

Appendix 9

Affordable Housing Ordinance & Zoning Review

**Fair and Affordable Housing Ordinances Compendium
Westchester County, October 2009**

Municipality		Definitions and Administration						
	Inclusionary Requirements	Incentive Requirements	Other incentives and methods	Income, Rent and Sales Price Limits	Resale, Lease and Property Restrictions	Occupancy Preferences	Admin. Agency	Other comments/notes
Mount Vernon (<i>None</i>)								
New Rochelle	10+ new units requires 10% of floor area as affordable. Rental to "moderate" income and ownership to "median" income.	Density bonus=150% of affordable s.f. if at least 10% are "moderate" units.	1.Payment in-lieu to housing fund possible for new or replacement of affordable. 2.PUD-Affordable housing floating zone.	"Low"=60% of County median. "Moderate"=80% of County median. "Median"=100% of County median	Restrictive Covenants		Dept. of Development or designated non-profit	Also with additional "Downtown" limits/requirements.
Peekskill		Density bonus up to 8 units per acre for projects at least 50% affordable in R-6 Central Multiple Res. District. Max # of townhouses=8/acre. Must be within 250' of public housing and Central Commercial District.	Density bonus in Planned Res.Dev. District when land set-aside for municipal uses, including aff.housing.	Affordable=HUD&West Co. standards.				
Rye			In RA-5 District, moderate income housing fronting on Cottage Street or Theo. Fremd Ave. have special setback and lot requirements.	Moderate income developments=at least 85% of units are available at below-market rates and purchasers of the units shall have income no more than 80% of the County median income.				
White Plains	8% of new multi-family dwellings shall be affordable to moderate income families. 6% of individual living residential dwelling units shall be made available for sale or rent by households qualified under City's rental or ownership programs.			Moderate income is based on schedules published annually by the City Planning Department.				Checking to find updates/amendments (we think it's up to 10% now) and need to find income schedules.
Yonkers	20% of new multi-family housing dev to be assisted units. In A and BA Zones the set-aside may be reduced, but no less than 10% of aggregate units, provided that the max density bonus shall not be in excess of 50% over permitted zoning.	To make the provision of 20% of set-asides feasible, the City offers a variety of zoning and other incentives; (height, FAR, lot width and area, rear and front yard, tax abatements, fee waivers, funding source availability. Also, expedited review process for inclusionary projects (# of days for review and action by City agencies before automatic approval).	Requirements for bedroom # distribution.	Income distribution: 30% of units at 50% County median, 45% between 50 and 80%, 25% between 80 and 100%. Rental and sales costs not to exceed 30% of income.	Resale and rent renewal requirements.	Occupancy preferences starting with past residents of Yonkers Public Housing, then City residents and persons employed in Yonkers.	City Affordable Housing Dept.	Units to be integrated (though top two floors in 8+ stories allowed as market rate). Sales and rental staging requirements.
Ardley (<i>None</i>)								
Briarcliff Manor		Density bonus up to 50% if at least 50% moderate cost units in Res. Townhouse RT4B District.	Recreation fee calculated only on non-affordable units. Bedroom occupancy standards.	Max sales price calculations by unit size to multiple of Village employee median salary.	Deed restrictions. Limit on resale value calculation.	Selection priorities listed.	Board of Trustees may serve as Aff.Housing Review Bd.	
Bronxville (<i>None</i>)								
Buchanan (<i>None</i>)								
Croton-on-Hudson		Density bonus - can exceed up to 5% beyond density allowed in Waterfront Development (WC) District if affordable dwelling units included.	Size of units may be reduced from 750 to 600 for affordable units s.f. in WC District.				Village Affordable Housing Committee	
Dobbs Ferry		Density bonus - can exceed up to 20% beyond density allowed in Waterfront District B if affordable dwelling units included.	Reduce the minimum size of the units by the % amount of bonus.				Village Board on recommendation of the Planning Board	
Elmsford	20% of units in Residential Cluster Development (RCD) District shall be affordable dwelling units.		Minimum and maximum floor areas for studio, 1,2,3+ bedroom units.	Income shall not exceed multiple of County median (Studio=0.50 of median, 1BR=0.65, 2BR=.080, 3+BR=1.00 of median). Rent shall not exceed 28% of income limitations. Sales price shall not exceed 2.8 times income limitations.		Selection priorities listed	Village Board of Trustees	

CITIES

(Pelham Town - N/A)										
Pound Ridge	Permitted to exceed maximum permitted density in BB-C District if rent and purchase price of 20% of the units are affordable. (Note: appears to be missing portion of regs.)			For requirements of PB-C District, income shall not exceed 80% of County median income for affordable units. For some affordable units, income shall not exceed multiple of County median income (1-person=0.9, 2-person=1.1, 3-person=1.3, etc.). Rent shall not exceed 1.75% (or 2% if utilities and common charges included) of multiple assigned to # of bedrooms times average of County median income. Sales price shall not exceed 2x the multiple assigned to # of bedrooms times annual paid wages.	Lease renewal and resale policies included.	Selection priorities listed (starting with Town volunteers).	Housing Board	Tax assessment shall be considered by Assessor.		
(Rye Town - N/A)										
Scarsdale (None)										
Somers	In MFR-Baldwin Place District - at least 15% of permitted density shall be affordable units. In Business Historic Preservation District - at least 15% of units shall be affordable units. In Neighborhood Shopping District - at least 15% of units shall be affordable. In Planned Hamlet PH District - at least 15% of multi-family shall be affordable. Congregate care in residential districts 10% of units shall be affordable.	In Neighborhood Shopping District - if access to public water and sewer, increase in min.FAR for all uses from 0.25 to 0.4 (max 0.18 for all uses) if 50% of total units are affordable; parking standards may be reduced and height may be increased. In MRF-BP Baldwin Place District - density may be increased up to 50% beyond permitted with provision of low/moderate units; one market rate unit for each affordable unit in excess of required 15% permitted density, but not to exceed max increase of 20% in number of market-rate units; at least 15% of permitted density shall be affordable. In MFR-H Hamlet District, same as above, but basic average gross density shall not exceed two density units/acre of net land area.	Occupancy standards (persons/bedroom minimum and max.)	Income shall not exceed 80% of county median income. Sale and rental costs shall not exceed 30% of income.	Lease renewal and resale policies included.		Affordable Housing Board	Must distribute units evenly in the development and among sizes of units.		
Yorktown	At least 10% of units in single-family subdivisions shall be affordable. At least 15% of units in multi-family residential developments of 30 units or less and at least 15% of m.f. developments of 31 or more units shall be affordable.			Income limits, sales price and rental limits are set to factors of the median income of Town employees.	Deed restrictions, resale and lease renewal policies included.	Selection priorities listed (starting with residents of the Town, persons employed in the Town, volunteers, etc.)	Community Housing Board	Units shall be no less accessible, shall be integrated and shall occur proportionately. Requirements may be waived for special needs populations.		

Municipal Fair and Affordable Housing Ordinances
Westchester County Department of Planning
October 2009

Cities

City of Mount Vernon – *None found.*

City of New Rochelle

I. 331-28 District Purposes – Purposes stated

In addition to the general purposes of this chapter as set forth in Article **I**, the following specific purposes are set forth for Residence, Mixed Use, Commercial/Manufacturing Districts and Floating and Overlay Zones:

A. Residence Districts.

(10)

For all RMF Multifamily Residence Districts, to encourage the development of dwelling units suitable for a variety of household sizes at higher densities which will allow for the construction of such housing at a relatively more moderate cost. Such districts are generally intended to be located in convenient proximity to employment, shopping, transportation, and community facilities. Adequate on-site parking and usable open space are required.

(11)

For the RMF-SC-4.0 Multifamily Senior Citizen Residence District, to provide low-cost housing opportunities for senior citizens in locations convenient to shopping, transportation and community facilities.

D.

Floating Zones.

(3)

For the PUD-AH Planned Unit Development Affordable Housing Zone, to provide for affordable housing opportunities for the City's families and senior citizens within a planned and secure environment.

E.

Overlay Zones.

(1)

For the SFSC Single-Family Senior Citizen Zone, to facilitate development of homes that are specifically designed to meet the needs of senior citizens who prefer the single-family type home and single-family form of ownership.

(4)

For the RMF-SC 4.0 Senior Citizen Zone, to provide for proper multifamily housing of the City's senior citizens.

II. 331-152 Affordable Housing – Requirements for Affordable Housing

A.

Purpose. The City Council of the City of New Rochelle is deeply concerned that there are insufficient opportunities for individuals and families of Low Income, Moderate Income, and Median Income to purchase or rent dwelling units in the City. In order to enhance the public welfare and to promote the well-being of the City's current and future residents, the Council believes that it is essential that new residential and mixed-use developments involving the construction of more than 10 new dwelling units be required to include dwelling units for individuals and families of Moderate Income in Rental Housing and dwelling units for individuals and families of Median Income in Purchase Housing or, in the alternative, be required to make payments to an Affordable Housing Fund to assist in the development of housing opportunities for individuals and families of Low Income and Moderate Income in the City. In addition, this Council believes that it is essential that new residential and mixed-use developments involving the construction of more than two and fewer than 11 new dwelling units outside the Downtown Area, also be required to make payments to such Affordable Housing Fund to assist in the development of housing opportunities for individuals and families of Low Income and Moderate Income in the City. Further, this Council believes that it is essential that dwelling units for individuals and families of Low Income and Moderate Income which are scheduled for demolition be replaced with new affordable housing or, in the alternative, payments be made to an Affordable Housing Fund to assist in the development of housing opportunities for individuals and families of Low Income and Moderate Income in the City.

B.

Definitions. As used in this article, the following terms shall have the meanings indicated:

BONUS FLOOR AREA

That square footage of extra floor area permitted in a Residential Development, which extra floor area shall equal 150% of that square footage of floor area in such Residential Development devoted to Low-Income Housing Units, Moderate-Income Housing Units, and/or Median-Income Housing Units, as the case may be.

DOWNTOWN AREA

That area of the City of New Rochelle zoned Downtown Business (DB), Downtown Mixed-Use (DMU), and Downtown Mixed-Use Urban Renewal (DMUR) as of March 21, 2006.

LOW INCOME

Annual household income which does not exceed 60% of the Westchester County median annual income for its household size (based on U.S. Census and as updated by HUD).

LOW-INCOME HOUSING UNITS

Dwelling units constructed for individuals and families whose annual household income does not exceed 60% of the Westchester County median annual income for their household size (based on U.S. Census and as updated by HUD), and whose combined annual rental cost and tenant-paid utilities do not exceed 30% of said income, or for homeowners (single-family, residential condominium, or residential cooperative apartment), the annual total of the sum of secured loan principal, secured loan interest, private mortgage insurance, property taxes, home insurance, common charges, and homeowner-paid utilities does not exceed 30% of said household income.

MARKET-RATE PURCHASE HOUSING

Dwelling units in single-family, residential condominium, and residential cooperative apartment buildings which are purchased for residency by the owner thereof at market-rate purchase prices, without governmental or other subsidy to such owner.

MARKET-RATE RENTAL HOUSING

Dwelling units in single-family, two-family, multifamily, residential condominium, and residential cooperative apartment buildings which are rented for residency by the tenant thereof at market-rate rental rates, without governmental or other subsidy to such tenant.

MEDIAN INCOME

Annual household income which does not exceed 100% of the Westchester County median annual income for its household size (based on U.S. Census and as updated by HUD).

MEDIAN-INCOME HOUSING UNITS

Dwelling units constructed for individuals and families whose annual household income does not exceed 100% of the Westchester County median annual income for their household size (based on U.S. Census and as updated by HUD), and whose combined annual rental cost and tenant-paid utilities do not exceed 30% of said income, or for homeowners (single-family, residential condominium, or residential cooperative apartment), the annual total of the sum of secured loan principal, secured loan interest, private mortgage insurance, property taxes, home insurance, common charges, and homeowner-paid utilities does not exceed 30% of said household income.

MODERATE INCOME

Annual household income which does not exceed 80% of the Westchester County median annual income for its household size (based on U.S. Census and as updated by HUD).

MODERATE-INCOME HOUSING UNITS

Dwelling units constructed for individuals and families whose annual household income does not exceed 80% of the Westchester County median annual income for their household size (based on U.S. Census and as updated by HUD), and whose combined annual rental cost and tenant-paid utilities do not exceed 30% of said income, or for homeowners (single-family, residential condominium, or residential cooperative apartment), the annual total of the sum of secured loan principal, secured loan interest, private mortgage insurance, property taxes, home insurance, and common charges, and homeowner-paid utilities does not exceed 30% of said household income.

PURCHASE HOUSING

Dwelling units in single-family, residential condominium, and residential cooperative apartment buildings which are purchased for residency by the owner thereof.

RENTAL HOUSING

Dwelling units in single-family, two-family, multifamily, residential condominium, and residential cooperative apartment buildings which are rented for residency by the tenant thereof.

RESIDENTIAL DEVELOPMENT

A residential or mixed-use development involving the construction of 11 or more new dwelling units in the Downtown Area, or the construction of three or more new dwelling units outside the Downtown Area.

RESIDENTIAL DEVELOPMENT APPLICATION

An application for final subdivision, site plan, or special permit approval which proposes the construction of 11 or more new dwelling units in the Downtown Area, or which proposes the construction of three or more new dwelling units outside the Downtown Area.

C.

Inclusion of Affordable Dwelling Units in Rental Housing.

(1)

Each Residential Development Application which proposes the construction of more than 10 dwelling units of Rental Housing shall provide floor area in such Residential Development set aside for Moderate-Income Housing Units. The floor area devoted to Moderate-Income Housing Units shall comprise at least 10% of the floor area devoted to Rental Housing in the Residential Development. The floor area square footage of any Replacement Housing Units or Partial Replacement Housing Units proposed under Subsection **E(1)(a)** and **(b)** below shall be credited against this requirement.

(2)

Moderate-Income Housing Units shall be generally distributed throughout the Rental Housing; shall not be distinguished as a class from the Market-Rate Rental Housing; shall be distributed among one-, two-, and three-

bedroom units in the same proportion as the dwelling units in the Market-Rate Rental Housing; and shall each have a floor area of not less than 90% of the average floor area of the dwelling units in the Market-Rate Rental Housing.

(3)

Moderate-Income Housing Units shall only be re-rented to individuals or families who are of Moderate Income at the time of such re-rental, and the rent for such re-rental shall not exceed the then rent for a Moderate-Income Housing Unit.

(4)

Each Residential Development Application for Rental Housing containing Moderate-Income Housing Units shall include a draft Declaration of Restrictive Covenants, which Declaration shall set forth and particularize the requirements set forth in Subsections C(1), through (3) above, and which shall be recorded against the property containing the Moderate-Income Housing Units prior to issuance of the first temporary or permanent certificate of occupancy for the Residential Development. Such Restrictive Covenants shall run for the life of the building in which such Moderate-Income Housing Units are located. The Declaration shall include rules and regulations for insuring compliance with the Restrictive Covenants. The City's Department of Development and/or one or more not-for-profit entities to be designated by the City Council shall administer and enforce such compliance program. The form and substance of such Declaration shall be subject to approval of the City's Corporation Counsel and Commissioner of Development.

(5)

In lieu of providing all or a part of such Moderate-Income Housing Units in the Rental Housing, the Residential Development Application shall provide for payment to the City's Affordable Housing Fund, in accordance with the payment schedule set forth in Chapter 133, Fees, of the New Rochelle City Code. Such fee shall be based on the differential between a) the typical construction cost, including land and improvements, of a new three-bedroom Moderate-Income Housing Unit in the City, and b) the typical sales price for a new three-bedroom Moderate-Income Housing Unit in the City. Such payment shall be made prior to issuance of the first building permit for construction of the Rental Housing. Any Partial Replacement Housing Units Demolition Payments or Residential Development Demolition Payments paid in connection with Subsection E(1)(b) or (c) below shall be credited against the payment due hereunder.

(6)

In the event any floor area in the Rental Housing is set aside as Moderate-Income Housing Units pursuant to this Subsection C, the Residential Development shall qualify for a density bonus permitting the maximum floor area of the Rental Housing in the Residential Development, as permitted under this Zoning Code, to be increased as follows: a) for Rental Housing in which at least 10% of the floor area is devoted to Moderate-Income Housing Units, such increase to be that floor area square footage which equals 150% of the floor area square footage of Moderate-Income Housing Units of Rental Housing, but in no event shall such Bonus Floor Area exceed 15% of the floor area square footage of the Rental Housing in the Residential Development excluding such Bonus Floor Area; and b) for Rental Housing in which less than 10% of the floor area is devoted to Moderate-Income Housing Units, such increase to be that floor area square footage which equals the floor area square footage of Moderate-Income Housing Units of Rental Housing, but in no event shall such Bonus Floor Area exceed 10% of the floor area square footage of the Rental Housing in the Residential Development excluding such Bonus Floor Area. If the addition of

such Bonus Floor Area to the Residential Development results in a percentage increase of Height and/or Floor Area Ratio which results in Height and/or a Floor Area Ratio in excess of that permitted in this Zoning Code, but which percentage increase does not exceed 150% of the total Rental Housing floor area devoted to Moderate-Income Housing Units where such Moderate-Income Housing Units occupy at least 10% of the square footage of the Rental Housing, or 100% of the total Rental Housing floor area devoted to Moderate-Income Housing Units where such Moderate-Income Housing Units occupy less than 10% of the square footage of the Rental Housing, such Height and/or Floor Area Ratio shall be deemed automatically increased by such excess rounded up to the nearest Story, such increase shall not be deemed to be in violation of this Zoning Code, and such increase shall not require area variance therefor. Notwithstanding the foregoing, the addition of Bonus Floor Area to a Residential Development in a One-Family Residence District shall not be permitted to increase the Height beyond that permitted in such District.

(7)

Each Residential Development Application which proposes the construction of more than two and fewer than 11 dwelling units of Rental Housing outside the Downtown Area, shall provide for payment to the City's Affordable Housing Fund, in accordance with the payment schedule set forth in the Chapter 133, Fees, of the New Rochelle City Code. Such fee shall be based on the differential between a) the typical construction cost, including land and improvements, of a new three-bedroom Moderate-Income Housing Unit in the City, and h) the typical sales price for a new Moderate-Income Housing Unit in the City. Such payment shall be made prior to issuance of the first temporary or permanent certificate of occupancy for construction of the Rental Housing. Any Partial Replacement Housing Units Demolition Payments or Residential Development Demolition Payments paid in connection with Subsection E(1)(b) or (c) below shall be credited against the payment due hereunder.

D.

Inclusion of Affordable Dwelling Units in Purchase Housing.

(1)

Each Residential Development Application which proposes the construction of more than 10 dwelling units of Purchase Housing shall provide floor area in such Residential Development set aside for Median-Income Housing Units. The floor area devoted to Median-Income Housing Units shall comprise at least 10% of the floor area devoted to Market-Rate Purchase Housing in the Residential Development. The floor area square footage of any Replacement Housing Units or Partial Replacement Housing Units proposed under Subsections E(1)(a) and (b) below shall be credited against this requirement.

(2)

Median-Income Housing Units shall be generally distributed throughout the Purchase Housing; shall not be distinguished as a class from the Market-Rate Purchase Housing; shall be distributed among one-, two-, three-, and four-bedroom units in the same proportion as the dwelling units in the Market-Rate Purchase Housing; and shall each have a floor area of not less than 90% of the average floor area of the dwelling units in the Market-Rate Purchase Housing.

(3)

Median-Income Housing Units shall only be resold to individuals or families who are of Median-Income at the time of such resale, and the sales price for such resale shall not exceed the then sales price for a Median-Income Housing Unit.

(4)

Each Residential Development Application for Purchase Housing containing Median-Income Housing Units shall include a draft Declaration of Restrictive Covenants, which Declaration shall set forth and particularize the requirements set forth in Subsections D(1) through (3) above, and which shall be recorded against the Median-Income Housing Units in the Purchase Housing prior to issuance of the first temporary or permanent certificate of occupancy for the Residential Development. Such Restrictive Covenants shall run for the life of the building in which such Median-Income Housing Units are located. The Declaration shall include rules and regulations for insuring compliance with the Restrictive Covenants. The City's Department of Development and/or one or more not-for-profit entities to be designated by the City Council shall administer and enforce such compliance program. The form and substance of such Declaration shall be subject to approval of the City's Corporation Counsel and Commissioner of Development.

(5)

In lieu of providing all or a part of such Median-Income Housing Units in the Purchase Housing, the Residential Development Application shall provide for payment to the City's Affordable Housing Fund, in accordance with the payment schedule set forth in the Chapter 133, Fees, of the New Rochelle City Code. Such fee shall be based on the differential between a) the typical construction cost, including land and improvements, of a new three-bedroom Moderate-Income Housing Unit in the City, and b) the typical sales price for a new Moderate-Income Housing Unit in the City. Such payment shall be made prior to issuance of the first temporary or permanent certificate of occupancy for construction of the Purchase Housing. Any Partial Replacement Housing Units Demolition Payments or Residential Development Demolition Payments paid in connection with Subsection E(1)(b) or (c) below shall be credited against the payment due hereunder.

(6)

In the event any floor area in the Purchase Housing is set aside as Median-Income Housing Units pursuant to this Subsection D, the Residential Development shall qualify for a density bonus permitting the maximum floor area of the Purchase Housing in the Residential Development, as permitted under this Zoning Code, to be increased as follows: i) for Purchase Housing in which at least 10% of the floor area is devoted to Median-Income Housing Units, such increase to be that floor area square footage which equals 150% of the floor area square footage of Median-Income Housing Units of Purchase Housing, but in no event shall such Bonus Floor Area exceed 15% of the floor area square footage of the Purchase Housing in the Residential Development excluding such Bonus Floor Area; and ii) for Purchase Housing in which less than 10% of the floor area is devoted to Median-Income Housing Units, such increase to be that floor area square footage which equals the floor area square footage of Median-Income Housing Units of Purchase Housing, but in no event shall such Bonus Floor Area exceed 10% of the floor area square footage of the Purchase Housing in the Residential Development excluding such Bonus Floor Area. If the addition of such Bonus Floor Area to the Residential Development results in a percentage increase of Height and/or Floor Area Ratio which results in Height and/or a Floor Area Ratio in excess of that permitted in this Zoning Code, but which percentage increase does not exceed 150% of the total Purchase Housing floor area devoted to Median-Income Housing Units where such Median-Income Housing Units occupy at least 10% of the square footage of the Purchase Housing, or 100% of the total Purchase Housing floor area devoted to Median-Income

Housing Units where such Median-Income Housing Units occupy less than 10% of the square footage of the Purchase Housing, such Height and/or Floor Area Ratio shall be deemed automatically increased by such excess rounded up to the nearest Story, such increase shall not be deemed to be in violation of this Zoning Code, and such increase shall not require area variance therefor. Notwithstanding the foregoing, the addition of Bonus Floor Area to a Residential Development in a One-Family Residence District shall not be permitted to increase the Height beyond that permitted in such District.

(7)

Each Residential Development Application which proposes the construction of more than two and fewer than 11 dwelling units of Purchase Housing outside the Downtown Area, shall provide for payment to the City's Affordable Housing Fund, in accordance with the payment schedule set forth in the Chapter 133, Fees, of the New Rochelle City Code. Such fee shall be based on the differential between a) the typical construction cost, including land and improvements, of a new three-bedroom Moderate-Income Housing Unit in the City, and b) the typical sales price for a new Moderate-Income Housing Unit in the City. Such payment shall be made prior to issuance of the first temporary or permanent certificate of occupancy for construction of the Purchase Housing. Any Partial Replacement Housing Units Demolition Payments or Residential Development Demolition Payments paid in connection with Subsections E(1)(b) or (c) below shall be credited against the payment due hereunder.

E.

Payment for Demolition of Building Containing Low-Income Housing Units and/or Moderate-Income Housing Units.

(1)

Each application to the Building Bureau for demolition of a building which contains Low-Income Housing Units and/or Moderate-Income Housing Units shall be accompanied by one of the following:

(a)

A Residential Development Application which proposes construction, within two years of the date of issuance of the demolition permit for such building ("Demolition Permit"), of new Moderate-Income Housing Units of Rental Housing and/or new Median-Income Housing Units of Purchase Housing on the property subject to such Residential Development Application, which new Units shall contain aggregate floor area square footage at least equal to the aggregate floor area square footage of the Low-Income Housing Units and/or Moderate-Income Housing Units proposed to be demolished ("Replacement Housing Units");

(b)

A Residential Development Application which proposes construction of a portion of the Replacement Housing Units within two years of the date of issuance of the Demolition Permit ("Partial Replacement Housing Units"), together with a payment equal to the square footage of the balance of the Replacement Housing Units, were they to be constructed, multiplied by the fee set forth in Chapter 133, Fees, of the New Rochelle City Code, ("Partial Replacement Housing Units Demolition Payment");

(c)

A Residential Development Application which does not propose construction of any Replacement Housing Units, together with a payment equal to the aggregate floor area square footage of the Low-Income Housing Units and/or Moderate-Income Housing Units proposed to be demolished, multiplied by the fee set forth in Chapter 133, Fees, of the New Rochelle City Code ("Residential Development Demolition Payment"); or

(d)

In the event no Residential Development Application is submitted, a payment equal to the floor area square footage of the Low-Income Housing and/or Moderate-Income Housing Units proposed to be demolished multiplied by the fee set forth in Chapter 133, Fees, of the New Rochelle City Code ("Demolition Payment").

(2)

In the event the applicant for the Demolition Permit proposes to construct Replacement Housing Units or Partial Replacement Housing Units, the applicant therefor shall post an irrevocable, unconditional letter of credit naming the City of New Rochelle as sole payee thereof, in an amount equal to the Replacement Housing Units Payment that would be payable were no Replacement Housing Units proposed to be constructed less any Partial Replacement Housing Units Payment paid hereunder ("Replacement Housing Units Letter of Credit"). In the event certificates of occupancy for all the Replacement Housing Units or Partial Replacement Housing Units, as the case may be, are not obtained within two years of the date of issuance of the Demolition Permit, the Replacement Housing Units Letter of Credit shall be drawn down in full by the City and the proceeds thereof shall be paid into the Affordable Housing Fund.

(3)

Nothing in this Section E shall be construed to diminish the obligations set forth in Subsections C and D above in the event they exceed the obligations set forth in this Subsection E.

F.

Affordable Housing Fund.

(1)

In-lieu payments and demolition payments made pursuant to Subsections C(5) and (7), D(5) and (7), and E(1) above shall be deposited in the City's Affordable Housing Fund which shall be invested by the City's Commissioner of Finance. The monies in such Affordable Housing Fund may be appropriated by the City Council, and if so appropriated, shall be administered by the City's Commissioner of Development and/or one or more not-for-profit entities to be designated by the City Council, to facilitate the following Affordable Housing Programs:

(a)

Acquisition of land in the City which is suitable for the construction of Low-Income Housing Units and Moderate-Income Housing Units;

(b)

Construction of Low-Income Housing Units and Moderate-Income Housing Units in the City;

(c)

Renovation or rehabilitation of existing dwelling units in the City for Low-Income Housing Units and Moderate-Income Housing Units; and/or

(d)

Direct assistance to persons purchasing Moderate-Income Housing Units in the City with preference given, whenever possible, to New Rochelle residents.

(2)

The administration, rules, and regulations for each of such Affordable Housing Programs shall be approved by the City Council prior to allocation of monies from the Affordable Housing Fund for such Programs. All costs of administration shall be paid from the Affordable Housing Fund.

(3)

The monies appropriated from the Affordable Housing Fund for such Affordable Housing Programs shall be allocated so that the aggregate floor area square footage of new Low-Income Housing Units and Moderate-Income Housing Units created through the assistance of such Fund shall not, in any given City Council District over any given ten-year period, exceed 50% of the total floor area square footage of such Low-Income Housing Units and Moderate-Income Housing Units so created in the entire City during such period of time. The City Council may waive this maximum percentage limitation, in its sole and absolute discretion, on a finding that an appropriation from the Affordable Housing Fund in excess of such limitation is essential to furthering the goals and objectives of the Affordable Housing Program.

III. 9-71 Advisory Committee On Affordable Housing And Illegal Occupancy – Establishment; purpose

An Advisory Committee on Affordable Housing and Illegal Occupancy is hereby established for the purpose of reporting to and advising the City Council with respect to possible measures and programs to increase the number of affordable housing units available to New Rochelle residents and to determine the extent of illegal conversions and illegal occupancies in the City of New Rochelle and assess the effectiveness of current enforcement mechanisms.

IV. 9-75 Advisory Committee On Affordable Housing And Illegal Occupancy – Report

The Committee shall within 12 months of appointment submit a report of its recommendations to the City Council.

V. 331-80 Floating Zones – PUD-AH Planned Unit Development – Affordable Housing Floating Zone

A.

Purpose. In recognition that the City has a high proportion of senior citizens and low- and moderate-income families and, given present economic conditions, limited or fixed incomes, physical restrictions, and the rapidly accelerating

costs of maintaining a single-family residence, and the need for Affordable housing, the City Council deems it necessary to provide for such housing within the City.

B.

Eligibility. The Planned Unit Development Affordable Housing Floating Zone (PUD-AH) District is hereby established as a floating zone with potential applicability to any property which meets the following eligibility requirements:

(1)

The underlying parcel is located within the RMF-0.4 Residential Zoning District or higher density residential or nonresidential zones.

(2)

The parcel is within an urban renewal area as designated by the City Council.

Editor's Note: Former Subsection B(3), requiring a parcel of at least three contiguous acres, was repealed 7-16-2002 by Ord. No. 139-2002.

C.

Boundary. The boundaries of each PUD-AH District shall be fixed by amendment to the official City Zoning Map as authorized by the City Council, wherever this district is applied. A metes and bounds description of each such district shall be kept on file in the Office of the City Clerk.

D.

Although it is anticipated that PUD-AH rezoning applications will be submitted on a voluntary basis by applicants, the City Council may, in addition to considering these applications, on its own motion rezone property to a PUD-AH District.

E.

PUD-AH District use and bulk standards.

(1)

Permitted principal uses:

[Amended 2-15-2005 by Ord. No. 30-2005]

(a)

One-family dwellings and attached dwelling units.

[Amended 11-21-2006 by Ord. No. 257-2006]

(b)

Two-family dwelling units.

[Amended 11-21-2006 by Ord. No. 257-2006]

(c)

Multifamily dwelling units.

(d)

Medical support facilities, located wholly within a multifamily senior citizen building.

(2)

Permitted accessory uses:

(a)

Uses and structures which are clearly incidental and customarily accessory to the permitted principal use on the lot on which it is located.

(b)

Outdoor recreational facilities.

(c)

Indoor recreational facilities.

(3)

Maximum height requirements:

[Amended 2-15-2005 by Ord. No. 30-2005]

(a)

One-family townhome residence height requirement. The maximum building height for one-family dwelling and attached dwelling units shall be no more than 3 1/2 stories rising no more than 35 feet.

(b)

Two-family residence height requirement. The maximum building height for two-family dwellings shall be no more than 3 1/2 stories rising no more than 35 feet.

(c)

Senior citizen residence height requirement. The maximum building height for multifamily dwellings for senior citizens shall not exceed 70 feet in height from the average finished grade.

(d)

The maximum height for non-senior-citizen multifamily dwellings shall be no more than 4 1/2 stories.

(4)

Minimum yard setbacks. With regard to the minimum yard setback standards required for the PUD-AH Floating Zone, each applicant for development within an approved site which has met the aforementioned eligibility requirements will be required to submit an application to the Planning Board for site plan and/or subdivision review. The minimum standards will be established by the Planning Board, upon recommendation of the Commissioner of Development, at the time of such review.

[Amended 7-16-2002 by Ord. No. 139-2002]

(5)

Density. Maximum density shall be 55 dwelling units per acre, provided that the development is planned as a planned unit development, allowing for recreation for senior housing on site, and for parking, buffering and open space on site.

[Amended 7-16-2002 by Ord. No. 139-2002]

(6)

Occupancy restrictions. The PUD-AH Floating Zone shall be limited to occupancy of Affordable Housing, for income eligible persons or families according to federal income guidelines set forth by the U.S. Department of Housing and Urban Development (HUD) or any other requirements under the financing for the project (when the project is financed using government funding), as well any additional requirements set forth in a land disposition agreement (LDA) or contract of sale.

[Amended 7-16-2002 by Ord. No. 139-2002]

F.

Review process. Application for development approval within a PUD-AH District shall follow a two-phase review process:

(1)

Application for change of zone and approval before the City Council; and

(2)

Application for site plan and/or subdivision approval by the Planning Board within the approved PUD-AH District.

G.

Application process.

(1)

Minimum project size, parking, frontages and maximum density and building heights are specified within this chapter. In reviewing any application for a PUD-AH zone development, the Planning Board shall be guided by standards set forth in these regulations and comparable uses and good planning practice to ensure that the resulting development shall be compatible with the surroundings and assure the stability of the uses proposed to be developed for the site.

