

Chapter 280 Zoning

ARTICLE VI

Community Housing Overlay (CHO) District~~Affordable Housing (AHD) District~~

~~[Added 7-1-1986 by L.L. No. 6-1986; amended 11-16-1986 by L.L. No. 14-1986; 1-10-1989 by L.L. No. 1-1989¹; 5-8-1990 by L.L. No. 9-1990; 12-22-1992 by L.L. No. 34-1992; 3-23-1993 by L.L. No. 3-1993; 4-4-1995 by L.L. No. 5-1995; 6-29-2004 by L.L. No. 13-2004²]~~

§ 280-24. Purpose.

§ 280-25-. Applicability.

1. _____ Editor's Note: This local law also repealed former Art. V, M-1 General Multiple-Residence District, as amended.

2. _____ Editor's Note: This local law provided that it shall apply to development in an AHD District after 6-1-2004.

§ 280-26. Use regulations.

§ 280-27. Development Standards.

§ 280-28. Application Procedure

§ 280-29. Maintenance and upkeep.

§ 280-30. Penalties for offenses.

Community Housing Overlay (CHO) District

§ 280-24. Purpose;~~;~~ applicability of amendments.

A. The purpose of the Affordable-Community Housing Overlay (CHOAHD) District is to provide the opportunity within certain areas of the Town for the development of higher-density housing ~~that to help implement the goals of the Southold Town Community Housing Plan is affordable for families of moderate income~~; and further, to do so with sensitivity to the historic and aesthetic character of the Town's existing neighborhoods. ~~Towards that end, the Planning Board shall have the authority to amend certain setback and other specifications in order to ensure cost efficiencies and design that furthers the Town's goals of providing quality workforce housing. Homes Dwelling units located created within the CHO District, Affordable Housing District are intended to shall be affordable in perpetuity, pursuant to Chapter 112 Community Housing Administration. The amendments set forth in Local Law No. 13-2004 apply only to development in an AHD District after June 1, 2004.~~

§ 280-25. Definitions. ~~[Amended 8-12-2008 by L.L. No. 9-2008; 8-26-2014 by L.L. No. 10-2014]~~

~~Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings as herein defined. Any word or term not noted below shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged (or latest edition).~~

~~ASSET—Includes real property holdings and equity, personal property (car, boat, etc.) valued in excess of \$10,000, savings, cash, IRAs, 401k, and any federally recognized tax-deferred vehicles.~~

~~CONSUMER PRICE INDEX—The consumer price index as published by the United States Department of Labor, Bureau of Labor Statistics, for the New York Metropolitan area.~~

~~CONVEYANCE—The transfer or transfers of any interest in real property by any method, including but not limited to, sale, exchange, assignment, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver, or transfer or acquisition of a controlling interest in any entity with an interest in real property. Notwithstanding the foregoing, conveyance of real property shall not include a conveyance made pursuant to devise, bequest or inheritance; the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release or satisfaction of a mortgage; a mortgage subordination agreement, a mortgage severance agreement or an instrument given to perfect or correct a recorded mortgage; or a release of lien of tax pursuant to this article or the Internal Revenue Code.~~

~~GOVERNMENT LIAISON OFFICER—The Government Liaison Officer 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. [Added 5-3-2016 by L.L. No. 4-2016; amended 8-23-2016 by L.L. No. 7-2016]~~

~~HEAD OF HOUSEHOLD—The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.~~

~~HOUSEHOLD—The family and live-in aide, if applicable.~~

~~MODERATE-INCOME FAMILY—A family registered with the Town of Southold Housing Registry whose aggregate annual income, including the total of all current annual income of all family members (excluding the earnings of working family members under age 18) from any source whatsoever at the time of application for the purchase or lease of an affordable housing unit or the purchase of an unimproved affordable lot, does not exceed 120% of the HUD median income for the County of Suffolk.~~

~~MODERATE-INCOME FAMILY DWELLING UNIT—A dwelling unit reserved for rent or sale to a moderate-income family and for which the maximum monthly rent (excluding utilities) or the maximum initial sales price does not exceed the maximum rent or maximum sales price set forth in § 280-30D hereof.~~

~~MODERATE-INCOME FAMILY UNIMPROVED LOT—An unimproved lot reserved for sale to a moderate-income family and for which the maximum initial sales price does not exceed the maximum sales price set forth in § 280-30D hereof. Said "unimproved lot" shall mean a vacant parcel of real property designated as a lot on a filed map, inclusive of all utilities brought to the property line.~~

~~NET WORTH—The net worth of an applicant shall include all liquid assets less debt. Liquid assets shall not include sheltered assets, trusts, individual retirement accounts (IRAs), 401ks and all other federally recognized tax-deferred vehicles.~~

~~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. [Amended 5-3-2016 by L.L. No. 4-2016; 8-23-2016 by L.L. No. 7-2016]~~

~~PRIMARY RESIDENCE~~—The address listed on a person's federal income tax return.

