

Proposed ADU Code Revisions: What Changes and Why It Matters

Topic	Proposed Change	Why It Matters
1. Approval Process	Removes the ADU-specific Zoning Board of Appeals special-exception process for detached units and treats attached and detached ADUs more consistently.	Reduces procedural complexity, potential delays, and costs while retaining other applicable approvals and code requirements.
2. Unit Size	Increases the maximum size from 750 square feet to the lesser of 50% of the principal dwelling's livable floor area or 1,000 square feet.	Allows larger units on some properties while tying ADU size to the scale of the main home.
3. Bedrooms and Bathrooms	Allows up to two bedrooms and two bathrooms.	Provides more practical living arrangements for small households, family members, caregivers, and year-round renters.
4. Attached vs. Detached ADUs	Consolidates requirements for attached and detached units and removes certain design and layout restrictions.	Creates clearer, more consistent rules and may offer homeowners greater flexibility in designing an ADU.
5. Rental and Occupancy	Generally requires owner occupancy of one dwelling, a written year-round lease for the other, a valid rental permit, and prohibits short-term rentals. Allows qualifying nonprofit community housing corporations to lease both units year-round under Chapter 112.	Supports year-round housing while retaining owner-occupancy, rental, and permitting safeguards.
6. Parking, Health and Property Standards	Retains one ADU per lot with a one-family dwelling, three combined off-street parking spaces, maximum lot coverage limits, Suffolk County Department of Health Services approval, and applicable accessory-building size limits.	Addresses parking, wastewater and public health, neighborhood compatibility, and the relationship between the ADU and the principal home.
7. Year-Round Housing Opportunities	Makes ADUs potentially more feasible through a streamlined approval process and clearer, more consistent requirements.	Expands potential housing options for aging parents, adult children, caregivers, and other year-round residents while maintaining community safeguards.

Proposed Chapter 280 Definitions

- **Accessory Dwelling Unit:** A dwelling unit that is located on the same lot as a one-family dwelling, either internal to or attached to the dwelling structure or in a detached structure. The accessory dwelling unit is a separate, complete dwelling unit with a kitchen, sleeping area, and full bathroom facilities.
- **Apartment:** A dwelling unit located in a building containing two or more dwelling units or located in a building devoted primarily to nonresidential uses.
- **Dwelling Unit:** A building or entirely self-contained portion thereof consisting of complete housekeeping facilities for only one household and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A house trailer, a boarding- or rooming house, hotel, motel, inn, lodging or nursing or similar home or other similar structure shall not be deemed to constitute a "dwelling unit."
- **Floor Area, Livable:** All spaces within the exterior walls of a dwelling unit, exclusive of garages, breezeways, unheated porches, cellars, heater rooms and approved basements having a window area of less than 10% of the square foot area of the room. Usable floor area shall include all spaces not otherwise excluded above, such as principal rooms, utility rooms, bathrooms, all closets and hallways opening directly into any rooms within the dwelling unit.

Proposed Accessory Dwelling Units in Residential Zones

ARTICLE III - Agricultural-Conservation (A-C) District and Low-Density Residential R-80, R-120, R-200 and R-400 Districts

§ 280-13. Use regulations.

C. Accessory uses, limited to the following uses and subject to the conditions listed in § 280-15 herein:

(2) Accessory Dwelling Units (ADUs):

(a) General Requirements Applicable to All ADUs:

- [1] One accessory dwelling unit may be permitted on a lot containing a one-family dwelling, subject to the requirements of this subsection and the issuance of a rental permit in accordance with Article XXXVII Rental Permits.
- [2] No more than one ADU shall be permitted on a lot.
- [3] The owner of the property shall occupy one of the dwelling units as the owner's primary residence. The other dwelling unit may be leased for year-round occupancy, evidenced by a written lease.
 - [a] Exception: In the case of the property being owned by a non-profit

corporation established for the purpose of providing community housing, both units may be leased for year-round occupancy pursuant to Chapter 112.

- [4] An accessory dwelling unit (ADU) shall not be used as a seasonal rental or short-term rental as defined in § 280-4. An ADU may be rented only for year-round occupancy and only pursuant to a valid rental permit issued in accordance with Article XXXVII Rental Permits of this chapter.
- [5] The creation of an ADU shall not cause the lot to exceed the maximum lot coverage permitted for the applicable zoning district.
- [6] The accessory dwelling unit shall contain no more than two bedrooms and two bathrooms.

