

Chapter 280. Zoning

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]

§ 280-12. Purpose.

The purpose of the Agricultural-Conservation (A-C) District and the Low-Density Residential R-80, R-120, R-200 and R-400 Districts is to reasonably control and, to the extent possible, prevent the unnecessary loss of those currently open lands within the Town containing large and contiguous areas of prime agricultural soils which are the basis for a significant portion of the Town's economy and those areas with sensitive environmental features, including aquifer recharge areas and bluffs. In addition, these areas provide the open rural environment so highly valued by year-round residents and those persons who support the Town of Southold's recreation, resort and second-home economy. The economic, social and aesthetic benefits which can be obtained for all citizens by limiting loss of such areas are well documented and have inspired a host of governmental programs designed, with varying degrees of success, to achieve this result. For its part, the Town is expending large sums of money to protect existing farm acreage. At the same time, the Town has an obligation to exercise its authority to reasonably regulate the subdivision and development of this land to further the same purposes while honoring the legitimate interests of farmers and other farmland owners.

§ 280-13. Use regulations.

[Amended 3-14-1989 by L.L. No. 3-1989]

In A-C, R-80, R-120, R-200 and R-400 Districts, 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 uses except the following:

A. Permitted uses.

[Amended 5-23-1989 by L.L. No. 8-1989; 11-29-1994 by L.L. No. 25-1994; 11-29-1994 by L.L. No. 26-1994; 5-13-1997 by L.L. No. 8-1997; 7-17-2007 by L.L. No. 15-2007; 6-15-2010 by L.L. No. 2-2010]

- (1) One-family detached dwellings, not to exceed one dwelling on each lot.
- (2) The following agricultural operations and accessory uses thereto, including irrigation, provided that there shall be no storage of manure, fertilizer or other odor- or dust-producing substance or use, except spraying and dusting to protect vegetation, within 150 feet of any lot line:
 - (a) The raising of field and garden crops, vineyard and orchard farming, the maintenance of nurseries and the seasonal sale of products grown on the premises.
 - (b) The keeping, breeding, raising and training of horses, domestic animals and fowl (except ducks)^[1] on lots of 10 acres or more.

[1] *Editor's Note: See also Ch. 83, Art. I, Ducks.*

- (c) Barns, storage buildings, greenhouses (including plastic-covered) and other related structures, provided that such buildings shall conform to the yard requirements for principal buildings.
 - (d) The retail sale of local produce from structures of less than 20 square feet floor area shall be set back at least 10 feet from any lot line.
- (3) Buildings, structures and uses owned or operated by the Town of Southold, school districts, park districts and fire districts.
- (4) Wineries which meet the following standards:
 - (a) The winery shall be a place or premises on which wine made from primarily Long Island grapes is produced and sold;
 - (b) The winery shall be on a parcel on which at least 10 acres are devoted to vineyard or other agricultural purposes, and which is owned by the winery owner;
 - (c) The winery structures shall be set back a minimum of 100 feet from a major road; and
 - (d) The winery shall obtain site plan approval.
- (5) Small wind energy systems on parcels greater than seven acres in size, which parcels are dedicated primarily to uses necessary for bona fide agricultural production, and subject to the standards provided in Chapter **277** of this Town Code.
- (6) One accessory apartment in an existing one-family dwelling, subject to the issuance of a rental permit in accordance with § **280-13D** and the following requirements:
[Amended 5-23-2023 by L.L. No. 12-2023]
 - (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 § **280-4** hereof.
 - (h) The exterior entry to the accessory apartment shall, to the maximum extent possible, retain the existing exterior appearance of a one-family dwelling.
 - (i) Subject to all other restrictions and requirements in this Code, a reasonable expansion of the existing foundation, not to exceed 25% of the living space of the existing dwelling unit, may be permitted to accommodate the creation of an accessory apartment.
 - (j) All conversions shall be subject to the inspection of the Building Inspector and issuance of a certificate of compliance.
 - (k) The existing building, together with the accessory apartment, shall comply with all other requirements of Chapter **280** of the Town Code of the Town of Southold.