§ 280-256. Applicability. ~~{Amended 8-23-2016 by L.L. No. 7-2016}~~

Policy Decision:

Proposal to land the CHO in certain areas

- Hamlet Centers
- On Rt. 254 within HALO zones

~~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~~

A. The Community Housing Overlay District. ~~AHD CHO Districts shall be designated on specific parcels that meet the location requirements described below: by Town Board resolution after a public hearing thereon,; upon 10 days' notice thereof by publication in the official Town newspapers.~~

(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.

§ 280-267. Use regulations. ~~{Amended 8-26-2014 by L.L. No. 10-2014; 5-3-2016 by L.L. No. 4-2016}~~

In the ~~AHD 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~~ one-family dwelling on a parcel in the Community Housing Overlay District.

(2) Two-family dwellings

(3) Multiple dwellings

Policy Decision:

~~Remove the minimum building size for dwelling units everywhere in the code~~

~~(2) Owner-occupied moderate-income family dwelling unit ("MIFDU"), in accordance with the following requirements:~~

~~(a) An owner-occupied MIFDU shall not be leased, except one time for up to a two-year term, subject to the written approval of the Government Liaison Officer.~~

~~(b) Owner-occupied MIFDUs may either be attached or detached, or any combination thereof.~~

~~(3) Tenant-occupied MIFDU, in accordance with the following requirements:~~

~~(c) A tenant-occupied MIFDU must be leased for a term of not less than one year.~~

~~(d) Tenant-occupied MIFDUs may either be attached or detached, or any combination thereof.~~

B. Accessory uses.

~~(4)(1) Accessory uses as permitted in the underlying zoning district, set forth in and regulated by § 280-13C(1), (2), (3), (4), (6) and (7) of this chapter.~~

~~(5)(2) Accessory Dwelling Units. Accessory apartments as per §280-13 C. () and subject to the following additional requirements: are permitted only within owner-occupied MIFDUs, subject to the written approval of the Government Liaison Officer, the issuance of a rental permit in accordance with § 280-13D and the following conditions:~~

~~(a) The accessory apartment shall be located within the MIFDU.~~

~~(b) Only one accessory apartment dwelling unit shall be permitted in a MIFDU.~~

~~(c) The owner shall occupy either the principal dwelling or the accessory apartment as the owner's primary residence except if the parcel is owned by a community land trust or similar non-profit with the purpose of providing community housing opportunities.~~

~~(d)(a) The accessory apartment shall only be occupied only by an income-eligible family or individual household as defined by Chapter 112 Community Housing § 280-30C Administration.~~

~~(e) The term of the lease for an accessory apartment shall be at least one year.~~

~~(f) The accessory apartment shall be at least 350 square feet and shall not exceed a square footage equal to one half of the total square footage of the MIFDU.~~

~~(g) The accessory apartment shall have only one bathroom.~~

~~(h) A minimum of one off-street parking space shall be provided.~~

(b) Not more than 50% of the dwelling units in an approved project in a CHO affordable housing district shall be permitted to have accessory apartment dwelling units.

(3) Community room

~~(i)~~

§ 280-278. Bulk, area and parking regulationsDevelopment Standards. [Amended 8-26-2014 by L.L. No. 10-2014; 8-23-2016 by L.L. No. 7-2016]

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

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

Bulk, Area and Parking Schedule		
Minimum Requirements	MIFDU Owner-	IFDU Tenant-
	Occupied	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 <u>3,00</u>	10,000 3,300
MIFDU tenant-occupied dwelling units less than 850 square feet		
A. — (Reserved) ³		

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.

(2) —

§ 280-289. Application procedure.

A. ~~Application and fees.~~ 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

~~rezoning~~ 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 AHD-CHO zoning application shall be set by resolution of the Town Board. ~~[Amended 8-26-2014 by L.L. No. 10-2014]~~

§ 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.