Policy Decision: Maximum Size of ADU

The code currently states that an attached ADU must be not less than 220sf of livable floor area and not greater than 25% of habitable space only allowing for a reasonable expansion of the existing foundation, while a detached ADU must be at least 220sf but no more than 750sf. After reviewing community feedback and prior discussions on this topic, the draft code proposes allowing ADUs up to 50% of the principal dwelling's size, capped at 1,000 sq. ft. Is this the right limit or should the Board adjust either number?

- [7] The ADU shall be subordinate in size to the principal dwelling and shall not exceed the lesser of 50% of the principal dwelling's livable floor area or 1,000 square feet.
- [8] A minimum of three off-street parking spaces shall be provided on the lot for the combined use of the principal dwelling and ADU.
- [9] Approval by the Suffolk County Department of Health Services of the applicable water supply and sewage disposal systems shall be required.

(b) Additional Requirements for ADUs Within or Attached to a Principal Dwelling:

- [1] An ADU may be created within or attached to the principal dwelling through the conversion of existing space or, subject to all other requirements of this chapter, through an expansion of the principal dwelling.

Policy Question: Market-Rate ADUs

Under the draft, ADUs may be rented at market rate to any tenant under a year-round lease, unless they receive funding under Chapter 112 or sanitary flow credits under Chapter 212, which trigger affordability requirements. This differs from current requirements for detached ADUs, which require a Special Exception and limit tenants to owners, family members, or residents on the Southold Town Affordable Housing Registry.

1. Is the Board comfortable allowing market-rate ADUs by default, with affordability requirements tied to applicable funding or sanitary flow credits?
2. Should the Town Board establish an annual cap on market-rate ADUs by resolution?

(c) Additional Requirements for ADUs in a Detached Accessory Structure:

- [1] An ADU may be located within a detached accessory structure serving a one-family dwelling on the same lot, subject to the requirements of this subsection and § 280-15 Accessory buildings and structures.
- [2] The total floor area of the detached accessory structure containing the ADU shall not exceed the maximum floor area permitted for an accessory building pursuant to § 280-15(C).
- [3] Where a detached accessory structure, new or existing, containing an ADU is located in the rear yard, such structure shall maintain a minimum setback of 15 feet from both the side and rear lot lines, notwithstanding the setback requirements of § 280-15.
- [4] A detached accessory structure, new or existing, containing an ADU shall comply with the front yard setback applicable to a principal building in the zoning district where such structure is permitted in the front yard under § 280-15(F). In all other cases, the prohibition on accessory structures in the front yard under § 280-15 shall apply.

Policy Question: ADUs in Detached Structures

Do the proposed standards governing the size, height, setbacks, and location of detached ADUs along with the year-round lease requirement provide sufficient controls to permit detached ADUs by right, without requiring special exception approval?

§ 280-15. Accessory buildings and structures.

In the Agricultural-Conservation District and Low-Density Residential R-80, R-120, R-200 and R-400 Districts, accessory buildings and structures or other accessory uses shall be located in the required rear yard, subject to the following requirements:

- A. Buildings with a flat or mansard roof shall not exceed 16 feet in height and shall be set back at the minimum required for a sloping roof.
- B. Buildings with a sloping roof shall be subject to the following height and setback limitations:

Lot Size (square feet)	Maximum Height (feet)	Minimum Setback for Side and/or Rear Yard (feet)
Less than 10,000	18	3
Less than 10,000	20	5
Less than 10,000	22	10
10,000 to 19,999	18	5
10,000 to 19,999	20	15
10,000 to 19,999	22	20
20,000 to 39,999	18	10
20,000 to 39,999	20	15
20,000 to 39,999	22	20
40,000 to 59,999	22	15
60,000 to 79,999	22	20
80,000 and over	22	25

- C. Such buildings shall not exceed 1,000 square feet on lots containing up to 20,000 square feet and shall not exceed 1,200 square feet on lots 20,000 square feet to 60,000 square feet. On lots over 60,000 square feet, no accessory building shall exceed 3% of the total size of the parcel.
- D. Dormers are permitted on accessory buildings up to 80% of the roof width. This restriction shall not apply to buildings receiving a certificate of appropriateness from the Town of Southold Historic Preservation Commission pursuant to Chapter 170 of the Town Code.
- E. Any accessory structure that is not a building shall not exceed 18 feet in height and shall be set back at the minimum required in Subsection B above.
- F. In the case of a waterfront parcel, accessory buildings and structures may be located in the front yard, provided that such buildings and structures meet the front yard principal setback requirements as set forth by this Code and the side yard setback requirements for accessory buildings in Subsection B above.
- G. Accessory structures, that have a certificate of occupancy or equivalent, located in a rear yard or in a waterfront front yard, which are rendered partially or completely in a side yard, due to additions or alterations to a single-family dwelling, shall be exempt from this requirement.