[Amended 7-16-2002 by Ord. No. 139-2002]

(2)

Prior to proceeding with any application for the establishment of a PUD-AH District, the applicant shall first submit an application to the Commissioner of Development, along with the following support materials for the Commissioner's recommendation to the City Council:

(a)

A determination of the need to create new housing opportunities and types that will provide rental and home ownership opportunities to City residents of all ages for the development of affordable housing that is compatible with existing development and the character of the surrounding neighborhood, including the appropriateness of the subject site and utilization of the PUD-AH District to accomplish same.

(b)

A written statement describing the basic concept of the proposed plan, the general reasons why the applicant believes that approval of its application would further the legislative intent, purposes and goals of PUD-AH zoning, including flexibility in design and layout, and any other supporting rationale.

(c)

An outline map of the proposed PUD-AH District, indicating the current zoning, size and location of each parcel.

(d)

A location map of the site in relation to the surrounding area showing all roads and key development features, including significant neighboring land uses and existing zoning district boundaries.

(e)

An analysis of the estimated development potential (yield) based upon existing zoning compared with that of the proposed PUD-AH District.

(f)

Lot sizes and dimensions, as well as structures, heights and locations for any PUD-AH Zone development arranged in conformity with the overall density standards listed within this chapter.

(g)

A conceptual sketch plan map indicating the approximate quantity, nature and location of proposed land uses; the proposed open space system and its relationship to neighboring open spaces; the proposed principal means of access to the site and major elements of the site circulation system; the existing and proposed availability of mass transportation services, water supply and wastewater disposal.

(h)

Topography, showing existing contours and elevations at two-foot intervals. The plan shall further indicate the certification by a licensed land surveyor or professional engineer or registered architect that the topography shown resulted from an actual survey prepared by a NYS licensed surveyor and the date of that survey.

(i)

Street and road alignment, and the layout of proposed parking areas.

(j)

Topographic elevation of proposed buildings.

(k)

Draft declaration indicating use of the property for affordable housing

(3)

The City Council shall refer all applications for PUD-AH zoning designation to the Planning Board for review and report.

(4)

If the rezoning request is approved by the City Council, site plans and/or subdivisions shall be submitted to the Planning Board. Such plans shall be approved by the Planning Board in accordance with the Zoning Ordinance, prior to issuance of a building permit.

H.

Supplemental development standards.

(1)

An area or areas for recreational purposes shall be provided for senior citizen housing and shall be set aside exclusively for the use of occupants and their guests. These areas may include, but are not limited to community room(s), sitting areas and group game areas, active and passive recreation areas, tot lots, and community gardens on individual plots. Such areas shall be shown on the site plan and/or within the proposed buildings.

[Amended 7-16-2002 by Ord. No. 139-2002]

(2)

Adequate facilities shall be provided for the removal of snow, trash and garbage and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be located on permanent masonry platforms that shall be well distributed to serve the development. All receptacles shall be suitably enclosed on three sides by opaque screening or other treatment to be approved by the Planning Board in its site plan review.

(3)

Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of all residents. No outdoor light source shall be more than 15 feet above the ground level underneath it.

[Amended 7-16-2002 by Ord. No. 139-2002]

(4)

The determination of appropriate screening, buffers and fencing in accordance with the Zoning Chapter shall be made by the Planning Board in its site plan review, based on the characteristics of the site and the nature of the adjacent lands.

(5)

Parking areas shall be paved in accordance with the Zoning Chapter regulations. Sidewalks shall be provided along all internal and external street frontages. Internal roadways shall have a minimum width which is in accordance with the City's standards.

(6)

The City Council shall have the right to require that the applicant or owner execute such agreements and covenants as it may deem to be required. Said agreements or covenants shall be recorded in the County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the City Council. At a minimum a declaration of restrictive covenants for Affordable Housing shall be required to be recorded against the property.

VI. 331-85 Overlay Zones – Senior Citizen Zone (SC) District

A.

Purpose. The Senior Citizen Zone (SC) District is hereby established as an overlay zone with potential applicability to any property with underlying two-family and multifamily residence zones of maximum height of three stories of at least five contiguous acres in the City of New Rochelle. These provisions are enacted to provide for proper multifamily housing of the City's senior citizens. It is hereby recognized that the City has a high proportion of senior citizens, and, **given present economic conditions, limited or fixed incomes, physical restrictions and the rapidly accelerating costs of maintaining a single-family residence, the City Council deems it necessary to provide for senior citizen multifamily housing within the City.**

B.

The boundaries of each SC District shall be fixed by amendment to the official City Zoning Map wherever this District is applied. A metes and bounds description of each such District shall be kept on file in the Office of the City Clerk. Although it is anticipated that SC rezoning applications will be submitted on a voluntary basis by applicants, the City Council may, on its own motion, rezone property into a SC District. Although this District is intended for sites of at least five acres, the City Council may consider applications for smaller properties if special circumstances warrant, said circumstances to be provided by the applicant or the City Council.

C.

Occupancy restrictions. The SC Zone is primarily designed for the needs of senior citizens who prefer multifamily or the type of occupancy that requires certain facilities and amenities to meet their changing physical and fiscal needs, allow flexibility in design and, as defined in this chapter, promote preservation of open space.

D.

SC District use and bulk standards.

(1)

Permitted principal uses.

(a) senior citizen residence.

(2)

Permitted accessory uses.

(a)

Outdoor recreational facilities.

(b)

Indoor recreational facilities.

(3)

Yard setbacks. Minimum yard distances from adjacent residential property lines shall be:

(a)

Front: 40 feet.

(b)

Side, each: 30 feet.

(c)

Rear: 30 feet.

(4)

Density. Maximum density shall be 40 dwelling units per acre with a maximum FAR of .40.

(5)

General site criteria.

(a)

The site should be located within a convenient distance from a central business district or neighborhood business area (including waterfront business areas) which provides shopping, transportation and community facilities.

(b)

Due consideration shall be given to the existing neighborhood or sites on or near the site that is the subject of the application.

(c)

In areas that are primarily residential, the site shall be of sufficient size and shape so as to provide the required buffer areas which are intended to screen the development from adjacent residential properties.

E.

Review process. Application for development approval within a Senior Citizen SC District shall follow a two-phase review process:

(1)

Application for change of zone and approval before the City Council; and

(2)

Application for site plan and/or subdivision approval by the Planning Board within the approved SC District.

G.

Supplemental development standards.

(1)

Two-bedroom apartment units in a SC development shall not exceed 25% of the total number of units for that development.

(2)

No living units shall be permitted in a basement or cellar area.

(3)

An area or areas for outdoor recreational purposes shall be set aside exclusively for the use of the occupants and their guests unless the site is located downtown or recreation is provided within 200 feet. These areas may include, but are not limited to, sitting areas and group game areas. Such areas shall be shown on the site plan. A minimum of 150 square feet per dwelling unit of outside recreation must be provided, improved, constructed and maintained at the expense of the owner/landlord or homeowners' association. Landscaped areas not improved for recreational purposes and walkways, driveways and parking areas shall not be deemed to satisfy the requirements of this section. In addition, a minimum of 10 square feet per dwelling unit of indoor recreational area must also be provided. Such area shall not be used for storage or any such similar purpose and shall be available to all occupants and their guests. The indoor recreational area shall be central to the entire facility and may be either attached to a residential building or be in the form of a multipurpose community building or buildings with rooms sufficient to accommodate indoor recreational facilities, social gatherings, meetings, etc.

(4)

Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling, and handrails and ample places for rest shall be provided. Gradients of walks shall not exceed 5% and single riser grade changes in walks shall not be permitted. All outdoor areas available to the residents shall permit such residents to move about without danger and with minimum effort.

(5)

The design and location of all site improvements and all buildings must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for older persons.

(6)

Adequate facilities shall be provided for the removal of snow, trash and garbage and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be located on permanent masonry platforms which shall be well distributed to serve the development. All receptacles shall be suitably enclosed on three sides by opaque screening, and the open portion of the receptacle enclosure shall not be within 50 feet of any window in a habitable dwelling unit.

(7)

Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of the residents. However, such outdoor lighting shall not project light onto adjacent properties. No outdoor light source shall be mounted or erected more than 10 feet above the ground level underneath it.

(8)

Provision shall be made for general storage of residents' bulky items, such as trunks.

(9)

Where full-time, twenty-four-hour superintendence services are not provided, a twenty-four-hour emergency phone number at which either managerial or maintenance personnel may be contacted shall be posted within each dwelling unit. In addition, the owner shall be required to make application for at least one public telephone to be conveniently located within the development. That telephone shall be mounted at an accessible height and be a TDD in compliance with CABO/ANSI standards in force at the time of construction.

(10)

Medical and social service office space may be provided where the service to be rendered is exclusively for the benefit of the residents of the SC development only.

(11)

The determination of the need for screening buffers in accordance with § **331-119B** and fencing shall be made by the Planning Board in its site plan review, based on the characteristics of the site and the nature of adjacent lands.

(12)

Parking areas shall be paved in accordance with Article **XIV** of this chapter. Sidewalks shall be provided along all internal and external street frontages. Internal roadways shall have a minimum pavement width of 25 feet and be curbed.

H.

The City Council shall have the right to require that the applicant or owner execute such agreements and covenants as it may deem to be required. Said agreements or covenants shall be recorded in the County Clerk's office and

constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the City Council.

L.

Waivers. Where the provisions of this section conflict with the requirements for subsidized senior housing (such as the provision of amenities), the Planning Board may waive such requirements.

City of Peekskill

I. 575-27 Residence Districts – R-6 Central Multiple Residence District

B.

Uses subject to the issuance of a special permit.

(1)

The following uses are permitted subject to the issuance of a special permit by the Director of City Services upon authorization by the Common Council in accordance with the provisions of § 575-57 herein and subsequent approval by the Planning Commission of a site plan in accordance with the provisions of § 575-56 herein:

(h)

Bonus density: affordable townhouse developments.

[Added 7-11-2005 by L.L. No. 15-2005]

[1]

Purpose and intent.

[a]

It is the purpose of this special permit to provide the opportunity and encouragement for the creation of a development cluster containing a mix of market-rate and affordable housing that is proximate to, and supportive of, neighboring commercial areas. The purpose of this subsection is to provide standards for regulation of affordable housing units in the R-6 District, including density computations and development standards. It is the purpose of this special permit to provide the opportunity and encouragement for the creation of a development cluster containing a mix of market-rate and affordable housing that is proximate to, and supportive of, neighboring commercial areas. The purpose of this subsection is to provide standards for regulation of affordable housing units in the R-6 District, including density computations and development standards.

[b]

An increase in residential density of up to eight units per acre may be authorized by special permit of the Common Council upon a finding by the Common Council that the project will offer at least half of the proposed additional units as affordable housing units, as determined by the United States Department of Housing and Urban Development standards for Westchester County.

[c]

The Common Council may authorize the addition of one unit in all instances where computations yield fractional units, so long as the additional unit is offered as affordable.

[2]

Standards for approval. All dwelling units approved under these provisions shall be located within 250 feet of public housing units administered by the City of Peekskill Housing Authority and within 250 feet of lands zoned as part of the City's Central Commercial District.

[3]

Distribution of units.

[a]

All affordable units shall be physically integrated into the design of the development.

[b]

The units shall consist of one-, two- and three-bedroom units in a proportion approved by the Common Council as appropriately related to the housing needs, current or projected, of the City of Peekskill and the surrounding region.

[4]

Design review.

[a]

All developments containing units deemed affordable under these provisions shall require approval of a site plan by the City of Peekskill Planning Commission.

[b]

In considering the site plan for developments containing affordable units, the Planning Commission must find that the proposed development does not detract from the views of surrounding residential development and is compatible with surrounding development. Appropriate consideration must be given to proximity of proposed development to the City's historically designated downtown areas.

[5]

Development standards. All townhouse projects subject to these bonus provisions shall comply with the following requirements. Attached single-family townhouses to be constructed in accordance with the bonus provisions, and including affordable units:

[a]

There shall be a minimum parcel size of 25,000 square feet.

[b]

The maximum number of townhouses per acre shall be 16.

[c]

No townhouse shall contain an aggregate floor area of greater than 1,800 square feet.

[d]

All market-rate units shall contain either one or two bedrooms. All affordable units shall contain a number of bedrooms as determined by the Common Council as part of the review of the special permit. The proportion of units in the development (by number of bedrooms) shall be determined by the Common Council as part of the review of the special permit.

[e]

The following minimum yard setbacks are required. No minimum setback of 10 feet shall be required between groups of townhouses and the nearest property line. A minimum side yard of 20 feet shall be required between groups of townhouses.

[i]

Front yard: 10 feet.

[ii]

Side yard: zero feet.

[iii]

Rear yard: 20 feet.

[f]

A maximum contiguous building wall of up to 200 feet along the frontage of a street is permitted.

[g]

Maximum lot coverage by all principal structures is limited to 65%.

[h]

The minimum floor area (living space) per dwelling unit shall not be less than the following:

[i]

One-bedroom: 900 square feet.

[ii]

Two-bedroom: 1,100 square feet.

[iii]

Three-bedroom: 1,300 square feet.

[i]

Appropriate visitor parking shall be provided, as determined by the City Planning Commission.

[i]

For each dwelling unit, there shall be provided 200 square feet of suitably improved and usable recreation area and/or open space. Suitable recreation area and open space may be provided in the following ways, including:

[i]

Outdoor landscaped area.

[ii]

Outdoor passive/active recreation area.

[iii]

Indoor community center with appropriate facilities.

[iv]

Combination of the above.

[k]

All remaining requirements of the Low-Density Multiple-Residence R-4 District not expressly changed above would continue to apply to all townhouse developments proposed under these bonus provisions.

II. 575-28 Residence Districts – Planned Residential Development District

E.

Uses subject to the issuance of a special permit.

(5)

Bonus density.

(a)

Subject to the limitations detailed in Subsection E(5)(b) and (c) below, unit densities may be increased where an offer to dedicate a portion of land deemed acceptable to the Common Council for municipal purposes is made. The Common Council reserves the right not to accept all or a portion of such proposed dedications.

(b)

Lands suitable for dedication. The land to be dedicated must have direct access to a usable public right-of-way. Additionally, such lands must have one or more of the following attributes:

[1]

The capacity to be developed for recreational uses.

[2]

The capacity, through their dedication, to preserve the topography of a scenic landscape.

[3]

Local or national historic significance.

[4]

The capacity to be used by the City for the development of affordable housing.

[5]

The capacity to be utilized for the development of municipal facilities.

(c)

Density increases. Pursuant to the Common Council's acceptance of lands for dedication to the City, unit densities may be increased by an amount not to exceed one unit per gross parcel acreage, which is to include the land that has been dedicated.

City of Rye –
I. 197-86 RA-5 Districts

(1) Apartments for senior citizens and handicapped. A detached residence for three or more families or housekeeping units or a group of buildings housing three or more families on one lot, undertaken by private nonprofit sponsors with public financial assistance, subject to the requirements of § **197-7**.

II. RA-1 Districts

(2) Moderate-income housing on properties fronting Cottage Street or Theodore Fremd Avenue.
[Added 6-12-2002 by L.L. No. 3-2002]

[1] Any required rear yard abutting an interstate highway may be no less than five feet;

[2] The floor area ration shall be no greater than 1.0;

[3] The provisions of §§ **197-23** and **197-52** shall not apply; and

[4] The minimum size of lot per family or equivalent shall be no less than 2,500 square feet.

(b) "Moderate-income housing" shall mean residential dwelling units in which at least 85% of the units are available at below-market rates and the purchasers of the units shall have an income of no more than 80% of the Westchester County AMI (area median income) adjusted for household size as published by the U.S. Department of Housing and Urban Development.

City of White Plains

I. 5.4.1 Additional Regulations For Residential Districts – Purposes

5.4.1.5.1 For the RM-0.35, CB-2, CB-3, CB-4 and UR-4 Districts, in the Central Parking Area, to encourage the construction of additional "multi-family dwellings" serving a variety of income groups for both rental and ownership, and focusing on the needs of young professionals, seniors and others who would benefit from proximity to "restaurants," shops, employment opportunities, cultural opportunities and transportation, consistent with the "Comprehensive Plan." **A minimum of 6 percent of new "multi-family dwellings" shall be affordable to moderate income families, based on income schedules published annually by the City of White Plains Department of Planning.**

II. 5.8.5.8 Planned Senior Residential Development

5.8.1 Purposes: A "Planned Senior Residential Development District" is established in this Ordinance to promote the public health, safety and welfare by facilitating the creation of an integrated senior community in a campus setting of sufficient size to provide a variety of housing types serving seniors, including independent living units and residential units for seniors requiring a range of health care services, as well as health care support and appropriate ancillary and "accessory uses," while ensuring orderly traffic circulation to the City's road network and compatibility with surrounding land uses, and thereby achieving the objectives of the "Comprehensive Plan." It is the purpose of this section to encourage flexibility of design and development of land in a manner that suits the unique needs of a senior citizen community. All development shall be undertaken in conformity with a site-specific Master Plan.

5.8.5.8 Six (6) percent of all independent living residential "dwelling units" shall be made available for sale to or rent by households who are income qualified under the City's Affordable Rental Housing Assistance Program or Affordable Home Ownership Program, in perpetuity.

City of Yonkers

I. 43-45 Planned Multi-Use (PMD) District

C. Petition for amendment; CDP requirements.

(1) Any person making a petition to the City Council to amend the Zoning Map of the City of Yonkers to include additional lands in the PMD District shall, in addition to submitting such other documentation and information as may be required pursuant to Article XIII of the Zoning Ordinance, submit a CDP covering the entire tract sought to be included, drawn at a scale of one inch equals 100 feet, together with a copy thereof on

a single sheet measuring 11 inches by 17 inches, which complies with the site plan requirements (which, as applied in the PMD District, shall be mandatory) set forth in § 43-4468C(7) of the Zoning Ordinance, and which includes, in addition to such requirements, the location and ownership (whether public or private) of all roads and drives proposed on the site.

(2) The CDP shall include a legend or a schedule setting forth:

(a) The aggregate maximum gross floor area and the finished floor elevation of the first floor of all buildings proposed for development in the PMD tract; and

(b) The proposed number and dimensions of required parking spaces for the PMD tract, in accordance with the provisions of Subsection G of this § 43-45.

(3) The CDP shall, with respect to each building (as that term is defined in § 43-8 of the Zoning Ordinance) set forth the proposed use or uses of such building designated in terms of one or more of the following five categories of uses: residential; office; retail; hotel/conference center; and movie theater. In the alternative, a proposed CDP may show the PMD tract divided into any number of "development modules," to include one or more buildings and surrounding land area, and in such case shall designate the proposed use or uses (from among the five general categories listed above) for each development module. The designation of such development modules shall not constitute a subdivision, nor shall such development modules constitute, without more, lots, blocks, parcels, or tracts, as those terms are defined in the Zoning Ordinance.

(4) *If and in the event that a PMD tract is so located as to be subject to the provisions of the Yonkers Affordable Housing Ordinance, Article XV of the Zoning Ordinance, and if the CDP for such PMD tract proposes multifamily development as that term is defined in § 43-193, then the CDP shall, in addition to the matters required to be set forth pursuant to the foregoing Subsection C(1) through (3), designate the total number of dwelling units proposed for development in the PMD tract.*

K. Affordable housing. If and to the extent that a PMD tract is so located as to be subject to the Yonkers Affordable Housing Ordinance, Article XV of the Zoning Ordinance, and includes multifamily development, as that term is defined in § 43-4493, then such multifamily development shall comply with the provisions of Article XV for so long as such Article XV shall remain in effect pursuant to the provisions of § 43-4492 subject, however, to the following:

(1) As respects the application of § 43-4495, if the CDP for the PMD tract proposes development, in the aggregate, of more than 500 multifamily units, then any provision of § 43-4495 to the contrary notwithstanding, the provisions of Subsection B of § 43-4495 shall apply to the PMD tract, and the required set-aside of assisted units shall be reduced to 10% of the maximum aggregate number of multifamily units authorized for construction in such PMD tract.

II. 43-190 Affordable Housing

This article shall be known as the "Affordable Housing Ordinance" of the City of Yonkers.

§ 43-191. Declaration of purpose.

This Affordable Housing Ordinance is adopted to comply with the Long-Term Housing Plan Order entered on June 13, 1988, in the United States District Court for the Southern District of New York in the case of United States of America and Yonkers Branch § NAACP et al. v. Yonkers Board of Education, et al., and in furtherance of the following, related and more specific purposes:

A. To implement a program whereby all new multifamily housing developments in East and Northwest Yonkers will be required to provide assisted-housing units not to exceed 20% of the maximum aggregate number of units authorized for construction in exchange for a variety of zoning and other mandated incentives as set forth in Section 8 of the Long Term Housing Plan.

NOTE: The examples set forth below illustrate the types of mandatory incentives which the City shall be prepared to implement:

- Increase the maximum permitted height of a building.

- Increase the minimum permitted floor area ratio of a building.

- Change the formulas set forth in § 43-33N of the Yonkers Code for the calculation of floor area ratios for mixed use buildings so as to lower the contribution of stories devoted exclusively to nonresidential uses.

- Reduce the minimum permitted lot width or lot area for apartment houses.

- Reduce the minimum permitted lot area per family.

- Reduce the minimum permitted rear yard or minimum permitted front yard.

- Grant the owner of multifamily rental housing a full tax abatement on City real estate taxes for the percent of units which are assisted but not to exceed 50% of the total number of units in the development, including both assisted and nonassisted units.

- Vary the extent and/or duration of tax abatement depending on the extent to which the owner elects to carry a larger than required share of assisted units allocated to households in an income group as described herein.

- Grant a tax abatement on City real estate taxes to households buying assisted units. An additional tax abatement may be granted to up to 50% of the total number of units being constructed to be used to skew the monthly payments of the non-assisted units so as to further reduce the monthly payments required of the assisted units.

- Vary the extent and/or duration of the tax abatement granted to households buying assisted units, depending on the household's income level.

- Waive a portion of all application or processing fees which would otherwise be payable by developers seeking building-related approvals from the City.

- Cause funds in the Affordable Housing Trust Fund (AHTF) to be applied (subject to HLD regulations) to site preparation or improvement at a site to be used for the construction of assisted units.

- Provide that, notwithstanding anything to the contrary contained in Chapter 43 of the Yonkers Code, a particular housing development may contain a certain number (or percentage) of units in excess of the number which would otherwise have been allowed by such chapter.

- Cause the Industrial Development Authority (to the extent it is within the power of the City to cause such result) to provide assisted financing for the construction or permanent financing of the portion of a housing project represented by assisted units.

- Vary the extent of assisted financing from the Industrial Development Authority depending on the extent to which the owner or developer elects to carry or sell a larger than required share of assisted units allocated to households in an income group as described herein.

income.

C. To provide for changes in existing zoning and increases in land use densities so as to facilitate construction of multifamily residential buildings containing a mix of market rate and assisted units.

D. To provide for a variety in the size of assisted units.

E. To specifically target the areas of East and Northwest Yonkers for the development of assisted housing.

F. To promote the provision of assisted housing in a dispersed manner so as to avoid the undue concentration of both public and assisted units in any neighborhood of Yonkers.

G. To provide measures to ensure that assisted-housing units remain affordable for specified periods of time as required by the Long-Term Housing Plan.

H. To foster to the extent possible the use of such architectural and design devices as will minimize the visual impact of such inclusionary housing developments on the surrounding community and any distinction between assisted and market-rate units

This article shall be in effect from the date of enactment to such time as the goals of Paragraph 1 (governing First Year Construction) and Paragraph 2 (600 units) of the Second Supplemental Long-Term Plan Order entered by the United States District Court for the Southern District of New York ("SSLTPO") have been met. Any inconsistencies or more stringent requirements of the LTPO as amended are by reference incorporated into

this Article XV, Affordable Housing, and shall be a part of the application and approval process for affordable housing.

43-193. Definitions of terms.

As used in this article, the following terms shall have the meaning indicated:

ASSISTED UNIT -- A dwelling unit, as defined herein, which has been made affordable to a specified income group as defined herein, and for which affordability controls, as defined in §§ 43-201 and 43-202, shall apply.

DWELLING UNIT -- A room or group of rooms intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities for the exclusive use of a single household.

FIRST REMEDIAL CONSENT DECREE IN EQUITY -- Order entered on January 28, 1988, in the United States District Court for the Southern District of New York in the case of United States of America and Yonkers Branch § NAACP et al. v. Yonkers Board of Education, et al., which sets forth certain agreements of the parties to that litigation, and certain actions which the City of Yonkers is required to take in connection with the consensual implementation of Parts IV and VI of the Housing Remedy Order.

HOUSING REMEDY ORDER -- Order entered on May 26, 1986, in the United States District Court for the Southern District of New York in the case of United States of America and Yonkers Branch § NAACP et al. v. Yonkers Board of Education, et al.

INCLUSIONARY DEVELOPMENT -- A multifamily housing project in which a proportion of the dwelling units are assisted units.

LONG-TERM HOUSING PLAN -- Long-Term Plan Order entered on June 13, 1988, by the United States District Court for the Southern District of New York, as amended by the Supplemental Long Term Plan Order entered on October 5, 1993, and the Second Supplemental Long-Term Plan Order entered on November 6, 1996, which set forth certain actions to be taken by the City of Yonkers to comply with Section VI of the Court's May 26, 1986, Housing Remedy Order.

MULTIFAMILY DEVELOPMENT -- One or more residential buildings, each containing three or more attached dwelling units. Multifamily developments shall include but are not limited to townhouses, garden apartments, flats, mid-rise apartment buildings and high-rise apartment buildings.

43-194. Districts; provisional districts; boundary locations.

A. Districts.

(1) This article constitutes an overlay district to the M, MG, B, A and BA Zones and such other zones in which multifamily housing is or may be permitted in East and Northwest Yonkers, including those zones that permit multifamily housing as a special use. This article shall apply to multifamily housing, including projects (whether or not presently in the planning stage) which will require zoning changes, variances, special exceptions or other discretionary approvals from the City to begin construction, as of the date of this article.

(2) In addition, the Long-Term Housing Plan Order specifically permits developers to apply for zoning changes to build multifamily inclusionary developments in any district in East and Northwest Yonkers not zoned M, MG, B, A and BA and to seek the incentives offered herein.

B. Provisional districts.

(1) A developer may propose to build a multifamily inclusionary development in the M, MG, B, A and BA Zones in areas other than East and Northwest Yonkers, including those zones that permit multifamily housing as a special exception use; however, nothing contained herein shall require developers in such areas to build multifamily inclusionary developments. Developers may also apply for zoning changes to build multifamily inclusionary developments in areas other than East and Northwest Yonkers not zoned M, MG, B, A and BA and to seek the incentives offered herein so as to make the provision of assisted-housing units economically feasible.

(2) The City shall have the option of granting the incentives enumerated and referred to herein to facilitate the provision of multifamily inclusionary development in areas other than East and Northwest Yonkers. These incentives may be made available for construction of up to 400 assisted units in such areas, for which the City shall be credited (toward its goal of 600 assisted units as set forth in § 43-192 of this article), with one unit of assisted housing for every two assisted-housing units constructed up to a maximum credit of 200 units.

C. Boundary locations. For purposes of this article, "Northwest and East Yonkers" shall include all land in

Yonkers north and east of the area bounded by Glenwood Avenue extending east from the Hudson River to Father Finian Sullivan Drive; Father Finian Sullivan Drive north to Lake Avenue; Lake Avenue east to Saw Mill River Road; Saw Mill River Road south to Ashburton Avenue; Ashburton Avenue east and south to the Saw Mill River Parkway; and the Saw Mill River Parkway to the City of Yonkers municipal boundary with the City of New York.

§ 43-195. Required number and distribution of assisted units in inclusionary developments.

A. Multifamily housing developments shall be inclusionary developments containing a set-aside of assisted units equal to 20% of the maximum aggregate number of units authorized for construction in such developments, except as provided in Subsections B and C.

B. In multifamily inclusionary developments in the A and BA Zones, and in such other zones which presently permit a density of 60 units per acre or more, the required set-aside of assisted units may be reduced, but no less than 10% of the maximum aggregate number of units authorized for construction in such development shall be set aside as assisted units, provided that the maximum density bonus that will then be given to the developer shall not be in excess of 50% over the permitted zoning. If the bonus sought is in excess of the 50% over the permitted zoning, the 20% set-aside shall apply.

C. Notwithstanding Subsections A and B, the City may exempt any multifamily housing development of fewer than 10 units from inclusionary development; provided, however, that such exemption shall not be applied to circumvent the set-aside requirements set forth in Subsections A and B of this section.

43-196. Income distribution.

A. Multifamily inclusionary development shall be required to include an income distribution for assisted units to ensure that 30% of the total number of assisted units be provided on terms affordable to families earning no more than 50% of the median income in Westchester County; 45% of the total number of assisted units be provided on terms affordable to families earning between 50% and 80% of the median income in such area; and 25% of the total number of assisted units be provided on terms affordable to families earning between 80% and 100% of the median income in such area; provided, however, that a developer may propose to modify the income distribution of assisted units set forth above subject to approval by the City.

B. Notwithstanding Subsection A of this section, if the aggregate minimum number of assisted units to be allocated to any of the three income groups is attained before the minimum is reached for remaining groups, assisted units constructed thereafter shall be allocated (in the same proportion) only to income groups whose

minimum has not theretofore been attained.

§ 43-197. Bedroom distribution.

Multifamily inclusionary development shall provide the following bedroom distribution for the assisted units:

- A. The number of two-bedroom assisted units shall equal at least 60% of the total number of assisted units.

- B. The number of three-bedroom (or larger) assisted units shall equal at least 30% of the total number of assisted units.

- C. The number of one-bedroom assisted units may not exceed 10% of the total number of assisted units.

§ 43-198. Affordability criteria.

A. Definition. The term "affordable," as used in this article, shall mean with respect to each income category described in this article, assisted-housing units:

(1) Sold at a price entailing a monthly carrying cost (assuming a 10% downpayment, a 30-year self-liquidating mortgage, including principal and interest payments, property taxes, homeowners' association fees, maintenance or carrying costs, but excluding utilities) not exceeding at any time 30% (or such higher percentage as permitted by the applicable housing finance program) of the annual gross income of the household occupying the assisted unit; or

(2) Rented at a rent (including an allowance for utilities) not exceeding at any time 30% of the annual gross income of the household occupying the assisted unit.

B. Term; transfer restrictions and occupancy criteria.

(1) Assisted-housing units shall be rented or sold only to households meeting (at the time of rental or sale) the income qualifications contemplated in § 43-196 of this chapter as from time to time adjusted for Westchester County. Such units shall be the primary residence of the occupants, and subletting and assignments shall be prohibited.

(2) All assisted-housing units subject to purchase shall have resale-price limitations (enforced by covenants running with the land, restrictions on registration of title, or any other appropriate legal mechanism approved by the City) which will ensure that, for a period of 30 years from the time of their first sale, such housing units are sold or resold only to, and at a price affordable to, a household which is, at the time of purchase, in the same group (referred to in § 43-196 of this chapter and Paragraph 5 of the SSLTPO and as at that time adjusted) as was the seller at the time such previous owner first occupied the unit.

(3) The owner of assisted-housing units for rent shall be required to assure that, for a period of 30 years from the time of first rental, such units are affordable to, and are re-rented only to, a household which is, at the time of re-rental, in the same income group (referred to in § 43-196 of this chapter and Paragraph 5 of the SSLTPO and as at that time adjusted) as was the previous tenant at the time such previous tenant first occupied the unit. Assisted units for rental may be converted to units for sale, subject, however, to the same ownership eligibility standards as applicable to units for sale for the remainder of the thirty-year period from original occupancy referred to in the previous sentence. All tenants in place at the time initial notice of conversion is provided who meet the income qualifications set forth in § 43-196 of this chapter (as at that time adjusted) shall be permitted to purchase their unit at a price affordable to them as defined herein.

(4) Exempt transfers.

(a) The affordability and other restrictions on resale and/or occupancy shall not apply to:

[1] The transfer of ownership of an assisted unit between spouses or former spouses ordered as a result of a judicial decree of divorce or separation agreement (not including transfers to third parties).

[2] The transfer of ownership of a unit between family members as a result of inheritance.

[3] Formerly HUD-insured multifamily projects which, following default on the mortgage, HUD acquires or is mortgagee in possession ("MIP"), to the extent that the provisions are inconsistent with applicable HUD statutes and regulations regarding management or disposition of HUD-owned projects or projects for which HUD is MIP.

(b) However, transfers referred to in Subsection B(4)(a)[1] and [2] do not extinguish such restrictions (whatever be the legal mechanism through which the restrictions are enforced) which shall be fully complied with in the event of any subsequent sale or rental of a unit not specifically exempted hereby.

(c) An exempted transfer as heretofore provided in this subsection shall not toll the running of the thirty-year period referred to in Subsection B(2) hereof.

(5) This section shall not be interpreted as in any way affecting or diminishing, and shall apply together with, occupancy criteria (to be applied in good faith by the City or each developer) substantially of the type set forth in 24 C.F.R. § 960.205 to ensure that the personal and financial background of each potential tenant or owner of assisted units will not be detrimental to the viability of the housing development.

