HOUSING CODE CHANGES
CHAPTER 280 ZONING

§ 280-4. Definitions.

B. Definitions and usages. 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).

ACCESSORY DWELLING UNIT ~~APARTMENT~~ — A dwelling unit located on the same lot as a one-family dwelling, either created within or attached to the one-family dwelling, or in a detached structure, which together constitute a single interest in real estate. ~~An apartment created in a one-family dwelling unit or detached accessory structure pursuant to § 280-13A(6) or § 280-13B(13).~~

APARTMENT — A dwelling unit located in a building containing two or more dwelling units or located in a building devoted primarily to nonresidential uses.~~An entirely self-contained dwelling unit consisting of a minimum of 220 square feet of living area containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises and having no enclosed space (other than vestibules, entrance hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit and/or "apartment."~~

APARTMENT HOUSE — See DWELLING, MULTIPLE.~~A building arranged, intended or designed to be occupied by two or more families living independently of each other in apartments.~~

CODE ENFORCEMENT OFFICIAL — The official(s) charged by the Town Board with the administration and enforcement of this chapter who is certified as a New York State Code Enforcement Official~~., and which may include, but not be limited to, the Building Inspector, Chief Building Inspector, Principal Building Inspector, Senior Building Inspector, Building Permits Examiner, Zoning Inspector, Electrical Inspector, Plumbing Inspector, Fire Marshal, Fire Marshal I, Fire Marshal II, Chief Fire Marshal, Town Investigator, Senior Town Investigator, Ordinance Enforcement Officer or Ordinance Inspector of the Town of Southold, Stormwater Manager, and Town Engineer.~~.

COMMUNITY HOUSING — See Chapter 112 Community Housing Administration

COMMUNITY ROOM — A gathering space of no more than 1,500 square feet of gross floor area, for the use of residents of a multiple-dwelling development and their guests. It may include restrooms and a kitchenette limited to a sink, refrigerator, microwave and small cooking appliances. It shall not contain sleeping quarters or a dwelling unit, and shall not be operated for profit or rented to the public.

CONDOMINIUM — A building or buildings, the dwelling units of which are individually owned, each owner receiving a deed enabling him to sell, mortgage or exchange his dwelling unit independent of the owners of the other dwelling units in the building or buildings.

COOPERATIVE — A type of ~~resort or~~ multiple dwelling~~ residence~~ in which persons have an ownership interest in the entity which owns the building or buildings and, in addition, a lease or occupancy agreement which entitles them to occupy a particular dwelling unit therein, regardless of whether, and in what manner, the dwelling units are managed, leased or otherwise made available for use by persons other than the owners thereof.

DWELLING, MULTIPLE — A building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY — A detached building containing one dwelling unit.~~ only consisting of a minimum living area of 850 square feet.~~

DWELLING, ROW OR ATTACHED — A one-family dwelling with two common or party walls separating it from adjacent units on both sides.

DWELLING, SEMIDETACHED — A one-family dwelling with one wall in common with an adjacent dwelling.

DWELLING, TWO-FAMILY — A detached building containing two dwelling units only.

DWELLING UNIT — A building or entirely self-contained portion thereof ~~consisting of a minimum living area of 850 square feet~~ containing complete housekeeping facilities for only one family~~, including any domestic servants employed on the premises,~~ 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, ~~convalescent home, fraternity or sorority house,~~ hotel, motel, inn, lodging or nursing or similar home or other similar structure shall not be deemed to constitute a "dwelling unit."

FAMILY — See HOUSEHOLD ~~One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons 18 years of age or older, exclusive of domestic servants, not related by blood, marriage or adoption shall not be considered a "family."~~

FAMILY MEMBER — The spouse, domestic partner, child, grandchild, stepchild, parent, aunt, uncle, niece, nephew, brother or sister of the owner or of the owner's spouse or domestic partner.

FLOOR AREA — The sum of the gross horizontal areas of all floors of the building or buildings on a lot, having a clear height of not less than six feet measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, including cellar and basement areas. The "floor area" shall not include roof overhangs projecting less than three feet or any floors or portions thereof contained on terraces or balconies projecting beyond the exterior face of the building.

FLOOR AREA, GROSS (GFA) — The cumulative area, in square feet, of all floor levels of every story of all dwellings on a lot, including attached garages, having a clear height of not less than six feet measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. Interior spaces with a floor-to-ceiling height in excess of 15 feet shall be counted twice for gross floor area. The cumulative area shall not include roof overhangs less than three feet; unenclosed porches, patios, decks; open terraces; balconies; basements; and attics. Accessory buildings or structures shall also be excluded, except any portion thereof which may be converted to habitable space. Such habitable portion shall be included in the gross floor area.