- (l) Notwithstanding the provisions of § **280-13B** hereof, no site plan approval by the Planning Board shall be required for the establishment of an accessory apartment.
 - (m) Approval by the Suffolk County Department of Health Services of the water supply and sewage disposal systems shall be required.
 - (n) 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.
- (7) Land-based aquaculture operations, including research and development, which meet the following standards:
[Added 9-22-2015 by L.L. No. 8-2015]
- (a) The land-based aquaculture operations shall be on a parcel that is at least seven acres, owned by the land-based aquaculture operator.
 - (b) The structures used for land based aquaculture operations shall be set back a minimum of 100 feet from any road and 200 feet from any contiguous parcel.
 - (c) Any land-based aquaculture operation shall take place in a fully enclosed structure.
 - (d) Any land-based aquaculture operation shall be entitled to a retail area not more than 10% of the gross floor area of the structure in which the land-based aquaculture takes place for the direct marketing of its products.
 - (e) Land-based aquaculture operations shall be subject to site plan approval by the Planning Board.
- 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:
[Amended 3-14-1989 by L.L. No. 3-1989; 5-20-1993 by L.L. No. 6-1993; 12-21-1993 by L.L. No. 3-1989; 11-29-1994 by L.L. No. 26-1994; 12-27-1994 by L.L. No. 30-1994; 2-7-1995 by L.L. No. 3-1995; 11-12-1996 by L.L. No. 20-1996; 11-12-1997 by L.L. No. 26-1997; 12-8-1998 by L.L. No. 26-1998; 10-25-2005 by L.L. No. 18-2005; 6-15-2010 by L.L. No. 2-2010; 12-5-2017 by L.L. No. 20-2017; 4-24-2018 by L.L. No. 3-2018; 6-7-2022 by L.L. No. 5-2022]
- (1) Two-family dwellings not to exceed one such dwelling on each lot.
 - (2) Places of worship, including parish houses (but excluding a rectory or parsonage, which shall conform to the requirements for a one-family dwelling), subject to the following requirements:
 - (a) No building or part thereof shall be erected nearer than 50 feet to any street line and nearer than 20 feet to any lot line.
 - (b) The total area covered by all principal and accessory buildings shall not exceed 20% of the area of the lot.
 - (3) Private elementary or high schools, colleges and other educational institutions, subject to the following requirements:
 - (a) No building shall be less than 50 feet from any street or lot line.
 - (b) The total area occupied by all principal and accessory buildings shall not exceed 20% of the area of the lot.
 - (c) Any school shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively thereunder as such.
 - (d) Any such school shall occupy a lot with an area of not less than five acres plus one acre for each 25 pupils for which the building is designed.

- (4) Nursery schools.
- (5) Philanthropic, eleemosynary or religious institutions, health care, continuing care and life facilities, but excluding facilities for the treatment of all types of drug addiction, subject to the following requirements:
 - (a) No building or part thereof or any parking or loading area shall be located within 100 feet of any street line nor within 50 feet of any lot line.
 - (b) The total area covered by principal and accessory buildings shall not exceed 20% of the area of the lot.
 - (c) The maximum height shall be 35 feet or 2 1/2 stories.
 - (d) The entire lot, except areas occupied by buildings or parking or loading areas, shall be suitably landscaped and properly maintained.
 - (e) Any health care, continuing care or life care facility shall meet the following standards:
 - [1] All buildings shall be of fire-resistive construction.
 - [2] All such uses shall be served by adequate water and sewer systems approved by the Suffolk County Department of Health.
 - [3] Patients suffering from communicable diseases shall not be permitted in any nursing home or sanatorium. (Communicable diseases are defined by the Sanitary Code of the Public Health Council of the State of New York.)
 - [4] Eight thousand square feet of lot area shall be provided for each patient bed.
- (6) Public utility rights-of-way as well as structures and other installations necessary to serve areas within the Town, except that wireless communication facilities must obtain approval pursuant to Article **XVII**, subject to such conditions as the Board of Appeals may impose in order to protect and promote the health, safety, appearance and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.
- (7) Beach clubs, tennis clubs, country clubs, golf clubs and annual membership clubs and accessory playgrounds, beaches, swimming pools, tennis courts, recreational buildings and maintenance buildings catering exclusively to members and their guests, subject to the following requirements:
 - (a) No building or part thereof or any parking or loading area shall be located within 100 feet of any street line or within 50 feet of any lot line.
 - (b) The total area covered by principal and accessory buildings shall not exceed 20% of the area of the lot.
 - (c) No such use shall occupy a lot with an area of less than three acres.
- (8) Children's recreation camps organized primarily for seasonal use and subject to the following requirements:
 - (a) No building, tent, activity area or recreation facility shall be less than 200 feet from any lot line, and any such building, tent, activity area or recreation facility shall be effectively screened therefrom as required by the Planning Board. Buildings intended for use as sleeping quarters shall be not less than 30 feet from each other, except tents, which shall be not less than 10 feet apart.
 - (b) The minimum lot area shall be not less than 10,000 square feet for each cottage, tent or other principal building and not less than 3,000 square feet of land area shall be provided for each person accommodated in the buildings or tents on the premises.