A.—

B.— Application procedure. The procedure for approval of any future development in a proposed AHD District shall involve a three-stage review process as follows: ~~[Amended 8-26-2014 by L.L. No. 10-2014]~~

- (1) Approval by the Town Board of a preliminary development concept plan.
- (2) Approval of the final, detailed subdivision plat or site plan by the Planning Board. In an AHD zone, § 280-137A(5) is inapplicable, and the allowable density of MIFDUs shall be determined by the following yield calculation:
 - (a) Buildable land (square feet) divided by the minimum land area per dwelling unit = number of MIFDUs.
- (3) The zoning classification by the Town Board of a specific parcel or parcels of land for development in accordance with that plan.*

~~*NOTE: The Town shall, in all instances, process Subsection B(2) and (3) above concurrently so as to enable the municipality to utilize a single-SEQRA process and conduct a coordinated review of the entire application.~~

C.— Referral to Planning Board. Upon the receipt of a properly completed application for the

~~establishment of a new AHD District, one copy of the application shall be referred to the Planning Board for its review and report, and one copy shall be referred to the Suffolk County Planning Commission for its review and recommendation, if required by the provisions of the Suffolk County Charter. Within 60 days from the date of the Planning Board meeting at which such referral is received, the Planning Board shall report its recommendations to the Town Board. No action shall be taken by the Town Board until receipt of the Planning Board report or the expiration of the Planning Board review period, whichever first occurs. Said review period may be extended by mutual consent of the Planning Board and the applicant.~~

~~D.—Planning Board report. The Planning Board, in its report to the Town Board, may recommend either approval of the application for the establishment of the AHD District, with or without modifications, or disapproval of said application. In the event that the Planning Board recommends disapproval of said application, it shall state in its report the reasons for such disapproval. In preparing its report and recommendations, the Planning Board shall give consideration to the Town Comprehensive Plan, the existing and permitted land uses in the area, the relationship of the proposed design and location of buildings on the site, traffic circulation, both on and off the site, the adequacy and availability of community facilities and utilities, including public water and public sewer systems, to service the proposed development, compliance of the proposed development with the standards and requirements of this article, the then current need for such housing and such other factors as may be related to the purposes of this article.~~

~~E.—Town Board public hearing. Within 45 days from the date of the Town Board's receipt of the Planning Board's report and recommendation or the expiration of the Planning Board review period, whichever first occurs, the Town Board shall hold a public hearing on the matter of establishing an AHD District on the property described in the application. Such hearing shall be held upon the same notice as required by law for amendments to the Town Zoning Map and/or Zoning Code.~~

~~F.—Town Board action.~~

~~(1) Within 45 days after the date of the close of the public hearing, the Town Board shall act either to approve, approve with modifications or disapprove the preliminary development concept plan and the approval or disapproval of the establishment of the AHD District applied for. Approval or approval with modifications shall be deemed as authority for the applicant to proceed with the detailed design of the proposed development in accordance with such concept plan and the procedures and requirements of this article. A copy of the Town Board's determination shall be filed with the Planning Board and a copy mailed to the applicant. A copy shall also be filed in the Town Clerk's office. If such determination approves the establishment of a new AHD District, the Town Clerk shall cause the Official Zoning Map to be amended accordingly.~~

~~(2) Revocation; extension.~~

~~(a) Upon request to the Town Board on notice to the applicant and for good cause shown, the establishment of an AHD District may be revoked 18 months after said Town Board approval thereof if work on the site has not commenced or the same is not being prosecuted to conclusion with reasonable diligence.~~

~~(b) The Town Board, upon request of the applicant and upon good cause being shown, may, in the exercise of its discretion, extend the above time period. In the event of the revocation of approval as herein provided, the AHD District shall be deemed revoked, and the zoning classification of the property affected thereby shall revert to the zoning classification that existed on the property immediately prior to the~~

~~establishment of the AHD District thereon, and the Town Clerk shall cause the Official Zoning Map to be amended accordingly.~~

~~G. Subdivision plat approval by the Planning Board.~~

- ~~(1) No earthwork, site work, land clearing, construction or development activities shall take place on any property within an AHD District except in accordance with a site plan approved by the Planning Board in accordance with the provisions of this article and in accordance with the procedures and standards for site plan approval as set forth in Article XXIV of this chapter.~~
- ~~(2) Where a proposed development involves the subdivision or resubdivision of land, no development shall proceed until the Planning Board has granted final subdivision plat approval in accordance with the provisions of Chapter 240, Subdivision of Land, of the Town Code.~~

~~§ 280-30. General regulations and requirements.~~

~~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; 12-5-2017 by L.L. No. 20-2017]~~