(6) To the extent not inconsistent with other applicable occupancy and financial criteria, the City shall endeavor to give occupancy priority in the following order to:

(a) Persons who, between January 1, 1971, and the date assisted housing is made available, have been residents of public or subsidized housing in the City of Yonkers. Such persons shall be given the first opportunity to apply for such housing, which opportunity shall be afforded up until 30 days following the date the final assisted-housing units pursuant to this article are made available. Occupancy choice from among such persons applying shall be on a first-come, first-served basis.

(b) Residents of the City of Yonkers.

(c) Persons employed in the City of Yonkers.

(7) The City of Yonkers Affordable Housing Department shall be responsible for prescreening applicants who wish to occupy (as tenants or purchasers) assisted units and for maintaining a list of such prescreened applicants. Owners or developers of housing projects containing assisted units may be allowed to select tenants or purchasers of assisted units from among the applicants prescreened by such office. The Office shall be responsible for monitoring the good-faith application of any discretion vested in such owners or developer with respect to the choice of tenants or purchasers of assisted units.

§ 43-199. Architectural integration.

A. Developers of multifamily inclusionary developments shall make no locational distinctions between assisted and other units, provided that, for any building eight or more stories in height, the top two floors may be reserved for market rate housing.

B. Assisted units, whether for sale or rental, shall meet HLTD minimum property standards with respect to square footage. Assisted units need not be furnished with each and every amenity that a developer may choose to include in a market rate unit. Developers shall be encouraged to foster, to the extent feasible, the use of such architectural and design devices as will minimize the visual impact of such housing developments on the surrounding community and any distinction between assisted and market units.

§ 43-200. Staging.

A. In all multifamily inclusionary developments, the following staging schedule shall apply for rental or sale units:

Percentage of Market Rate Units Receiving	Percentage of Assisted Units Receiving
Certificates of Occupancy	Certificates of Occupancy
Up to 25%	0% (none required)
25% + 1 unit	At least 10%
50%	At least 50%
75%	At least 75%

100% 100%

B. Certificates of occupancy shall be issued to market rate units when the required percentage of assisted units for the respective stage has been completed.

§ 43-201. Applicability.

The zoning regulations for multifamily inclusionary developments shall allow for departures from the provisions of Table 43-3 of this chapter. ^{EN}

§ 43-202. Zoning regulations.

A. To promote the goals of this article, and specifically to make the provision of assisted housing set-asides feasible within inclusionary developments, the City shall offer incentives to developers of multifamily inclusionary developments which may include, but are not limited to, the following departures from underlying zoning:

- (1) Increase of the maximum permitted height of a building.
- (2) Increase of the maximum permitted floor area ratio of a building.
- (3) Change of the formulas set forth in § 43-33N of this chapter for the calculation of floor area ratios for mixed-use buildings so as to lower the contribution of stories devoted exclusively to nonresidential uses.
- (4) Reduction of the minimum permitted lot width or lot area for apartment houses.

- (5) Reduction of the minimum permitted lot area per family.

- (6) Reduction of the minimum permitted rear yard or minimum permitted front yard.

B. Notwithstanding anything to the contrary contained in this chapter, a particular housing development may contain units in excess of the number which would otherwise have been allowed by such chapter.

C. Departures from underlying zoning regulations for multifamily inclusionary developments shall be determined based on submissions made by the developer as provided in § 43-203 of this article taking into consideration such factors as, but not limited to; the provisions of the underlying zoning, including but not limited to height, bulk and density; the impact of development on surrounding land uses and neighborhoods; the allocation to specific income groups of assisted units which the developer (subject to specific provisions of this article) elects to make; the degree to which assisted financing/grants of mandated incentives (as set forth in Section 8 of the Long-Term Housing Plan) are available; prevailing economic and housing-market conditions; and allowance for a reasonable profit margin.

§ 43-203. Expedited review; submission.

A. Expedited review. The City shall establish an expedited review process for multifamily inclusionary housing projects pursuant to this article to include priority scheduling and expedited review and negotiation.

B. Presubmission review by City of Yonkers Affordable Housing Department.

(1) Developers of multifamily inclusionary projects are encouraged to seek the assistance of the City of Yonkers Affordable Housing Department in preparing conceptual development plan submissions as set forth in Subsection C below. The City of Yonkers Affordable Housing Department shall work with developers in determining the types of zoning and other incentives required to make the provision of assisted housing set-asides feasible within inclusionary developments, and is specifically empowered to make recommendations to the City as to the need for any mandated incentive not expressly set forth in § 43-202 of this article, including tax abatement, waiver of applications and/or processing fees for building approvals, use of Affordable Housing Trust Funds and/or use of financial assistance from the Industrial Development Authority.

(2) Developers of multifamily inclusionary projects intending to make application to the City for tax abatement, waiver of application and/or processing fees for building approvals, funding from the Affordable Housing Trust Fund and/or financial assistance from the Industrial Development Authority are required as part of the presubmission review process to obtain recommendations from the City of Yonkers Affordable Housing Department concerning the granting of such assistance before making application to the City Council, as set forth below. The City of Yonkers Affordable Housing Department shall forward its recommendations to the Yonkers Planning Board and Yonkers City Council.

C. Submission of conceptual development plan; review; approval.

(1) After having sought the assistance and recommendations of the City of Yonkers Affordable Housing Department as outlined in Subsection B above, developers of multifamily inclusionary projects shall submit to the Yonkers Planning Board a conceptual development plan, which shall contain the following information:

- (a) General location of existing and proposed structures, including the location of the assisted-housing units.
- (b) General type of existing and proposed uses, including a description of the proposed bedroom and income distributions, and proposed tenure structure of the assisted-housing units.
- (c) Conceptual rendering of the exterior design treatment of the building(s) and a typical floor plan, including a floor plan showing where the assisted units will be located.
- (d) A completed environmental assessment form (EAF).
- (e) Existing topography and soils information, and general grading and drainage proposals.
- (f) A map delineating those areas on the site comprising floodplains, wetlands, lakes, ponds, streams

and other surface water bodies, and areas with slopes in excess of 15%, and a statement as to what, if any, disturbances are contemplated in these areas, and the extent to which any mitigation measures are proposed.

(g) Existing and proposed internal streets, driveways and points of access to existing mapped streets.

(h) Parking and loading areas, showing size and location of stalls and aisles.

(i) Landscaped areas and proposed screening.

(j) A written statement and supporting documentation indicating the traffic impacts of the project on the adjoining roadway network and what, if any, off-site traffic improvements are proposed.

(k) A written statement and supporting documentation indicating whether any land or buildings listed on the State or National Registers of Historic Places will be altered and describing the nature of the proposed alterations.

(l) A statement and supporting documentation as to the capacities of existing water and sewer lines and related facilities, and that such water and sewer lines are adequate to serve the project; if not adequate, proposed improvements that are required.

(m) A statement and supporting documentation as to the capacities of existing gas and electric lines and related facilities, and that such gas and electric lines are adequate to serve the project; if not adequate, proposed improvements that are required.

(n) Existing and proposed location and type of major signs and lighting.

(o) A written and graphic description of various aspects of the conceptual development plan,

including any proposed phasing of development activities, and a statement of the applicant's interest in the land as well as evidence to support the applicant's right to make the application and use the land.

(p) A written statement indicating which, if any, sources of municipal assistance or funding (e.g., tax abatements, financing, grants) the applicant seeks to use and specifying the type of assistance, if any, that will be sought from the county, state or federal governments.

(q) A written statement describing the types of incentives that the applicant considers necessary and sufficient to make the provision of the assisted housing set-aside economically and socially feasible, and the specific provisions of the underlying zoning from which the applicant is requesting departure as set forth in § 43-202 of this article.

(r) A written statement and supporting documentation describing the reasons for the required departures from the underlying zoning, including but not limited to a financial pro forma showing likely profit margins with and without the departures being requested.

(s) A written statement and supporting documentation indicating the manner in which the applicant intends to administer the assisted units in compliance with § 43-198 of this article, including sales prices and/or rent levels for the assisted units.

(t) A written and graphic description of the area within a four-hundred-foot radius from the property and statement and supporting documentation as to the impacts that the project will have on such area.

(u) A written statement and supporting documentation projecting the additional number of school-age children generated from both the market rate and assisted units and their impact on the existing school system. The developer shall simultaneously transmit such written statement and supporting documentation to the Yonkers Board of Education.

(2) The Planning Board through the Planning Director, shall have 15 working days to request additional information from the applicant; otherwise the conceptual development plan shall be deemed complete. The Planning Board shall then have 45 working days from the date on which the conceptual development plan is deemed complete to act upon the application; otherwise the application shall be deemed approved. The building regulations contained in the conceptual plan shall be deemed permitted only in the manner stipulated by the Yonkers Planning Board in its approval. Any material or substantial amendment or amendments to the conceptual plan must be submitted to the Yonkers Planning Board for approval in the same manner as the

original plan.

(3) Upon approval of the conceptual development plan by the Yonkers Planning Board, as set forth in Subsection C(2) above, the developer may elect to make application to the Yonkers City Council for any other incentives considered necessary to effectuate the multifamily inclusionary development as proposed (but not expressly set forth in § 43-202 of this article), including tax abatement, waiver of application and/or processing fees for building approvals, funding from Affordable Housing Trust Funds, and/or financial assistance from the Industrial Development Authority. Developers applying for such incentives shall submit to the Yonkers City Council the complete conceptual development plan as submitted to and approved by the Planning Board. Upon receipt of such applications, the City Council shall have 30 days to act upon the request; otherwise the application shall be deemed approved.

(4) Site plans.

(a) Developers of multifamily inclusionary projects shall include in the application for building permits a site plan containing the following:

[1] Property lines and related street, right-of-way and easement lines as determined by survey.

[2] Location of existing and/or proposed buildings and structures and uses, including the location of the assisted units.

[3] Layout of existing and proposed off-street parking areas showing the details of aisles, driveways and each parking space.

[4] Existing topography of the site and immediately adjacent property as revealed by contours or key elevations as may be required by the City Engineer, and any proposed regrading of the site.

[5] Existing and proposed stormwater drainage facilities, sidewalks, curbs, curb cuts and driveway aprons and similar structures.

[6] Existing and proposed stormwater drainage facilities, sidewalks, curbs, curb cuts and driveway aprons and similar structures.

(b) The Commissioner of the Department of Housing and Buildings shall forward one copy each of the site plan and accompanying documentation to the Planning Director, who shall ensure consistency between the site plan and the approved conceptual development plan before issuance of a building permit.

(c) No building permits shall be issued for any such building, structure or use until the Commissioner of the Department of Housing and Buildings has received a written assurance of consistency from the Planning Director, except that, if said Director shall fail to report within 15 days, the proposed site plan shall be considered approved. The Planning Director's review of the site plan shall note any changes from the approved conceptual plan. The Director shall not approve any material or substantial changes to the approved conceptual plan which are not in accordance with the declaration of purpose of this article; any such changes shall require approval of the Planning Board.

(d) If the developer is required to make any material or substantial amendments to the site plan based upon the review of the Planning Director, the Commissioner of the Bureau of Housing and Buildings shall again forward amendments to the Planning Director for re-approval prior to issuing any building permit for such amendment.

(5) If the developer does not file an application with the Commissioner of the Department of Housing and Buildings, and the Commissioner of the Department of Housing and Buildings does not issue a building permit, within two years after the Yonkers Planning Board's approval of a conceptual plan, then the zoning governing the land delineated in the conceptual plan shall be voidable by the City, so as to permit the development of other multifamily inclusionary developments in Yonkers.

Villages

Village of Ardsley – *None found.*

Village of Briarcliff Manor

I. 220-10 (Residential Townhouses RT4B District)

(1)

This chapter recognizes that it is necessary to enable and encourage flexibility of design and development of residences in the Village of Briarcliff Manor *so as to provide opportunities for individuals, couples, and small families of all ages to find housing of relatively moderate cost in appropriate locations within the Village.*

B.

General provisions. The following standards, conditions and provisions shall be administered by the Planning Board during the course of site plan review. All site development plan applications for development in a RT4B zone shall, in addition to complying with all other standards and requirements of these regulations, also satisfy the following standards and conditions. The terms "family" and "persons" may be used interchangeably.

(1)

Development density. The basic density per acre allowed by these regulations shall not exceed four dwelling units per gross acre, except as permitted and regulated below. *The maximum permitted density may be increased by 50% of the total basic density as a bonus if the applicant constructs at least 50% of the permitted increase as moderate cost dwelling units, which dwelling units shall hereinafter be known as "moderate income dwelling units."* During the process of detailed site plan review, the Planning Board shall have the authority to limit the basic density and the bonus density where the Board determines that such may be necessary or appropriate because of the specific characteristics of the individual site.

(2)

Development quality. In order to help achieve the objectives of this section, to achieve a high quality of development, to protect and preserve valuable natural resources and to ensure that all moderate cost dwelling units are of equal quality, appearance, amenities and construction as comparable to the market rate dwelling units and development on the site, Planning Board review shall include but not be limited to floor plans and elevations of all dwelling unit types and site amenities. In a manner similar to that provided for subdivision review and approval under § 220-7, in the course of site plan review the Planning Board may modify the standards listed in Columns 6 through 24 of the schedule

Editor's Note: The schedule is included at the end of this chapter.
as long as the total number of units permitted on the overall site does not exceed that permitted in Subsection **B(1)**, development density, above.

(3)

Selection priorities of moderate income families. Moderate income families applying for moderate income dwelling units to be used as primary residences shall be selected on the basis of the following order or priority:

(a)

Village of Briarcliff Manor municipal employees.

(b)

Briarcliff Manor and Ossining School District employees.

(c)

Residents of the Village of Briarcliff Manor.

(d)

An active member of the Briarcliff Manor Fire Department as defined by Article VI of the Fire Council Bylaws where such member has at least two years of such active service

(e)

Former residents of the Village of Briarcliff Manor who owned or still own residential property in the Village.

(f)

Other persons employed in the Village of Briarcliff Manor.

(g)

Relatives of residents of the Village of Briarcliff Manor.

(h)

Other residents of Westchester County.

(i)

All others.

(4)

Selection categories.

(a)

Within each of the above categories, priority shall be given to:

[1]

Active members of the Briarcliff Manor Fire Department as defined by Article VI of the Fire Council Bylaws where such members have at least two years of such active service [refers to

priorities (a), (b) and (c) only in Subsection **B(3)** above].

[2]

Families or persons displaced by governmental action.

[3]

Families or persons of which the head or spouse is 62 years or older.

[4]

Families or persons of which the head or spouse is handicapped (certified by a physician).

[5]

The year of initial application.

(b)

In the event that the number of applicants exceeds the available units, a lottery shall be held to select applicants. Such lotteries would be conducted based on the selection priorities and categories.

(5)

	Number of Bedrooms	Number of Persons	
		Minimum	Maximum
	1	1	2
	2	2	4
	3	3	6
	4	4	8

Occupancy standards. The following occupancy limitations shall apply to moderate income dwelling units:

(6)

Eligibility.

(a)

The Board of Trustees may serve as, or establish a Moderate Income and Affordable Housing Review Board (hereinafter called the "Review Board"). The Review Board shall maintain a list of eligible moderate income families, as defined in Subsection **B(3)**, and in accordance with the Selection Priorities and Categories listed in Subsection **B(3)** and **(4)** above. Where the number of eligible moderate income families in the same priority classification exceeds the number of available units, applicants shall be selected by lottery.

(b)

The Review Board shall annually examine or cause to be examined the financial eligibility of all applicants.

(c)

The Review Board may require additional assurances from the owners of moderate income dwelling units, including deed restrictions, to ensure the continuing guarantee of use to eligible moderate income families.

(7)

Sales price.

(a)

The maximum sales price will be determined by the size of the moderate income dwelling unit and the median income of full-time employees of the Village of Briarcliff Manor for the preceding year, as follows:

Unit Size* (square feet)	Related Village Employee Median Salary Multiple
800	2.60
900	2.70
1,000	2.90
1,100	3.10
1,200	3.325
1,300	3.575
1,400	3.85
1,500	4.16

[Amended 10-18-2001 by L.L. No. 2-2001; 6-19-2003 by L.L. No. 4-2003]

* Average livable floor area, see Column 23 of the schedule.
 Editor's Note: The schedule is included at the end of this chapter.

Sales prices for units of intervening size shall be established by the Review Board by such means as interpolation or projection.

(b)

Resale price. The title to each moderate income dwelling unit shall be restricted so that in the event of any resale by the home buyer or any successor the resale price shall not exceed the then maximum sale price for said unit, as determined in accordance with Subsection **B(7)(a)** of this section, or (the sum of) the following, whichever is greater: The original purchase price, plus the value of any fixed improvements legally made by the home buyer, and not included within the above categories. The seller additionally is entitled to add to the resale price any reasonable and necessary expenses incidental to the resale.

C.

Approvals.

(1)

The Planning Board shall review each residential townhouse project, its detailed site plan and its subdivision in accordance with the provisions set forth herein and the other pertinent provisions of the Village Zoning Chapter and Chapter **190**, Subdivision of Land. Site plan fees, subdivision fees, environmental and other fees directly related to the moderate cost dwelling units may be waived at the discretion of the Planning Board in an effort to assist the applicant/developer in reducing development cost.

(2)

When a recreation fee is calculated in lieu of an approved reservation of recreation lands, such fee shall be based on the total number of dwelling units exclusive of those which are affordable units.

E.

Criteria for establishing moderate cost dwelling units and moderate income family eligibility shall be as follows:

(1)

A dwelling unit the sale price of which does not exceed the maximum allowable level established by Subsection **B(7)** shall constitute a moderate cost dwelling unit.

(2)

Moderate income family eligibility shall be as follows:

(a)

Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of working minors (under 21 years of age) attending school full time, shall not exceed the following multiples of the median annual Village-paid wages of all full-time employees of the Village of Briarcliff Manor during the preceding calendar year:

[Amended 2-20-1996 by L.L. No. 2-1996; 6-19-2003 by L.L. No. 4-2003]

Unit Size* (square feet)	Village Employee Median Salary Multiple
800	1.65
900	1.70
1,000	1.75
1,100	1.80
1,200	1.85
1,300	1.90
1,400	1.95
1,500	2.00
*Average livable floor area; see Column 23 of the schedule.	
<i>Editor's Note: The schedule is included at the end of this chapter.</i>	

(b)

Families whose intent is to utilize the

residential townhouse moderate income units as their principal place of residence. Rental or subleasing of moderate income units shall not be permitted except under extenuating circumstances as determined and approved by the Review Board.

(c)

Families must declare under oath to the best of their knowledge that their income will not exceed 1.5 times the limits defined in Subsection **E(2)(a)** above, for three years from the date of application.

F.

Tax assessment. The limited sales value of moderate income dwelling units shall be taken into consideration by the Village Assessor in determining the basis for assessment on such units.

Village of Bronxville – None found.

Village of Buchanan— still being searched (not on E-Code).

Village of Croton-on-Hudson

VI. 230-22 Special Districts – Waterfront Development (WD) District

I.

Bulk, height and parking requirements. The respective minimum and maximum requirements and standards for all uses shall be as follows:

(1)

Density.

(a)

Market-rate dwelling units. The residential density shall not exceed a maximum of one dwelling unit for every 5,000 square feet of dry-land area.

(b)

Affordable dwelling units. The Village Board of Trustees may permit additional dwelling units not to exceed 5% of the number calculated in accordance with the provisions of Subsection I(1)(a) immediately above, if the additional dwelling units are deemed by the

Board of Trustees to be affordable units. The affordable dwelling units shall be integrated among the market-rate units in the project.

(2)

Building height. The maximum building height shall be three stories and 37 feet, except that no building within 75 feet of the mean high-water line of the shoreline shall exceed two stories and 25 feet.

(3)

Building length. The maximum horizontal dimension of any building or structure shall not exceed 250 feet.

(4)

Building spacing. The distance between any two buildings shall not be less than 40 feet, except that unenclosed decks of reasonable depths, as determined by the Planning Board during site development plan review, may extend into the forty-foot-wide separation area.

(5)

Open space. At least 20% of the tract of land shall constitute "open space," as such term is defined by this chapter.

(6)

Habitable floor area. The minimum habitable floor area per dwelling unit shall be 750 square feet, except for affordable dwelling units, in which case the minimum habitable floor area per dwelling unit shall be 600 square feet.

(Note: The exact amount of floor area is to be determined in concert with the Village's affordable Housing Committee.)

(7)

Building coverage. The footprints of the buildings in the project shall not exceed 30% of the total dry-land area of the tract.

(8)

Floor area ratio. The floor area ratio of the proposed use shall not exceed 0.50 of the dry-land area of the tract.

(9)

Marina size.

(a)

The length of a marina in the project shall not exceed 60% of the site's shoreline.

(b)

The maximum plan depth of a marina shall be the lesser of 12% of the site's shoreline or 300 feet.

Village of Dobbs Ferry

I. 300-23 Waterfront District (Permitted Uses)

F.

Development incentive density bonuses in Waterfront District B. In order to further the objectives of the LWRP the Village Board, on recommendation of the Planning Board, may increase the permissible density of development in Waterfront District B as set forth below:

(1)

Following a public hearing and recommendation by the Planning Board, the Board of Trustees may provide density bonuses in accordance with this subsection in exchange for an applicant providing one or more of the following facilities or amenities:

(a)

Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A by the construction of a pedestrian esplanade way along the river shore in Waterfront District A as a contiguous portion of a larger Village Riverwalk such as is proposed in the LWRP;

(b)

Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A by shoreline stabilization and bulkhead restoration projects, construction of piers, launching facilities or other recreational waterfront or shoreline amenities;

(c)

Maximizing and facilitating public ingress, egress, access to and enjoyment of the shoreline in Waterfront District A and providing linkage between the waterfront and the rest of the Village by creating and/or restoring, maintaining and making available to the public one or more means of access over the railroad right-of-way and ensuring public access thereto over and across property within the Waterfront B zoning district;

(d)

Committing a significant portion of land in Waterfront District A to park or open space use, either by conveying the land to the Village for such purposes or by other means, such as covenants and deed restrictions,

(e)

Providing publicly accessible open space and/or recreational areas in Waterfront District B;

(f)

Preserving a significant portion of the existing structures in Waterfront District A or B for uses described in § **300-23A(3)(c)** through (f);

(g)

Providing a mix of residential unit sizes (e.g., one-bedroom, two-bedroom) in development to be constructed in Waterfront District B that is consistent with the needs of the Village;

(h)

Providing that 10% of the residential units to be constructed in Waterfront District B will be affordable housing.

(2)

For applicants who provide or make provision for amenities and facilities listed in § **300-23F(1)**, above, the Board of Trustees may, at its discretion award bonuses by increasing the density ratios in Waterfront District B up to a maximum of 20%. A bonus awarded under this provision may be in any increment between 0% and 20% in proportion to the degree to which the proposed amenities confer benefits identified in § **300-23F(1)**, above, and shall be computed by reducing the minimum size of plot per family by the amount of the bonus. For example, if a bonus of 10% were allowed, permissible density would be calculated based on a reduction of the minimum plot per family in the TF analysis from 2,500 square feet to 2,250 square feet. The bonus permitted under this section is a bonus in permissible density only, and does not authorize any enlargement of the permissible bulk or lot coverage of buildings to be constructed.

Village of Elmsford

I. 335-8 Residential Cluster Development (RCD) District

A.

General purpose and intent.

(1)

In order to provide suitable opportunities within the Village for the development of housing designed to satisfy the needs of smaller households, particularly the young, the elderly and families of moderate income, to encourage a broad array of housing types, dwelling unit sizes and forms of ownership and to accommodate maximum flexibility in site design, Cluster Residential Development (RCD) Districts are hereby established.

(2)

In adopting this section, the Board of Trustees declares that such districts are conceived and enacted to promote the public health, safety and general welfare of the Village of Elmsford **and more particularly to encourage innovations in residential development, so that the growing demand for housing at all economic levels may be met by greater variety in type, design and siting of dwellings, and to encourage the conservation and efficient use of land, including the permanent preservation of open space and other significant natural features.** The Board of Trustees further declares that these objectives cannot be achieved through the use of traditional zoning and subdivision requirements, the application of which to large tracts of land may prevent the Village from taking full advantage of the most advanced techniques of land development.

C.

Standards and general requirements for residential cluster developments.

(1)

Use and density standards.

(a)

Site area. Except as provided for below, the minimum site area required for the establishment of an RCD District shall be four acres of land having contiguity except for any dividing street, public or private, on which such tract or any portion thereof may have frontage. Subject to the approval of the Village Board of Trustees, the minimum site area requirement specified above may be modified by said Board for lots that abut an existing or proposed RCD District on two or more sides.

(b)

Ownership. The land proposed for an RCD may be owned by one or more persons, partnerships, limited partnerships, trusts or corporations, but must be presented as a single parcel at the time of application to the Village. The application shall be jointly filed by all owners and, if approved, shall be jointly binding on all of them and all future owners. If required by the Village Board of Trustees, this shall be confirmed by written agreement, in recordable form satisfactory to the Village Attorney.

(c)

Permitted uses. Within an RCD, permitted principal uses may include dwelling units in detached, semidetached, attached and/or multistory structures. Permitted accessory uses within an RCD may include active and passive

recreational areas, off-street parking, management offices and other similar facilities as may be approved by the Board of Trustees. For properties within an RCD District that contain existing dwellings, permitted principal and accessory uses shall be the same as set forth in § 335-6 of this chapter as regulated therein.

(d)

Density. On any RCD site, there shall be provided at least 2,500 square feet of gross site area for each dwelling unit.

(g)

Affordable dwelling units. At least 20% of the proposed residential units within an RCD shall be designated "affordable dwelling units" and shall be occupied by households with limited incomes as defined and further regulated in Subsection C(3) herein. Such units shall be physically integrated into the design of the RCD in a manner satisfactory to the Village Board of Trustees.

(3)

Affordable dwelling units. The dwelling units that are required to be reserved for occupancy by households with limited incomes, as set forth in Subsection C(1)(g) (see above) herein, shall be subject to the following restrictions:

(a)

Occupancy. An affordable dwelling unit shall be restricted, in recordable form satisfactory to the Village Board of Trustees, so that it can be rented or sold to and occupied by only a qualifying household as defined herein.

(b)

Floor area. Gross floor area per dwelling unit shall not be less than or greater than the following:

Unit Type	Floor Area Minimum (square feet)	Maximum (square feet)
Studio	400	600
1 bedroom	600	850
2 bedrooms	800	1,150
3 or more bedrooms	1,100	1,400

(c)

Income eligibility. To qualify for the rental or purchase of and occupancy in an affordable dwelling unit, the aggregate

annual income of the household proposed to occupy such unit shall not exceed the following multiple of the current annual Westchester County median household income, which base amount shall be revised, effective every January 31, to conform to the prior year's change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers for New York - northeastern New Jersey:

	Unit Type	Multiple	
	Studio	0.50	(d)
	1 bedroom	0.65	Maximum rental and sales prices.
	2 bedrooms	0.80	[1]
	3 or more bedrooms	1.00	Rental units. The maximum annual

rent for an affordable dwelling unit shall not exceed 28% of the income limitations set forth in Subsection C(3)(c) hereof.

[2]

Ownership units. The maximum sales price for an affordable dwelling unit shall not exceed 2.8 times the income limitations set forth in Subsection C(3)(c) hereof.

(e)

Eligibility priorities.

[1]

A qualifying household applying for the rental or purchase of an affordable dwelling unit shall be selected for occupancy on the basis of the following categories of priority:

[a]

Volunteer Fire Department, Police Department and ambulance corps members living in and/or serving the Village of Elmsford.

[b]

Employees of the Village of Elmsford and the Elmsford Union Free School District.

[c]

Residents of the Village of Elmsford.

[d]

Relatives of residents of the Village of Elmsford.

[e]

Other persons employed in the Village of Elmsford.

[f]

Other residents of Westchester County.

[g]

All others.

[2]

Within the aforementioned priority groups, preference shall be given to first-time home buyers and senior citizens.

II. 335-10 A(5) Central Business District

(5)

Mixed-use buildings, consisting of multifamily dwellings, over nonresidential uses permitted in § 335-9A, B, C or D ([Amended 6-25-1956; 7-1-1963; 7-12-1965; 7-1-1968; 7-5-1988 by L.L. No. 1-1988])

Within any Business District, no building or premises shall be used in whole or in part for any industrial or manufacturing purpose, except as permitted in this section, or for any other than the following specified purposes:

A.

Any use permitted in §§ 335-5 and 335-6, without the qualifications or limitations therein contained respecting public or gainful use, except that, other than as set forth in Subsection D below, no residence use may be permitted in such district other than one apartment attached to or constructed above the building, which apartment may be used by the owner of the building as a one-family dwelling unit.

B.

Hotel; public restaurant.

[Amended 6-1-1992 by L.L. No. 16-1992; 6-1-2009 by L.L. No. 3-2009]

C.

Retail store; professional or business office or office building; theater or other place of public assembly, including establishments for the purposes of education, social activities, recreation, instruction, amusement or exercise; financial institution; undertaking establishment; salesroom or showroom; market.

D.

Multifamily dwellings, subject to site plan approval by the Board of Trustees, after review and report by the Planning Commission, and the following regulations and controls, which are adopted and enacted for the purpose of encouraging the construction of housing, which can help to meet the housing needs of the Village of Elmsford and the region in which it is located, and for the purpose of providing proper light, air, access and safety for the persons or families residing therein:

(1)

The minimum area of a lot or plot upon which a multifamily dwelling may be located shall be not less than 40,000 square feet; except that where a lot or plot is bordered by two or more streets, the minimum area shall be 15,000 square feet.

(2)

The land coverage of multifamily dwelling buildings shall not exceed 40% of the area of the lot or plot upon which they are located.

(3)

On each and every lot or plot devoted to the erection of a multifamily dwelling, there shall be provided at least 1,200 square feet of land area for each dwelling unit thereon; except in the case of lots of less than 40,000 square feet, in which case there shall be provided at least 2,000 square feet of land area for each dwelling unit thereon.

(4)

There shall be provided not fewer than two parking units per dwelling unit, with at least 10% of said parking reserved for the use of visitors and service personnel, except that the Board of Trustees may require additional parking units where determined appropriate by it.

(5)

All front, side and rear yard requirements shall be as required for other types of buildings in the Business District, except that, where windows are provided facing a side or rear yard, yard setback shall be at least 10 feet in width. No front yard setback shall be required).

Mixed-use buildings shall be subject to the issuance of a special permit by the Village Board of Trustees following the procedures and in compliance with the applicable standards and procedures set forth in § 335-23. The following regulations and controls are adopted and enacted for the purpose of encouraging the construction of mixed use-development, which can help to meet the housing and community development needs of the downtown area as defined in the Comprehensive Plan.

Village of Harrison – None found.

Village of Hastings-on-Hudson

I. 295-67 District Use and Area Regulations – One-family residence (R20) Districts

D.

Boarders and accessory apartments.

(1)

[10]

A person taking title to a residence having no accessory apartment may not apply for an accessory apartment permit for a period of five years from the date on which title was transferred and the owner began occupying the dwelling. This subsection, however, shall not apply to owners of residences who already have accessory apartments on the effective date of this subsection and who apply for an accessory apartment permit within 90 days as provided in Subsection **D(2)(b)I5** above or to affordable housing units if the

Affordable Housing Board (or its successor) recommends that an accessory apartment be permitted in the affordable housing unit.

V. 295-84 Marine Waterfront-B (MW-B) Districts

A.(6)

To help meet the needs of the community for alternate housing opportunities, including middle-income and senior citizen housing.

F.

Density; height; floor area limits; building coverage; parking; setback from river; shoreline. The following regulations shall be applicable to any development in an MW-B District:

(1)

Residential density. The maximum residential density shall be 31 dwelling units for every two acres of dry land area. Such maximum residential density may be increased under the incentive density provisions set forth below in Subsection **I** (see below). For the purposes of the preceding sentence, the dry land area of the subject property shall not be deemed to include the area of any portion of the waterfront esplanade constructed or to be constructed over water.

I.

Incentive density.

(1)

General provisions.

(a)

The Village Board has determined that, because of their size and riverfront location, properties eligible for MW-B designation encompass a major portion of the Village's development potential, that such properties represent the most significant opportunity to encourage the development of middle-income and senior citizen dwelling units in the Village and thereby achieve certain of the public purposes of the MW-B District classification; and that, therefore, to

the extent that the development of large riverfront properties fails to achieve such public purpose, the opportunity to achieve such purpose will be reduced.

(b)

The Village Board has determined that, in order to achieve additional real property tax revenues needed to offset additional costs of public services that may result from the scale of development permitted in an MW-B District, it is appropriate to encourage the construction in such district of dwelling units that will be owned in fee simple.

