Town Code Amendments for Community Housing

September 9, 2026

Summary

Due to the many conflicts in our existing Town Code, including inconsistencies with the new Community Housing Plan, amendments are necessary to be able to implement the programs described in the Community Housing Plan.

Town staff including planning, housing and attorneys have been working diligently for the past four months to draft new code.

Step 1. Draft new Chapter 112 Community Housing Administration

This chapter is what will guide the implementation of the Housing plan, and where the general rules around affordability and eligibility will be contained.

Currently those rules are found in several places including the Affordable Housing zoning district.

Step 2. Revised Chapters 17 and 34

Both chapters need some revisions to be consistent with each other and Chapter 112.

Step 3. Draft the new Community Housing Overlay District in Chapter 280 Zoning.

This will replace the Affordable Housing District.

Step 4. Revise Chapter 117 Sanitary Flow Credits and 240 Subdivisions

Both chapters contain obsolete references and need to be made consistent with and refer to new Chapter 112 Community Housing Administration.

Step 5. Revise Chapter 280 Accessory Apartment regulations

The rules for accessory apartments vary widely in the code and need to be made more consistent.

Step 6. Revise Chapter 207 Rental Permits

Chapter 207 Rental Permits and Chapter 280-13 D. Rental Permit section need to be made consistent.

Step 7. Revise Chapter 280 Hamlet Business zoning district

Add apartments as a permitted principal use.

Town Code Chapters Requiring Revisions for Housing Update

Below is a list of all the code sections involved in this update.

Chapter 17 Community Preservation Fund & Community Housing Fund

- Minor revision adding adoption date of the Community Housing Plan. Amendments to the plan must include a public hearing and formal adoption except in the case of minor errors being corrected.

Chapter 34 Housing Fund

- Revisions to be consistent with the new Chapter 112
- Adding Community Housing Advisory Board, and acknowledging the dissolution of the Housing Advisory Committee.

New Chapter 112 Community Housing Administration

ARTICLE I

GENERAL PROVISIONS

§ 112-1. Purpose; Findings
§ 112-2. Applicability
§ 112-3. Definitions

ARTICLE II

ADMINISTRATION AND AUTHORITY OF THE HOUSING DEPARTMENT

ARTICLE III

COMMUNITY HOUSING FUND ADMINISTRATION

§ 112-5. Availability and Utilization of Funds

ARTICLE IV

COMMUNITY HOUSING ELIGIBILITY AND REQUIREMENTS

§ 112-6. General Regulations for Community Housing
§ 112-7. General Ownership and Tenant Eligibility
§ 112-8. Authorized Eligibility Preferences
§ 112-9. Applications
§ 112-10. Policies and Procedures.
§ 112-11. Maintenance and Upkeep.
§ 112-12. Compliance and Continuing Obligations.
§ 112-13. Variation of Regulations.

ARTICLE V

COMMUNITY HOUSING HOME OWNERSHIP

§ 112-14. Applicability
§ 112-15. Initial Sale Requirements
§ 112-16. Resale Requirements for Community Housing Ownership
§ 112-17. Permanent Fixed Improvements
§ 112-18. Eligibility
§ 112-19. Leasing of Ownership Units.
§ 112-20. Procedure for Resale

ARTICLE VI

RENTAL OF COMMUNITY HOUSING UNITS

§ 112-21. Applicability.
§ 112-22. Rental Rates
§ 112-23. Eligibility.
§ 112-24. Subleasing of Rental Units.
§ 112-25. Lease Requirements.
§ 112-26. Maintenance and Upkeep.
§ 112-27. Ongoing Compliance.

ARTICLE IX

ENFORCEMENT

§ 112-26. Violations.
§ 112-27. Enforcement Authority.
§ 112-28. Administrative Remedies.
§ 112-29. Building and Occupancy Remedies.
§ 112-30. Civil Enforcement.
§ 112-31. Misrepresentation and Fraud.
§ 112-32. Fines and Penalties.
§ 112-33. Cumulative Remedies.
§ 112-34. Appeals.

Chapter 117 Sanitary Flow Credits

- Revise the entire chapter to focus on community housing and refer back to Chapter 112 Community Housing for eligibility requirements.
- Revision also required for the calculation of credits from sending parcels to match requirement by Suffolk County Dept of Health Services.

Chapter 207 Rental Permits

- Add back to Chapter 280 Zoning and reconcile with conflicting rental permit code in 280-13D.
- Move Chapter 207 to new ARTICLE XXXVII Rental Permits in Chapter 280 Zoning
    - § 280-220 Legislative intent.
    - § 280-221. Rental permit required.
    - §280-222 General requirements
    - § 280-223. Inspections.
    - § 280-224. Application for search warrant.
    - § 280-225. Revocation of permit.
    - § 280-226. Broker's/agent's responsibility
    - § 280-227. Enforcement
    - § 280-228. Penalties for offenses.