- ~~(1) An owner of an improved or unimproved parcel of property within the AHD District shall, at least 30 days prior to entering into an agreement or contract to convey the parcel, provide a copy of the proposed contract to the Town Clerk with a written notice of the owner's intent to enter into the contract. The Town Clerk shall forward a copy of the owner's notice of intent and the proposed contract to the Town Board and Government Liaison Officer. Within 20 days of receipt of the owner's notice of intention, the Town shall notify the owner in writing as to whether or not the terms of the sale comply with the provisions of this chapter relating to the resale of AHD parcels.~~
- ~~(2) That an improved or unimproved parcel of property within the AHD District shall not be conveyed without written approval of the Southold Town Board.~~
- ~~(3) The leasing of an improved or unimproved parcel of property or portion thereof shall be by written lease.~~
- ~~(4) An owner of an improved or unimproved parcel of property within the AHD District shall, at least 14 days prior to entering into a lease with regard to said parcel, provide a copy of the proposed lease to the Town Clerk with a written notice of the owner's intent to enter into the lease. The Town Clerk shall forward a copy of the owner's notice of intent and the proposed lease to the Town Board and to the Government Liaison Officer. Within seven days of receipt of the owner's notice of intention, the Town shall notify the owner in writing as to whether or not the terms of the lease comply with the provisions of this chapter relating to the leasing of AHD parcels.~~
- ~~(5) An owner of an improved or unimproved parcel of property within the AHD District shall not lease the property without obtaining the written approval from the Town of Southold.~~

~~B.—Provision for moderate income family dwelling units and unimproved lots.~~

- ~~(1) On land within an AHD District each dwelling unit and/or unimproved lot located therein shall be reserved for sale or lease to moderate income families registered with the Town of Southold Housing Registry. At least 50% of available homes shall be offered for sale or lease to eligible applicants whose income does not exceed 80% of the HUD median income for the County of Suffolk.~~

~~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 be placed in a lottery system, administered by the Government Liaison Officer. There shall be a priority for qualified active members in good standing with a minimum of three years of service as volunteers in an agency providing firematic protection, emergency medical or ambulance services in the Town of Southold in a formula acceptable to the Town Board. [Amended 7-29-2008 by L.L. No. 8-2008; 5-3-2016 by L.L. No. 4-2016; 12-5-2017 by L.L. No. 20-2017; 9-24-2019 by L.L. No. 14-2019]~~

~~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. [Amended 7-29-2008 by L.L. No. 8-2008; 12-5-2017 by L.L. No. 20-2017]~~

~~E.—Resale price of dwelling units and unimproved lots. [Amended 5-3-2016 by L.L. No. 4-2016]~~

~~(1) Dwelling units in an AHD District reserved for moderate income families must be resold to moderate income families who are registered with the Government Liaison Officer as eligible and in need of housing. In an effort to ensure perpetual affordability, the maximum resale price shall not exceed the purchase price plus the cost of permanent fixed improvements, adjusted for the increase in the consumer price index during the period of ownership of such dwelling unit and such capital improvements plus reasonable and necessary resale expenses. All capital improvements require the approval of the Government Liaison Officer who will submit such improvements to the Housing Advisory Commission for determination of: (a) whether the capital improvement is warranted; and (b) if warranted, the value of appreciation to the property at time of improvement; and (c) the value (if any) upon resale. The Housing Advisory Commission will provide quarterly reports to the Town Board pertaining to AHD provisions (i.e., sales, resales, capital improvements, etc.).~~

~~(2) Unimproved lots in an AHD District reserved for registered moderate income families must be resold to moderate income families. The maximum resale price shall not exceed the purchase price of such lot adjusted for the change in the consumer price index for the period during which such lot was owned by the resale seller, plus reasonable and necessary resale expenses.~~

~~(3) Where an unimproved lot in an AHD District reserved for moderate income families is~~

~~—improved with a dwelling unit, the maximum resale price shall be determined in the manner specified in § 280-30E(1) hereof.~~

~~F.—The pricing structure for rental properties must not exceed the rent limits as established by~~

~~the Suffolk County Affordable Housing Opportunities Program. The Town Board may, at its discretion, impose restrictions regarding rentals.~~

~~G. The regulations and general provisions of this chapter may be varied at the discretion of the Town Board based on the requirements of subsidy sources of a specific development. [Added 6-20-2006 by L.L. No. 10-2006]~~

~~H. If more than one MIFDU exists on a single lot, the dwelling units must either all be owner-occupied or tenant-occupied units. [Added 8-26-2014 by L.L. No. 10-2014]~~

~~— § 280-31. Administration [Amended 5-3-2016 by L.L. No. 4-2016]~~

~~A. General duties of Government Liaison Officer:~~

~~(1) The Government Liaison Officer shall be responsible for the administration of dwelling units and unimproved lots reserved for moderate income families in all AHD Districts pursuant to the provisions of this article.~~