(c)

The Village Board has determined that, in order to encourage the provision of business office uses that are conducive to long-term support by the occupants thereof for public and community facilities and for amenities in an MW-B District; the establishment of flexible employee work hours and other traffic-control measures resulting in reduced traffic congestion; and reduction of traffic resulting from delivery, trash removal and other services to occupants, it is appropriate to provide an incentive for the provision in such district of business office facilities occupied principally by a single tenant, owner-occupant or other single occupant.

(d)

In order to provide an incentive that will encourage the development of middle-income dwelling units, senior citizen dwelling units or dwelling units that are to be owned in fee simple, or a combination of such types of dwelling units, the Village Board may allow, by special use permit and following a public hearing held on notice duly published and given as provided in § 295-143 of this chapter, an increased residential density and floor area ratio as set forth in Subsection I(3) (see below) below, subject to the provision of such types of dwelling units as public benefit features, as more fully set forth in Subsection I(2) and (3) below.

(e)

In order to provide an incentive that will encourage the provision of business office facilities that are to be occupied principally by a single tenant, owner-occupant or other single occupant, the Village Board may allow, by special use permit and following a public hearing held on notice duly published and given as provided in § 295-143 of this

chapter, an increased floor area ratio for business and professional office use as more fully set forth in Subsection I(2) and (3) below.

(f)

The Village Board also may, in its discretion, choose not to allow any incentive increase in an MW-B District. Action by the Village Board on an application for any such increase shall be taken only after review of the proposed public benefit features by the Planning Board and submission of a report and recommendation by said Board to the Village Board. Final site plan approval by the Planning Board shall not occur until after the special use permit determination by the Village Board with respect to any proposed incentive density. The Village Board may, in its discretion, conduct such special use permit procedures concurrently with the procedures for change of zone set forth above in this chapter. The Village Board may require that the applicant execute a declaration or agreement, to be recorded in the Westchester County Clerk's office, Land Records Division, assuring the permanency of the public

feature or features for which incentive density is approved. Notwithstanding any contrary provision of this chapter, and in order to preserve the opportunity to review the potential density of development in the light of changing demographic, economic and development conditions, the right to apply for a special use permit allowing incentive density with respect to a property in an MW-B District shall expire one year following the date of action by the Village Board changing the zoning district classification of such property to MW-B designation.

(2)

Public benefit features. The public benefit features for which incentive density increases may be granted in an MW-B District are set forth in Subsection I(2)(a), (b) and (c) below:

(a)

Middle-income dwelling units.

[1]

The provision of dwelling units limited as to price or rental, and limited in occupancy to middle-income families, shall constitute a public benefit feature under this Subsection I(2). Such dwelling units may be provided in or outside of the subject property, and must be made available to Village of Hastings-on-Hudson residents on a first-priority basis. A family shall be considered a middle-income family if its aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of working minors (under 21 years of age) attending school full time, shall not exceed the following multiple of the median annual wages paid by the Village to all of its full-time employees during the preceding calendar year:

Size of Family	Multiple of Median Annual Wages	
	1-person family	1.1
	2-person family	1.4
	3-person family	1.7
	4-person family	1.8
	5-person family	2.0
	6-person family	2.2
	7-person family	2.4
	8-or-more-person family	2.5

[2]

For property or other investments that are not returning measurable income (excluding normal household personal possessions), a yearly income of 8% of the fair market value of the investment shall be included in the family's aggregate income. A "middle-income dwelling unit" shall be defined as a unit having a monthly rent which, after excluding utilities (gas, oil, electricity, water and sewage) does not exceed 1.75% of the applicable maximum annual family income determined under the preceding sentence; or a unit having a gross sale price not exceeding two times such income. Upon subsequent resale or re-rental, such dwelling units shall remain subject to the limitations and requirements of this Subsection I(2)(a), or to such other or additional requirements as the Village Board may establish as a condition of the special permit, to assure that the objectives of this Subsection I(2)(a) are achieved in a permanent manner. At the time of granting any special use permit in connection with dwelling units limited in occupancy to middle-income families, the Village Board may impose conditions providing, without limitation, for variation by the Village Board of any of the foregoing income, rental or price levels by up to 15% to reflect updated demographic, census or marketing data; or detailed eligibility rules supplementing the provisions of this Subsection I(2)(a) as shall be necessary and appropriate in order to implement and achieve the purposes of such provisions.

(b)

The provision of dwelling units limited in occupancy to senior citizen households, with

priority for Hastings-on-Hudson residents, also shall constitute a public benefit feature under this Subsection I(2). Such dwelling units shall be suitable for senior citizen occupancy, and shall remain subject to the limitations and requirements of this Subsection I(2)(b), or to such other or additional requirements as the Village Board may establish as a condition of the special use permit, to assure that the objectives of this subsection I(2)(b) are achieved in a permanent manner. In considering such suitability, the Village Board shall take into account the nature and extent of special features provided for senior citizen use both within the individual dwelling units and in the development as a whole, the availability of a variety of unit sizes, the location of such units within the development and in relation to ease of access to convenience retail and personal service stores, the proposed pricing of the senior citizen units and the effectiveness and fairness of the proposed priority arrangement for Hastings-on-Hudson residents. For the purposes of this section, a "senior citizen household" is defined as a household in which at least one member residing or proposing to reside in a reserved dwelling unit has attained the age of 65 years or more on the date that such household initially occupies the dwelling unit. At the time of granting any special use permit in connection with dwelling units limited in occupancy to senior citizen households, the Village Board may impose conditions providing for more detailed eligibility rules supplementing the provisions of this Subsection I(2)(b) as shall be necessary and appropriate in order to implement and achieve the purposes of such provisions.

(c)

The provision of more than 85 dwelling units (including but not limited to townhouses) intended to be owned in fee simple shall constitute a public benefit feature under this Subsection I(2). Such units shall remain subject to the limitations of this Subsection I(2)(c), or to such other or additional requirements as the Village Board may establish as a condition of the special permit, to assure that the objectives of this Subsection I(2)(c) are achieved in a permanent manner.

(d)

The provision of business office facilities in which not less than 65% of the permitted gross floor area, as the same may be increased under this Subsection I(2) and (3) below, is to be occupied by a single tenant, owner-occupant or other single occupant shall constitute a public benefit feature under this Subsection I(2). Such office facilities shall remain subject to the limitations of this Subsection I(2)(d), and to such other or additional requirements as the Village Board may establish as a condition of the special use permit, to assure, so far as is practicable, that the objectives of this Subsection I(2)(d) are achieved on a long-term basis.

(3)

Amount of increase.

(a)

For the provision of public benefits described in Subsection I(2)(a), (b) or (c) above, or for the provision of a combination of such public benefits, the number of permitted dwelling units determined under Subsection F(1) above may be increased by up to an additional 16 1/2% in the aggregate, and the maximum floor area ratio set forth in Subsection F(3)(a) above [excluding any increase thereof under Subsection I(3)(b) below] may be increased by up to an additional 13% in the aggregate.

(b)

For the provision of public benefits described in Subsection I(2)(d) above, the maximum floor area ratio set forth in Subsection F(3)(c) of this section may be increased by an additional 12%, provided that all of such increase shall be used for business office facilities occupied as described in said Subsection I(2)(d). If a twelve-percent increase in floor area ratio is approved under the preceding sentence, then the maximum floor area ratio set forth in Subsection F(3)(a) of this section, as the same may be increased under Subsection I(3)(a) above in this section, shall be increased to the extent necessary to reflect the additional permitted floor area resulting from such twelve-percent increase.

VI. 295-112.1 Site Plan Approval – Affordable housing set-aside

A.

Set-aside requirement. Before the Planning Board may approve a site plan for a residential development containing more than 10 dwelling units, whether in single-family, two-family or multifamily buildings, such site plan shall show affordable housing units as follows:

(1)

Ten percent of all units in such development shall meet the definition of an "affordable housing unit" as set forth in the "Definition" section of the "Affordable Housing Policy for the Village of Hastings-on-Hudson," adopted June 17, 1997. The required number of units shall be calculated as follows:

(a)

If 10 to 14 units are built, one of them must be affordable.

(b)

If 15 to 24 units are built, two of them must be affordable.

(c)

If 25 to 34 units are built, three of them must be affordable.

(d)

If 35 to 44 units are built, four of them must be affordable, etc.

(2)

Affordable housing units shall generally be distributed evenly throughout the development, although the Planning Board may use discretion in reviewing and approving distribution.

(3)

The exterior appearance of affordable housing units shall not distinguish them as a class from other units.

(4)

Affordable housing units shall be distributed among one-, two-, three- or four-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better suited to the housing needs of the Village.

B.

Administration.

(1)

Multifamily rental buildings.

(a)

The owner of any multifamily building subject to this section shall annually certify to the satisfaction of the Hastings-on-Hudson Affordable Housing Development Fund Co., Inc. that the requisite number of affordable rental units have been rented to income-eligible tenants as determined pursuant to the Affordable Housing Policy for the Village of Hastings-on-Hudson and that any new tenants of the affordable units meet the income guidelines in effect when said new tenants take occupancy. Annual certifications shall include unit designations and occupant names and shall be signed by the owner of the building and a certified public accountant.

(b)

The deed to a multifamily building subject to this section shall include a restriction requiring that any subsequent owner of the building meet all the requirements of this section.

(2)

Sale of individually owned affordable housing units. The deed to any individually owned affordable housing unit shall include a restriction that the unit must be sold to an income-eligible person, as determined pursuant to the Affordable Housing Policy for the Village of Hastings-on-Hudson, and may not be sold for an amount greater than the original purchase price paid by the owner increased by:

(a)

The Metropolitan consumer price index (CPI) from the date of original purchase to the date of sale;

(b)

The cost of purchasing and selling the unit; and

(c)

The value of fixed improvements legally made by the owner.

(3)

The Village Board shall be responsible for the affordable housing requirements of this section and shall have the authority to promulgate such rules and regulations as may be necessary to implement them.

(4)

The Village Board may designate such additional person(s), authorities and procedures as necessary to monitor compliance with the provisions of this section.

C.

Alternatives to set-aside. Where the Planning Board determines that the required number of affordable housing units cannot be located in the site plan applicant's development, the Planning Board shall:

(1)

Require the applicant to construct the affordable housing units at another location in the Village; or

(2)

Require the applicant to pay a fee equal to the cost of developing the required number of affordable housing units into a Special Affordable Housing Fund.

D.

Applicability. This section shall not apply to any residential development that has received site plan approval prior to the effective date of this section.

E.

Tax assessment. The limited sales value of affordable housing units shall be taken into consideration by the Village Assessor in determining the basis for assessment on such units.

F.

Effective date. This section shall take effect immediately upon filing with the Secretary of State.

Village of Irvington

I. 224-8 One Family Residence Districts - Use regulations

D.

The following uses, subject to the issuance of a special permit by the Planning Board in accordance with the provisions of § 224-8F hereof:

(6)

Special permit allowing below-market-rate housing in 1F-10 Zones.

[Added 11-5-1993 by L.L. No. 8-1993]

(a)

Purpose. It is the purpose of this special permit to allow below-market-rate housing in 1F-10 Zones in order to provide a choice of housing opportunities within the Village of Irvington. The mechanism for providing this choice is an increase in the site's allowable number of housing units and a waiver of site capacity requirements (see Article XV [224-78 The provisions of this article shall apply to all land in the Village of Irvington except land in the Industrial District.]). If the applicant meets the requirements given below, the Board of Trustees will grant the special permit. The special permit would remain in effect until the use of the land and improvement changes.

(b)

Requirements.

[1]

The site is accessible from Route 9 (North Broadway) by public road or by permanent public easement over a private road or drive.

[2]

The housing (whether rental, for purchase, or a mixture of these) will be affordable to the following target groups: Irvington senior citizens, volunteer firefighters and ambulance corps members, municipal employees (including the Police and Public Works Departments) and Irvington school district employees. In addition, the applicant must establish a mechanism, such as a covenant or deed restriction, controlling resale of the individual units that assures the housing will remain affordable in perpetuity. This mechanism must be acceptable to the Village Attorney.

[3]

Household eligibility will be determined based on the following criteria:

[a]

The annual median base salaries (not including fringe benefits) of municipal and school district employees in the target group, as calculated by the Village Administrator, and the median incomes of Irvington senior citizens and volunteers, if known.

[b]

Applicant status as:

[i]

A member of the Irvington Volunteer Fire Department or Irvington Volunteer Ambulance Corps.

[ii]

A Village or school district employee.

[iii]

A senior citizen (over 55 years of age) resident of Irvington.

[4]

The project mix of housing types (rental or purchase, or a mix) and unit mix of bedrooms must reasonably meet the housing needs as demonstrated in at the 1993 Irvington Affordable Housing Survey or any subsequent update.

[5]

Lot and area requirements:

[a]

Minimum lot area: 10,000 square feet.

[b]

Minimum lot width: 70 feet.

[c]

Minimum lot depth: 100 feet.

[d]

Maximum building coverage: 40%.

[e]

Maximum building height: 2.5 stories.

[f]

Minimum front yard: 10 feet.

[g]

Minimum side yard: five feet or 10 feet combined.

[h]

Minimum rear yard: 10 feet.

[i]

Off-street parking spaces: 1.5 spaces per dwelling unit.

Village of Larchmont – None found.

Village of Mamaroneck

I. 342-107.1 Additional Provisions for the C-2 District

In order to provide flexibility to the Village in encouraging below-market-rate housing, these additional provisions are provided for in the C-2 District:

A.

Eligibility.

(1)

The proposed housing development is undertaken in cooperation with the Village of Mamaroneck through the Village Economic Development Program, a state or local affordable housing program or in conjunction with a not-for-profit corporation whose purpose is the creation of below-market-rate housing.

(2)

The proposed development is located within the C-2 District and will enhance the vitality of the area both by the provision of housing and the provision of ground floor retail and/or office uses.

B.

Special permit procedure. The Village Board of Trustees shall certify that the eligibility standards listed in Subsection A above have been met by the applicant. The applicant may then apply for a

special permit for below-market-rate housing to the Planning Board. The Planning Board shall consider the special permit in accordance with the standards of § 342-50B of the Zoning Code and the additional standards listed below in Subsection C.

C.

Development standards.

(1)

The development standards of the C-2 District shall apply with the exception of building height, which may be increased from 45 feet to 60 feet, and floor area ratio (FAR), which may be increased from 2.0 to 2.5.

[Amended 5-12-2008 by L.L. No. 5-2008, effective 5-15-2008]

(2)

In order to achieve the above-listed area and bulk exceptions, the development must provide 100% of the units at below-market-rate levels. The applicant shall demonstrate the affordability of the units to the satisfaction of the Planning Board. The applicant shall compare the rental or sales levels with existing federal, state or county affordable housing programs that might be utilized and/or with the median income of Village and school district employees. In no case, however, shall sales prices or rent levels exceed a level affordable by 150% of the median income of county residents.

(3)

The applicant must establish a mechanism, such as a covenant or deed restriction, controlling resale of the individual units that assumes the housing will remain affordable in perpetuity. This mechanism must be acceptable to the Village Attorney, and the cap on resale prices must not exceed an appreciation on equity of more than 10% annually.

(4)

The proposed development shall be administered in accordance with § 342-107 or by a separate program acceptable to the Village Manager. Village employees and residents shall be given first preference in the rent-up or sales program established for the development.

II. 342-103 Bonus provisions enumerated; definitions

A.

In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this Article and the policies as set forth in the Village Master Plan, bonus provisions for increasing the number of units or floor space devoted to housing shall be allowed, upon a vote of the Planning Board for each specific application, in accordance with the following schedule:

[Amended 5-12-2008 by L.L. No. 5-2008, effective 5-15-2008]

	Zoning District	Maximum Coverage	Bonus
	C-1	FAR 0.60	0.2 FAR bonus
	C-2	FAR 2.0	0.5 FAR bonus
	RM-1	2,500 square feet of land/unit	20% unit bonus
	RM-2	1,500 square feet of land/unit	20% unit bonus
	RM-3	1,000 square feet of land/unit	20% unit bonus

B.

For each additional market-rate unit produced as a result of the bonus provision, one comparable below-market-rate unit must be provided. In all cases, 50% of the total number of additional units provided by these bonus provisions must be reserved for below-market-rate families as herein defined.

C.

As used in this Article, the following terms shall have the meanings indicated:

BELOW-MARKET-RATE DWELLING UNITS

A dwelling unit, the rental or sales price of which does not exceed the maximum allowable level established by this Article.

BELOW-MARKET-RATE FAMILIES

Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of those under 21 years of age attending school full time, shall not exceed the following multiple of the median annual Village-paid salaries of all full-time employees of the Village of Mamaroneck, as listed in the Village budget for each year:

(1)

One-person family: 1.0.

(2)

Two-person family: 1.2.

(3)

Three-person family: 1.4.

(4)

Four-person family: 1.6.

(5)

Five-person family: 1.8.

(6)

Six-or-more-person family: 2.0.

III. 342-104 Development standards

A.

Distribution. Such units shall be available for sale, resale or continuing rental only to below-market-rate families, as defined in this Article. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two- and three-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Village of Mamaroneck.

B.

Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the comparable market-rate unit in the building, or the following minimums, whichever are less:

(1)

Efficiency: 450 square feet.

(2)

One bedroom: 650 square feet.

(3)

Two bedrooms: 850 square feet.

(4)

Three bedrooms: 1,100 square feet, including at least one and one-half (1 1/2) baths.

C.

Occupancy guidelines. In renting or selling, the following schedule shall provide guidelines to the Village Housing Authority in approving the rental or sale of below-market-rate dwelling units:

	Number of Bedrooms	Number of Persons	
		Minimum	Maximum
	Efficiency	1	1
	1	1*	2
	2	2	4
	3	3	6
*NOTE: Only if efficiency is not available. Tenants should be transferred to efficiency when one become available, and the lease should so provide.			

IV. 342-105
Maximum
rent
and
sale
prices;
mortga
ges

A.

Rent and sales levels. The maximum yearly rent, excluding utilities, for a below-market-rate dwelling unit shall not exceed 30%, and the maximum gross sales price shall not exceed 2.5 times the aggregate family income for a below-market-rate family, as defined in this Article, for the maximum size of family eligible for such unit as listed above.

B.

Mortgages. The applicant shall, if possible, obtain from the lending institution chosen for the development a commitment to provide for all middle-income units mortgages for up to 90% of unit cost or for the maximum amount for which the mortgagor qualifies, whichever is less.

V. 342-106 Eligibility standards

A.

Eligibility priorities. Below-market-rate families applying for below-market-rate dwelling units shall be selected on the basis of two lottery drawings conducted annually by the Village Housing Authority. The first drawing shall be taken from the names of Village residents. The second lottery drawing shall be taken, if needed, from the names of all other applicants.

B.

Continued eligibility.

(1)

Rental. Applicants for below-market-rate rental units referred to in this section shall, if eligible and if selected for occupancy by the owner or manager of the development, sign leases for terms of no more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two-year renewal of the lease. If a resident's annual gross income should subsequently exceed by more than 20% the maximum then allowable, as defined in this Article, and if there is at that time an otherwise eligible applicant within one of the categories above, said resident may complete his current lease term and shall be offered a market-rate-income rental unit available in the development at the termination of the lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the below-market-rate dwelling unit he occupies but shall not be offered a renewal of the lease beyond the expiration of said term.

(2)

Sales. In the case of owner-occupied below-market dwelling units, the title to said property shall be restricted so that, in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, plus an allowable appreciation of equity invested of 5% annually as determined in accordance with this Article or the sum of the following, whichever is greater:

(a)

The amount of any principal payment made by the home buyer.

(b)

The remaining principal on any mortgage(s).

(c)

The value of any fixed improvements made by the home buyer and not included above.

(d)

Reasonable and necessary expenses incidental to the resale.

Village of Mount Kisco

I. 74-6 Emergency Tenant Protection – applicability of statute accepted

The Board of Trustees, following a public hearing held on the enactment of the Emergency Tenant Protection Act of 1974, declares a housing emergency in the Village of Mount Kisco based on a finding of a vacancy rate of less than 5% and enacts the Emergency Tenant Protection Act of 1974, effective November 19, 1979, applicable to buildings containing 16 or more housing units as described in the attachment entitled "Apartments in Mount Kisco Subject to the Emergency Tenant Protection Act of 1974."

II. 74-7 Emergency Tenant Protection – Exclusion of certain classes of real property

A.

The Board of Trustees of the Village/Town of Mount Kisco, having considered the effect of rent regulation on the availability of rental housing in the Village/Town of Mount Kisco, hereby finds and determines as follows:

(1)

According to the 1990 census, approximately 25% of the housing units in the Village/Town of Mount Kisco are in condominiums or cooperatives, as those terms are defined herein.

(2)

In many cases, the conversion to such condominium or cooperative ownership occurred subsequent to the adoption of the Emergency Tenant Protection Act (ETPA) in the village.

(3)

As a result, many housing units which were occupied by tenants at the time of the adoption of ETPA in the village are now owner-occupied condominium and cooperative units, as the term is defined hereinafter.

(4)

Because ETPA requires a mandatory lease for a one-year term or a two-year term at the tenant's choice, the offering of renewal leases and the establishment of rent unrelated to the operating costs of the unit's owners, this class of housing has been largely lost from the supply of rental housing and accommodations within the village.

(5)

Non-owner-occupied units in such buildings subject to condominium and cooperative offering plans when vacated by rental tenants protected by ETPA do not become available to the rental market but instead are sold and become owner-occupied units.

(6)

It is the policy of the Village/Town of Mount Kisco to maximize the availability of housing in the village.

(7)

It is the policy of the Village/Town of Mount Kisco to promote the availability of decent housing for persons living on limited or fixed incomes.

(8)

The restrictions of ETPA, as the same are applied to owner-occupied condominium and cooperative units in the village, tend to exacerbate rather than ameliorate the shortage of available residential rental housing units in the village.

(9)

The regulation of rents pursuant to ETPA of owner-occupied condominium and cooperative units does not serve to abate the public emergency which required the regulation of rents in residential housing units.

B.

By reason of the foregoing findings and determinations:

(1)

Owner-occupied condominium and cooperative units which are not currently occupied by or leased to ETPA protected tenants are hereby removed from regulation under ETPA effective immediately.

(2)

Except as otherwise provided herein, owner-occupied condominium and cooperative units which are currently leased to or occupied by ETPA protected tenants shall be and hereby are removed from regulation under ETPA effective December 31, 1994.

(3)

The foregoing notwithstanding, no owner-occupied condominium and cooperative unit which is currently regulated under ETPA and is presently leased to and occupied by a person who is more than 62 years of age or a disabled person as that term is defined herein or receiving assistance under the Federal Section 8 Housing Assistance Program shall be removed from regulation under ETPA until such time as such person vacates the unit.

C.

For purposes of this section, the following terms shall have the meanings ascribed to them herein:

CONDOMINIUM

Shall have the meaning ascribed to it in the Condominium Act of the State of New York.
Editor's Note: See Real Property Law § 339-d.

COOPERATIVE

A corporation formed for the purpose of owning dwelling units intended to be occupied in the first instance by the shareholders of the entity as proprietary lessees.

DISABLED PERSON

A person who has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling or any controlled substance, which are

demonstrable by medically acceptable clinical and laboratory diagnostic techniques and which are expected to be permanent and which prevent the person from engaging in any substantial gainful employment on May 1, 1993.

OWNER-OCCUPIED CONDOMINIUM AND COOPERATIVE UNIT

Any cooperative or condominium unit in the village which has been occupied as the primary residence of the party named as grantee on the condominium deed or as owner on the cooperative shares attributable to the unit for a period of at least six months.

Village of Ossining (insert PDF)

Village of Pelham - None found.

Village of Pelham Manor – None found.

Village of Pleasantville

I. 185-16 Office Districts – Residence-Professional Office R-PO District

C.

Uses subject to special permit. The following uses are subject to the issuance of a special permit in accordance with § **185-56** of this chapter:

(5)

Assisted-living residence, subject to the following requirements:

[6]

Occupancy. The occupancy of residential units located in an assisted-living residence shall be restricted as follows:

[d]

At least 5% of the proposed residential units, excluding all units occupied by resident staff, shall be designated affordable units and shall be occupied by persons of limited income as defined and further regulated in Subsection C(5)(c) (see below) herein. Such units shall be physically integrated into the design of the assisted-living residence in a manner satisfactory to the Planning Commission and shall be distributed among efficiency, one-bedroom and two-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Commission as being better related to the housing needs, current or projected, of the Village of Pleasantville. In order to provide increased housing opportunities for the elderly population of the Village of Pleasantville, many of whom live on limited incomes, every effort shall be made by the applicant, working cooperatively with Village, town, county, state and federal agencies as well as semipublic or private organizations, to further increase the percentage of affordable units in the assisted-living residence.

[7]

Management. For any assisted-living residence, there shall be adequate management, maintenance and supervision provided by the operator thereof.

(c)

Miscellaneous requirements.

[1]

Market rate units; resident selection standards. At the time of initial occupancy of the assisted-living residence and when vacancies subsequently become available, occupancy in market rate units in such residence shall be offered on a priority basis to existing residents of the Village of Pleasantville, and such residents shall be given a reasonable amount of time in which to accept or decline such offer. The operator thereof shall at all times maintain a waiting list for occupancy in the assisted-living residence. All vacancies in such market rate units shall be filled by first offering occupancy to each Village of Pleasantville resident on such waiting list in sequential order until no names of interested Village of Pleasantville residents remain on such list, after which time occupancy in such market rate units may be offered to all other persons on a first-come, first-served basis. If a Pleasantville resident declines the first invitation for occupancy in a market rate unit in the assisted-living residence, such individual shall, nonetheless, if he or she so desires, remain on the waiting list for market rate units in the original numerical order and shall be again offered occupancy in a market rate unit in such residence on a priority basis when the next vacancy of such a unit becomes available. If a Pleasantville resident declines a second invitation for occupancy in a market rate unit in the assisted-living residence, such individual may, if he or she so desires, remain on the waiting list but shall be moved to the last position on such list, as it is then identified.

[2]

Affordable units. The residential units that are required to be reserved for occupancy by persons of limited income, as set forth in Subsection C(5)(a)[6][d] herein, shall be subject to the following restrictions:

[a]

Resident selection standards. At the time of initial occupancy of the assisted-living residence and when vacancies subsequently become available in affordable units, occupancy in such units in

such residence shall be first offered on a priority basis to existing residents of the Village of Pleasantville. The priority listing shall be further prioritized such that the order of all eligible residents of the Village of Pleasantville, as specified in Subsection C(5)(c) herein, shall be listed sequentially beginning with the person with the lowest aggregate annual income and moving progressively down the list, based upon increases in aggregate annual income. A second list, utilizing the same structure as described immediately above, shall be created and maintained for all eligible nonresidents of the Village of Pleasantville who wish to reside in one of the affordable units of such residence. The operator thereof shall at all times maintain such waiting lists for occupancy in the assisted-living residence. All vacancies in such affordable units shall be filled by first offering occupancy to each Village of Pleasantville resident on such waiting list in sequential order until no names of interested Village of Pleasantville residents remain on such list, after which time occupancy in such affordable units shall be filled by then offering occupancy to each nonresident of the Village of Pleasantville on such waiting list in sequential order until no names of interested nonresidents of the Village of Pleasantville remain on such list.

[b]

Income eligibility.

[i]

To be eligible for occupancy in an affordable unit, the aggregate annual income of the person(s) proposed to reside in such unit shall not exceed the following multiples of the median annual Village-paid wages of all full-time employees of the Village of Pleasantville for the last full calendar year preceding the year in which the unit is rented:

Proposed Unit Occupancy	Multiple	
	One person	0.9
	Two persons	1.1

[ii]

As used herein, aggregate annual income shall include the total of all current annual income of all persons proposed to reside in an affordable unit from any source whatsoever at the time of

application for occupancy in the assisted-living residence. In the event that an invitation for occupancy in the assisted-living residence is offered to a person whose name is on the waiting list as described in Subsection C(5)(c)[2][a] herein, such individual shall be required to submit updated income data at the time that such invitation is offered.

[c]

Occupancy standards. The following schedule shall apply to affordable units:

Unit Type	Number of Persons Minimum	Maximum
Efficiency	1	1
One-bedroom	1*	2
Two-bedroom	2	2
Notes: *Only if an efficiency is not available. Tenants should be transferred to an efficiency when one becomes available and the lease should so provide.		

[d]

Maximum rent. In determining which units qualify as affordable units, the monthly rent for such units, including all utilities (gas, oil, electricity, water and sewer) but excluding meals and housekeeping, linen and transportation services, shall not exceed 3.8% of the income eligibility limits for the maximum number of persons proposed to reside in such unit as set forth in Subsection C(5)(c) herein.

[e]

Continued eligibility.

[i]

Applicants for affordable units shall, if eligible and if selected for occupancy in the assisted-living residence by the operator thereof, sign leases for a term of no more than two years.

[ii]

Provided that a resident remains eligible, as defined in Subsection C(5)(c) herein, and has complied with the terms of the lease, said resident shall be offered a two-year renewal of the lease. If a resident's aggregate annual income should subsequently exceed by more than 20% the income eligibility limits then allowed, as set forth in Subsection C(5)(c)[2][b] herein, and if there is at that time an otherwise eligible applicant, said resident may complete his or her current lease term and shall be offered a market rate dwelling unit in the assisted-living residence at the termination of such lease term, if available. If no such residential unit is available at that time, the resident may be allowed to sign one additional six-month lease for the affordable unit he or she occupies but shall not be offered a renewal of the lease beyond the expiration date of said term.

[f]

Administration.

[i]

The Village Board of Trustees shall serve as or may establish an Affordable Housing Review Board (hereinafter called the "Review Board"), which shall be responsible for the promulgation of such rules and regulations as may be necessary to implement the provisions of this section.

[ii]

At the time of issuance of a certificate of occupancy, the Building Inspector shall send a copy of such certificate to the Review Board, which shall then inform the applicant of the maximum rental charge which may be established for the affordable units in such assisted-living residence and the maximum aggregate annual income for eligibility for occupancy of said units. On or before March 31 of each year thereafter, the Review Board shall notify the operator of the assisted-living residence as to the rent and income eligibility requirements for affordable units based upon the figures derived from the preceding calendar year.

[iii]

The operator of such assisted-living residence shall certify to the Review Board on or before May 31 of each year that the current rental prices of all affordable units comply with the provisions of this section

[g]

Tax assessment. The limited rental income of affordable units shall be taken into consideration by the Village Assessor in determining the full value basis for assessments on such units.

[3]

Revocation of permit. Upon 60 days' notice to the applicant, which notice shall be delivered personally or by certified mail addressed to the applicant's address as shown on the permit application, the Planning Commission may revoke the special permit if it finds that the applicant has not complied with any or all terms of said permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the approved permit. Such applicant shall be entitled to a hearing before the Planning Commission prior to the actual revocation of the permit. If such hearing is requested by the applicant, in writing, within five days of receipt of the notice of intent to revoke the permit, such hearing shall be scheduled by the Planning Commission within 21 days of receipt of the request for such hearing. After the close of the hearing, the Planning Commission may confirm its intent to revoke the permit, modify the permit conditions or rescind its intent to revoke the permit. The Planning Commission shall set forth, in writing, in the file it keeps, its findings and reasons for any action it may take pursuant to this section.

[4]

Duration of approval. Special permits granted pursuant to this section shall be valid for a period of three years from the date the resolution granting approval is filed with the Village Clerk. Such permits shall be renewable upon demonstration by the applicant that the assisted-living residence has been operated in compliance with all conditions and requirements of its permit and of this section and is not, at the time of application for renewal, in violation of any applicable federal, state or municipal law, rule or regulation. Each renewal shall be valid for a period of not less than three years and not more than five years, as deemed appropriate by the Planning Commission, from the date the resolution granting such extension is filed with the Village Clerk.

[5]

Other requirements. In addition to the requirements specified above, the Planning Commission may institute such other special requirements as said Commission may deem appropriate to assure that the purpose and intent of this section, as well as of this chapter as a whole, are met and that the public health, safety and welfare of the residents of the assisted-living residence and the Village's residents as a whole are properly protected.

II. 185-19 Business And Manufacturing Districts – Central Business A-1 District

C.

Uses subject to special permit. The following uses are subject to the issuance of a special permit in accordance with § 185-56 of this chapter:

(g)

For residential uses sponsored by a not-for-profit corporation established for the exclusive purpose of developing housing projects for persons of limited income, the following supplementary requirements shall apply:

[1]

At the discretion of the project sponsor, residential uses may be located on any floor of the building in which such uses are located.

[2]

Efficiency units shall contain not less than 200 square feet of floor area. One-bedroom units shall contain not less than 300 square feet of floor area. Two-bedroom units shall contain not less than 400 square feet of floor area.

[3]

At the discretion of the project sponsor, the building containing such residential uses may also include activity rooms for the common use of the residents of such building and their guests or for programs sponsored by the Village of Pleasantville for the benefit of Village residents, as well as other rooms used for ancillary purposes in support of such programs. Such rooms may be rented by the project sponsor for such purposes.

