

Town of Southampton Suffolk County

ARTICLE V

[Adopted 5-23-2006 by L.L. No. 25-2006; amended in its entirety 7-22-2008 by L.L. No. 45-2008]

§ 123-36 Definitions.

§ 123-37 Home energy rating index requirements.

[Amended 9-9-2008 by L.L. No. 57-2008; 9-23-2008 by L.L. No. 58-2008; 9-22-2009 by L.L. No. 42-2009; 12-13-2011 by L.L. No. 45-2011]

A.

Effective January 1, 2012, any newly built or substantially reconstructed subject dwelling shall be rated by an independent, Residential Energy Services Network (RESNET) certified home energy rating system (HERS) rater, following the protocol set out by RESNET, including all required reviews and diagnostic tests, including combustion safety tests. The HERS rater must attest that the home was rated to the HERS index prescribed below and passed all combustion safety tests, prior to the issuance of a certificate of occupancy.

(1)

Dwellings with up to 3,500 square feet of conditioned space shall achieve a minimum home energy rating index of 70 or less.

(2)

Dwellings with between 3,501 and 4,500 square feet of conditioned space shall achieve a minimum home energy rating index of 65 or less.

(3)

Dwellings with between 4,501 and 6,500 square feet of conditioned space shall achieve a minimum home energy rating index of 50 or less.

(4)

Dwellings with over 6,500 square feet of conditioned space shall achieve a minimum home energy rating index of 35 or less.

B.

Effective January 1, 2012, prior to the issuance of a building permit for any new or substantially reconstructed subject dwelling, the applicant shall submit a certificate from a certified home energy rating system (**HERS**) rater that the house design has received the necessary tentative home energy rating **index**, per Subsection **A**, based on a review of the plans and specifications.

C.

The owner of a structure may apply for a waiver from the requirements of this section on the basis that the structure is of historic significance. The owner seeking a waiver shall make application to the Town Landmarks and Historic Districts Board for such waiver. The Landmarks and Historic Districts Board shall grant the application for the waiver if the applicant shall demonstrate that meeting the requirements of this section would have an adverse impact on the historical nature of the structure, and there are no practicable alternatives that would allow the applicant to comply with the requirements of this section and maintain the historical significance of the structure.

D.

The owner of a structure or proposed structure may apply for a downgraded home energy rating requirement by written application to the Chief Building Inspector on the basis that there exists practicable difficulties specific to the site, construction or design elements encountered in the course of design or construction. Upon receipt of the written request, the Chief Building Inspector shall determine whether there is a showing of need for relief from strict compliance to the standards enumerated in Subsection **A** above. In determining the conduciveness of a property and practicable difficulties, the Chief Building Inspector shall consider the following factors: the location and condition of any existing structure or structures, the size of the lot, the topography of the lot, the existence and extent of clearing restrictions on the property, the proximity of trees and shade on the lot, lot coverage restrictions on the property and such other and further factors or conditions that exist at the property that may impact strict compliance with the standards enumerated in Subsection **A** above. If the Chief Building Inspector determines that a waiver is appropriate, the property owner shall provide a practicable plan for alternative methods of energy conservation conducive for the location or make a showing that there are no practicable energy conservation systems conducive to the location. Upon receipt of the property owner's plan, the Chief Building inspector shall grant a waiver, in writing, from the requirements of this section, conditioned upon the implementation of the alternative methods proposed by the owner or such other practicable conditions as required by the Chief Building Inspector.

§ 123-38 Energy Star® requirements for commercial buildings.

Editor's Note: Former § 123-38, Swimming pools, as amended, was repealed 12-19-2008 by L.L. No. 67-2008. See now Art. [VI](#), Swimming Pools, of this chapter.

[Added 2-23-2010 by L.L. No. 7-2010]

A.

New commercial buildings of any size and with conditioned space shall meet the following requirement:

(1)

As part of a building permit application for a commercial building with conditioned space, the architect shall certify that the design meets the "designed to Energy Star"® [See http://www.energystar.gov/index.cfm?c=new_bldg_design.new_bldg_design_benefits for details.] requirements. The supporting calculations for this certification shall be included as part of the building permit application.

B.

New municipal buildings shall also meet the above requirements.