

Chapter 280 Zoning

ARTICLE VI

Community Housing Overlay (CHO) District

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Community Housing Overlay (CHO) District

§ 280-24. Purpose.

- A. The purpose of the Community Housing Overlay (CHO) District is to provide the opportunity within certain areas of the Town for the development of higher-density housing to help implement the goals of the Southold Town Community Housing Plan; and further, to do so with sensitivity to the historic and aesthetic character of the Town's existing neighborhoods. Dwelling units created within the CHO District shall be affordable in perpetuity, pursuant to Chapter 112 Community Housing Administration.

§ 280-25. Applicability.

Policy Decision:

Proposal to land the CHO in certain areas

- **Hamlet Centers**
- **On Rt. 25 within HALO zones**

- A. The Community Housing Overlay District shall be designated on specific parcels that meet the location requirements described below:

- (1) Parcels within a hamlet center; or
- (2) Parcels on State Rt. 25 and located within a Hamlet Locus zone (HALO).

- B. Locations eligible for addition to the CHO by the Town Board:

- (1) Parcels within a ¼ mile of the hamlet center;
- (2) Parcels fronting on Rt. 25 outside the HALO zones; or
- (3) Parcels on Fishers Island.

C. Parcels meeting one or more of the following criteria shall be excluded from eligibility for the CHO:

- (1) Contain less than one quarter acre of buildable land;
- (2) Contain wetlands that cannot accommodate all development including driveways and roads to be at least 100' from the wetland boundary;
- (3) Located on a shoreline; or
- (4) Contain prime agricultural soils and located between active farms.

§ 280-26. Use regulations.

In the CHO 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 use except the following:

A. Permitted uses.

- (1) One-family dwellings

Policy Decision:

Allow more than a single one-family dwelling on a parcel in the Community Housing Overlay District.

- (2) Two-family dwellings
- (3) Multiple dwellings

Accessory uses.

- (1) Accessory uses as permitted in the underlying zoning district.
- (2) Accessory Dwelling Units as per §280-13 C. () and subject to the following additional requirements:
 - (a) Occupied only by an income-eligible household as defined by Chapter 112 Community Housing Administration.
 - (b) Not more than 50% of the dwelling units in an approved project in a CHO shall be permitted to have accessory dwelling units.
- (3) Community room

§ 280-27. Development Standards.

A. No building or premises shall be used and no building or part thereof shall be erected or altered in the CHO District unless the same conforms to the following Development Standards:

- (1) Parcels within the CHO are eligible for the standards of development and uses permitted in the CHO only for projects that comply with income-eligibility and affordability requirements, with the requisite covenants and restrictions. The parcels otherwise retain their underlying zoning.
- (2) Income eligibility is set by the Town Board as outlined in Chapter 112 Community

Policy note on income eligibility:

- Current AHD zone has a requirement that 50% of dwelling units must be for tenants or owners at the 80% AMI income level.
- Proposed code removes this explicit requirement from the code. Instead, it now will depend on specific projects and requirements associated with various funding sources including the Town's Community Housing Fund, which may incentivize or impose other levels of AMI requirements.
- There will remain the cap on maximum AMI set via the method identified in Chapter 112.

- (3) Affordability requirements are set by the Town Board as outlined in Chapter 112 Community Housing Administration for the following:
 - (a) Rental rates
 - (b) Maximum sales price for homes
- (4) Lot dimensions, lot coverage and setbacks follow the underlying zoning except as amended by the Planning Board pursuant to §280-27 B. below.
- (5) Density. The total number of dwelling units permitted on a parcel within the CHO is 12 dwelling units per acre
- (6) Developments of greater than three dwelling units require site plan review and approval by the Planning Board.
- (7) Parking: 1.5 off-street parking spaces per dwelling unit. Except efficiency dwelling units require only 1 per dwelling

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.

§ 280-28. Application procedure.

A. Parcels included in the CHO by §280-25 A.

- (1) Less than three dwelling units proposed:

Apply for a building permit.

- (2) Three or more dwelling units proposed:

Apply for site plan approval. The application for site plan approval shall follow the procedures of the Southold Town Planning Board.

B. Adding a parcel to the CHO

The procedure for approval to add a parcel to the CHO shall be as follows.

- (1) An application shall be filed with the Town Clerk, in a form approved by the Town Board and available in the office of the Town Clerk.
- (2) The application shall include the following information:
 - (a) Development concept plan including the number of dwelling units and buildings;
 - (b) Financial viability;
 - (c) Affordability structure;
 - (d) Community impact;
 - (e) Long-term sustainability; and
 - (f) Compliance with any additional application requirements established by the Town.
- (3) The application will be forwarded to the Planning Department to evaluate for the Affordable Housing Review Committee or its successor as determined by the Town Board.
- (4) The Affordable Housing Review Committee shall review the evaluation and make a written recommendation to the Town Board as to the suitability of the parcel and the viability of the proposed project.
- (5) Review and approval by the Town Board shall proceed in a similar manner as a zone change application, with the following steps:
 - (a) After reviewing the Affordable Housing Review Committee's recommendation, elect whether or not to consider the application;
 - (b) If the answer is no, there will be no further action on the application;
 - (c) If the answer is yes, the Town Board will set a public hearing;
 - (d) After the public hearing, the Town Board will issue their decision.
- (6) Fees applicable to the CHO zoning application shall be set by resolution of the Town

Board.

§ 280-29. Certificate of occupancy requirements.

Certificate of occupancy requirements shall be as per §112-10 C. Certificate of occupancy in Chapter 112 Community Housing Administration.

§ 280-30. Maintenance and upkeep. [Added 6-20-2006 by L.L. No. 10-2006]

Maintenance and upkeep of dwelling units created in the CHO shall be as per §112-11 Maintenance and Upkeep in Chapter 112 Community Housing Administration.

§ 280-31. Penalties for offenses.

Any violation of any provision of this article shall be punishable as per §112-34 Fines and Penalties in Chapter 112 Community Housing Administration.