(f)

Off-street parking for residential uses established pursuant to this subsection shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, except as set forth below:

[1]

Off-street parking shall not be required for residential uses established pursuant to this subsection in floor area existing on January 1, 2002, provided that the following supplementary requirements shall apply:

[a]

No more than 2,000 square feet of existing floor area in a building shall be in residential use, including existing floor area that is already being used for residential purposes.

[b]

No more than two dwelling units having no more than two bedrooms each and containing no more than 1,200 square feet each, and subject further to the 2,000-square-foot-aggregate requirement specified in Subsection C(5)(f)[1][a] hereof, shall be established in such existing floor area.

[c]

If the provisions of both Subsection C(5)(f)(1)[a] and [b] hereof are satisfied, the provisions of § 185-40 of this chapter shall not be applicable to the new dwelling units established pursuant to this subsection or to any other floor area in the building that existed on January 1, 2002.

[d]

If the provisions of both Subsection C(5)(f)[1][a] and [b] hereof cannot be satisfied, off-street parking for the proposed residential uses shall be provided in accordance with Schedule VII of § 185-36B(7) of this chapter, and § 185-40 of this chapter shall be applicable to the entire site.

[2]

Off-street parking shall not be required for residential uses established pursuant to this subsection in floor area constructed after January 1, 2002, provided that the following supplementary requirements shall apply:

[a]

No more than three dwelling units located in floor area constructed after January 1, 2002, shall be eligible for the off-street parking requirement waiver under Subsection C(5)(f)2 hereof.

[b]

The dwelling units for which the off-street parking requirement shall be waived pursuant to Subsection C(5)(f)2 hereof shall have no more than two bedrooms each.

[c]

The dwelling units for which the off-street parking requirements shall be waived pursuant to Subsection C(5)(f)2 hereof shall be rental units.

[d]

The dwelling units for which the off-street parking requirement shall be waived pursuant to Subsection C(5)(f)2 hereof shall be designated affordable units and shall be further restricted as follows:

ii

Such units shall be occupied by households whose annual gross income does not exceed 50% of the Westchester County median income, as defined and periodically updated by the United States Department of Housing and Urban Development, adjusted for household size, and who have at least one occupant who is 62 years of age or older.

iii

Such units shall have an annual rental cost that does not exceed 30% of the annual gross income of such household.

III. 185-20 Business And Manufacturing Districts – Central Business A-2 District

C.

Uses subject to special permit. The following uses are subject to issuance of special permit in accordance with § 185-56 of this chapter:

(e)

For residential uses sponsored by a not-for-profit corporation established for the exclusive purpose of developing housing projects for persons of limited income, the following supplementary requirements shall apply:

[1]

At the discretion of the project sponsor, residential uses may be located on any floor of the building in which such uses are located.

[2]

Efficiency units shall contain not less than 200 square feet of floor area. One-bedroom units shall contain not less than 300 square feet of floor area. Two-bedroom units shall contain not less than 400 square feet of floor area.

[3]

At the discretion of the project sponsor, the building containing such residential uses may also include activity rooms for the common use of the residents of such building and their guests or for programs sponsored by the Village of Pleasantville for the benefit of Village residents, as well as other rooms used for ancillary purposes in support of such programs. Such rooms may be rented by the project sponsor for such purposes.

IV. 185-22 Business And Manufacturing Districts – Peripheral Business B-1 District

C.

Uses subject to special permit. The following uses are subject to the issuance of a special permit in accordance with § 185-56 of this chapter:

(4)

Residential uses sponsored by a not-for-profit corporation established for the exclusive purpose of developing housing projects for persons of limited income, subject to the following supplementary requirements:

(a)

Residential uses may be located on any floor of the building.

(b)

Individual dwelling units may be of the efficiency, studio, one-bedroom or two-bedroom type but shall not contain more than two bedrooms. The Planning Commission shall have the authority to determine which rooms may function as bedrooms for the purpose of determining compliance with this requirement and may include any room other than bathrooms, kitchens, entranceways, foyers and closets under the definition of bedroom.

(c)

Efficiency units shall contain not less than 200 square feet of floor area. One-bedroom units shall contain not less than 300 square feet of floor area. Two-bedroom units shall contain not less than 400 square feet of floor area. All dwelling units shall otherwise comply with the New York State Uniform Fire Prevention and Building Code.

(d)

If residential uses are located in a building with nonresidential uses, the portion of the building used for residential purposes shall have an entrance that does not require access through the portion of the building used for nonresidential purposes, other than by means of a common lobby.

(e)

At the discretion of the project sponsor, the building containing such residential uses may also include activity rooms for the common use of the residents of such building and their guests or for programs sponsored by the Village of Pleasantville for the benefit of Village residents, as well as other rooms used for ancillary purposes in support of such programs. Such rooms may be rented by the project sponsor for such purposes.

Village of Port Chester

I. 345-18 Supplementary Regulations – Set-asides for moderate-income housing [Added 6-14-2004 by L.L. No. 11-2004]

A.

It is the purpose of this section to enhance the public welfare by requiring the inclusion in all new multifamily dwellings containing 10 or more units provision for moderate-income housing comprising at least 10% of the total number of dwelling units for families and individuals meeting the criteria in Subsection C below. Said units shall remain so affordable in perpetuity.

B.

This section shall apply to all new multifamily dwellings in the following Districts: RA-2, RA-3, RA-4, PTD and PRD.

C.

"Moderate-income housing" is defined as dwelling units constructed for families and individuals whose annual household income does not exceed 80% of the Westchester County median annual income for its household size (based on U.S. Census and as updated by HUD), and the annual rental cost does not exceed 30% of said income, or for homeowners (co-op owners or condo owners), the annual total of the sum of principal, interest, property taxes, home insurance and common charges as applicable does not exceed 30% of said household income. All such units shall be so deed-restricted. The thirty-percent calculation will be based on the HUD Section 8 formula to be certified prior to qualification.

D.

Moderate-income housing units shall be generally distributed evenly throughout the multifamily dwelling(s).

E.

The exterior appearance of moderate-income units shall not be distinguishable as a class from other units.

F.

Moderate-income housing units shall be distributed among one-, two- and three-bedroom units in the same proportion as all other units.

G.

Prior to occupancy or before title is transferred, there shall be an annual certification to the Village that the requisite number of units are so affordable and that the residents of said units meet the income guidelines in Subsection C above.

H.

For-sale moderate-income housing units shall be resold only to purchasers meeting the requirements of Subsection C above for not more than the amount paid plus the cost of living increase (New York City Metropolitan Area Consumer Price Index (C.P.I.) during the time period owned. The Village shall be notified prior to any sale.

I.

The Board of Trustees shall be responsible for administering these regulations and may designate a board or commission to monitor compliance. The Building Inspector shall serve as staff to the Board of Trustees or board or commission so designated.

J.

Preference for moderate-income housing units shall be given to Port Chester residents and employees of the Village of Port Chester, including volunteer firefighters, and the Port Chester School District.

II. 345-63 PRD Planned Residential Development District

A.

Purpose of district.

(1)

It is the purpose of this planned residential development (PRD) section to provide performance criteria as the basis for flexible use and design regulations so that residential developments incorporating a variety of residential types and containing both individual building sites and common property may be planned and developed in a unified manner on those large tracts of vacant or predominantly vacant land that are appropriate for such use.

(2)

It is further the intent:

(a)

To encourage innovations in residential development so that the growing demands for housing of different types at all economic levels may be met by greater variety in type, design and siting of dwellings.

(b)

To encourage the maximum reasonable conservation and the most efficient possible use of large tracts of land.

III. 345-66 TRD Transitional Residential Development District

A.

Purpose. The purpose of this TRD Transitional Residential Development District is to permit the establishment of a residential development zone to serve as a transitional area between districts zoned for high-density development and those zoned for limited or lower density. This section provides the criteria so that such residential development, incorporating a variety of residential types and containing both individual sites and common property, may be planned and developed in a unified manner on parcels of land which are appropriate for such use. It is further the intent to:

(1)

Encourage innovations in residential development so that growing demands for housing of different types at all economic levels may be met by greater variety and type, design and siting of dwellings.

(2)

Encourage the maximum reasonable conservation and the most efficient possible use of tracts of land.

(3)

Permit the achievement of these objectives through means other than the use of rigid and uniform traditional bulk and use zoning and subdivision regulations.

Village of Rye Brook

I. 250-36 Schedule Of Regulations – Senior citizen housing development; special permit

A.

Purpose and findings. The Board of Trustees finds that the Village should encourage the development of additional housing options for senior citizens within the Village of Rye Brook to assist in accommodating a Village and regional demographic trend and housing need. It is the intent and purpose of this section to promote the health, safety and welfare of the community by providing for a housing option for senior citizens which relate to the character of the Village, are appropriately situated and which include elements of affordability. To this end, a special exception use permit may be applied for in accordance with the provisions of this section.

B.

Special permit authorized. A special exception use permit may be granted by the Board of Trustees for a senior citizen housing development in accordance with the procedures of Article **IV**, § **250-6H(1)**, of this chapter and subject to the provisions of this section. The applicant shall submit a feasibility study demonstrating the financial and socioeconomic feasibility of the development proposed to assist the Board of Trustees in determining whether the development is feasible. The applicant shall carry the burden of proof to demonstrate compliance with the requirements of this section.

C.

Lot location and size. The site of a senior citizen housing development shall be located immediately adjacent to or south of Westchester Avenue and shall have at least 120 feet of frontage. The site of a senior citizen housing development shall also have a lot area of at least 18,000 square feet, but no more than 55,000 square feet. A site plan conforming to Chapter **209**, Site Plan Review, of the Code of the Village of Rye Brook shall accompany a special exception use permit application under this section.

[Amended 1-28-1997 by L.L. No. 2-1997]

D.

Density. The permitted density shall not exceed one dwelling unit per 1,300 square feet of lot size.

E.

Coverage. Building coverage (principal and accessory) shall not exceed 30% of the total site. Site coverage (building coverage plus paved areas, but not including sidewalks) shall not exceed 60% of total site.

[Amended 1-28-1997 by L.L. No. 2-1997]

F.

Yard and dimensional requirements. All principal and accessory buildings shall conform to the yard and other dimensional requirements of the zoning district in which it is located. The Board of Trustees is authorized to modify any required yard standard, provided that said Board finds that the proposed modification will result in improved site design or building layout and that it will not negatively impact existing natural features, neighborhood character or adjacent land uses.

[Amended 1-28-1997 by L.L. No. 2-1997]

G.

Design. A senior citizen housing development shall be designed to be compatible with the natural features of the site and surrounding uses, not to conflict with the character of existing buildings in areas where a definite pattern of style has been established and to reasonably accommodate the needs of senior citizens, including accessibility needs. Exterior lighting shall be of such nature, arranged and utilized in a manner so as to minimize interference with adjoining landowners.

H.

Parking. One on-site parking space shall be required for each dwelling unit. In the discretion of the Board of Trustees, additional parking may be required which may be accommodated off-site. All driveways, parking and standing areas shall be improved surface. Satisfactory sight distances shall exist at the intersection of access driveways and roads.

I.

Senior citizen occupancy. All dwelling units shall be occupied by senior citizens of at least 62 years of age or older. Dwelling units shall be occupied as a principal place of residence. Dwelling units shall not be occupied for seasonal use. Temporary visits by temporary visitors shall be allowed regardless of age, but visits longer than 30 continuous days or 30 days in any one year may be presumed not to be temporary.

J.

Fair Housing Act. The owner of the senior citizen housing development shall establish and enforce policies and shall manage the senior citizen housing development so as to ensure continuing compliance with the exemption for housing for older persons 62 years of age and older under the Federal Fair Housing Act (42 U.S.C. § 3607). In the event of dwelling unit ownership, no person shall be allowed to own or occupy a dwelling unit except a person 62 years or older. In the event of ownership of dwelling units, a homeowners' association shall be formed with bylaws, subject to approval by the Village Attorney, which shall ensure that dwelling units shall be owned and occupied by persons 62 years or older in conformity with the Fair Housing Act.

K.

Rentals and ownership. Rental dwelling units shall be rented for occupancy by written lease only to natural persons. Condominium or fee ownership of dwelling units shall not be permitted unless a homeowners' association is formed capable of carrying out the responsibilities in this section applicable to such association. Leases and renewals shall not exceed two years in duration, and sublets or assignments shall not be allowed. As long as a tenant in actual occupancy remains eligible for occupancy and has complied with the terms of the lease or a prior renewal, the tenant shall be offered a two-year renewal of the lease. Dwelling units permitted to be individually owned shall be owner-occupied.

L.

Selection of tenants or owners.

(1)

The owner or authorized manager of the senior citizen housing development shall be responsible for selecting tenants. The homeowners' association of the development shall be responsible for selecting new dwelling unit owners upon resale. A general waiting list for prospective tenants or purchasers shall be maintained by the owner, homeowners' association or authorized manager. A separate waiting list for affordable dwelling units shall also be maintained by the owner, homeowners' association or authorized manager. Subject to the right of the owner or authorized manager or homeowners' association to reject a prospective tenant or prospective purchaser for good cause shown and to rules and regulations as the Board of Trustees may promulgate, selection of tenants, original owners or owners on resale for all dwelling units shall be made upon the following priorities:

(a)

Residents of the Village of Rye Brook.

[1]

Cumulative length of Village residency.

[2]

Date of application.

[3]

Lottery.

(b)

Relatives of residents of the Village of Rye Brook (immediate family: father, mother, son, daughter, brother or sister).

[1]

Cumulative length of residency of Village resident.

[2]

Cumulative length of former Village residency.

[3]

Date of application.

[4]

Lottery.

(c)

Persons employed in the Village of Rye Brook.

[1]

Cumulative length of employment within the Village.

[2]

Cumulative length of former Village residency.

[3]

Date of application.

[4]

Lottery.

(d)

Residents of the Town of Rye.

[1]

Cumulative length of town residency.

[2]

Date of application.

[3]

Lottery.

(e)

Other residents of Westchester County.

[1]

Cumulative length of former residency in the Village of Rye Brook.

[2]

Cumulative length of residency in the county.

[3]

Date of application.

[4]

Lottery.

(f)

Other persons employed in Westchester County.

[1]

Cumulative length of former residency in the Village of Rye Brook.

[2]

Cumulative length of employment in the county.

[3]

Date of application.

[4]

Lottery.

(g)

All others.

[1]

Cumulative length of former residency in the Village of Rye Brook.

[2]

Cumulative length of New York State residency.

[3]

Date of application.

[4]

Lottery.

(2)

Notwithstanding the priorities set forth in this subsection, a companion of a senior citizen owner or tenant shall have first priority to rent or purchase a dwelling unit if the companion has resided with the senior citizen for at least one year and at the time of death of such senior citizen. This priority shall only apply to the rental or purchase of the dwelling unit in which the companion resided as a primary or principal residence with the deceased senior citizen owner or tenant, and if such companion shall be otherwise qualified under this section to rent or own a dwelling unit.

M.

Notices to Village. The owner or authorized manager or homeowners' association shall provide (under oath if requested) at least the following notices and information to the Village:

(1)

Waiting lists and a list of any unoccupied dwelling units shall be provided to the Board of Trustees at least four times a year (January 15, April 15, July 15 and October 15).

(2)

A notice of rental or sale shall be provided to the Board of Trustees upon the initial rental or sale of every dwelling unit and upon each renewal or resale.

(3)

The Board of Trustees or Building Inspector, or authorized agent of either of them, may from time to time require the submission of such other notices and information as may be deemed pertinent. At all reasonable times the Building Inspector or authorized agent of the Board of Trustees may visit and inspect the premises and all relevant books, records and accounts of the senior citizen housing development, the authorized manager and owner or homeowners' association, including on-site audits and inspections, for the purpose of determining compliance with this section.

N.

Affordability. At least 25% of the dwelling units shall be affordable and shall be rented or sold only to eligible senior citizens with rental or sale limitations. Affordable dwelling units and other dwelling units shall be built to substantially the same standards and receive substantially the same amenities. If the application of the twenty-five-percent standard results in a fraction of a dwelling unit, the required number of affordable dwelling units shall be the next higher integer.

(1)

Income eligibility. Eligibility for rental or ownership of an affordable dwelling unit shall be limited to persons that have a gross household income that is greater than or equal to the very-low-income figure for a one-person household and is less than or equal to the low-income figure for a two-person household as such figures are defined in the Section 8 income limits for Westchester County established by the United States Department of Housing and Urban Development, as amended from time to time.

(2)

Rental limits. Annual rents, excluding utilities, shall be established so as not to exceed 30% of the low-income figure for a one-person household as defined in Section 8 income limits for Westchester County established by the United States Department of Housing and Urban Development, as amended from time to time.

(3)

A maximum of one month's security deposit shall be held in connection with an affordable rental dwelling unit. Income eligibility and rental limits shall be determined at the beginning of the lease term and any renewal. In the event that a tenant of an affordable dwelling unit becomes ineligible after occupancy, the tenant may remain in the dwelling unit, but the dwelling unit shall, upon the next renewal, lose its affordable dwelling unit rental limit, and the next dwelling unit available for new tenant occupancy shall become an affordable dwelling unit and subject to income eligibility and rental limits.

(4)

Sale and resale limits. The sale price of an affordable dwelling unit shall not exceed 2.5 times the low-income figure for a one-person household as defined in the Section 8 income limits for Westchester County established by the United States Department of Housing and Urban Development, as amended from time to time. The maximum resale price shall not exceed the current maximum sale price, as set forth above, or the sum of the following, whichever is greater:

(a)

The amount of any principal payment made by the owner.

(b)

The remaining principal on any mortgage.

(c)

The value of the fixed improvements made by the owner not included in Subsection N(4)(a) or (b) above.

(d)

Reasonable and necessary expenses incidental to the resale.

(5)

Deed restrictions. A deed conveying title to an affordable dwelling unit shall provide that the conveyance is subject to the provisions of this section and any rules or regulations adopted thereunder which impose limitations and restrictions upon the sale of the property conveyed by this deed.

(6)

Estates. Upon the death of the last of the eligible owners, the executor or administrator of the estate of the deceased owner shall place the affordable dwelling unit for resale on the basis as set forth herein. In no event shall the beneficiaries of the estate, distributee or heirs at law of the deceased owner be entitled to occupy the affordable dwelling unit or be entitled to ownership status unless the eligibility provisions of this section and regulations thereunder are separately adhered to and complied with.

(7)

After diligent efforts to rent an affordable dwelling unit, the owner of the development may apply to the Board of Trustees for a waiver of the affordable unit status of a vacant unrented affordable dwelling unit. The owner shall demonstrate in the application that diligent efforts have been undertaken to locate an eligible senior citizen and, under the provisions of this section, the unit cannot be rented for the near term. If the Board of Trustees grants the waiver, the next available unit shall become the affordable unit, subject to this waiver procedure. This waiver provision shall not apply to a dwelling unit that is individually owned.

O.

Penalties for offenses. Any person violating the provisions of this section shall, upon conviction, be guilty of an offense and shall be liable for a fine not exceeding \$250 for each offense or by imprisonment not exceeding 30 days, or by both fine and imprisonment. Each day an offense continues shall be deemed a separate offense.

P.

Injunction. The Board of Trustees may apply in a court of competent jurisdiction for injunctive relief to enjoin any continuing violation of the provisions of this section. In such application, irreparable injury shall be deemed to exist.

Q.

Covenants. A covenant running with the land, binding upon heirs, successors and assigns, shall be filed by the owner and recorded in the office of the County Clerk, satisfactory to the Board of Trustees, within 60 days after a special permit is granted under this section. Proof of such recording shall be provided to the Village before the site plan shall be signed. The covenant shall provide that the property approved as a senior citizen housing development under this section shall be utilized for that purpose in accordance with the provisions of this section, and for no other purpose, and that the property shall not be further subdivided or sold in parcels unless the Board of Trustees shall give its prior written consent in an instrument filed and recorded in the office of the County Clerk.

R.

Additional requirements. The Board of Trustees may require additional provisions or conditions as the Board of Trustees may, in its discretion, determine to be appropriate to serve the health, safety and welfare of the Village. The Board of Trustees may adopt rules and regulations to carry out the provisions of this section. Referral to the Planning Board of an amendment to this section to provide for a purchase of dwelling units shall be optional.

II. 6-1 Affordable Middle-Income Development Program At Bellefair – Purpose and intent

This chapter establishes criteria for the 12 affordable middle-income units at BelleFair required under Condition 16 of the High Point Village (now BelleFair) PUD approval resolution adopted by the Board of Trustees of the Village of Rye Brook on January 27, 1998. The purpose of this chapter is to implement Condition 16 and thereby to encourage the development of additional housing options to assist in accommodating a village and regional demographic need for affordable home ownership opportunities, to establish priorities intended to assist in attracting and retaining qualified village, school district, town and emergency service organization personnel, and in encouraging residents to remain in the community.

III. 6-2 Affordable Middle-Income Development Program At Bellefair – Compliance required

An affordable middle-income unit under this chapter shall be constructed, sold, resold, conveyed and occupied only as provided in this chapter.

IV. 6-3 Affordable Middle-Income Development Program At Bellefair – Construction of units

The BelleFair Home and Land Company shall be responsible for constructing 12 affordable middle-income units consistent with the approved site plan. Such units shall be constructed using materials, mechanical systems and exterior finishes as shown on the plans approved by the village's Board of Architectural Review, and in accordance with, or at least equivalent to, the construction specification details approved by the Board of Trustees on February 13, 2001.

V. 6-4 Affordable Middle-Income Development Program At Bellefair – Responsibility for initial sales; declarations of restrictive covenant

The BelleFair Home and Land Company shall be responsible for the marketing and initial sales of the 12 affordable middle-income units in accordance with the provisions of this chapter. The Village of Rye Brook is not the seller, nor an agent for the seller, of the affordable middle-income units. However, the Village of Rye Brook may act during marketing to ensure adequate outreach to prospective purchasers among those groups noted in §§ 6-1 and 6-7. Prior to conducting marketing or initial sales, the BelleFair Home and Land Company shall execute and record a declaration of restrictive covenant, satisfactory to the Board of Trustees, to establish permanent provisions addressing the sale and resale of the affordable middle-income units in accordance with this chapter, and will provide a copy of the recorded instrument to the village. Said declaration of restrictive covenant shall also be included by amendment in the BelleFair Homeowners' Association Offering Plan, a copy of which shall be provided to each prospective purchaser.

VI. 6-5 Affordable Middle-Income Development Program At Bellefair – Maximum initial sale and resale price

A.

The initial sale price of an affordable middle-income unit shall be not greater than \$198,900. On initial sales, the BelleFair Home and Land Company shall pay at least 1/2 of the BelleFair Homeowners' Association first-year common charges for each middle-income unit, for the purpose of increasing its affordability to the initial purchaser.

B.

Subsequent resale of the affordable middle-income units by each owner thereof shall be at a set price not greater than the amount derived by multiplying the then prevailing Westchester County median income for a household of

four, established by the United States Department of Housing and Urban Development (or successor agency), by 2.39. The multiplier of 2.39 is the relationship between the year 2000 Westchester County median income for a four-person household of \$83,100 and the initial purchase price of \$198,900.

VII. 6-6 Affordable Middle-Income Development Program At Bellefair – Income eligibility

A person or persons eligible to purchase an affordable middle-income unit shall have a total household income of not more than 115% of the Westchester County median income for a four-person household, as established by the United States Department of Housing and Urban Development (or successor agency) at the time of contracting for purchase. Income eligibility of prospective purchasers will be verified by the BelleFair Home and Land Company for initial sales. "Total household income" shall mean all current income of all household members from any source whatsoever at the time of contracting for purchase, but excluding earnings of working minors (under 21 years of age) attending school full-time.

VIII. 6-7 Affordable Middle-Income Development Program At Bellefair – Eligible purchaser priorities

A.

In addition to the income eligibility requirements of § 6-6, and notwithstanding any provision of the Code of the Village of Rye Brook to the contrary, affordable middle-income units shall be sold and resold on the basis of the following priority or order:

(1)

First priority: full-time employees of the Village of Rye Brook, Blind Brook - Rye Union Free School District, and the Port Chester - Rye Town Union Free School District, all with a minimum of one year of such employment.

(2)

Second priority: paid or volunteer firefighters of a fire department or fire company regularly providing fire services in the Village of Rye Brook, paid or volunteer members or employees of the Port Chester - Rye - Rye Brook Volunteer Ambulance Corp., and members of the Rye Brook Police Auxiliary, all with a minimum of one year of membership or employment in such organization.

(3)

Third priority: full-time Rye town employees, all with a minimum of one year of such employment.

(4)

Fourth priority: Village of Rye Brook residents, all with a minimum of one year of village residency.

(5)

Fifth priority: others.

B.

A person falling into more than one priority group shall be placed in the more favorable priority group, subject to the provisions of § 6-9.

IX. 6-8 Affordable Middle-Income Development Program At Bellefair – Marketing and selection of initial purchasers

A.

The BelleFair Home and Land Company shall promote the availability of applications for the purchase of 12 affordable middle-income units, shall furnish and accept such applications and shall screen all accepted applications for income eligibility, preference group status and creditworthiness. For initial sales, the minimum one-year employment, membership or residency set forth in § 6-7 shall be established as of June 1, 2001. The Village of Rye Brook may assist in promoting the availability of applications to members of the priority groups identified in § 6-7 and may sponsor homebuyers' workshops or other public education activities for those groups.

B.

In the event that eligible applicants do not exceed the number of affordable middle-income units for sale, the BelleFair Home and Land Company shall select initial purchasers from among eligible applicants based upon their priority group status, until all initial purchasers have been selected.

C.

In the event that eligible applicants exceed the number of affordable middle-income units for sale, the BelleFair Home and Land Company shall advise the Village Administrator, who will conduct or cause to have conducted a lottery in accordance with the procedures outlined in § 6-9 below.

X. 6-9 Affordable Middle-Income Development Program At Bellefair – Lottery

A.

In the event that eligible applicants exceed the affordable middle-income units available for initial purchase, the Village Administrator shall conduct, or cause to be conducted, a lottery for the selection of initial purchasers from among the eligible applicants already screened by BelleFair Home and Land Company for income eligibility, preference group status and creditworthiness. The date and location of the lottery shall be noticed as determined by the Village Administrator, and the lottery shall be conducted in public. Initial purchasers for up to 2/3 of the affordable middle-income units shall be selected by lottery from a pool comprised of eligible applicants in the first priority group as described in § 6-7. The initial purchaser or purchasers for any affordable middle-income unit or units remaining after the first lottery shall be selected by lottery from a pool comprised of eligible first-priority-group applicants not selected in the first lottery and eligible applicants from the second priority group. The initial purchaser or purchasers for any affordable middle-income unit or units remaining after the second lottery shall be selected from a pool comprised of eligible applicants not selected in the second lottery and eligible applicants from the third priority group. If necessary, further lotteries shall be conducted to select initial purchasers for remaining

affordable middle-income unit(s), based on the same principle used in prior lotteries. Eligible applicants not selected shall comprise a waiting list ranked in order of priority group status. As soon as practicable after such lottery, the Village Administrator shall provide the BelleFair Home and Land Company with a listing of the initial purchasers in the order of their selection, together with the waiting list of eligible applicants.

B.

All determinations made by the Village Administrator relating to the lotteries under this chapter, including but not limited to the conduct of a lottery, the appeal of any determination made by the BelleFair Home and Land Company regarding ranking, eligibility of persons to be entered into the lottery, the length of time the list of initial purchasers selected by lottery and waiting list of eligible applicants shall be effective, and a decision to conduct a new or supplemental lottery, shall be final.

XI. 6-10 Affordable Middle-Income Development Program At Bellefair – Initial and subsequent sales

A.

The BelleFair Home and Land Company shall offer the affordable middle-income units for sale to initial purchasers selected in accordance with § 6-8 or 6-9 above until all units have been sold to their initial purchasers. In the event that the initial purchaser does not sign and return the contract of sale within seven days after the lottery, or does not close title within 60 days after the lottery, the BelleFair Home and Land Company shall offer such unit to the next eligible purchaser on the waiting list of eligible applicants to complete the sales of the affordable middle-income units. The waiting list shall be exhausted prior to accepting new applications.

B.

After the initial sale, the owner of the affordable middle-income unit shall be responsible for such unit's resale in conformance with the provisions of this chapter. The owner shall provide the Village Administrator with a notice of intent to sell prior to entering into any contract for sale of the units. The Village Administrator will inform the owner in writing of the applicable income eligibility, maximum resale price, and priority groups established under this chapter and the availability of a waiting list, if any. Selection of a purchaser from the initial waiting list shall be required within two years from the date of the last closing of the initial 12 units, unless that list becomes exhausted. An owner must demonstrate a diligent effort to sell a unit to a person in a higher priority group before seeking to sell a unit to the next lower priority group to the satisfaction of the Village Administrator. Prior to closing, the owner shall demonstrate compliance under this chapter to the satisfaction of the Village Administrator.

XII. 6-11 Affordable Middle-Income Development Program At Bellefair – Program Administration

The Board of Trustees may by resolution designate from time to time an official, board or entity, other than the Village Administrator, to fulfill the powers and duties of the Village Administrator under this chapter. The Village Administrator may designate a consultant or agency to assist the Village Administrator in the administration of this chapter with the approval of the Board of Trustees. The Village Administrator shall from time to time report to the Board of Trustees concerning the administration of this chapter.

XIII. 6-12 Affordable Middle-Income Development Program At Bellefair – Use and occupancy

A.

An affordable middle-income unit under this chapter shall be owner-occupied. No affordable middle-income unit shall be occupied by, or rented, leased or sublet to, any person other than the purchaser and the purchaser's family.

B.

The Village Administrator shall have the authority to determine cases of hardship which may warrant the waiver of the provisions of § 6-12A above on a temporary basis. The determination of the Village Administrator in this regard, including but not limited to the establishment of conditions for such waiver, shall be final.

Village of Scarsdale- None found.

Village of Sleepy Hollow- None found.

Village of Tarrytown-

I. 305-38 Commercial Zones - Historic Commons HC Zone

D.

Uses requiring compatible use permits.

(2)

Senior housing

II. 305-42 Special Waterfront Zones – Waterfront General Business District WGBD

B.

Development incentive.

(1)

Dimensional requirements in the WGBD District may be increased or reduced for the benefit of the applicant in accordance with the schedule below, provided that certain public benefit features are provided in accordance with Article XV in Waterfront Districts. All development incentives are subject to review and approval of the Village Board of Trustees. Any development incentives approved by the Village Board of Trustees are applicable only to the site plan application for which they have been approved. Public benefit features for which the Board of Trustees may grant development incentives, in accordance with § 305-125 of this Zoning Code, may include, but not be limited to:

(g)

Construction of affordable housing units.

III. 305-43 Special Waterfront Zones – Waterfront District WD

B.

Development incentive.

(1)

Dimensional requirements in the WD District may be increased or reduced for the benefit of the applicant in accordance with the schedule below, provided that certain public benefit features are provided in accordance with Article XV in Waterfront Districts. All development incentives are subject to review and approval of the Village Board of Trustees. Any development incentives approved by the Village Board of Trustees are applicable only to the site plan application for which they have been approved. Public benefit features for which the Board of Trustees may grant development incentives, in accordance with § 305-125 of this Zoning Code, may include, but not be limited to:

(g)

Construction of affordable housing units.

IV. 305-130 Compatible Use Permits – Moderate-income housing

A.

Effect, purpose and intent.

(1)

In any district created under this chapter in which residential uses are allowed, the Village Board may grant a compatible use permit for moderate-income housing as defined herein.

(2)

It is the specific purpose and intent of this section to facilitate the provision of moderate-income housing in response to the needs and objectives contained in Village Board Resolution 111, adopted on July 17, 1989.

(3)

It is the further purpose and intent of this section to provide the Village Board with sufficient discretion and flexibility to balance the provision of moderate-income housing with other objectives of the Comprehensive Plan of the Village, particularly those providing for environmental protection.

B.

Relevant definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABILITY INDEX

One hundred twenty-five percent of the median income of all Village paid workers for the calendar year prior to the issuance of a certificate of occupancy for a development permitted under this section.

AGGREGATE INCOME

The total of all current annual incomes of all members of a household from any source whatsoever for the last full calendar year, excluding the earnings of working minors attending school full time.

CEILING RATE

Prices for ownership and rental housing which, if exceeded, shall not qualify a housing unit as moderate-income housing.

DENSITY BONUS

The amount of additional density allowed in a development by the Village Board pursuant to Subsection **C(3)** below.

DEVELOPMENT

A parcel of land on which shall be erected or improved one or more buildings that contain moderate-income housing.

MODERATE-INCOME HOUSING

One or more residential dwelling units made available for sale or rent at a price established in conformance with Subsections **D(1)** and **E(1)** below.

QUALIFYING INCOME

The income needed to pay the principal and interest payments on a fixed-rate, thirty-year mortgage for 80% of the sales price of moderate-income housing using mortgage rates selected by the Village Board or its designee.

SEMIDETACHED DWELLING

A one-family dwelling having one party wall and one side yard.

TARGET RATES

Prices for ownership and rental moderate-income housing which are to be used to guide the Village Board in determining the amount of density bonus to be granted.

C.

