

ARTICLE III
Agricultural-Conservation (A-C) District and Low-Density Residential R-80, R-120, R-200 and R-400 Districts
[Last amended 1-10-1989 by L.L. No. 1-1989]

(ADUS' Within or Attached to a Principal Dwelling)

§ 280-13. Use Regulations.

A. Permitted uses.

- (6) One accessory apartment in a one-family dwelling, subject to the issuance of a rental permit in accordance with § 280-13D and the following requirements:
 - (a) The accessory apartment shall be located in the principal building.
 - (b) One of the dwelling units shall be for the sole exclusive use of the owner or family member as defined in § 280-4. The other dwelling unit shall be leased for year-round occupancy, evidenced by a written lease for a term of one or more years.
 - (c) The accessory apartment shall contain not less than 220 square feet of livable floor area, with no more than two bedrooms and one bathroom.
 - (d) The accessory apartment shall not exceed 25% of the habitable space of the entire residence based upon properly certified structures at the time of the effective date of this code.
 - (e) A minimum of three off-street parking spaces shall be provided.
 - (f) Not more than one accessory apartment shall be permitted on a lot.
 - (g) The accessory apartment shall meet the requirements of an apartment as defined in

(ADUS' in Detached Accessory Structures)

§ 280-13. Use Regulations.

- B. Uses permitted by special exception by the Board of Appeals. The following uses are permitted as a special exception by the Board of Appeals as hereinafter provided and subject to site plan approval by the Planning Board, provided that not more than one use shall be allowed for each 40,000 square feet of lot area:

- (13) One accessory apartment in a detached accessory structure, subject to the following requirements:
- (a) The accessory apartment shall contain no less than 220 square feet and shall not exceed 750 square feet of livable floor area and shall have no more than two bedrooms and one bathroom.
 - (b) A minimum of three off-street parking spaces shall be provided on the premises.
 - (c) Not more than one accessory apartment shall be permitted on a lot.
 - (d) The accessory apartment shall meet the requirements of an apartment as defined in § 280-4 hereof.
 - (e) The entirety of the living floor area of the accessory apartment must be on one floor of the accessory structure. If established on the first floor, access to any storage area above shall be by pull-down ladder staircase only.
 - (f) The accessory structure shall comply with all other requirements of this chapter.
 - (g) Approval by the Suffolk County Department of Health Services of the water supply and sewage disposal systems shall be required.
 - (h) No bed-and-breakfast facilities, as authorized by § 280-13B(14) hereof, shall be permitted in or on premises for which an accessory apartment is authorized or exists.
 - (i) Occupancy of resident structures on the premises shall be subject to the issuance of a bi-annual rental permit in accordance with § 280-13D and the following requirements:
 - [1] One of the dwelling units shall be for the sole, exclusive occupancy of the owner or family member as defined in § 280-4. The other dwelling unit shall be leased for year- round occupancy evidenced by a written lease for a term of no less than one year and no more than two years to:
 - [a] A family member; or
 - [b] A resident who is currently on the Southold Town Affordable Housing Registry and eligible for placement.

- [2] Rents charged to a resident on the Affordable Housing Registry shall not exceed the rent established by the Town Board annually pursuant to § 280-30F of this Code.
- [3] No accessory apartment shall be occupied by more than the number of persons permitted to occupy the dwelling unit under Section 404 of the Property Maintenance Code of the New York State Uniform Fire Prevention and Building Code.
- [4] An accessory apartment shall only be occupied or otherwise utilized in accordance with the certificate of occupancy issued for the dwelling unit.
- [5] Upon approval of the special exception and prior to the issuance of a rental permit, the applicant shall file covenants and restrictions with the Suffolk County Clerk's office in a form approved by the Town Attorney. The covenants and restrictions shall include terms and conditions deemed necessary by the Zoning Board of Appeals to ensure that: 1) the accessory apartment shall only be rented to a family member or resident who qualifies to be on the Southold Town Affordable Housing Registry, and 2) the special exception approval and resulting rental permit are nontransferable and any future owner must reapply for the permit.