Chapter 240 Subdivisions

- Revise the inclusionary zoning language to refer back to Chapter 112 and make the terminology consistent.

Chapter 280 Zoning

- Bulk Schedules
- §280-4 Definitions
    - Review and revise all definitions related to housing and housing types and ensure consistent with building code and other chapters.
    - Examples include, but not limited to the following:
        - Apartment
        - Dwelling, Multiple
        - Dwelling Unit
        - Rental Permit
- 280-5 District Designations
    - Replace the Affordable Housing (AHD) District with the Community Housing Overlay (CHO) District
- 280-6 Zoning Map paragraph needs edits for clarity
- Revise Article VI Affordable Housing (AHD) District
    - 280-24 through 280-33
    - Change AHD to Community Housing Overlay (CHO) District
        - 280-24 Purpose
        - 280-25 Definitions
        - Bulk Schedule
        - Move all particulars about eligibility and lotteries, and rent control to Chapter 112

- Underlying zoning of existing AHD parcels must be addressed where the homes were not made affordable in perpetuity (perpetuity rules applied only to those AHD created after those rules put in place as listed in this code section)
- Consideration to landing the CHO in certain areas.

- **280-137 E.** Residential Site Plans requirement for inclusionary zoning. Revise this section - there is currently an outdated reference to Moderate Income Family Dwelling Unit – revise it to be consistent with Chapter 112. Propose to retain the requirement for inclusionary zoning. Define "residential site plan" in definitions.
- All Chapter 280 code sections referencing accessory apartments
  - 29 code sections
  - See attached table

Review and revise all the uses and code related to all types of dwelling units in each zoning district.

Below is a list of zoning districts with references to any type of dwelling, including accessory apartment references as they exist in current code:

AHD

- Allows accessory apts in single family homes.

R-80/AC/R120/R200

- 280-13 A. (6) Accessory Apartment in a one-family dwelling
  - No affordable requirement. Just year-round occupancy
  - Reference to 280-13 D Rental Permit
- 280-13 B. (13) Accessory Apartment in a detached accessory building
  - Special Exception – ZBA required
  - Required affordable or year-round rental to family member
- 280-13 D. Rental Permit
  - Reconcile with Chapter 207 Rental Permits

R-40

- 280-17 A (1)Same as R-80 280-13 A (6) No specific references
- 280-17 B (1) Same as R-80. 280-13 B (13) No specific references

Hamlet Density Zone

- 280-22 A. (3) Multiple Dwellings, row or attached dwellings, townhouses
- 280-22 B. (1) Accessory Apartments – reference to 280-13 B.(13)

Resort Residential Zone

- 280-35 A. (1) Same as R-80 280-13 A (6) No specific reference
- 280-35 B. (1) Same as R-80 280-13 B (13)

Residential Office

- No mention of accessory apartments in single family dwellings
- 280-38 A.(1) One-family detached dwelling, one per lot
- 280-38 A (1) owner-occupied two-family dwellings
- 280-38 B. (3) Apartments over business and professional offices with faulty code reference "as regulated by 280-45B(4)(a) through (f)". This was a mistake that didn't follow through a code change. The original reference was 100-91 B (4) Apartments may be permitted over retail stores, subject to the following requirements: and those were (a) through (f). Section 100-91 became Section 280-45. At some point the accessory apartment use in HB was moved to the Accessory section of 280-45 C, but no one checked for cross references so the connection to RO was lost. See Zoning Code in effect prior to LL # 07 of 1991 to see how it was originally set up. RO 100-71 B (7) added by LL 23-1989 referenced HB 100-91 B(4) (a) through (f).
- 280-38 B (6) Conversion of existing building to apartments
  - Tenants eligible for community housing
  - Rent controlled by Town community housing rental rates: Ref: 280-30F

Limited Business

- 280-41 A.(1) Same as R-80 No specific reference
- 280-41 B. (1) Same as R-80 No specific reference
- 280-41 B (5) Conversion of existing building to apartments (Ref: 280-38 B. (6)
  - Tenants eligible for community housing
  - Rent controlled by Town community housing rental rates: Ref: 280-30F

Hamlet Business

- No mention of accessory apartments in single family dwellings
- 280-45 A.(1) One-Family detached dwelling
- 280-45 A.(2) Two-family dwelling
- 280-45 A. (4) Boardinghouses and tourist homes
- 280-45 A. (21) Multiple Dwellings
- 280-45 B. (1) Same as R-80 Ref: 280-13 B(13)
- 280-45 B. (11) Conversion of existing building to apartments (Ref: 280-38 B. (6)
  - Tenants eligible for community housing
  - Rent controlled by Town community housing rental rates: Ref: 280-30F
- 280-45 C. (2) Apartments

- No more than 50% of the building
- Occupancy: "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."