Authority and standards. The Village Board shall have the authority to apply the following standards in exercising its discretion to review and grant a compatible use permit for moderate-income housing under this section:

(1)

Type of dwelling. A development may contain any type of dwelling defined in § **305-5** of this chapter and, in addition, a semidetached dwelling as defined in Subsection **B** above.

(2)

Waiver of land and building requirements. With respect to an application for a development under this section, the Village Board has the authority to waive all use, area, volume, bulk, land and building requirements to the full extent authorized by § 7-738 of the Village Law of the State of New York, which permits the clustering of permitted density.

(3)

Development density. A development's density may not exceed the sum of the maximum allowable density of the zoning district in which the development is located plus a density bonus not to exceed 50% of the maximum allowable density of that district. The density bonus shall be fixed by the Village Board, in its discretion, taking into consideration:

(a)

The percentage of total residential units in the development that are designated as moderate-income housing.

(b)

The extent of affordability of the moderate-income housing, with greater density bonus given for lower-priced units and with no density bonus given for units whose sales or rental price exceeds the ceiling rates contained in Subsections **D(1)(b)** and **E(1)(c)** below.

(c)

The appropriateness of the proposed density in the neighborhood.

(d)

The aesthetic impact of the proposed development on the neighborhood.

(e)

The effect of the development on the environment as defined in the New York Environmental Conservation Law § 8-0105, Subdivision 6.

(4)

When considering an application for a compatible use permit for moderate-income housing, the Village Board shall take into account the effect of the development on:

(a)

Neighboring property values.

(b)

Traffic.

(c)

The health, safety and general welfare of the neighborhood and the community.

D.

Standards for for-sale moderate-income housing. The Village Board shall apply the following standards to moderate-income housing that is to be sold to income-eligible households:

(1)

Affordability rates.

(a)

Purchase target rate. The purchase target rate for moderate-income housing sold to income-eligible households shall be established by multiplying the affordability index by a factor of 2.75. To determine a purchase target rate for a dwelling unit of a particular size, the purchase target rate shall be multiplied by the following factors:

(b)

Purchase ceiling rate. The purchase ceiling rate for various unit sizes shall be 150% of the purchase target rate.

Size of Unit	Factor	
	0-bedroom	0.8
	1-bedroom	0.9
	2-bedroom	1.0
	3-bedroom	1.1
	4-bedroom	1.2
	5-bedroom	1.3

(2)

Income eligibility.

To be eligible to purchase moderate-income housing, a household's aggregate income shall not exceed 120% of the qualifying income required for the purchase of moderate-income housing sold at the unit's purchase ceiling rate.

E.

Standards for rental moderate-income housing. The Village Board shall apply the following standards for moderate-income housing rented to income-eligible households:

(1)

Affordability rates.

(a)

Rental index rate. The rental index rate shall be 25% of the affordability index.

(b)

Rental target rate. The rental target rate for specific moderate-income housing units rented to income-eligible households shall be established according to the size of each individual housing unit and shall be determined by multiplying the rental index rate by the following factors:

	Size of Unit	Factor
	0-bedroom	0.8
	1-bedroom	0.9

	2-bedroom	1.0
	3-bedroom	1.1
	4-bedroom	1.2
	5-bedroom	1.3

(c)

Rental ceiling rate. The rental ceiling rate for various unit sizes shall be 150% of the rental target rate.

(2)

Income eligibility. To be eligible to rent moderate-income housing, a household's aggregate income shall not exceed four times the unit's rental ceiling rate.

F.

Occupant selection standards. When moderate-income housing is sold or rented, the following standards shall be used to determine occupancy:

(1)

A household must be income-eligible in accordance with the requirements of Subsections **D(2)** and **E(2)** above.

(2)

Preference categories. Among income-eligible households, preference to purchase or rent moderate-income housing shall be given to those which contain an individual in one of the following categories:

(a)

Village employees who have worked for the Village for at least one year.

(b)

Volunteer fire company and ambulance corps members living in and serving Tarrytown for at least one year.

(c)

Households whose head of household or spouse is 62 years of age or older and has lived in the Village for at least five years.

(d)

Households whose head of household or spouse is 30 years of age or younger and has lived in the Village for at least 10 years at any given time.

(3)

Priority among income-eligible households. Income-eligible households with the least financial resources, with consideration given to preference categories listed above, shall be given a priority for occupancy so long as:

(a)

For ownership moderate-income housing, the household is eligible for available market financing; or

(b)

For rental moderate-income housing, the rent does not exceed 25% of the household's aggregate income.

G.

Perpetuating affordability.

(1)

Use limitations. The owner or occupant of moderate-income housing may not lease or sublet the unit without the prior authorization of the Moderate-Income Housing Board established in Subsection **H** below. The Moderate-Income Housing Board shall not permit moderate-income housing to be leased or sublet, and then only for a period of up to six months, unless the following conditions are met:

(a)

The owner or occupant intends in good faith to use the unit as his principal residence but is temporarily prevented from doing so because of illness, illness of a family member, requirements of employment or other appropriate reason;

(b)

The lessee or sublessee meets the conditions established herein for initial occupancy of moderate-income housing; and

(c)

The rent charged is in accordance with the provisions and intent of this section.

(2)

Deed restrictions.

(a)

Ownership units. The title to moderate-income housing shall be restricted so that in the event of resale by the owner or any successor, the resale provisions set forth in Subsection G(3) below will apply.

(b)

Rental units. The title to a development containing moderate-income housing rental units shall be restricted so that, in the event of resale by the owner, the purchaser will maintain the provisions of the rent regulations agreement in accordance with Subsection G(4) below.

(3)

Resale.

(a)

The resale price of moderate-income housing shall be the original purchase price paid by the owner plus the costs of purchasing and selling the unit, which sum shall be increased by a percentage equivalent to the increase in the consumer price index from the date of the original purchase to the date of the sale.

(b)

Resale procedure. The owner of moderate-income housing shall first offer to sell the unit to the Moderate-Income Housing Board or its designee. Upon notification of the owner's intent to sell, the Moderate-Income Housing Board shall calculate the resale price as set forth in Subsection G(3)(a) above.

(4)

Rent regulation and lease renewal.

(a)

A rent regulation agreement shall be entered into by the owner of a development containing rental moderate-income housing units prior to receiving a certificate of occupancy. This agreement shall be incorporated into the deed of the property containing rental moderate-income housing. This agreement shall establish the amount of initial rents, procedures for determining rent increases for leases of various terms using reliable indices, procedures for leasing to eligible tenants, procedures for renewing leases and other conditions necessary to effectuate the purposes of this section.

(b)

Continued eligibility. An occupant of rental moderate-income housing remains eligible for the renewal of a lease if the occupant's aggregate income at the time of the lease renewal does not exceed four times the current rental ceiling rate for the occupant's unit.

H.

Establishment of a Moderate-Income Housing Board. The Village Board shall establish a Moderate-Income Housing Board composed of seven members, each a resident of the Village of Tarrytown. It shall be the purpose of this Board to properly administer the provisions of this section so that its purpose and intent are realized. The Moderate-Income Housing Board shall have the following responsibilities:

(1)

The annual review of the implementation of this section and the recommendation of changes in these provisions, where necessary.

(2)

The calculation of the affordability index rates, target rates, ceiling rates and eligible incomes for each calendar year.

(3)

The certification of the eligibility of all households applying for the purchase or rental of moderate-income housing and the annual recertification of each applicant.

(4)

The maintenance of a list of eligible households for each size and type of moderate-income housing.

(5)

The establishment of an orderly and fair process for selecting income-eligible households for occupancy of moderate-income housing.

(6)

The promulgation of such rules and regulations necessary to implement the requirements, intent and purpose of this section.

(7)

The authority to take any other actions necessary to effectuate the purpose and intent of this section.

I.

The grant of any permit under this section shall be subject to site plan approval by the Planning Board.

J.

The plan to be submitted as part of the application for the permit, as required under §§ 305-119C and 305-122 of this article, shall be reviewed by the Planning Board not only for its recommendations and findings but also as lead agency under the environmental review requirements of § 305-121D of this article, the State Environmental Quality Review Act

Editor's Note: See Art. 8 of the Environmental Conservation Law and the Village's regulations thereunder.

K.

The provisions of this section shall supersede the limitations contained in § 305-121E.

Village of Tuckahoe-

I. 11-1 Workforce Housing – Intent and purpose

It is the intent and purpose of the Village of Tuckahoe to increase the number of workforce housing units available to moderate-income families as defined in § 3-1.1.11.a. Such units are intended to assist Village and School District employees in living in the Village as well as expanding the housing choices of existing residents who might otherwise leave the Village.

II. 11-2 Workforce Housing – Requirements and incentives for participation

In order to provide workforce housing in the Village of Tuckahoe, the Village hereby provides a system of zoning incentives, in the form of additional permitted housing units and permitted reduced lot sizes, as follows:

11-2.1. Applicable zones. A developer may apply for workforce housing in any zone permitting multifamily housing within the Village. These zones include the Apartment 3 District and the Business/Residence District.

11-2.2. Number of workforce units. The number of workforce units that may be permitted by the Planning Board shall not be less than 5% or more than 15% of the total number of units permitted by the Zoning Code. However, the Village Board of Trustees shall have the power to increase the number of workforce units to 20% of the units on a site and the percentage of Westchester County family median income eligible for such units, where such flexibility is needed to meet state or federal program requirements and where the Trustees determine that such modification advances the public welfare without significant adverse impacts.

11-2.3. Additional incentive market-rate units. For every workforce housing unit that a developer agrees to construct, the developer shall be allowed to build one additional market-rate unit, above the maximum number otherwise permitted under the applicable provisions of this Code. For example: If a developer is allowed to construct 100 units under the Code, and of these 100, 10 units will be workforce housing units, then the total number of units that the developer could construct would be 110 (90 market rate plus 10 workforce housing units plus 10 bonus units).

11-2.4. Compliance with other provisions of this Code. The provision of workforce housing shall not waive any other requirements of this Zoning Code, unless specifically stated in this article.

III. 11-3 Workforce Housing – Development standards

Workforce units must meet the following standards:

11-3.1. All workforce housing units shall be physically integrated into the design of the building(s) and shall generally reflect the same unit distribution by bedrooms as market-rate units. Workforce housing units shall be constructed to the same quality standards as market-rate units. The exterior finishes for workforce units shall be indistinguishable from all other units. The developer may, however, substitute different appliances and interior hardware where such substitutions would not adversely impact the livability of the unit, as determined by the Building Inspector.

11-3.2. Workforce housing units shall have no less than 90% of the square footage of market rate units for the same number of bedrooms.

11-3.3. The landowner and developer must agree to file a declaration at the time of site plan approval identifying the units that are workforce housing units and restricting their future sale price under the provisions of this section. The declaration shall include a provision requiring that every deed for a workforce housing unit shall include the following paragraph to inform all future sellers and buyers that this unit is a workforce housing unit subject to the provisions of this section:

"This dwelling has been constructed for use by moderate-income families pursuant to a special program under the Village of Tuckahoe Code. Its future sale (including resale) or rent must be to persons who qualify with the income requirements and at a price in accordance with the program."

11-3.4. All workforce housing units shall generally be physically distributed throughout the development in the same proportion as other housing units, though the Planning Board may use discretion in reviewing and approving distribution.

IV. 11-4 Workforce Housing – Eligibility and preference to purchase or rent a workforce housing unit

11-4.1. To be eligible to purchase or rent a workforce housing unit, the household's aggregate annual income must be 80% or lower of the Westchester County median family income for a family of a particular size as determined annually by the United States Department of Housing and Urban Development (HUD).

11-4.2. Preference to purchase or rent.

(a) Among income-eligible households, preference to purchase or rent workforce housing units shall be given to the following types of households, in order.

1. Employees of the Village of Tuckahoe.
2. Members of the Village of Tuckahoe's Police or Fire Department.
3. Employees of the Tuckahoe and Eastchester School District.
4. Elderly (65 years or older) or disabled residents of the Village.
5. Honorably discharged US veterans who are residents of the Village.
6. All other Village residents.
7. People who work at a business within the Village.
8. Others.

Any lists of potential applicants shall be made available to the public upon request.

(b) In the event that the number of applicants exceeds the number of available units, the Village Housing Authority, pursuant to § 11-7 below, shall allot the units:

1. By category; and

2. Within a category, by chronological order of filing.

V. 11-5 Workforce Housing – Calculation of initial sales prices of workforce housing units

Maximum sale price shall be set by resolution of the Village Board of Trustees, as amended from time to time, after review of relevant information that may be provided by federal and state housing departments as well as developers. The initial sale price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes and insurance (PITI) and common charges, as applicable, shall not exceed 30% of income for a moderate-income household.

VI. 11-6 Workforce Housing – Calculation of permissible rent

Maximum monthly rent (including estimated utilities) shall be set by the Village Housing Authority, as amended from time to time, after review of relevant information that may be provided by federal and state affordable housing departments as well as developers. The rent [including the estimated cost of utilities (heat, hot water and electricity)] shall not exceed 30% of income for a moderate-income household.

VII. 11-7 Workforce Housing – Workforce Housing – Responsibilities of Housing Authority

The Village Housing Authority shall have the following responsibilities:

- (a) Be responsible for the administration of workforce housing units pursuant to the provisions of this article.
- (b) Prior to the initial offering of each workforce housing unit, the Authority shall notify the owner or manager of each development containing workforce housing units as to the price and income eligibility requirements for each unit.
- (c) The owner and/or manager, as appropriate, shall annually certify to the satisfaction of the Authority that the requisite percentage of workforce housing units have been assigned to moderate-income workforce households and that any new tenants of workforce housing units meet the income guidelines in effect when the new tenants take occupancy. Annual certification shall include the address of the workforce housing units, the name of the occupant, and the occupant(s)' tax returns and signature(s).
- (d) The Authority shall promulgate and maintain the information and documentation relative to all workforce housing units; the number thereof available for sale or lease at all times; the sale price and monthly rent; and the names and addresses of eligible moderate-income households to purchase or lease same, together with a priority list of such households. The Department shall maintain such other records and documents as shall be required to properly administer the provisions of this article.

(e) Whenever the Building Inspector shall receive an application for and/or issue a building permit, a certificate of occupancy or any other permit or authorization affecting a workforce housing unit, a copy thereof shall be filed with the Authority.

(f) The sale or lease of workforce units must meet the guidelines established by the Authority. These guidelines shall be reviewed on an annual basis, and address the sales price and/or lease amounts for workforce housing units. The Authority shall administer the guidelines, shall review the qualification of potential buyers or lessees, and shall approve each proposed sale or lease of a workforce housing unit.

(g) Any covenant, restriction, or other encumbrance to be placed on a workforce housing unit must be approved by the Village Attorney and the Authority.

(h) No lease term for a workforce housing unit shall exceed two years. Notwithstanding this restriction, a lessee still eligible to rent a workforce housing unit may renew a lease term. If a household's aggregate annual income increases beyond the maximum to allow eligibility for the workforce housing unit, the household may continue to occupy that rental unit, provided that the monthly rental payment (including estimated utilities) shall be increased so as to constitute 30% of the household's income. If the household chooses not to execute a lease at the adjusted rent within a three-month timeframe, the household may continue to occupy the unit for up to one year after the expiration of its current lease.

(i) Any applicant for a workforce housing unit aggrieved by a determination by the Authority shall have the right to appeal such determination to the Village Zoning Board of Appeals.

VIII. 11-8 Workforce Housing – Resale: Calculation of permissible resale price

11-8.1. Workforce housing units for moderate-income households may be resold only to eligible moderate-income households of substantially similar size for the purposes of calculating aggregate annual income and subject to the Authority's approval.

11-8.2. The owner of a workforce housing unit shall notify the Authority of the intent to sell prior to contact with any purchaser.

11-8.3. The maximum resale price may not exceed the purchase price plus the cost of permanent fixed improvements, adjusted for the increase in the consumer price index during the period of ownership of the period

of ownership of the workforce housing unit and such improvements plus reasonable and necessary resale expenses. Notwithstanding the foregoing, in no case shall the resale price exceed the income restrictions for moderate-income households.

IX. 11-9 Workforce Housing – Tax assessment

The Village Assessor shall consider the limited sale value of workforce housing units in determining the appropriate assessment on such units.

X. 11-10 Workforce Housing – Applicability of other code provisions

All of the provisions of the Code of the Village of Tuckahoe not inconsistent or in conflict with the provisions of this article shall be applicable to workforce housing.

XI. 4-4 Apartment 3 District

4-4.1. Use. In an Apartment District, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

4-4.1.4. Senior citizen housing, provided that the living accommodations are designed for persons 55 years of age or older.

4-4.1.5.3. Accessory uses for senior citizen housing may include, in addition to the accessory uses as provided in § 4-1.1.4(c) and (h) and as prescribed by special permit in § 6-2.2, private garages for passenger automobiles of residents of such housing, such as but not limited to a parking structure which may not exceed 42 feet in height or the height of the senior housing building to which it is accessory, whichever height is less; passive open space, including landscaped areas, paved walkways, plazas, fountains, terraces and similar uses. In addition, senior citizen housing may include medical-related facilities, such as but not limited to medical examining rooms; recreational facilities; and personal service stores, such as but not limited to barbershops, beauty parlors, convenience stores, laundries (where no dry cleaning is conducted on the premises) and tailors (provided that where steam pressure is used in clothes pressing the generating apparatus shall not exceed five rated boiler horsepower); all of which shall be restricted to use by residents and employees of and visitors to residents of the senior citizen housing. Any such accessory uses may not have an exterior street entrance, other than the entrance to the senior citizen housing.

XII. 20-23 Partial real property tax for senior citizens

(a) Pursuant to the provisions of § 467 of the Real Property Tax Law and as therein provided, the real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over, shall be exempt from taxation to the extent of the per centum of the assessed valuation thereof and subject to the income requirements as may be established by resolution of the Board of Trustees, after public hearing, said resolution to be adopted in accordance with the provisions and requirements of the aforementioned § 467. ^{EN}

(b) Application for such exemption must be made by the owner or all of the owners of the property, on forms prescribed by the New York State Board of Equalization and Assessment to be furnished by the Village Assessor and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed with such Assessor's office on or before the taxable status date.

(c) Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than one hundred dollars (\$100.) and shall disqualify the applicant or applicants from further exemption for a period of five (5) years. (L.L. No. 10-1990, § 2)

XIII. 3-1.1.29 Definitions – Senior Citizen Housing

Senior Citizen Housing -- Residential buildings containing a minimum of 10 residential units, each of which shall be at least 300 square feet in size and contain a bathroom, and which are designed to accommodate one or more persons at least 55 years of age or older, such as but not limited to independent living apartment units, assisted living facilities or similar facilities, except that a nursing home facility or nursing home facilities, or similar facilities that require a permit from the New York State Department of Health, are not included within this definition. Senior citizen housing may include common kitchen or dining facilities, provided that such facilities are not open to the general public. If senior citizen housing is restricted to persons of a specified minimum age, it shall comport with applicable provisions of the Fair Housing Act, the Americans with Disabilities Act and any other applicable federal and state laws.

Towns

Town of Bedford

§ 125-3

(MIDDLE-INCOME FAMILY

A family whose aggregate annual income, including the total of all current annual income of family members residing in the household from any source whatsoever at the time of application, (excluding the earnings of working household members under the age of 21 years who are full-time students), does not exceed the average of the median annual Town-paid wages of full-time employees of the Town of Bedford during the three most recently completed calendar years, as shown and determined by the average of the gross wages shown for such full-time employees of the Town of Bedford on the W-2 statements issued to such employees by the Town during and for such period of three calendar years, adjusted for family size by the following factors: one-person family, 1.0; two-person family, 1.1; three-person family, 1.3; four-person family, 1.4; five-person family, 1.6; six-person family, 1.7; seven-person family, 1.9; eight-or-more-person family, 2.0.

[Amended 10-18-1994 by L.L. No. 3-1994; 11-1-2005 by L.L. No. 12-2005]

I. 125-29.2(A) DH – Diversified Housing District: Purposes. The purpose of the DH District shall be to provide increased housing opportunities in the Town of Bedford for an economically diverse population who, because of reasons of cost, are presently excluded from purchasing residences in the Town of Bedford. It is the intent of the Town to provide the lowest cost housing possible in this district. The Town Board, with the cooperation of the Blue Mountain Housing Corporation and all Town, county, state and federal agencies, will work to use all possible means to provide housing for those with moderate means.

125-29.2(B) DH – Diversified Housing District:

A.

Purposes. The purpose of the DH District shall be to provide increased housing opportunities in the Town of Bedford for an economically diverse population who, because of reasons of cost, are presently excluded from purchasing residences in the Town of Bedford. It is the intent of the Town to provide the lowest cost housing possible in this district. The Town Board, with the cooperation of the Blue Mountain Housing Corporation and all Town, county, state and federal agencies, will work to use all possible means to provide housing for those with moderate means.

B.

Middle-income housing in the DH District. At least 20% of the dwelling units constructed in the DH District shall be middle-income dwelling units as defined in this code and shall meet the requirements of Article VI, § 125-56 therein, as well as the requirements of the DH District.

125.56 Middle-income dwelling units:

A.

Distribution. Such units shall be available for sale or rental to middle-income families, as defined in § 125-3 (see above) of this chapter. Such units shall be physically integrated into the design of the development in

manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two-, three- or four-bedroom units in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Bedford.

B.

Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the following:

(1)

Efficiency: 450 square feet.

(2)

One bedroom: 700 square feet.

(3)

Two bedrooms: 900 square feet.

(4)

Three bedrooms: 1,100 square feet, including at least one and one-half (1 1/2) baths.

(5)

Four bedrooms: 1,300 square feet, including at least one and one-half (1 1/2) baths.

C.

Occupancy standards. In determining which dwelling units may qualify as middle-income dwelling units, the following schedule shall apply:

	Number of Bedrooms	Number of Persons Minimum	Maximum
	Efficiency	1	1
	1	1	2
	2	2	4
	3	4	6
	4	6	8

D.

Maximum rent and sales price.

[Amended 10-18-1994 by L.L. No. 3-1994]

(1)

Determination of maximum rent and sales price; capital improvements.

[Amended 11-1-2005 by L.L. No. 12-2005]

(a)

In determining which dwelling units qualify as middle-income dwelling units, the monthly rent for such units shall not exceed 1.75%, excluding utilities (gas, oil and electricity), or 2%, if utilities are included, of the aggregate annual family income for a middle-income family as defined in § 125-3 of this chapter for the maximum size of family that may occupy such unit as set forth in Subsection C above. The maximum gross sales price for a middle-income dwelling unit shall not exceed two times the maximum aggregate family income above. There shall be no extra charge for minimum required facilities, such as, but not limited to, parking and recreation facilities.

(b)

The maximum price at which an owner may resell his/her/their unit will be the original sales price of the unit plus a percentage equal to the increase in the average of the median income for Town of Bedford employees for the three years leading up to and including the year of the owner's purchase and the three years leading up to and including the relevant year of sale.

(c)

For units purchased by the seller prior to December 1, 2005, additional credit for the cost of capital improvements made to the unit by the owner and still a part of the premises that would be recognized by the Internal Revenue Service in establishing the homeowner's tax basis in the unit, or its replacement as determined by the Agency-documented closing costs incurred and paid by the owner with his/her/their own funds in connection with the purchase of the unit, including, but not limited to, points, fees and other charges paid to the lender or its counsel, mortgage recording taxes, title insurance charges, title closer's gratuity, recording charges and reasonable attorney's fees.

(d)

Subsection D(1)(c) will not apply to units resold after December 1, 2005.

(2)

In a DH Diversified Housing District Zone, the maximum price which may be charged for the 20% of the housing units designated for middle-income families shall be determined at the time such units are offered for sale by the application of a formula based upon the mortgage capacity limit of

such average annual income, determined in accordance with the definition of "Middle-Income Family" in § 125-3 herein, assuming and providing for 90% mortgage financing and a 10% equity investment by the purchasing middle-income family, a housing expense ratio of 29% and rates of interest as shall generally prevail at the time for thirty-

year, zero-point mortgage loans with a one-year adjustable rate of interest ("one-year ARM") as demonstrated by end loan financing commitments or proposals issued to the developer by a duly licensed institutional lender actually engaged in residential mortgage lending in the marketplace which includes the Town of Bedford. Developers shall have the capacity to ensure such an interest rate level for all required designated middle-income units so as to determine the maximum prices for such units at the time the units are offered for sale. The Town and the developer shall jointly use their best efforts to obtain third-party public and/or privately funded subsidies to reduce further the housing costs of eligible middle-income families purchasing designated units.

E.

Middle-income families applying for middle-income dwelling units shall be selected on the basis of the following categories of priority:

[Amended 11-1-2005 by L.L. No. 12-2005]

(1)

Full-time Town of Bedford municipal employees and active members of the Bedford Fire Department, Katonah Fire Department, the Bedford Hills Fire Department and the Katonah Bedford Hills Volunteer Ambulance Corps.

(2)

Employees of schools within the Town of Bedford that provide any or all of kindergarten through twelfth-grade education.

(3)

Residents of the Town of Bedford.

(4)

Other persons employed in the Town of Bedford.

(5)

Parents and children of residents of the Town of Bedford.

(6)

Other residents of Westchester County.

(7)

Other persons employed in Westchester County.

(8)

All others.

F.

Continued eligibility.

(1)

Applicants for middle-income rental units referred to in this Article shall, if eligible and if selected for occupancy by the owner or manager of the development, sign leases for a term of no more than two years.

(2)

As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two-year renewal of the lease. If a resident's annual gross income should subsequently exceed by more than 20% the maximum then allowable, as defined in this section, and if there is at that time an otherwise eligible applicant within one of the categories in Subsection E above, said resident may complete his current lease term and shall be offered a non-middle-income rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the middle-income dwelling unit he occupies but shall not be offered a renewal of the lease beyond the expiration of said term.

(3)

In the case of owner-occupied middle-income dwelling units the title to said property shall be restricted so that:

[Amended 11-1-2005 by L.L. No. 12-2005]

(a)

In the event of any resale by the home buyer or any successor the resale price shall not exceed the then maximum sales price for said unit, as determined in accordance with Subsection D of this section; and

(b)

In the event the titled owner no longer utilizes the dwelling as his/her/their primary residence, he/she/they shall, upon notification from the Town of Bedford or the appropriate agency, either resume such use within 90 days of such notice or immediately cooperate with the resale of that unit pursuant to this Code.

G.

Administration.

(1)

The Town Board shall establish a Town Housing Agency, which shall be responsible for the administration of the middle-income housing requirements of this section as well as for the promulgation of such rules and regulations as may be necessary to implement such requirements.

(2)

At the time of the issuance of a certificate of compliance, the Building Inspector shall send a copy of such certificate to the Town Housing Agency, who shall then inform the applicant of the maximum rental or sales charge which may be established for the middle-income dwelling units in such development and the maximum annual gross family income for eligibility for occupancy of said units.

(3)

The Town Housing agency shall certify as eligible all applicants for rental or sales of middle-income dwelling units and shall annually reexamine or cause to be reexamined each occupant family's income.

(4)

On or before March 30 of each year thereafter, the Town Housing Agency shall notify the owner or manager of each multifamily development containing middle-income units as to the rent, sales and income eligibility requirements for such units based upon figures derived from the preceding calendar year.

(5)

The owner or manager of such multifamily development shall certify to the Town Housing Agency on or before May 31 of each year that the current rental or sales prices of all middle-income dwelling units comply with the terms of this Article.

II. 125-29.3 Housing for Elderly District:

A.

Purposes. The purpose of the EL District is to provide increased housing opportunities for the elderly population of the Town of Bedford. Because many of the elderly live on limited incomes, it is the intent of the Town to provide the lowest cost housing possible in this district. The Town Board, with the cooperation of the Blue Mountain Housing Corporation and all Town, county, state and federal agencies, will work to use all possible means to provide housing for those elderly with limited financial means.

B.

Middle-income housing in the EL District. At least 20% of the dwelling units constructed in the EL

District shall be middle-income dwelling units as defined in this code and shall meet the requirements of Article VI, § 125-56 therein, as well as all requirements of the EL District.

III. 125-51 (Intent) Conservation Development:

It is the purpose of this article to enable and encourage flexibility of design and development of land in such a manner as to preserve its natural and scenic qualities, protect areas of meaningful ecological value, reduce flood hazards, facilitate the adequate and economical provision of streets and utilities, minimize negative environmental impacts, improve the aesthetic quality of new residential developments, *expand the variety of housing opportunities*, encourage the conservation of energy, increase recreational opportunities and otherwise promote the planned and environmentally desirable use of land by permitting the Town Board to authorize the Planning Board, simultaneously with the approval of subdivision plats, to modify otherwise applicable provisions of the Zoning Ordinance in accordance with the standards, conditions and limitations as set forth herein.

125-52 (Applicability)

The use of this conservation development procedure shall apply to lots without residence structures in the R-4A, R-2A, R-1A, R-1/2A and R-1/4A Districts which have a minimum contiguous area of 10 acres or five times the minimum lot size of the zoning district in which they are located, whichever is greater.

125-54 (Development Standards and Controls) Except as modified by the Town Board pursuant to the authority hereby conferred, all regulations normally applicable to residential uses in the zoning district in which the property is located shall continue to apply. In addition, the following requirements are hereby established specifically for conservation developments:

A.

Permitted uses. The permitted uses and accessory uses permitted within a conservation development shall be the same as those permitted in the zoning district in which the property is located, **except that two-family, multifamily and townhouse dwelling units are permitted.**

B.

Density.

(1)

The number of dwelling units or building lots permitted in a conservation development of detached one-family dwellings shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to all normally applicable requirements of the Zoning Ordinance, Land Subdivision Regulations

Editor's Note: See Ch. 107, Subdivision of Land, Part 2, Subdivision Regulations.

and other related land use and development controls. The basis for this determination by the Planning Board shall be a sketch layout of a conventional subdivision prepared and submitted by the applicant, which layout shall include topographic information and such other data as may be required by the Planning Board to assist in making its determination.

(2)

Where attached dwelling units are requested, the maximum permitted number of dwelling units shall be calculated in accordance with the following formula, which formula is designed on the basis of achieving approximate population equivalency on the site, regardless of the actual mix of dwelling unit sizes selected by the applicant. For each one-family dwelling unit or building lot which could be permitted as determined above by the Planning Board, either one such unit or the following will be permitted:

(a)

One four-bedroom or larger attached dwelling unit; or

(b)

One and two-tenths three-bedroom attached dwelling units; or

(c)

One and five-tenths two-bedroom attached dwelling units; or

(d)

Two one-bedroom or smaller attached dwelling units; or

(e)

A proportionate combination of dwelling unit sizes equivalent to the above.

C.

Density incentives. The permitted number of dwelling units as determined in § **125-54B(2)** above may be increased by not more than 25% if the applicant constructs the additional units as middle-income dwelling units for sale or for rent as specified in § **125-56** of this chapter. The sale or rental of these dwelling units shall be administered by a housing agency appointed by the Town Board pursuant to § **125-56** herein.

D.

Maximum density. Under no circumstances shall the density of a conservation development exceed four dwelling units per acre.

E.

Dwelling unit mix. A mixture of dwelling unit sizes shall be required in each conservation development that contains attached dwelling units. In such developments, no more than 50% of the dwelling units shall be of one of the types listed in § **125-54B(2)** above.

125-56 (Middle-income dwelling units)

A.

Distribution. Such units shall be available for sale or rental to middle-income families, as defined in § **125-3** (see above) of this chapter. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two-, three- or four-bedroom units in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Bedford.

B.

Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the following:

(1)

Efficiency: 450 square feet.

(2)

One bedroom: 700 square feet.

(3)

Two bedrooms: 900 square feet.

(4)

Three bedrooms: 1,100 square feet, including at least one and one-half (1 1/2) baths.

(5)

Four bedrooms: 1,300 square feet, including at least one and one-half (1 1/2) baths.

C.

Occupancy standards. In determining which dwelling units may qualify as middle-income dwelling units, the following schedule shall apply:

	Number of Bedrooms	Number of Persons Minimum	Maximum
	Efficiency	1	1
	1	1	2
	2	2	4
	3	4	6
	4	6	8

D.

Maximum rent and sales price.

[Amended 10-18-1994 by L.L. No. 3-1994]

(1)

Determination of maximum rent and sales price; capital improvements.

[Amended 11-1-2005 by L.L. No. 12-2005]

(a)

In determining which dwelling units qualify as middle-income dwelling units, the monthly rent for such units shall not exceed 1.75%, excluding utilities (gas, oil and electricity), or 2%, if utilities are included, of the aggregate annual family income for a middle-income family as defined in § 125-3 of this chapter for the maximum size of

family that may occupy such unit as set forth in Subsection C above. The maximum gross sales price for a middle-income dwelling unit shall not exceed two times the maximum aggregate family income above. There shall be no extra charge for minimum required facilities, such as, but not limited to, parking and recreation facilities.

(b)

The maximum price at which an owner may resell his/her/their unit will be the original sales price of the unit plus a percentage equal to the increase in the average of the median income for Town of Bedford employees for the three years leading up to and including the year of the owner's purchase and the three years leading up to and including the relevant year of sale.