- (c) The sound level of all outdoor public-address systems shall not exceed the intensity tolerable in a residential neighborhood.
- (9) Farm labor camps, subject to the following requirements:
 - (a) All farm labor camps on farms shall be construed in conformance with applicable laws and shall not be located nearer to any other residence than the residence of the employer, except by specific review and approval of the Planning Board.
- (10) Veterinarian's offices and animal hospitals, subject to the following requirements:
 - (a) The housing of all animals shall be in a fully enclosed structure, if nearer than 150 feet to any lot line.
- (11) Cemeteries.
- (12) Stables and riding academies.
- (13) One accessory apartment in a lawfully existing detached accessory garage, barn or storage building, 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.
[Amended 5-23-2023 by L.L. No. 12-2023]
 - (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. The structure must have been certificated a minimum of three years prior to the establishment of the accessory apartment.
[Amended 5-23-2023 by L.L. No. 12-2023]
 - (f) The existing 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 an 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 one or more years to:
[Amended 5-23-2023 by L.L. No. 12-2023]
 - [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.
 - (j) The Chief Building Inspector, Zoning Inspector, and Town personnel who are engaged in the enforcement of the provisions of this chapter are authorized to make or cause to be made inspections to determine compliance with this chapter and are authorized to enter upon any property for the purpose of said inspections.
 - (k) No special exception shall be granted unless the Zoning Board of Appeals, in addition to the considerations, determinations and findings required in §§ **280-142** and **280-143**, specifically finds and determines the following:
 - [1] That the granting of the special exception will not adversely impact the privacy and use and enjoyment of any adjoining parcel.
 - [2] That the granting of the special exception will not adversely impact the character of the neighborhood in which it is located.
 - [3] That the cumulative effect of approving the present application along with previously approved applications will not have a cumulative adverse impact on the surrounding neighborhood.
 - [4] That the cumulative effect of approving the present application along with previously approved applications will not have a cumulative adverse impact on the school district in which the property is located.
 - [5] That sufficient off-street parking exists on the subject property to accommodate the proposed accessory apartment.
 - [6] Whether adequate buffer yards and screening can and will be provided to protect adjacent properties from possible detrimental impacts of the proposed use.
 - (14) Bed-and-breakfasts which have been issued a bed-and-breakfast permit by the Building Inspector. Said permit shall be issued for a term of one year if the following conditions are met:
 - (a) A smoke alarm shall be provided on each floor and in every guest room.
 - (b) The dwelling shall have at least two exits and there shall be a window large enough for emergency egress in each guest room.
 - (c) The identification sign shall be no larger than two square feet in areas zoned Residential-Office or higher, but there shall be no exterior signage identifying the use as a bed-and-breakfast in residential areas.
 - (d) No accessory apartment, as authorized by § **280-13B(13)** hereof, shall be permitted in or on premises for which a bed-and-breakfast facility is authorized or exists.
 - (15) Historical society.
 - (16) Preservation and use of a federal or state designated historic building for the purpose of hosting community events, together with the use of part of such building for professional offices and/or one apartment, not to exceed a total of three uses per building, provided that such building is owned and maintained by a not-for-profit historic organization. In no event shall there be more than one apartment per building.
- C. Accessory uses, limited to the following uses and subject to the conditions listed in § **280-15** herein:
- (1) Any customary structures or uses which are customarily incidental to the principal use, except those prohibited by this chapter.