FLOOR AREA, LIVABLE — All spaces within the exterior walls of a dwelling unit are included. Not included are ~~, exclusive of~~ garages, breezeways, unheated porches, and 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.~~

FLOOR AREA RATIO — The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

GROSS FLOOR AREA — See "floor area, gross."

HABITABLE FLOOR AREA — See "floor area, livable."

HOUSEHOLD — One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. More than five persons 18 years of age or older~~, exclusive of domestic servants,~~ not related by blood, marriage or adoption shall not be considered a "household~~family~~."

~~**LOWER- AND MODERATE-COST HOUSING** — Housing which is constructed and kept available for families or individuals with low or moderate income, including senior citizens, as defined by the Town Board.~~

OWNER — ~~Includes the duly authorized agent, attorney, purchaser, devisee, fiduciary or any other person having vested or contingent interest in the property in question.~~ Any person, partnership, corporation, limited liability company, trust or other entity holding fee title to, or a life estate in, a lot, as shown on the current Southold Town assessment roll or by recorded deed. Where title is held by more than one person or entity, each is an owner. For owner-occupancy requirements of this chapter, the owner must be a natural person holding title, or the beneficiary of a trust holding title who has the right to occupy the premises. For purposes of enforcement under this chapter, "owner" also includes any lessee, tenant, contract vendee, mortgagee in possession, receiver, executor, administrator, trustee, guardian or agent having possession or control of the premises. An application under this chapter may be made by the owner, or by a contract vendee, lessee or agent with the owner's written, notarized authorization.

PERSON — Any association, partnership, corporation, cooperative group, trust or other entity, as well as an individual.

~~**RENTAL PERMIT** — A permit issued by the Chief Building Inspector to the owner to allow use and occupancy of a lawfully existing accessory apartment.~~

RENTAL, SEASONAL — The rental of a dwelling unit, or a portion thereof, for residential occupancy for a period of at least thirty (30) consecutive days but less than twelve (12) consecutive months. A seasonal rental shall be documented by a written rental agreement identifying the term of occupancy. Seasonal rental shall not include any rental activity that constitutes a short-term rental as defined in this Chapter.

RENTAL, SHORT-TERM (STR) — Rental of any dwelling or dwelling unit, in whole or in part, to any person, persons, or entity for a period of less than 30 consecutive days, including any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, but expressly excluding accessory dwelling units and accessory apartments. Neither legally established timeshare units, hotels, motels, bed and breakfast establishments, and school or non-profit dormitories nor use of a short-term rental by a record owner of a property shall be considered a short-term rental for purposes of this Chapter. This definition will replace the definition of Transient Rental Property upon the effective date of Article XXXVIII Short Term Rentals

RENTAL, YEAR-ROUND — The rental of a dwelling unit, or a portion thereof, for residential occupancy pursuant to a written lease with a term of at least twelve (12) consecutive months.

SEASONAL RENTAL — See RENTAL, SEASONAL

SHORT-TERM RENTAL — See RENTAL, SHORT-TERM

TOWNHOUSE — A dwelling unit in a building containing at least three connected dwelling units divided by common vertical party walls with private entrances to each dwelling. A townhouse may include dwelling units owned in fee simple or in condominium or cooperative ownership or any combination thereof.

TRANSIENT RENTAL AMENITY

— The rental of any parcel amenity, accessory use or yard area, including pools, barns (except for storage-only purposes), sports courts or waterway access, separate from ~~not in conjunction with a valid dwelling or~~ dwelling unit ~~rental occupancy permit~~.

TRANSIENT RENTAL PROPERTY —

(1) This definition will be replaced by the definition of SHORT-TERM RENTAL upon the effective date of Article XXXVIII Short-Term Rentals

~~(1)~~(2) A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or a family member of the owner, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation for a period of less than 14 nights. For the purposes of this chapter, the term "transient rental property" shall mean all non-owner-occupied, single-family residences, two-family residences, and townhouses rented for a period of less than 14 nights and shall not include:

(a) Any legally operating commercial hotel/motel business or bed-and-breakfast establishment operating exclusively and catering to transient clientele; that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

(b) A dwelling unit located on Fishers Island, due to the unique characteristics of the Island, including the lack of formal lodging for visitors.

~~(2)~~(3) The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

(a) The dwelling unit is offered for lease on a short-term rental website, including Airbnb, HomeAway, VRBO and the like; or

(b) The dwelling unit is offered for lease in any medium for a period of less than 14 nights.

~~(3)~~(4) The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Officer for the Town of Southold or Town Justice that the dwelling unit is not a transient rental property.

YEAR-ROUND RENTAL — see RENTAL, YEAR-ROUND