4-20-2004 by L.L. No. 11-2004]
  - ~~(1) One-family detached dwelling, not to exceed one dwelling on each lot. The dwelling must be occupied by the owner of the property.~~
  - ~~(2) Two-family dwelling, not to exceed one dwelling on each lot. The dwelling must be occupied by the owner of the property.~~

- B.** Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection **B(10)**, which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board:

[Amended 6-20-2006 by L.L. No. 8-2006]

(11) Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot.. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

b. Converted space shall be limited to a maximum of six (6) moderate

income residential rental units.

c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting

d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.

e. All converted affordable residential housing must have at least one parking space per unit.

**C.** Accessory uses. The following uses are permitted as accessory uses and, except for residential accessory uses and signs, which are subject to Article **XIX**, are subject to site plan review:

**(1)** Accessory uses as set forth in and regulated by § **280-13C(1)** through **(7)** of the Agricultural-Conservation District, and subject to the conditions set forth in § **280-15** thereof.

**(2)** Apartments are permitted ~~within the principal building only~~, subject to the following requirements:

**(a)** The Building Department issuing an accessory apartment permit.

**(b)** The habitable floor area of each apartment shall be at least 350 square feet.

~~**(c)** There shall be no more than three apartments created or maintained in any single structure.~~ The Apartment shall have all requisite Suffolk County Department of Health approvals.

**(d)** Each apartment shall have at least one off-street parking space.

**(e)** Construction and/or remodeling of an existing structure to create an accessory apartment shall not trigger the need for site plan approval set forth specifically in § **280-127** and Article **XXIV** in general unless such construction or remodeling results in an increase of the foundation size of the structure.

**(f)** The apartment(s) shall not comprise more than ~~50~~ 40% of the principal building.

**(g) Each apartment on the subject property is to be occupied by either a property owner's immediate family member or an individual who is registered on the Southold Town Affordable Housing Registry and is eligible for placement prior to possession being taken.**

**§ 280-48** Use regulations.

**B.** Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection **B(17)**, which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board.

**(18)** Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and families

who do not have any ownership interest in any other residence or vacant lot.. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.

c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting

d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.

e. All converted affordable residential housing must have at least one parking space per unit.

#### § 280-58 Use regulations.

**B.** Uses permitted by special exception of the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection **B(10)**, which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board:

[Amended 5-23-1989 by L.L. No. 7-1989; 4-28-1997 by L.L. No. 6-1997; 11-12-1997 by L.L. No. 26-1997; 2-12-2013 by L.L. No. 2-2013; 6-17-2014 by L.L. No. 7-2014]

(11) Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.

c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting

d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.

e. All converted affordable residential housing must have at least one parking space per unit.

f. The premises must be located within a designated hamlet locus (HALO) zone

**§ 280-62 Use regulations.**

In the LI District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

**B.** \_\_\_\_\_ Uses permitted by special exception of the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided, except Subsection **B(10)**, which may be permitted as a special exception by the Planning Board, and all such special exception uses shall be subject to site plan approval by the Planning Board:

[Amended 4-28-1997 by L.L. No. 6-1997; 2-12-2013 by L.L. No. 2-2013; 6-17-2014 by L.L. No. 7-2014]

(18) Conversion of existing space to affordable residential housing.

a. Tenants shall be reserved to moderate-income individuals and families who do not have any ownership interest in any other residence or vacant lot. Tenants must work or reside in the Town of Southold at the time they take possession. The eligible applicants must be registered in the Town of Southold Housing Registry, administered by the Government Liaison Officer prior to the commencement of any tenancy.

b. Converted space shall be limited to a maximum of six (6) moderate income residential rental units.

c. As a condition of the granting of a special exception by the Zoning Board of Appeals, property owners must convert said applied for space to residential use within six (6) months, rent the units at a rate at or below the maximum allowable monthly rent for affordable housing units, and maintain the excepted residential units as affordable residential housing for a minimum period of eight (8) years from the date of granting

d. All converted affordable residential housing shall be subject to all Town and County building code and septic specifications.

e. All converted affordable residential housing must have at least one parking space per unit.

**III. SEVERABILITY**

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**IV. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: November 8, 2017

BY THE ORDER OF THE  
SOUTHOLD TOWN BOARD

Elizabeth A. Neville  
Southold Town Clerk

PLEASE PUBLISH IN THE NOVEMBER 116, 2017 EDITION OF THE SUFFOLK TIMES  
AND PROVIDE ONE (1) AFFIDAVIT OF PUBLICATION TO THE SOUTHOLD TOWN  
CLERK'S OFFICE, PO BOX 1179, SOUTHOLD, NY 11971.