General Business

- 280-48 A. (2) Multiple Dwelling (as referenced "any permitted use 280-45 A (3) to (22). Multiple dwelling is 280-45 A (21).
- 280-48 A. (2) Boarding House and Tourist Houses (as referenced "any permitted use set forth in and regulated by 280-45 A. (4) Boardinghouses and tourist homes"
- 280-48 A. (12) One family detached dwelling not to exceed one per lot
- 280-48 A. (13) Two family dwelling not so exceed one per lot and occupied by the owner
- 280-48 C. (3) a to f. Apartments in the principal building only
- No more than three
- 40% or less of building
- No affordable requirements at all
- Not required to be year-round rental

Marine I

- 280-52 A. (1) One one-family detached dwelling per lot existing at time of the code (aka "no residential subdivision allowed)
- No accessory apartments allowed.

Marine II

- 280-55 A. (1) One one-family detached dwelling per lot existing at time of the code (aka "no residential subdivision allowed)
- No accessory apartments allowed.

Light Industrial Office

- No residential uses allowed at all
- History of ZBA allowing caretaker apartments at storage facilities

Light Industrial

- No residential uses allowed at all

Plum Island Research District

- 280-183 C (2)
  Sleeping quarters, apartments or dormitories providing accommodations solely for personnel associated with permitted or special exception uses set forth in § 280-183A and B; (research or educational facility or museum)

Plum Island Conservation District

- 280-187 C (2) Sleeping quarters, apartments or dormitories providing accommodations solely for personnel associated with the permitted or special exception uses set forth in § 280-187A and B. (educational facility or museum or park)

Historic Preservation District

- 280-193 A. (1) Single-family homes
- 280-193 A (2) Two-family homes
- 280-193 A (3) Multiple Dwelling units – apartments (located within one mile of hamlet center

Accessory Apartment Existing Code _also other apartment potential (multiple dwellings)

Zone	Code Sec.	Rent to CH-Eligible Person	% affordable	Rent controlled	Option for Family Member instead of affordable	Yr. round occupancy required	Size min.	Size max.	Allowed in access. structure	Notes
AHD		Y	100	Y	N			750	N	Apts in single family homes in AHD district
R-80	280-13 A (6)	N	0	N		Y		?	N	In single family home
R-80	280-13 B (13)	Y	100	Y	Y	Y		750	Y	In accessory structure
AC	280-13 A (6)	N	0	N		Y			N	In single family home
AC	280-13 B (13)	Y	100	Y	Y	Y		750	Y	In accessory structure
R-120	280-13 A (6)	N	0	N		Y			N	In single family home
R-120	280-13 B (13)	Y	100	Y	Y	Y		750	Y	In accessory structure
R-200	280-13 A (6)	N	0	N		Y			N	In single family home
R-200	280-13 B (13)	Y	100	Y	Y	Y		750	Y	In accessory structure
R-400	280-13 A (6)	N	0	N		Y			N	In single family home
R-400	280-13 B (13)	Y	100	Y	Y	Y		750	Y	In accessory structure
R-40	280-17 A (1)	N	0	N		Y			N	In single family home
R-40	280-17 B (1)	Y	100	Y	Y	Y		750	Y	In accessory structure
HD	280-22 A (3)	N	0	N	n/a	N			N	Multiple dwelling use
HD	280-22 B (1)	Y	100	Y	Y	Y		750	N ?	References old 280-13 B(13) apt "in single-family residences". No mention of accessory structures.
RR	280-35 A (1)	N	0	N		Y		?	N	In single family home
RR	280-35 B(1)	Y	100	Y	Y	Y		750	Y	In accessory structure
RO	280-28 B (3)	Y	100	N	Y	N	350		N	Apts over businesses (old language from 80's)
HB	280-45 A. (21)	N	0	N	n/a	N			N	Multiple dwelling use

Zone	Code Sec.	Rent to CH-Eligible Person	% affordable	Rent controlled	Option for Family Member instead of affordable	Yr. round occupancy required	Size min.	Size max.	Allowed in access. structure	Notes
HB	280-45 C (2)	Y	100	N	Y	N	350		N	
HB	280-45 B (1)	Y	100	Y	Y	Y		750	Y	Apt in accessory structure
HB	280-45 C.(2)	Y	0	N	Y	N	350		N	apt in accessory structure allowed by special exception
LB	280-41 A. (1)	N	0	N		Y		?	N	In single family home
LB	280-41 B. (1)	Y	100	Y	Y	Y		750	Y	In accessory structure
B	280-48 A (2)	N	0	N	n/a	N			N	Multiple dwelling use. Refers to 280-45 A(21)
B	280-48 C (3)	N	0	N	n/a	N	350			
PIR	280-183 C(2)	N	0	N	n/a	N			?	
PIC	280-187 C (2)	N	0	N	n/a	N			?	
RO, HB, LB, B, LI, LIO	280-38 B(6) 280-45 B (11) 280-41 B (5)	Y	100	Y	N	N			Y	Conversion to Apartment Buildings – adaptive reuse of existing buildings to apartments. Up to six. Lessees must be their primary residence. HALO only