- (2) Home occupation, including home professional office and home business office. In permitting these uses, the Town Board recognizes that the residents historically have operated small businesses which provide services to the community from their homes. The Board finds that these businesses have not impacted negatively on the appearance of these residential zones. In the Board's judgment, it finds that in order to maintain the economic viability of the Town, to maintain the rural quality of life and in the interests of the welfare of the residents, these businesses (or home occupations) should be permitted to continue. In setting forth the following subsections, the Board intends to permit as of right certain business uses in residential zones with the understanding that these uses are to be conducted in a manner that will not alter the character of the residential neighborhoods. The Board believes that the following subsections provide sufficient safeguards to accomplish that aim. These uses shall be permitted, provided that:

[Amended 4-9-1991 by L.L. No. 10-1991; 7-28-1992 by L.L. No. 14-1992]

- (a) No display of products shall be visible from the street, and no stock-in-trade shall be kept on the premises.
- (b) Such occupation is incidental to the residential use of the premises and is carried on in the main building by the residents therein with not more than one nonresident assistant for whom off-street parking must be provided on site.
- (c) Such occupation is carried on in an area not to exceed 25% of the area of all floors of the main building, and in no event shall such use occupy more than 500 square feet of floor area.
- (d) There shall be no exterior effect at the property line, such as noise, traffic, odor, dust, smoke, gas, fumes or radiation.
- (e) Studios where dancing or music instruction is offered to groups in excess of five pupils at one time or where concerts or recitals are held are prohibited.
- (f) In no manner shall the appearance of the building be altered, nor shall the occupation be conducted in a manner that would cause the premises to lose its residential character, including but not limited to the use of colors, materials, construction or lighting.
- (g) Notwithstanding anything set forth elsewhere in this article, home occupations, home business offices and home professional offices shall in no event be deemed to include animal hospitals, kennels, barbershops, beauty parlors, clinics or hospitals, mortuaries, nursery schools, clubs, auto repair shops, restaurants, tourist homes, rooming houses or boardinghouses and uses similar to those listed above.^[2]

[2] Editor's Note: Former Subsection C(2)(h), regarding signs, which previously followed this subsection, was repealed 11-29-1994 by L.L. No. 25-1994. For current sign provisions, see Art. XIX, Signs.

- (h) Home occupations, home business office and home professional offices shall not include manufacturing, fabrication or construction of any type on the site.
 - (i) The outdoor storage of equipment necessary for residents connected with aquaculture shall be screened from view and shall conform to the setbacks for accessory structures.
- (3) Boat docking facilities for the docking, mooring or accommodation of noncommercial boats, subject to the following requirements:
- (a) There shall be docking or mooring facilities for no more than two boats other than those owned and used by the owner of the premises for his personal use.
 - (b) The Town Trustees shall approve new boat docking facilities.
 - (c) Boats at such docking facilities shall not be used for overnight sleeping purposes.