~~(2) The Government Liaison Officer shall promulgate and maintain information and documentation of all dwelling units and unimproved lots reserved for moderate income families in all AHD Districts; the number thereof available for sale or lease at all times; the sales prices and monthly rent for such dwelling units and lots; and the names and addresses of eligible families desiring to purchase or lease the same, together with a priority list of such families. The Government Liaison Officer shall maintain such other records and documents as shall be required to properly administer the provisions of this article.~~

~~B. Interagency cooperation:~~

~~(1) Whenever the Town Board approves the establishment of an AHD District, a copy of such determination shall be filed with the Building Inspector and the Government Liaison Officer, together with a copy of any agreements and/or covenants relating thereto.~~

~~(2) Whenever the Planning Board approves a subdivision plat and/or a site plan affecting land within an AHD District, a copy thereof shall be filed with the Building Inspector and the Government Liaison Officer, together with copies of any agreements and/or covenants relating thereto.~~

~~(3) Whenever the Building Inspector shall issue a building permit, a certificate of occupancy or any other permit or authorization affecting dwelling units and/or unimproved lots located in an AHD District and reserved for sale or lease to moderate income families, a copy thereof shall be filed with the Government Liaison Officer.~~

~~C. Procedure:~~

~~(1) Whenever the Building Inspector receives an application for a building permit or a~~

~~— certificate of occupancy for a dwelling unit or unimproved lot located in an AHD District and reserved for sale or lease to moderate income families, the Building Inspector shall file a copy thereof with the Government Liaison Officer, who shall inform the owner and/or person filing such application of the maximum sales price or monthly rent for such dwelling unit or lot as well as eligibility requirements for families seeking to purchase or lease such dwelling units or lots.~~

~~(2) No building permit or certificate of occupancy may be issued by the Building Inspector until the Government Liaison Officer has supplied the Building Inspector with the information provided for in the preceding subsection and the Building Inspector determines that the issuance of the building permit or certificate of occupancy will not permit a use, occupancy, sale or lease of a dwelling unit or unimproved lot in violation of the provisions of this article.~~

- ~~(3) The Government Liaison Officer shall certify the eligibility of all applicants for lease or purchase of dwelling units and unimproved lots reserved for moderate income families. An owner of dwelling units and unimproved lots in an AHD District which are reserved for sale or lease to moderate income families shall not sell or lease the same to any person who does not possess a certificate of eligibility issued by the Government Liaison Officer. A violation of the provisions of this subsection shall constitute grounds for the revocation of a certificate of occupancy.~~
- ~~(4) On or before March 31 of each year, the Government Liaison Officer shall notify the owner or manager of dwelling units and unimproved lots reserved for moderate income families of the monthly rent, sales price and income eligibility requirements for such units and lots based upon data derived from the preceding year.~~
- ~~(5) The owner or manager of dwelling units and unimproved lots reserved for moderate income families shall certify in writing to the Government Liaison Officer on or before May 31 of each year, that the sale and/or lease of such dwelling units and lots comply with the provisions of this article and Chapter 280 of the Town Code.~~
- ~~(6) When a dwelling unit reserved for lease to moderate income families is to be rented, the lease for such unit shall not exceed a term of two years.~~
- ~~(7) An applicant for a certificate of eligibility aggrieved by any determination of the Government Liaison Officer shall have the right to appeal such determination to the Town Board at its next regularly scheduled work session or to any standing committee of the Town Board designated by resolution to hear such appeals.~~
- ~~(8) The only covenants and restrictions which may even be placed upon any lot or dwelling unit in an AHD District must be first approved by action of the Town Board.~~

~~§ 280-32. Applicability of other Code provisions.~~

~~— All of the provisions of the Code of the Town of Southold not inconsistent or in conflict with the provisions of this article shall be applicable in the AHD District.~~

§ 280-~~30~~32.1. 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.

~~A. A dwelling unit and premises created in the AHD Zoning District after January 1, 2006, shall be maintained in accordance with the provisions of the Property Maintenance Code of New York State.~~

~~B. Failure to comply with this section shall be a violation punishable by a fine of not less than \$250 and not more than \$1,000.~~

§ 280-~~31~~33. Penalties for offenses. [Amended 8-24-1993 by L.L. No. 18-1993; 6-2-2009 by L.L. No. 7-2009]

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

~~A. First offense: by a fine of not less than \$1,000 nor more than \$5,000.~~

~~B. Second offense and for any offense thereafter: by a fine of not less than \$5,000 and not more than \$10,000 for each offense.~~

~~C. Any offense under this article may be punishable by revocation of an existing certificate of occupancy.~~

~~D. Any individual who has violated covenants and resolutions imposed pursuant to this article shall be prohibited from further participation in ownership opportunities and benefits within an approved AHD District.~~