(c)

For units purchased by the seller prior to December 1, 2005, additional credit for the cost of capital improvements made to the unit by the owner and still a part of the premises that would be recognized by the Internal Revenue Service in establishing the homeowner's tax basis in the unit, or its replacement as determined by the Agency-documented closing costs incurred and paid by the owner with his/her/their own funds in connection with the purchase of the unit, including, but not limited to, points, fees and other charges paid to the lender or its counsel, mortgage recording taxes, title insurance charges, title closer's gratuity, recording charges and reasonable attorney's fees.

(d)

Subsection D(1)(c) will not apply to units resold after December 1, 2005.

(2)

In a DH Diversified Housing District Zone, the maximum price which may be charged for the 20% of the housing units designated for middle-income families shall be determined at the time such units are offered for sale by the application of a formula based upon the mortgage capacity limit of such average annual income, determined in accordance with the definition of "Middle-Income Family" in § 125-3 herein, assuming and providing for 90% mortgage financing and a 10% equity investment by the purchasing middle-income family, a housing expense ratio of 29% and rates of interest as shall generally prevail at the time for thirty-year, zero-point mortgage loans with a one-year adjustable rate of interest ("one-year ARM") as demonstrated by end loan financing commitments or proposals issued to the developer by a duly licensed institutional lender actually engaged in residential mortgage lending in the marketplace which includes the Town of Bedford. Developers shall have the capacity to ensure such an interest rate level for all required designated middle-income units so as to determine the maximum prices for such units at the time the units are offered for sale. The Town and the developer shall jointly use their best efforts to obtain third-party public and/or privately funded subsidies to reduce further the housing costs of eligible middle-income families purchasing designated units.

E.

Middle-income families applying for middle-income dwelling units shall be selected on the basis of the following categories of priority:

[Amended 11-1-2005 by L.L. No. 12-2005]

(1)

Full-time Town of Bedford municipal employees and active members of the Bedford Fire Department, Katonah Fire Department, the Bedford Hills Fire Department and the Katonah Bedford Hills Volunteer Ambulance Corps.

(2)

Employees of schools within the Town of Bedford that provide any or all of kindergarten through twelfth-grade education.

(3)

Residents of the Town of Bedford.

(4)

Other persons employed in the Town of Bedford.

(5)

Parents and children of residents of the Town of Bedford.

(6)

Other residents of Westchester County.

(7)

Other persons employed in Westchester County.

(8)

All others.

F.

Continued eligibility.

(1)

Applicants for middle-income rental units referred to in this Article shall, if eligible and if selected for occupancy by the owner or manager of the development, sign leases for a term of no more than two years.

(2)

As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two-year renewal of the lease. If a resident's annual gross income should subsequently exceed by more than 20% the maximum then allowable, as defined in this section,

and if there is at that time an otherwise eligible applicant within one of the categories in Subsection E above, said resident may complete his current lease term and shall be offered a non-middle-income rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the middle-income dwelling unit he occupies but shall not be offered a renewal of the lease beyond the expiration of said term.

(3)

In the case of owner-occupied middle-income dwelling units the title to said property shall be restricted so that:

[Amended 11-1-2005 by L.L. No. 12-2005]

(a)

In the event of any resale by the home buyer or any successor the resale price shall not exceed the then maximum sales price for said unit, as determined in accordance with Subsection D of this section; and

(b)

In the event the titled owner no longer utilizes the dwelling as his/her/their primary residence, he/she/they shall, upon notification from the Town of Bedford or the appropriate agency, either resume such use within 90 days of such notice or immediately cooperate with the resale of that unit pursuant to this Code.

IV. 125-29.6 (Affordable Housing)

[Added 2-1-2005 by L.L. No. 1-2005]

A.

Findings; policy. The Town Board of the Town of Bedford finds that:

(1)

The Town faces a shortage of affordable housing due to the high cost of housing in the Town, which impacts the general welfare of the municipality;

(2)

The Town has an obligation to assist Westchester County and New York State in the preservation, rehabilitation, and construction of affordable housing;

(3)

The social and economic diversity of the Town is dependent upon a reasonable supply of affordable housing;

(4)

Certain development projects attract new residents to the Town, placing pressure on the supply and availability of affordable housing, and impact existing population patterns and community character;

(5)

The Town's Comprehensive Plan encourages the creation of affordable housing within the Town;

(6)

The Town Housing Agency utilizes substantial resources in providing and assisting in the provision of affordable housing;

(7)

It is the policy of the Town to require builders to share the affordable housing burdens caused by their developments.

B.

Purpose. The purpose of this section is to ensure that new residential development in the Town includes a reasonable supply of affordable housing to meet the needs of the community's citizens. This section sets forth standards for affordable housing to be provided in conjunction with residential subdivisions of land. The provision of such housing may be achieved through the conveyance of land or an in-lieu fee.

C.

Applicability.

(1)

This section shall apply to all proposed residential subdivisions of land in all residential zoning districts.

(2)

This section shall not apply to any residential subdivision which has received preliminary subdivision approval by the Town of Bedford Planning Board as of the effective date of Local Law 1-2005.

D.

Provision of affordable units.

(1)

At least 10% of the units in any residential subdivision of land in any single-family zoning district shall be established as affordable housing units in any one or combination of methods provided for below:

(a)

Construction of affordable housing units on the site of the proposed subdivision of land; or

(b)

Construction or creation of affordable housing units off the site of the proposed subdivision of land but within the geographic boundaries of the Town of Bedford. Proposals for off-site affordable housing units shall be subject to approval by the Planning Board; or

(c)

An equivalent fee-in-lieu payment may be made in accordance with the requirements of § 125-29.6F; or

(d)

An applicant may offer, and the Planning Board may accept, on behalf of the Town Housing Agency, donations of land in fee simple, on or off site, that the Planning Board in its sole discretion determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this section, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.

(2)

When a proposed residential subdivision contains 20% or more affordable housing units, the Planning Board may:

(a)

Waive certain fees for applicants;

(b)

Consider such other forms of assistance which may be under the control of the Town; and

(c)

Actively assist in obtaining assistance of federal, state or other agencies in support of affordable housing development.

(3)

At least 20% of the units of any multifamily residential development in any multifamily residential zoning district shall be established as affordable housing units;

E.

Provisions applicable to affordable housing units on and off site.

(1)

Siting of affordable units. All affordable units constructed under this section shall be situated within the proposed subdivision or at an approved off-site location so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

(2)

Minimum design and construction standards for affordable unit. Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

(3)

Timing of construction or provision of affordable units or lots. The construction of affordable units shall occur proportionately with the construction of the market rate units in the subdivision. No building permit may be issued for the last 10% of market rate units within a subdivision until the last affordable unit has been issued a building permit.

(4)

At the discretion of the Planning Board and upon a showing of good cause, affordable housing requirements for special populations may be waived or modified. Said populations shall include the handicapped, infirmed or seniors when such housing is independent-living, congregate-care, nursing-home or such other housing for special populations that the Town Housing Agency recognizes.

G.

Administration.

(1)

The Town Housing Agency shall be responsible for administering the affordable housing requirements of this section as well as for the promulgation of such rules and regulations as may be necessary to implement such requirements.

(2)

At the time of the issuance of a building permit, the Building Inspector shall send a copy of such certificate to the Town Housing Agency, which shall then inform the applicant of the maximum rental or sales charge which may be established for affordable housing units in such subdivision and the maximum annual gross family income for eligibility for occupancy of said units.

(3)

With respect to rental units, on or before March 30 of each year thereafter the Town Housing Agency shall notify the owner or manager of each affordable unit as to the rent and income eligibility requirements for such unit based upon figures derived from the preceding calendar year. With respect to ownership units, the Town Housing Agency shall provide sales criteria for the sale of an affordable housing unit at the time of offering the unit for sale.

(4)

The owner or manager of each affordable unit shall annually certify to the satisfaction of the Town Housing Agency that the requisite number of affordable units have been assigned to income-eligible individuals which meet the income guidelines in effect when said individual(s) took occupancy. Annual certification shall include unit designations and occupant names and shall be signed by the developer or his or her designated representative, as appropriate, and the Town Housing Agency.

(5)

Affordable housing units shall not be resold for more than the amount that, at the then-prevailing interest rates, will result in a unit cost meeting the affordable standards set herein. All resales

shall be to qualified buyers who meet the requirements set forth in the definition of "affordable housing," as provided in § 125-3 of the Zoning Code.

H.

Appendix A: In-Lieu Fees.

Appendix A	
Proposed Lot Size	In-Lieu Fee Required*
1/4 acre	\$11,000
1/2 acre	\$16,500
1 acre	\$27,500
2 acres	\$55,000
4 acres	\$88,000
Note:	
* These figures are based on a 10-lot subdivision. For all subdivisions comprised of less than 10 lots, the in-lieu fee shall be a fraction of the total required.	

V. 125-79 Accessory apartments in existing single-family residences

A.

It is the intention of this section to permit the creation, subject to the standards listed below, of accessory apartments in the Town for the purposes of maintaining a supply of small rental or owner-occupied housing units designed to meet the needs of persons, both young and old, of moderate income and to permit the efficient use of the Town's housing stock by providing economic support for owners of larger structures and incentives for maintenance of these structures. To achieve these goals and to promote the other objectives of the Zoning Ordinance to serve the health and welfare of the Town's people, the regulations below have been created.

(Accessory apartment regulations not attached here).

Town of Cortlandt

IV. 307-94 Community Betterment District (CBD)

The purpose of this section is to encourage development of mixed-use communities including common open space and recreation areas and, further, to encourage the maximum creativity in development and the use of land and open space in those areas. In order to permit flexibility in the development process, basic development goals and standards are provided by this chapter, but specific development requirements including off-site improvements will be imposed by the Town Board and the Planning Board.

A.

Intent and purposes. It is the intent and purpose of this section to create a Community Betterment District (CBD) by special permit on one or more designated sites and in proper locations, so as to provide:

(1)

Variety of housing types. Provide the opportunity for the creation of a wider variety of housing types, including affordable housing, in the Town, ranging from single-family for those persons working and living in the Town of Cortlandt, including both elderly and young households, families of moderate income and small families.

(11)

Assisted living. To address a potential need to accommodate less-independent individuals, allow CBDs to be created at a higher density for the purposes of assisted living for senior citizens. Allow a limited amount of medical-type space (pharmacy/doctor's office) which would be accessory to the assisted living use.

C.

Uses within the CBD Zone.

(1)

Residential uses. Detached, semidetached or attached one-family dwelling.

(2)

Accessory commercial uses. The Town Board may consider commercial uses, retail shops, personal service shops, professional offices and small grocery stores and other as-of-right uses found in a Community Commercial Zone as a component of the CBD project.

(3)

Other accessory uses. Accessory uses permitted in the CBD Zone shall be limited to the following: playground equipment; pools and cabanas; sports courts; gazebo(s); home occupation with no nonresident employee; clubhouse; garage; storage shed, ball fields, bikeways and nature trails.

D.

Development standards and controls.

(1)

Density. At the time of any rezoning of a parcel into the CBD Zone, the Town Board shall set the density in accordance with this section.

(a)

The base density in a CBD shall be three units or up to a maximum of six bedrooms per acre. However, the Town Board shall have the authority with a super vote, where a minimum of four out of the five Town Board members vote in the affirmative, to allow density of up to five units or up to a maximum of 10 bedrooms per acre where, in its sole discretion, it finds that a clear public good is being provided which addresses and mitigates both of the impacts identified in the draft generic environmental impact statement, e.g., groundwater contamination and traffic

congestion. Examples of such public good that would be considered by the Town Board include an increase in affordable housing, provision or facilitation of availability of municipal or central water and sewer facilities to serve an extended area and provision for material transportation enhancement, such as a bypass road or traffic intersection improvements, which would directly improve traffic congestion.

(b)

For purposes of density calculation, all acreage, including lands donated or dedicated to municipal purposes, wetlands and steep slopes, shall be included. It should be noted that the applicant must adhere to all provisions of Chapter 259, Steep Slopes, and Chapter 179, Freshwater Wetlands, and biodiversity guidelines and all other environmental regulations that may apply.

V. 307-94.1 Existing legal, nonconforming senior citizen developments (LN/SCD)

A.

Purpose. The purpose of this section is to encourage development of affordable residences for senior citizens to live independently and provide for expansion of such use in existing legal nonconforming Senior Citizens Developments (LN/SCD). Such uses are intended also to provide for common areas for recreation and community activities designed specifically for senior citizens. The Town Board hereby finds that there is a significant unmet need for such housing in the Town of Cortlandt.

B.

Definition. "Senior citizen" shall be defined for the purposes of this section as single individuals 55 years of age or older, or households in which at least one of the members is 55 years of age or older.

D.

Development objectives. LN/SCD's shall be designed to meet the following objectives:

(1)

An LN/SCD shall contain residential units which are traditionally associated with accommodating senior citizens at an affordable rental or purchase price, with community and civic activities, open space and recreation areas.

(2)

Within basic topographic and site boundary configurations, the layout of the senior citizen residential units shall be compact, with buildings located close to street lines. Perimeter boundaries to the development of the additional units shall be established by open space buffers in order to maintain the self-contained identity of the development and to prevent the sprawl of development to other areas.

(3)

Transportation facilities shall be designed to minimize the use of the automobile within the LN/SCD and, to the extent possible, to promote the use of public transportation to and from the site. Pedestrian walks and driveways shall be provided to link the additional senior citizen residential units to the existing site elements, to the extent practicable.

(5)

Density of development.

(a)

The maximum allowable intensity of development, comprised of the existing and additional senior citizen residential units, shall be as follows: 20 residential units per acre.

(b)

These limits may be modified by any incentive zoning provisions authorized by local law.

(c)

Not more than 2% of the total of the existing and additional senior citizen residential units may be devoted to use by staff employed by the owner or operator of the LN/SCD, while such staff's employment is related to the operation or maintenance of the subject property.

(8)

Land uses.

(a)

Land uses shall include senior citizen residential uses, multifamily dwellings and accessory uses such as community and civic activities and recreation uses.

(b)

All additional senior citizen residential units granted under a LN/SCD special permit shall meet the affordable housing standards adopted by Westchester County, as may be amended, from time to time.

(c)

LN/SCD special permits may be granted in all residential districts.

VI. 307-94.2 Residential Reuse Special Permit

A.

Intent and purposes. It is the intent and purpose of this section to create a special permit entitled "Residential Reuse Special Permit (RRUSP)." This special permit will allow the Town the opportunity to:

(1)

Construct new multifamily developments to replace preexisting non-conforming multifamily developments for sale or as rentals.

(2)

Provide affordable housing units within multifamily developments.

(3)

The intent is to achieve demolition of preexisting multi housing units and encourage their reconstruction as attached or semi-attached housing units.

(4)

Provide the opportunity for a wider variety of housing types in the Town, including single-family homes, condominiums, town homes and apartments for elderly and young households and families of moderate income.

(5)

Purpose. Creative reuse of smaller bungalow-type developments in the Town. Establish a more desirable living environment than would be possible through traditional subdivision in accordance with the standards established elsewhere in this article.

(6)

Master Plan. Promote a development pattern in harmony with the objectives of the Town's Master Plan; specifically, those dealing with enhanced visual appearance of the Town.

B.

Eligibility. This article creates a special permit process and sets forth standards under which properties shall be considered eligible. In order to be eligible for such legislative consideration, lands must meet the following criteria:

(1)

Existing parcel or parcels of land that contain at least three or more preexisting residential units.

(2)

Property may be developed at a maximum density of 20% over the existing number of residential units.

(3)

At a minimum, all additional units over the existing number of units shall meet the Westchester County definition of affordable housing.

Town of Eastchester – None found.

Town of Greenburgh

Town of Greenburgh Affordable Housing Provisions

I. 285-24 PUD Planned Unit Development District

A.

Statement of intent and objectives.

(1)

It is the intent of this Planned Unit Development (PUD) District to provide performance criteria in the context of flexible use and design regulations so that self-contained residential neighborhoods of varying scales may be developed, incorporating a variety of residential types and related nonresidential uses and containing both individual building sites and common property which are planned and developed as a unit.

(3)

Among the objectives which should be achieved through use of the planned unit development technique are the following:

(d)

Innovation, flexibility and variety in the type, design and layout of residential housing so as to permit greater variety in the choice of housing type, living environment, occupancy tenure and housing cost.

B.

Development standards and general requirements.

(1)

Use and density standards.

(c)

Permitted principal uses.

[1]

Dwelling units of all types.

(e)

Residential density and standards.

[1]

Density. The maximum number of dwelling units in a planned unit development shall be determined by dividing the total land area by the normally required minimum lot size for the zoning district in which it is located and subtracting 25%.

[Amended 12-10-1985]

[2]

Building types. The type of residential dwelling units permitted with a planned unit development shall be detached, semidetached and/or attached buildings and shall be subject to the conditions set forth below.

II. 285-35 UR Urban Renewal District

A.

Principal uses.

(2)

Any of the following uses, provided that the same shall be in accordance with the approved Urban Renewal Plan and that none shall be designed, used or operated so as to transmit beyond the district boundaries any offensive noise, gases, fumes, smoke, odors, dust, vibrations, glare or cause any nuisance

(c)

Residential C, housing for the elderly. Permitted use of parcels designated Residential C, housing for the elderly, shall be publicly developed multifamily dwellings such as townhouses or garden apartments for senior citizens. Also permitted shall be off-street parking and open space and recreational facilities incidental to the residential units.

III. 285-41 Supplementary multifamily housing regulations

A.

Applicability; purposes.

(1)

This section shall apply to all new multifamily developments in the following districts: M-6, M-10, M-14, M-22 and M-25. This section shall also apply to all new multifamily developments in the M-174, *CA, and *UR Districts, substituting the term "workforce" for "affordable".

**Change: The above section, located in the Housing Deskbook, did not include CA and UR Districts; this has been updated.*

(2)

This section shall not apply to any multifamily development which has received site plan approval prior to the effective date of Local Law No. 9-1996.

(3)

It is the purpose of this section to improve the public welfare by requiring the construction, in new multifamily housing developments, of affordable housing units comprising 10% of the total number of units for persons meeting the income criteria as set forth in the definition of "affordable housing," § 285-5. (HOUSING, AFFORDABLE)

Dwelling units constructed for families whose annual income does not exceed 80% of the actual Westchester County median income (not capped), as defined and periodically updated by the United States Department of Housing and Urban Development, and the annual rental cost of which does not

exceed 30% of said income or, for homeowners, the annual cost of the sum of principal, interest, taxes and insurance (PITI) and common charges, as applicable, does not exceed 30% of said income.
[Added 9-11-1996 by L.L. No. 9-1996]

C.

Affordable housing.

(1)

All multifamily housing developments shall provide for the following affordable housing:

(a)

Ten percent of all units in new multifamily housing developments shall meet the

definition of "affordable housing" as set forth in § 285-5 of this chapter.

(b)

Affordable units shall generally be distributed evenly throughout the development, though the Planning Board may use discretion in reviewing and approving distribution.

(c)

The exterior appearance of affordable units shall not distinguish them as a class from other units.

(d)

The developer and or the rental agent, condominium or cooperative board, as appropriate, shall annually certify to the satisfaction of the Town Board that the requisite number of rental affordable units have been assigned to income eligible tenants and that any new tenants of affordable units meet the income guidelines in effect when said new tenants take occupancy. Annual certifications shall include unit designations and occupant names and shall be signed by the owner or president of the cooperative or condominium board, as appropriate, and a certified public accountant.

(e)

For-sale affordable housing units shall not be resold for more than the amount that, at the then-prevailing interest rates, will result in a unit cost meeting the affordable standards set herein. For purposes of calculating affordability, payment of principal and interest shall be calculated on 90% of the sale amount. All resales shall be to buyers qualified by the condominium or cooperative board, as appropriate, to the Town Board or its designee.

(f)

The Town Board may designate such additional person(s), authorities and procedures as necessary to monitor compliance with the provisions of this section.

(g)

At the discretion of the Town Board and upon showing of good cause, affordable housing requirements for special populations may be waived. Said populations shall include the handicapped, infirm or seniors when such housing is independent-living, congregate-care or nursing-home or such other housing for special populations that the Town Board recognizes.

(2)

When a multifamily development contains 20% or more affordable units, the Town Board, Planning Board and/or Zoning Board may:

(a)

Waive certain application fees for applicants proposing to build affordable housing units in the Town of Greenburgh;

(b)

Consider increased zoning densities in multifamily zones up to but not to exceed 10% of otherwise allowable housing units;

(c)

Consider such other forms of assistance which may be under the control of the Town; and

(d)

Actively assist in obtaining assistance of federal, state or other agencies in support of affordable housing development.

IV. 250-19 Parks; open space; natural features

A.

Recreation and open space.

(1)

In order to provide adequately for the comfort, convenience, safety, health and welfare of the residents of the Town, it is necessary to establish recreational and open space areas for the public use. The Planning Board has set a standard that will provide for the eventual development of an adequate system of play lots, playgrounds, neighborhood parks, playfields and large parks or open space for the residents of the Town.

(2)

The prospective subdivider or residential site plan developer shall provide recreational

land, within the subdivision or residential development site, of suitable size and topography and suitably located. Alternatively, land and/or improvements may be provided off site at another location mutually agreeable to the developer and the Town. The amount of land and/or improvements shall be equal in value to money offered in lieu

thereof and in accordance with the schedule set forth herein. Any offer of land and/or money by the prospective subdivider or residential site plan developer shall be made by written communication to the Board. In the event that money is offered, it shall be based

containing an existing single-family dwelling, with a valid certificate of occupancy dated prior to the instant application, shall be excluded from the lot count for the purposes of computing the amount of money in lieu of land. The provision of recreational land shall also apply to planned unit development and residential site plan developments, except that money in lieu of land for these developments shall be based on the standard of \$4,320 per dwelling unit when units are offered for sale or when shares of a corporate ownership are sold resulting in a space lease and \$2,160 per dwelling unit when units are offered for rent and are deed restricted as rentals for a minimum of 20 years. If at any time during the twenty-year period, units are converted to nonrental status, an additional \$2,160 per unit shall be paid to the Town prior to conversion. Developers providing affordable housing, as defined by the Town Board in the Town Zoning Code, Chapter 285, or as modified by the Town Board, under special circumstances, may receive waivers of up to 100% of the recreation land or fee in lieu thereof. Special persons or infirm persons, housing meeting the needs of persons of moderate income other than the United States Department of Housing and Urban Development's definition of low- and moderate-income households and/or housing for special target groups, such as teachers or public employees. Housing for senior citizens, aged 60 or over, that does not qualify as affordable housing may nonetheless be eligible for a reduction in the recreational land or fee in lieu thereof to a minimum of *\$2,160(Change, see below) per unit upon special request to the Town Board and upon supplying any and all documentation said Board requires. This section shall apply to subdivision applications submitted after January 1, 1995.

* The Housing Deskbook's version of this section had the current figure (\$2,160) at \$1,000, so this figure was increased.

[Amended 5-11-1983; 11-2-1986 by L.L. No. 2-1986; 3-27-1996 by L.L. No. 2-1996; 5-10-2006 by L.L. No. 2-2006

Editor's Note: Section 4 of this local law stated the following: "Existing or prior development approvals. The provisions of this chapter do not apply to any development of property for which final approval has been obtained and not expired. Applications which have received final approval prior to the effective date of the local law shall comply with the fees in effect at the time of such approval. As used in this section, the term 'final approval' shall mean:

In the case of the subdivision of land, conditional approval of a final plat as the term is defined in New York Town Law § 276.

In the case of site plan not involving the subdivision of land, adoption by the Planning Board, or Town Board, as the case may be, of resolution granting approval."

(3)

The decision and discretion as to whether land or money shall be suitable and acceptable hereunder shall be vested exclusively in the Board in every case and not in the prospective subdivider, on the basis of the judgment of the Board as to which alternative is in the best interests of the Town in the light of the topography and land area of the site, population density, existing recreation facilities, cost of developing additional recreation facilities and all of the circumstances of each particular case.

[Amended 6-22-1993 by L.L. No. 2-1993]

(4)

The public facilities will not be accepted and the performance bond will not be released until all facilities have been completed to the satisfaction of the Town Board.

(5)

Money accepted in lieu of land shall be used only for the purpose of acquisition or development of permanent park and recreation facilities in accordance with the approved recreation development plan and in accordance with Town Law § 277. The money shall be deposited by the Town of Greenburgh in a separate fund entitled "Fund for Reserve for Acquisition and/or Development, Recreation Land," which can only be used for the aforesaid purposes. Money for single-family residential subdivisions shall be due prior to the Secretary of the Planning Board signing the subdivision plat. Money for multiple-family developments shall be due upon filing for building permits.

Town of Lewisboro

I. 220-26 R-MF Multi-family Residence District

B. Development Density

(2)

The Planning Board may authorize an increase in permitted density by not more than 40% if the applicant constructs at least 1/3 of the additional density units as middleincome dwelling units. The Planning Board shall base its determination of the appropriate number of additional density units upon consideration of the locational and environmental suitability of the specific site and the proposed development design to accommodate such an increased density.

F.

Middle-income dwelling units.

(1)

Distribution. Such units shall be available for sale, resale or continuing rental only to middle-income families, as defined in § **220-2 Definition:**

(Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of working minors (under 21 years of age) attending school full-time, shall not exceed the following multiple of the median annual Town-paid wages of all full-time employees of the Town of Lewisboro during the preceding calendar year:

	Size of Family (persons)	Multiple of Median Annual Town-Paid Wages
	1	.9
	2	1.1
	3	1.3
	4	1.4
	5	1.6
	6	1.7

Dwelling Unit	Minimum Gross Floor Area (square feet)
Efficiency	450
Fair and Affordable Housing Ordinances	
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1-bedroom	700
2-bedroom	900
	7
	1.9
3-bedroom	1,100, including at least 1 1/2 baths
	8 or more
	2.0
4-bedroom	1,300, including at least 1 1/2 baths

(2)

Property income. For property or other investments which are not returning dividends, rents or other measurable income (excluding normal household personal possessions), a yearly income of 8% of the fair market value of the investment shall be included in the family's aggregate income.)

of this chapter. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two-, three- or four-bedroom units in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Lewisboro.

(2)

Minimum floor area.

(a)

The minimum gross floor area per dwelling unit shall not be less than the following;

(b)

For purposes of this section, the Planning Board may allow paved terraces or balconies to be counted toward the minimum gross floor area requirement in an amount not to exceed 1/3 of the square footage of such terraces or balconies.

(3)

Occupancy standards. In renting or selling, the following priority schedule shall apply to middle-income dwelling units:

[Amended 5-19-1989]

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
Efficiency	1	1
1	1*	2

	2	2	4
	3	3	6
	4	5	8
	*NOTE: Only if efficiency is not available. Tenants should be transferred to efficiency when one becomes available, and the lease should so provide.		

(4)

Maximum rent and sales price. The maximum monthly rent for a middle-income dwelling unit shall not exceed 1.75%, excluding utilities (gas, oil, electricity, water and sewage), and the maximum gross sales price for a middle-income dwelling unit shall not exceed two times the maximum aggregate family income for a middle-income family as defined in § 220-2 of this chapter for the maximum size of family eligible for such unit as set forth in Subsection F(3) above, except for the efficiency unit where the maximum family size is one.

[Amended 5-19-1989]

(5)

Eligibility priorities. Middle-income families applying for middle-income dwelling units shall be selected on the basis of the following categories of priority:

[Amended 9-19-2006 by L.L. No. 1-2006]

(a)

Town of Lewisboro municipal employees.

(b)

Town of Lewisboro School District employees.

(c)

Town of Lewisboro volunteer fire fighters and/or Lewisboro Volunteer Ambulance Corps (LVAC) members.

(d)

Residents of the Town of Lewisboro.

(e)

Other persons employed in the Town of Lewisboro.

(f)

Relatives of residents of the Town of Lewisboro.

(g)

Other residents of Westchester County.

(h)

Other persons employed in Westchester County.

(i)

All others.

(6)

Selection priorities. Within each of these categories, the applicant shall be selected according to these priorities:

(a)

Families displaced by governmental action.

(b)

Families of which the head or spouse is 62 years or older.

(c)

Families of which the head or spouse is handicapped (certified by a physician).

(7)

Continued eligibility.

(a)

Applicants for middle-income rental units referred to in this section shall, if eligible and if selected for occupancy by the owner or manager of the development, sign leases for a term of no more than two years.

(b)

As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two-year renewal of the lease. If a resident's annual gross income should subsequently exceed by more than 20% the maximum then allowable, as defined in § 220-2 of this chapter and if there is at that time an otherwise eligible applicant within one of the categories in Subsection F(5) above, said resident may complete his current lease term and shall be offered a nonmiddle-income rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the middle-income dwelling unit he occupies but shall not be offered a renewal of the lease beyond the expiration of said term.

(c)

In the case of owner-occupied middle-income dwelling units, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in accordance with Subsection F(4) of this section, or the sum of the following, whichever is greater:

[1]

The actual purchase price of the unit by the home buyer.

[2]

The value not to exceed original cost of any fixed improvements made by the home buyer, and not included within Subsection F(7)(c)[1] above.

[3]

Reasonable and necessary expenses incidental to the resale.

Town of Mamaroneck

I. 240-25 Business – Mixed-Use Business District: B-MUB

(2)

Residential density.

(c)

There shall be at least one workforce housing unit for every 17 dwelling units. If the quotient derived from dividing the number of dwelling units by 17 results in a number that is not a whole number, the quotient shall be rounded down to the nearest whole number, and that whole number shall be the minimum number of workforce housing units required. "Workforce housing units" shall mean dwelling units occupied permanently by individuals

or families whose household income does not exceed 80% of the Westchester County area median income as established from time to time by the United States Department of Housing and Urban Development.

II. 240-32.1 Urban renewal areas

[Amended 5-8-1991 by L.L. No. 4-1991]

In any area determined by the Town Board to be appropriate for designation under Article XV of the General Municipal Law as an urban renewal area, one or more of the following uses shall be permitted in accord with the provisions of an adopted urban renewal plan.

A.

Any permitted or special permit use in the Business District - B, in accord with the construction requirements therefor set forth in § 240-45.

C.

Affordable multifamily dwellings, where all units comply with the definition of "affordable units" as adopted by resolution by the Town Board of the Town of Mamaroneck, to be permitted in accord with construction requirements to the extent they differ from those of the R-TA District, on sites designated on the Zoning Map.

III. 240-48.1 Business and Industrial Districts: Bulk and Dimensional Requirements - Urban renewal areas

In any area determined by the Town Board to be appropriate for designation under Article XV of the General Municipal Law as an urban renewal area, one or more of the following uses shall be permitted in accord with the provisions of an adopted urban renewal plan.

C.

Affordable multifamily dwellings as follow:

(1)

Lot requirements.

(a)

Minimum lot area: 40,000 square feet.

(b)

Minimum lot area per dwelling unit: 1,200 square feet.

(c)

Minimum depth of lot: 100 feet.

(d)

Maximum coverage of lot: 30%.

Town of Mount Pleasant

Town of Mount Pleasant Affordable Housing Provisions

I. 218-67 R-3AU District

The following regulations apply to the R-3AU District:

A.

Conversion of existing public school buildings for multifamily housing. In an R-3AU District, the Town Board may permit an existing public school to be converted and/or used for multifamily housing at the following standards and subject, in addition, to the following conditions:

[Added 11-25-1980]

(1)

The minimum lot size shall be two acres.

(2)

There shall be compliance with the standards of Columns 6 through 23 of the Schedule of Regulations, Residence Districts II,

Editor's Note: The Schedule of Regulations is included at the end of this chapter.

relating to the R-3A District, to the maximum degree considered possible by the Town Board as caused by existing conditions.

(3)

Apartments unrestricted as to occupancy, rental or sale price may be created not to exceed a density of one unit per 3,500 square feet of gross site area or approximately 12.45 dwelling units per gross acre.

(4)

Additional apartments designed in the renovated structure and occupied by one or more persons 62 years of age or older or a young family, none of whose members is older than 29 years of age, may only be established in number so as to permit up to a total number and size of apartments established by the floor area standard of 750 square feet per unit (including a proportionate share of commonly used areas, i.e., corridors, stairways, laundry rooms, etc.), set forth in Column 16 of the Schedule of Regulations, Residence Districts, II,

Editor's Note: The Schedule of Regulations is included at the end of this chapter.

for the R-3A District, when applied to the gross floor area of the existing school building will result in an apartment size averaging 750 square feet for all the units (including a proportionate share of commonly used areas, i.e., corridors, stairways, laundry rooms, etc.) in the converted public school building. Said restricted apartments shall be designed and located pursuant to a plan submitted to and approved by the Town Board.

(5)

The additional and restricted units required and established by Subsection A(4) above shall be rented, leased or sold to qualified individuals, couples or families determined by eligibility criteria set forth by the Town Board on the basis of economic or social needs, such as senior citizens who are residents of the Town of Mount Pleasant, parents of residents of the Town of Mount Pleasant or children of residents of the Town of Mount Pleasant are some of the needs to be considered, the objectives being to serve the needs of the citizens of the Town of Mount Pleasant.

