



RESOLUTION 2016-765

ADOPTED

DOC ID: 12185 A

THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2016-765 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD TOWN BOARD ON AUGUST 23, 2016:

WHEREAS there has been presented to the Town Board of the Town of Southold, Suffolk County, New York, on the 12th day of July, 2016, a Local Law entitled **“A Local Law in relation to Amendments to Chapter 280, Zoning, in connection with the Affordable Housing District”** and

WHEREAS the Town Board of the Town of Southold held a public hearing on the aforesaid Local Law at which time all interested persons will be given an opportunity to be heard, NOW therefor be it

RESOLVED that the Town Board of the Town of Southold hereby ENACTS the proposed Local Law entitled, **“A Local Law in relation to Amendments to Chapter 280, Zoning, in connection with the Affordable Housing District”** reads as follows:

LOCAL LAW NO. 7 of 2016

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

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

I. Purpose.

The purpose of these Amendments is to allow more flexibility in the design of Affordable Housing Districts in order to expand the opportunities for the creation of moderate income housing within the Town.

II. Chapter 280 of the Code of the Town of Southold is hereby amended as follows:

§280-25. Definitions.

PERMANENT FIXED IMPROVEMENT An improvement to a lot or a moderate-income family dwelling unit which cannot be removed and which provides value to the property above and beyond repairs done to maintain the property in good condition. A permanent fixed improvement must be approved in advance of construction or installation in writing by the Government Liaison Officer ~~Special Projects Coordinator~~.

GOVERNMENT LIAISON OFFICER SPECIAL PROJECTS COORDINATOR or other employee of the Town as designated by the Town Board who is responsible for the development, implementation and coordination of the housing registry and affordable housing initiatives for the Town of Southold.

§ 280-26. Applicability.

AHD Districts shall be established by the Town Board on parcels of land that have been identified through the accepted principles of Smart Growth planning as being appropriate and desirable locations for affordable housing. Such locations include, but are not limited to: land within Hamlet Locus Zones, as may be determined by the Town Board; land within walking distance of services, shops, schools, and public transportation; land that adjoins existing centers of business and residential development (as opposed to land adjoining farm and open fields); and other locations where the project has been shown to meet a demonstrable need. AHD Districts shall be designated by Town Board resolution after a public hearing thereon, upon 10 days' notice thereof by publication in the official Town newspapers.

§ 280-28. Bulk, area and parking regulations.

[Amended 8-26-2014 by L.L. No. 10-2014]

A. No building or premises shall be used and no building or part thereof shall be erected or altered in the AHD District unless the same conforms to the following Bulk, Area and Parking Schedule:

Bulk, Area and Parking Schedule

Minimum Requirements	MIFDU Owner Occupied	MIFDU Tenant Occupied
Total lot area (square feet)	10,000	10,000
Lot width (feet)	80	80
Lot depth (feet)	100	100
Front yard (feet)	35	35
1 side yard (feet)	15	15
Both side yards (feet)	25	25
Rear yard (feet)	35	35
Minimum livable floor area (square feet per dwelling unit)	850	450
Off-street parking spaces (per dwelling unit)	2	2
Land area for yield (square feet per dwelling unit)	10,000	10,000
Land area density bonus for small rental units in a MIFDU tenant occupied development. (square feet/dwelling unit less than 850 square feet up to 50% of the total number of units in the development)	n/a	5,000
MIFDU Tenant Occupied Dwelling units less than 850 sq, feet		3,300

B. Notwithstanding the bulk schedule set forth in subsection (A) of this section, there shall be

C. B. Authority to amend requirements and specifications.

(1) The Planning Board shall have the authority to reduce or amend yard setback requirements, lot dimension requirements, parking requirements, and highway specifications. In making this decision, the Planning Board shall take into consideration the benefit to the applicant, as weighed against the detriment to the health, safety and welfare of the neighborhood or community. In making such determination, the Planning Board shall also consider:

- (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the amendments;
- (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the sought variance;
- (c) Whether the variance is substantial;
- (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (e) Whether the alleged difficulty was self-created, which shall be relevant to the decision but shall not necessarily preclude the proposed amendment or variance.

(2) This provision supersedes and amends New York State Town Law §§ 267, 267-a, 267-b and 267-c insofar as these sections give such authority to the Zoning Board of Appeals. Any amendment to highway specifications shall meet with the approval of the Highway Superintendent.

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.

Denis Noncarrow
Southold Town Clerk

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: James Dinizio Jr, Louisa P. Evans

SECONDER: Robert Ghosio, Councilman

AYES: Dinizio Jr, Doherty, Ghosio, Evans, Russell

ABSENT: William P. Ruland