- (4) Garden house, toolhouse, storage building, playhouse, wading pool, swimming pool or tennis court incidental to the residential use of the premises and not operated for gain, subject to the following requirements:
- (a) Any swimming pool shall be completely enclosed with a permanent chain link (or similar type) fence of not more than two-inch mesh, not less than four feet in height, erected, maintained and provided with a self-closing, self-latching gate to prevent unauthorized use of the pool and to prevent accidents. However, if said pool is located more than four feet above the ground, then a fence is not required, provided that all points of access to said pool are adequately protected by a self-closing, self-latching gate. Any swimming pool in existence at the effective date of the provisions of this subsection shall, within one year from such date, comply with all of the provisions hereof.
 - (b) Individual outdoor tennis court related to residential use on a lot containing a single-family detached dwelling, provided that the same is set back not less than six feet from all lot lines and that there is no lighting for after dark use.
- (5) Private garages; provided, however, that not more than two passenger automobile spaces in such garages may be leased to persons not resident on the premises.
- (6) Off-street parking spaces accessory to uses on the premises. Not more than four off-street parking spaces shall be permitted within the minimum front yard.
- (7) The storage of either a boat or travel trailer owned and used by the owner or occupant of the premises on which such boat or travel trailer is stored, for his personal use, subject to § 280-78Q, Supplemental parking regulations,^[3] and the following requirements:
- (a) Such boat or trailer shall not exceed 30 feet in length.
 - (b) Such boat or trailer shall be stored only in the required rear yard, and the area occupied thereby, together with the area of all buildings in the rear yard, shall not exceed 40% of the area of the required rear yard.
 - (c) Such boat or trailer shall not be located within 15 feet of any street or lot line.
- ^[3] *Editor's Note: See now § 280-78P.*
- (8) Horses and domestic animals other than household pets, provided that such animals shall not be housed within 40 feet of any lot line. Housing for flocks of more than 25 fowl shall not be constructed within 50 feet of any line.^[4]
- ^[4] *Editor's Note: Former Subsection C(9), as amended, regarding signs, which previously followed this subsection, was repealed 11-29-1994 by L.L. No. 25-1994. For current sign provisions, see Art. XIX, Signs.*
- (9) Yard sales, attic sales, garage sales, auction sales or similar types of sales of personal property owned by the occupant of the premises and located thereon, subject to the following requirements:
[Amended 6-2-2009 by L.L. No. 6-2009]
- (a) No more than two such sales shall be conducted on any lot in any one calendar year.
 - (b) Adequate supervised parking facilities shall be provided.
 - (c) No signs, except one on-premises sign not larger than six square feet in size, displayed for a period of not longer than one week immediately prior to the day of such sale, shall be permitted.
 - (d) A permit shall be obtained therefor from the Town Clerk upon the payment of a fee of \$15.
 - (e) The display permit issued by the Town Clerk shall be posted on the premises so it can be read from the street and removed before sundown on the day of the sale.

- (10) Wineries may have an accessory gift shop on the premises which may sell items accessory to wine, such as corkscrews, wine glasses, decanters, items for the storage and display of wine, books on winemaking and the region and nonspecific items bearing the insignia of the winery. Wineries may not have a commercial kitchen as an accessory use but may have a noncommercial kitchen facility for private use by the employees.
[Added 11-29-1994 by L.L. No. 26-1994]
- (11) Child care.
[Added 11-12-1996 by L.L. No. 20-1996]
- (12) Use of aircraft in agricultural operations, provided that:
[Added 7-31-2018 by L.L. No. 9-2018]
- (a) The use has been granted a special exception from the Zoning Board of Appeals.
 - (b) In addition to the criteria for a special exception set forth in §§ **280-142** and **280-143**, the ZBA shall consider the following criteria:
 - [1] The anticipated frequency of flights.
 - [2] The location of the proposed landing and takeoff zone.
 - [3] The location of residences.
 - [4] The type of aircraft being used.
 - (c) Notwithstanding the forgoing, the use of aircraft shall be limited to spraying crops, surveying fields and transporting employees and shall not be used for transporting nonemployees to and from the subject premises.
- (13) Processing of agricultural products, which meet the following standards:
[Added 6-4-2019 by L.L. No. 6-2019]
- (a) The processing of agricultural products shall take place on a parcel that qualifies as a bona fide farm operation as defined in § **280-4** of this Code.
 - (b) Notwithstanding the provisions in § **280-15C** of this Code, the square footage of an agricultural processing building, or part of an agricultural building used for agricultural processing, shall not exceed 1.5% of the total size of the parcel on which it is located.
 - (c) An agricultural processing building with a square footage of 3,000 square feet or less shall not be subject to site plan review.
 - (d) Any site plan application for an agricultural processing building shall be entitled to the expedited processing and fees for agricultural related site plan applications set forth in Article **XXIV** of this chapter.
 - (e) At least 66% of the agricultural products being processed must have been grown by that bona fide farm operation. The requirement in this subsection shall not apply in cases of a catastrophic crop failure.
- (14) Direct marketing of aquaculture or mariculture products, subject to the following requirements:
[Added 9-24-2019 by L.L. No. 15-2019]
- (a) Only bona fide aquaculture/mariculture farm operations may engage in the direct marketing of aquaculture or mariculture products pursuant to this section;
 - (b) A bona fide aquaculture/mariculture farm operation may engage in the direct marketing of their produce at one of the following locations, but not both:
 - [1] A parcel containing a single-family dwelling that is the primary residence of the owner of a bona fide aquaculture/mariculture farm operation; or

[2] A parcel used as part of a bona fide farm operation located on State Route 25 ("Main Road") or County Road 48 (the "North Road");

- (c) Only products grown by the bona fide aquaculture/mariculture farm operation may be sold;
- (d) Notwithstanding anything set forth elsewhere in this article, a temporary display area located in the front yard of the parcel may be used in connection with direct marketing taking place at the primary residence of the owner of a bona fide aquaculture/mariculture farm operation, subject to the following requirements:

[1] The display area shall not exceed 100 square feet and may not be enclosed;

[2] A refrigeration unit, not exceeding five cubic feet in size, may be used in the display area;

[3] No generators may be used to supply electric power to the display area.

(15) Recreational uses.

[Added 5-18-2021 by L.L. No. 6-2021]

- (a) Permitted recreational uses include, but are not limited to, uses such as tennis courts; pickleball courts; volleyball courts; paddleball courts; basketball courts; shuffleboard courts; playgrounds; jogging; hiking; outdoor ice skating rinks; outdoor skateboard/roller skate facilities; football, baseball, soccer playing fields, and the like, provided the following criteria are met:

[1] The use is accessory to a community center or other not-for-profit use;

[2] The recreational use is located on, or within 200 feet of, the parcel with the principle use;

[3] The use shall be for the use of the general public;

[4] The subject property on which the recreational use is to be located must be owned by a community center or similar not-for-profit corporation, or subject to a lease by the community center or not-for-profit corporation for a period of not less than 10 years;

[5] The recreational use shall be subject to special exception approval by the Zoning Board of Appeals;

[6] The following activities are prohibited:

[a] Private events, leagues, private clubs, organization activities or other uses which exclude participation by the general public.

[b] The charging of a fee for use of the facility.

[c] Retail sales, including the sale of food.

[d] Outdoor lighting.

[7] The following shall be permitted as part of the recreational use:

[a] Benches.

[b] Viewing stands.

[c] Kiosks.

- D. Rental permit for accessory apartments. Notwithstanding any prior course of conduct or permission granted, no owner of property shall cause, permit, or allow the occupancy or use of an accessory apartment created pursuant to § **280-13A(6)** or § **280-13B(13)** without a valid rental permit issued upon application to the Chief Building Inspector.

[Added 6-15-2010 by L.L. No. 2-2010]

- (1) Content of application. An application for a rental permit or for a renewal of a rental permit shall bear the notarized signature of the owner and contain the following information:
 - (a) The name, date of birth and telephone number of the owner.
 - (b) The address of the subject property including street address and Suffolk County Tax Map number.
 - (c) In the event the owner is a corporation, partnership, limited liability company or other business entity, the name, address and telephone number of each owner, principal, officer, shareholder, partner or member of such business.
 - (d) The name(s) and telephone number(s) of all tenants.
 - (e) A copy of the lease agreement between owner and tenant.
 - (f) A copy of the certificate of occupancy or preexisting certificate of occupancy for the property.
- (2) The owner of an accessory apartment within an existing one-family dwelling shall, in addition to the information required in § **280-13D(1)(a)** through **(f)**, provide a certification that the existing dwelling or accessory apartment is occupied by the owner and that the premises is in compliance with all of the provisions of the Code of the Town of Southold, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.
- (3) The owner of an accessory apartment in an accessory structure lawfully existing pursuant to § **280-13B(13)** shall, in addition to the information required in § **280-13D(1)(a)** through **(f)**, provide a certification that:
[Amended 12-5-2017 by L.L. No. 20-2017]
 - (a) The existing single-family dwelling or the accessory apartment in the accessory structure is occupied by the owner as the owner's principal residence.
 - (b) The other dwelling unit on the subject property is to be occupied by either a family member or an individual who is currently on the Southold Town Affordable Housing Registry and eligible for placement.
 - (c) Rents charged to a tenant from the Affordable Housing Registry shall not exceed the rent established by the Town Board annually pursuant to § **280-30F** of this Code.
 - (d) The dwelling unit is in compliance with all of the provisions of the Code of the Town of Southold, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.
- (4) Review of application. The application for a rental permit shall be reviewed for completeness and accuracy by the Chief Building Inspector and, in the case of applications pertaining to accessory apartments in accessory structures, by the Government Liaison Officer. The Chief Building Inspector shall not issue a rental permit unless the application includes all of the requisite information enumerated in § **280-13D(1)** through **(3)** and written approval by the Government Liaison Officer that the requirements of § **280-13B(13)(j)** have been satisfied. The Chief Building Inspector shall have the right to inspect the property to confirm compliance with the New York State Uniform Fire Prevention and Building Code and this Code.
[Amended 5-3-2016 by L.L. No. 4-2016]
- (5) Fees. A nonrefundable annual permit application fee in the amount of \$150 shall be paid at the time of filing of an application for a rental permit or a renewal rental permit for an accessory apartment in an existing single-family dwelling. A nonrefundable annual permit application fee in the amount of \$100 shall be paid at the time of filing of an application for a rental permit or a renewal rental permit for an accessory apartment in an accessory structure.
- (6) Registry of permits. It shall be the duty of the Chief Building Inspector to maintain a register of permits issued pursuant to this chapter. Such register shall be kept by name of applicant and

street address and set forth the date of expiration of the rental permit.

- (7) Annual renewal. Rental permits issued pursuant to this chapter shall be valid for a period of one year from the date of issuance and must be renewed by application to the Chief Building Inspector in accordance with the procedures for the issuance of the initial rental permit within 10 days of expiration.
- (8) Penalties for offenses. In addition to any other penalties for violations of this chapter, the Chief Building Inspector or Zoning Inspector shall revoke a permit when he or she finds that the owner has caused, permitted or allowed to exist and remain upon the premises a violation of any provision of the Code of the Town of Southold for a period of 14 days or more after written notice has been given to the owner. Should the owner permit any such violation of this Code, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York to remain uncured for a period of 30 days or more after written notice has been given to the owner, the Chief Building Inspector may revoke the certificate of compliance for the accessory apartment.
- (9) Appeal by owner. An appeal of a denial, revocation or renewal of a rental permit by the Chief Building Inspector based upon the owner's failure to satisfy the requirements of § 280-13B(13)(j)[1] and [2] may be taken to the Housing Advisory Commission, by written request, made within 30 days from the date of such revocation. The Housing Advisory Commission shall hold a public hearing on such appeal within 30 days after receipt of written notice of such appeal and, after such hearing, shall make written findings and a decision either sustaining such denial or revocation or issuing or reinstating such permit within 30 days after close of such public hearing. Any appeal of the revocation of a certificate of compliance must be presented to the Zoning Board of Appeals within 30 days from the date of revocation.

§ 280-14. Bulk, area and parking regulations.

[Added 9-3-1996 by L.L. No. 16-1996]

No building or premises shall be used and no building or part thereof shall be erected or altered in the A-C, R-80, R-120, R-200 and R-400 Districts unless the same conforms to the Bulk Schedule and Parking Schedule^[1] incorporated into this chapter with the same force and effect as if such regulations were set forth herein full.

[1] *Editor's Note: The Bulk Schedule is included at the end of this chapter, and the Parking Schedule is in § 280-78A.*

§ 280-15. Accessory buildings and structures.

[Amended 4-10-1990 by L.L. No. 6-1990; 7-17-1990 by L.L. No. 14-1990; 2-5-1991 by L.L. No. 2-1991; 12-22-1992 by L.L. No. 33-1992; 1-16-2007 by L.L. No. 2-2007; 4-22-2008 by L.L. No. 3-2008; 4-24-2018 by L.L. No. 3-2018; 8-27-2024 by L.L. No. 16-2024]

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	Maximum Height	Minimum Setback for Side and/or Rear Yard
(square feet)	(feet)	(feet)
Less than 10,000	18	3

Lot Size (square feet)	Maximum Height (feet)	Minimum Setback for Side and/or Rear Yard (feet)
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.