(6)

The qualifications required to be met in Subsection A(5) above shall be set forth in writing and approved by the Town Board prior to the issuance of a certificate of occupancy for any use of the converted school for housing and shall be established so as to aid the process of creating and preserving the additional units as required and restricted in Subsection A(4) above and so that they may be rented, leased or sold at a cost equal to 75% of the fair market rent as established by the Town Board with the assistance of the County of Westchester or at 50% of the average rental or sales price of unrestricted units in the school, whichever is the higher rental, lease or sales figure.

(7)

The Town Board of the Town of Mount Pleasant may require proof of compliance with the special permitted use, and failure to comply with the special use may result in the revocation of the special permit for all or part of the premises.

(8)

Site plan approval by the Planning Board shall be required as to landscaping, parking, vehicular access, pedestrian usage, recreation areas and provision of utilities.

II. 218-76 Special District Regulations – Transitional districts

A.

From time to time the Town Board may zone properties for transitional use so as to lessen any adverse impact between adjacent areas and also permit an economically viable use of the property. The purpose of a Transitional T Zone is to permit appropriate use of a particular property or properties at densities and in accordance with zoning standards of higher intensity and different land use than a less restrictive abutting zone permits, thereby acting as a buffer between two possibly conflicting land uses. Transitional districts may also be useful in helping to fulfill one or more objectives of the Zoning Ordinance and the Town Development Plan.

B.

Transitional zones may be residential or nonresidential or of mixed use. Residential districts are designated "PRD-T," with specific numbers for each specific district. Nonresidential districts are designated "OB-T," with specific numbers designating specific districts. Mixed-use districts are designated "MU-T," with specific numbers designating specific districts. Districts may be further designated with more descriptive terms identifying the location, type or intensity of use.

G.

The permitted density on a PRD-T site may be increased by not more than 1/3 beyond the basic permitted density if the applicant agrees to provide affordable housing, as defined in this chapter, and if the Town Board determines that the provision of such will serve to further the purposes and intent of this section and of the Town Development Plan. The Town Board may limit this increase based upon a consideration of:

(1)

The need for additional affordable housing, taking into consideration local and regional needs.

(2)

The appropriateness of the location of the proposed site.

(3)

The suitability of the site and the proposed development design to accommodate such an increased density in terms of size, topography, traffic, availability of utilities, neighborhood character and other environmental factors.

Town of Mount Pleasant definition of affordable housing: AFFORDABLE HOUSING

A dwelling unit containing no more than 800 square feet of floor area.
[Added 5-14-1991]

III. 149-7 Parkland And Recreation Land In Developments – Fee in lieu of recreation land

When the Planning Board determines that a suitable recreation area of adequate size and character for park and recreation purposes and improved with adequate recreational facilities cannot be properly located in any such development or is otherwise not practical, the Board may require as a condition of approval of any such site plan a payment to the town of the sum required pursuant to the Town of Mount Pleasant Schedule of Fees

Editor's Note: See Ch. A224, Fees.

or any part thereof in proportion to the amount of required land and/or facilities not provided, which shall constitute a trust fund to be used by the town exclusively for neighborhood park, playground or recreation purposes, including acquisition of property.

IV. 149-8 Parkland And Recreation Land In Developments – Exemptions

D.

Accessory apartments and units required to be affordable housing shall be excluded from the application of this article.

Town of New Castle

Definition relating to affordable housing:

APARTMENT LIMITED IN OCCUPANCY TO LOW/MODERATE INCOME FAMILIES [Added 10-29-1979 by L.L. No. 16-1979] — A dwelling unit for which the maximum monthly rent does not exceed 1.75% (excluding utilities) or the maximum gross sales price does not exceed 200% of the maximum aggregate annual family income for a low/moderate-income family, as defined herein, based upon the maximum family size set forth in the table below:

Size of Dwelling Unit	Maximum Number of Occupants
-----------------------	-----------------------------

Size of Maximum Number

	Dwelling Unit of Occupants
Efficiency	1
1-bedroom	2
2-bedroom	4
3-bedroom	6
4-bedroom	8

I. 60-417. Multifamily districts. [Added 10-29-1979 by L.L. No. 16-1979]

60-417.1. General purpose and intent. *In order to provide suitable opportunities within the To wn for the development of housing designed to satisfy the needs of smaller households, particularly the young and the elderly, and of families of low/moderate income and to encourage a broad array of housing types, dwelling unit sizes and forms of ownership/occupancy, multifamily zoning districts are hereby established.* These districts are intended to encourage the construction of multifamily housing on sites determined to be appropriate, based upon criteria established in the To wn Plan and in conformance with the standards recommended therein, which standards are designed to promote the public health, safety and general welfare, and to encourage the development of housing which is responsive to the variety of special size, design, locational and economic needs of present and future residents of the To wn and the region.

II. 60-417.2. Multifamily Residence District — Chappaqua (MFR-C). It is the specific purpose and intent of the MFR-C District to provide the opportunity for and encourage the development of energy efficient multifamily housing in and adjacent to the business center of Chappaqua Hamlet. on sites served by public sewer and water and with the most convenient access o shopping, mass transportation, major roads and other community facilities and services. *It is the To wn's further objective that the MFR-C District provide both the opportunity for and encourage the construction of housing at relatively moderate prices. To help achieve these goals, the following specific standards are set forth for this district:*

60-417.21. Density. The maximum permitted density within an MFR-C District shall be determined based upon the lot area, percentage of wetlands, waterbodies and watercourses as defined in Chapter 137, Wetlands, or Chapter 64, Environmental Protection Overlay Regulations, if the property is located within an Environmental Protection Overlay District, of the Code of the To wn of New Castle, and the degree to which the proposed development is designed to achieve the planning and housing goals as set forth in this chapter and in the To wn Plan.
[Amended 7-23-2002 by L.L. No. 5-2002]

60-417.211. Basic permitted density.

[a] The basic multifamily density permitted by right in an MFR-C District, subject only to site plan approval by the Planning Board in accordance with § 60-440 of this chapter, and subdivision plat approval, if appropriate, shall be as follows:

	Minimum Gross Lot Area Requirement Per Dwelling Unit
Dwelling Unit Size (square feet)	
Efficiency (studio) apartment	2,200
1-bedroom apartment	3,300
2-bedroom apartment	4,400
3-bedroom apartment	5,500
4-bedroom apartment	6,600
1-family detached dwelling	6,600
[Amended 4-11-1990 by L.L. No. 21-1990]	

[b] The determination of dwelling unit size for the purpose of calculating the basic permitted density as described above shall in each case be made by the Planning Board, taking into consideration the floor plans proposed by the applicant and such other information as said Board may determine appropriate.

[c] The area of any wetlands, water bodies or watercourses shall first be multiplied by a factor of 0.33 before being used in accordance with the preceding gross lot-area formula to calculate the basic permitted density on a proposed multifamily development site. All actual construction, however, shall be located on each site in accordance with the requirements of Chapter 137, Watercourses, and in consideration of the need to avoid or minimize adverse environmental impacts in accordance with SEQR requirements.

60-417.212. Incentive density. Where an applicant for approval of a multifamily development within an MFR-C District agrees to provide certain special features, facilities and/or use restrictions of the types listed below and where the Planning Board determines that the provision of such will serve to further the purpose and intent of this chapter and of the Town Plan, the density within such development may be increased up to 100% beyond the basic permitted density or by so much thereof as determined appropriate by the Planning Board based upon a consideration of the number and combination of incentive features, facilities and/or use restrictions proposed, the need for them at that time, the nature and extent to which the applicant intends to provide them, the appropriateness of the location of the proposed site and the environmental suitability of the site and the proposed development design to accommodate such an increased density. In each such case the applicant must obtain a special use permit from the Planning Board pursuant to the relevant standards

and requirements of § 60-430 of this chapter.

Incentive Feature
Maximum Permitted Increase Beyond the Basic Permitted Density on Nonwetland Areas

60-417.2121. Nonwetlands areas. For that part of the basic permitted density attributable to the nonwetlands portion of any proposed multifamily development site, the types of special incentive features, facilities and/or use restrictions and the maximum permitted density increases which the Planning Board may grant for them are as follows:

Incentive Feature	Maximum Permitted Increase Beyond the Basic Permitted Density on Nonwetland Areas
1. Apartments designated for and limited in occupancy to low/moderate income families	2% for each 1% up to a maximum increase of 30%, and 1% for each 1% thereafter, up to a maximum total increase of 50%
2. Senior citizen apartments	1% for each 2%
3. Apartments designed for and limited to handicapped persons	2% for each 1%, up to a maximum increase of 10%
4. Rental apartments	1% for each 4%
5. Underground or underbuilding parking, including maneuvering areas	2% for each 5% of the gross number of required off-street parking spaces provided underground or under principal buildings
6. Recreation facilities, including, without limitation, swimming pools, tennis courts, community centers, etc.	15%
7. Substantially increased setbacks or special buffer screening techniques, including, without limitation, earth berms, masonry walls, etc.	10%
8. The construction of related off-site improvements, including, without limitation, the improvement of neighboring access	15%

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	roads, drainage facilities, etc.	
9.	The dedication of land and/or facilities for a public purpose, provided that the Town Board agrees to accept such dedication	15%
10. ¹⁹	Such other special design features or facilities as may be requested or approved by the Planning Board	15%

- i. Persons employed in the Town of New Castle;
- ii. Residents of the Town of New Castle, in order of length of residence in the Town; and
- iii. All others.

However, the foregoing eligibility priorities for any such special units shall apply only among persons who offer the same gross purchase price or monthly rent to the seller or lessor of such unit.

60-417.2122. Wetland areas. Any incentive density increase in the basic permitted density attributable to that portion of a site consisting of wetlands, water bodies or watercourses shall be based upon consideration of the following incentive criteria by the Planning Board, in lieu of those criteria set forth for nonwetland areas in Subsection 60-417.2121 above:

- i. The locational value of the wetland, water body or watercourse for buffer screening, open space or conservation purposes.
- ii. The importance of the environmental function(s) served by the wetland, water body or watercourse and the extent to which such function will be preserved or enhanced as a part of the proposed site development plan.
- iii. The site design and functional relationship between the wetland, water body or watercourse and the proposed multifamily

development.

III. 60-417.3. Multifamily Residence District — Millwood (MFR-M). It is the specific purpose and intent of the MFR-M District to provide both the opportunity and encouragement for the development of moderately high-density, energyefficient, multifamily housing in and around the center of the Millwood Hamlet on sites served by public or community sewer and water systems and with convenient access to shopping and major roads. *It is the To wn’s further objective that the MFR-M District provide both the opportunity for and encourage the construction of housing at relatively moderate prices. To help achieve these goals, the standards for this District shall be the same as those set forth in Subsection 60-417.2 above for the MFR-C District, except as modified below:*

**Minimum Gross Lot Area
 Requirement Per
 Dwelling Unit**

	Dwelling Unit Size (square feet)
Efficiency (studio) apartment	3,300
1-bedroom apartment	4,950
2-bedroom apartment	6,600
3-bedroom apartment	8,250

**Minimum Gross Lot Area
 Requirement Per
 Dwelling Unit**

Dwelling Unit Size (square feet)
 4-bedroom apartment 9,900
 1-family detached dwelling 9,900
 [Amended 4-11-1990 by
 L.L. No. 21-1990]

IV. 60-417.4. Multifamily Planned Development District (MFPD). No references to affordable housing, however, a reference to incentive density does exists but is not elaborated on in the zoning text:

60-417.424. Density. The permitted basic and incentive densities within an MFPD District shall be calculated as in the MFR-C District, except that they shall be based upon the following minimum lot area standards:

**Minimum Gross
 Lot Area
 Requirement Pe r
 Dwelling Unit**

	Dwelling Unit Size (square feet)
Efficiency (studio) apartment	4,400
1-bedroom apartment	6,600
2-bedroom apartment	8,800
3-bedroom apartment	11,000
4-bedroom apartment	13,200
1-family detached dwelling [Amended 4-11-1990 by L.L. No. 21-1990]	13,200

The granting of any incentive density increase within an MFPD District and the amount of such increase shall be determined by the

agency responsible for the approval of the preliminary development concept plan.

***In addition, accessory apartments are permitted within the MFPD District; though no explicit reference is made to affordable housing, the presence of accessory apartments may imply affordable housing:**

60-417.53. Apartment size. The floor area for an accessory apartment within a principal dwelling building shall be at least 300 square feet, but in no case shall it exceed the lesser of 1,000 square feet or 30% of the total area of the dwelling building in which it is located, unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the characteristics of the particular building, which may include but not be limited to consideration of its existing floor plan and structural characteristics. The floor area for an accessory apartment located in an accessory building shall be at least 300 square feet, but in no case shall it exceed 1,000 square feet. There shall be no more than two bedrooms in any accessory apartment.

60-417.531. Requirements for construction, alteration or enlargement:

A. A principal dwelling building may be altered, enlarged or constructed to accommodate an accessory apartment, provided that such alteration, enlargement or construction conforms to the other requirements of this chapter, unless a variance therefor shall be granted by the Zoning Board of Appeals upon a showing of unnecessary hardship as required for the granting of a use variance under § 60-543.22.

B. An accessory building may be altered, enlarged or constructed to accommodate an accessory apartment, provided that such alteration, enlargement or construction conforms to the other requirements of this chapter, unless a variance therefor shall be granted by the Zoning Board of Appeals upon a showing of unnecessary hardship as required for the granting of a use variance under § 60-543.22 and, if such alteration or enlargement is of an existing accessory building, the Planning Board finds that such alteration or enlargement is warranted by the characteristics of the particular building, which may include but not be limited to consideration of desirable functional and aesthetic modifications, and will not produce a result that is inconsistent with the purposes of this chapter.

60-417.54. Number of accessory apartments per lot. There shall be no more than one accessory apartment permitted on a one-family building lot.

V. 60-437.9D1. Housing for families displaced by domestic disturbance (“HFDD shared residence”) shall be owned and operated by a not-for-profit corporation, duly licensed and authorized to provide short-term housing for men and women and their dependent children who need temporary shelter when they are displaced from their homes because of domestic disturbance. The residents of an HFDD shared residence shall share kitchen, dining, bathroom and recreational facilities. An HFDD shared residence shall not include a rooming house as defined in this chapter or a safe home network or domestic violence safe dwelling as these uses are defined in the New York State Department of Social Services Regulations, as same may be amended from time to time. For purposes

of this section, "short-term housing" shall mean a period not to exceed three consecutive months, subject to not more than one extension not exceeding 45 days, granted on a case-by-case basis, pursuant to New York State Department of Social Services licensing regulations. [Added 4-23-1996 by L.L. No. 4-1996] 60-437.9D2. Location. [Added 4-23-1996 by L.L. No. 4-1996]

[a] The special use provided for by this section shall be permitted only in principal buildings existing on July 1, 1995, which are located in R-1/4A or R-1/2A One-Family Residence Districts on lots containing an area of 20,000 square feet or more and within 1/2 mile of a business district and one mile of a railroad station or a regular stop on a bus route which will provide the occupants with transportation to a railroad station, stores and other community facilities and services.

[b] No HFDD residence shall be located closer than one mile to any other facility established pursuant to this § 60-437.9D. This distance shall be measured along a straight line connecting the two closest points of each property line.

60-437.9D11. Duration of special permit. Special use permits granted pursuant to this section shall be valid for five consecutive years commencing on the date the resolution granting the permit is filed in the Town Clerk's office, provided that such permits shall be renewable upon the demonstration by the applicant to the Zoning Board of Appeals that the residence has been operated in compliance with all requirements of its permit and of this section and is not at the time of such renewal in violation of any applicable federal, state or municipal law, rule or regulation. Each renewal period shall be valid for a period of five consecutive years commencing on the date of filing of the resolution granting renewal in the office of the Town Clerk. [Added 4-23-1996 by L.L. No. 4-1996]

VI. 60-417.5. [Amended 7-7-1981 by L.L. No. 6-1981; 3-9-1982 by L.L. No. 3-1982; 6-9-1987 by L.L. No. 5-1987; 5-22-1990 by L.L. No. 26-1990; 6-25-1991 by L.L. No. 13-1991; 10-8-2002 by L.L. No. 10-2002 24] Accessory apartments in one-family residence districts. It is the specific purpose and intent of allowing accessory apartments on one-family properties in all one-family residence districts to provide the opportunity and encouragement for the development of small, rental housing units designed, in particular, to meet the special housing needs of single persons and couples of low and moderate income, both young and old, and of relatives of families presently living in New Castle. Furthermore, it is the purpose and intent of this provision to allow the more efficient use of the Town's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income and to protect and preserve property values. To help achieve these goals and to promote the other objectives of this chapter and of the Town Development Plan, the following specific standards are set forth for such accessory apartment uses:

60-417.51. Owner occupancy required. An owner of the one-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units on the premises as a principal residence.

60-417.52. Location on the lot. An accessory apartment may be located either in the principal dwelling building or in an accessory building, provided that such principal dwelling building or accessory building conforms to the other requirements of this chapter, unless a variance therefor shall have been granted by the Zoning Board of Appeals. An accessory apartment shall not be located in space originally designed to

be used for the indoor storage of vehicles, unless such space is in excess of that which is needed to satisfy the minimum off-street parking requirement for the existing principal use on the subject property or unless an alternative location for such parking satisfactory to the Planning Board is provided. Such alternative location may include but shall not be limited to newly constructed garage space or an outdoor parking area that is adequately buffered to visually screen its location from adjacent streets and residences on abutting lots.

60-417.53. Apartment size. The floor area for an accessory apartment within a principal dwelling building shall be at least 300 square feet, but in no case shall it exceed the lesser of 1,000 square feet or 30% of the total area of the dwelling building in which it is located, unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the characteristics of the particular building, which may include but not be limited to consideration of its existing floor plan and structural characteristics. The floor area for an accessory apartment located in an accessory building shall be at least 300 square feet, but in no case shall it exceed 1,000 square feet. There shall be no more than two bedrooms in any accessory apartment.

60-417.531. Requirements for construction, alteration or enlargement:

A. A principal dwelling building may be altered, enlarged or constructed to accommodate an accessory apartment, provided that such alteration, enlargement or construction conforms to the other requirements of this chapter, unless a variance therefor shall be granted by the Zoning Board of Appeals upon a showing of unnecessary hardship as required for the granting of a use variance under § 60-543.22.

B. An accessory building may be altered, enlarged or constructed to accommodate an accessory apartment, provided that such alteration, enlargement or construction conforms to the other requirements of this chapter, unless a variance therefor shall be granted by the Zoning Board of Appeals upon a showing of unnecessary hardship as required for the granting of a use variance under § 60-543.22 and, if such alteration or enlargement is of an existing accessory building, the Planning Board finds that such alteration or enlargement is warranted by the characteristics of the particular building, which may include but not be limited to consideration of desirable functional and aesthetic modifications, and will not produce a result that is inconsistent with the purposes of this chapter.

VII. 60-437.91. Purpose and intent. It is the specific purpose and intent of permitting MFDRD's to allow a low-density form of multifamily housing on the Town's remaining large parcels of residentially zoned land so as to add to the variety of housing forms presently and potentially available in New Castle, to encourage the preservation of open space and natural features, to obtain the most environmentally and economically sound forms of residential development in accordance with modern planning design criteria and to otherwise achieve social, environmental and economic benefits in accordance with the Town Plan and for the benefit of all present and future residents of New Castle and the region.

60-437.924. Density. The basic permitted density within an approved MFDRD shall be calculated as in the MFR-C District, except that it shall be based upon the following minimum lot area standards:

Dwelling Unit Size	Minimum Gross Lot Area Requirement Per Dwelling Unit by Zoning District (square feet)		
	R-1/2A	R-1A	R-2A
Efficiency (studio) apartment	7,500	15,000	30,000
1-bedroom apartment	11,250	22,500	45,000
2-bedroom apartment	15,000	30,000	60,000
3-bedroom apartment	18,750	37,500	75,000
4-bedroom apartment	22,500	45,000	90,000
1-family detached dwelling [Amended 4-11-1990 by L.L. No. 21-1990]	22,500	45,000	90,000

The maximum permitted incentive density increase within an approved MFDRD shall be determined by the Planning Board as in the MFR-C District, except that it shall be limited to a total of not more than 20% of the basic permitted density.

60-437.9241. Nonwetland areas. The density increase attributable to the nonwetland portion of the site shall be determined in accordance with the following schedule of incentive features and corresponding permitted density increases:

Incentive Feature	Maximum Permitted Increase Beyond the Basic Permitted Density on Nonwetland Areas
1. Senior citizen apartments	1% for each 10%
2. Recreation facilities, including without limitation swimming pools, tennis courts, community centers, etc.	5%
3. The construction of related off-site improvements, including without limitation the improvement of neighboring access roads, drainage facilities, etc.	10%
4. The dedication of land and/or facilities for a public purpose, provided that the Town Board agrees to accept such dedication	5%
5. ³⁷ Such other special design features or facilities as may be requested or approved by the Planning Board	5%

60-437.9242. Wetland areas. The criteria for approving any density increase attributable to the wetlands portion of any site shall be those set forth in Subsection 60-417.2122 of this chapter.

VIII. 60-437.9B. Senior citizens shared residences. [Added 1-23-1990 by L.L. No. 1-1990]

60-437.9B1. Use. A senior citizens shared residence (“residence”) shall be owned and operated by a not-for-profit corporation or other such entity, providing rental housing at reasonable cost for senior citizens of modest means, aged 55 years or older, and their spouses who may be under 55 years, who are capable of living independently and utilizing shared kitchen, dining, bathroom and recreational facilities. A senior citizens shared residence shall not include a nursing home or a rooming house.

60-437.9B2. Location. The special use provided for by this section shall be permitted only in structures existing on January 1, 1990, located in R-1/4A One-Family Residence Districts on lots containing an area of 20,000 square feet or more, provided that the proposed site is within 1/2 mile of a business district and within one mile of a railroad station or regular stop on a bus route which will provide the residents with transportation to a railroad station, stores and other community facilities and services.

60-437.9B3. Buffer area. A landscaped buffer area, meeting at least the minimum requirements of § 60-424.2 of this chapter, shall be required along all lot lines.

60-437.9B4. Occupancy. The number of occupants residing in a senior citizens shared residence shall not exceed one occupant per 450 square feet of living space. The foregoing notwithstanding, there shall be one bedroom per occupant, and each occupant shall have his or her own bedroom, provided that the number of bedrooms shared by couples living as husband and wife in any such residence shall not exceed 1/3 of the number of bedrooms in such residence. As used in this § 60-437.9B4, the term "living space" shall mean the number of square feet in the residence to be utilized by the residents for bedroom, bathroom, kitchen, dining and shared living purposes.

IX. 10-1 Housing Agency – Purpose

The purpose of this chapter is to provide control and administration of occupancy of density bonus apartments created under the multifamily portion of Chapter 60, Zoning, for special population categories.

X. 10-2 Housing Agency – Establishment

The Town Board hereby establishes a Town Housing Agency, which shall be responsible for the administration of the requirements in the Town Code with regard to those apartments designated or restricted in a multifamily development as a result of granting of density incentives for low or moderate income occupancy, senior citizen occupancy, handicapped occupancy or rental occupancy, as well as for the promulgation of such rules and regulations as may be necessary to implement such requirements. Until the establishment of such an agency, the Housing Advisory Committee appointed by the Town Board shall be considered empowered to exercise all the functions of such agency.

X. 10-4 Housing Agency – Low or moderate-income apartments

A.

Upon receipt of an application for the issuance of a certificate of occupancy for any apartment which is located in a development for which density incentives have been granted for low- or moderate-income housing apartments or at such earlier time as may be requested by the developer, but not prior to the issuance of a building permit, the Building Inspector shall send a copy of such application to the Town Housing Agency, which shall then inform the owner, within 30 days, of the maximum rental or sales charge which may be established for any low- or moderate-income apartment designated in the development and the maximum annual gross family income for eligibility for occupancy of said apartment.

B.

No certificate of occupancy may be issued by the Building Inspector on such a development until the Agency has notified the owner of such maximum rental or sales charges.

C.

The Agency shall certify as to the eligibility of all applicants for rental or sales of low- or moderate-income apartments and shall annually reexamine or cause to be reexamined each occupant family's eligibility. An owner shall lease or sell apartment only to a person who has received a certificate of eligibility issued by the Agency. Violations of this provision shall constitute grounds for revocation of a certificate of occupancy.

D.

On or before March 31 of each year thereafter, the Town Housing Agency shall notify the owner or manager of each multifamily development containing low- or moderate-income density incentive apartments and the owner of all such apartments of the rent, sales and income eligibility requirements for such apartments based upon figures derived from the preceding calendar year.

E.

The owner or manager of such multifamily development and owner of each such apartment shall certify to the Town Housing Agency on or before May 31 of each year that the current occupancy of all density incentive apartments complies in all respects with the terms of this chapter.

F.

Continued eligibility. Applicants for low- or moderate-income rental apartments referred to in this section shall, if eligible and if selected for occupancy by the owner or manager of the development, sign leases for a term of not more than two years.

G.

As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two-year renewal of the lease. If a resident's annual gross income should subsequently exceed by more than 20% the maximum then allowable, as defined in § 60-210 of Chapter **60**, Zoning, and if there is at that time an otherwise eligible applicant within one of the categories, said resident may complete his current lease term and shall be offered a non-low- or moderate-rental apartment available in the development at the termination of such lease, if available. If no such apartment shall be available at said time, the resident may be allowed to sign one additional year lease for the low- or moderate-income apartment he occupies, but shall not be offered a renewal of the lease beyond the expiration of said additional year.

H.

In the case of owner-occupied low- or moderate-income apartments, the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then maximum sales price for said apartment, as determined in accordance with Subsection **F**, Continued eligibility, above or the sum of the following, whichever is greater:

(1)

The amount of any principal payment made by the home buyer.

(2)

The remaining principal of any mortgages.

(3)

The value of any fixed improvements made by the home buyer and not included within the above provisions.

(4)

Reasonable and necessary expenses incidental to the resale.

XI. 10-5 Housing Agency – Senior citizen and handicapped apartments

A.

The developer or owner of a project for which senior citizens or handicapped density incentive apartments have been granted shall transmit to the town (before issuance of a certificate of occupancy) the following data with reference to all such density incentive dwelling apartments in a development in sufficient detail for identification of each apartment: building number; apartment designation; tax lot number; approximate square foot area; location; number of rooms; the portions of the common elements to which the apartment has immediate access or the right to exclusive use; and the percentage of interest in the common elements.

B.

Each of the senior citizen or handicapped apartments shall be offered for sale or lease to qualified senior citizens or handicapped persons, as the case may be, for a period of 60 days from the date that the developer files in the office of the Town Clerk of the Town of New Castle a certificate or letter informing the town that the Attorney General of the State of New York has authorized the sponsor to offer the apartments for sale or that they are ready to be offered for rent, except, if the developer lowers the offering price or rental amount of any of the senior citizen or handicapped apartments, then, with respect to those apartments only, the developer shall file a second certificate in the office of the Town Clerk setting forth such lower price or rental, and the new starting date shall be the date of this second filing. Upon the expiration of the sixty-day period, any unsold or unrented senior citizen or handicapped apartment may be offered for sale or lease by the developer to any person, whether or not he or she is a qualified senior citizen or handicapped person, and the Town Clerk shall, at the request of the developer, issue a certificate stating that the developer had complied with these provisions by setting forth the applicable offering date and terms with respect to any or all of the senior citizen and handicapped apartments. The same procedure is to be followed thereafter if the developer or subsequent owner desires to further lower the selling price of the apartment or offer more favorable terms.

C.

Each apartment described herein as a "senior citizen apartment" or "handicapped person apartment," whether or not initially or hereafter sold or leased to a qualified senior citizen or handicapped person, shall be and remain a senior citizen or handicapped person apartment as the case may be and shall be subject to the following restrictions upon its resale or rental.

(1)

At such time as the owner of a senior citizen or handicapped apartment desires to sell or lease his or her apartment, the owner shall file a written notice in the office of the Town Clerk. The notice shall state the name of the apartment owner, a description of the apartment, the selling price of the apartment, the terms of sale, the proposed closing date or the lease terms, in the case of a rental, and the name, the telephone number and the address of the person prospective purchasers or tenants should contact.

(2)

The owner of a senior citizen or handicapped apartment may sell or lease such apartment only to a qualified senior citizen or handicapped person for a period of 30 days after the filing of the notice in the office of the Town Clerk. After the expiration of the thirty-day period, the owner may sell or lease his or her apartment to any purchaser or tenant at a price and on terms or at a rental no less favorable than those contained in the notice, and the Town Clerk shall, at the request of the owner, issue a certificate stating that the owner had complied with these provisions by setting forth the applicable offering date and terms with respect to any or all of the senior citizen and handicapped apartments.

(3)

If the owner desires to lower the selling price or rent of the apartment or offer more favorable terms than those set forth in the notice, he or she shall file a second notice in the office of the Town Clerk stating the new, more favorable price and terms of sale or rental, as the case may be. For a period of 30 days after the filing of the second notice, the apartment owner may sell or lease such apartment only to a qualified senior citizen or handicapped person at a price or rent and on terms no less favorable than those contained in the second notice. After the expiration of the thirty-day period, the owner may sell or lease his or her apartment to any purchaser or tenant at a price and on terms, or at a rental no less favorable than those contained in the notice, and the Town Clerk shall, at the request of the owner, issue a certificate stating that the owner has complied with these provisions by setting forth the applicable offering date and terms with respect to any or all of the senior citizen apartments and handicapped apartments. The same procedure is to be followed thereafter if the owner desires to further lower the selling price or rent of the apartment or offer more favorable terms.

(4)

The senior citizen and handicapped apartments shall be encumbered by the foregoing restrictions upon the initial sale of each such apartment and upon the resale or rental of each such apartment whether or not such apartments are sold or leased to qualified senior citizens or handicapped persons unless such restrictions are removed by a resolution of the Town Board of the Town of New Castle and a declaration is filed in the office of the County Clerk of Westchester County, Division of Land Records.

D.

Nothing contained in this § 10-5 shall be deemed to supersede the power of attorney granted by each apartment owner to the Board of Managers of any condominium. If the Board of Managers acquires title to or leases any senior citizen or handicapped apartment, it shall be bound by this restriction in the further resale or rental of any such apartment.

E.

The provisions of this § 10-5 to the contrary notwithstanding:

(1)

An apartment owner may transfer his or her apartment to his or her spouse without having to follow the notice procedure set forth above.

(2)

An apartment owner may transfer his or her apartment to his or her children or to any one or more of them without having to follow the notice procedures set forth above, provided that the apartment continues to be occupied by a

qualified senior citizen or handicapped person, as the case may be, and provided that within 30 days after the apartment is no longer occupied by a qualified senior citizen or handicapped person it shall be offered in the manner described in § 10-5C(3).

(3)

An apartment owner may devise his or her apartment by will or have it pass by intestacy, but, unless the apartment continues to be occupied by the apartment owner's spouse or by a qualified senior citizen or handicapped person, it shall be offered for sale in the manner described in § 10-5C(3) within three months after the date of the appointment of a personal representative of the deceased apartment owner.

(4)

The notice procedures set forth above shall not apply if an apartment becomes the subject of a foreclosure, judgment or lien sale.

(5)

In any event, however, any succeeding apartment owner shall be bound by, and his or her apartment shall be subject to, the restrictions set forth in this § 10-5.

XII. 10-6 Housing Agency – Distribution of density incentive apartments

The density incentive apartments shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two-, three- or four-bedroom apartments in the same proportion as all other apartments in the development, unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of New Castle. The Planning Board shall refer all development proposals which include proposed density incentive apartments to the Town Housing Agency for report at least 30 days prior to taking any formal action with respect to the approval or disapproval of such density incentive apartments.

XIII. 10-7 Housing Agency – Assessment

The encumbrance on the density incentive apartments shall be taken into consideration by the Town Assessor in determining the full value basis for assessments on such units.

XIV. 10-8 Housing Agency – Certificates of occupancy

All certificates of occupancy issued for apartments which have been designated as density incentive apartments for low- or moderate-income families, senior citizens or handicapped persons shall be endorsed with a notation that occupancy of such apartments is conditioned upon continued compliance with the provisions of this chapter, Chapter 60, Zoning, and all regulations issued thereunder.

Town of North Castle

I. 213-22 District Regulations – Additional Multifamily Residence District Regulations

Multifamily (R-MF). In an R-MF District, all such uses shall be subject to site plan approval in accordance with Article **VIII** of this chapter.

A.

Intent. This district is established in order to increase the supply of dwelling units suitable for smaller families or individuals, to preserve significant open space, to secure superior land planning and to increase the supply of moderate-cost housing. In addition, this district shall promote the creation of middle-income dwelling units in proximity to the downtown area in order to mitigate existing parking conditions and to promote business activity within the hamlet area. Site location shall conform to the standards set forth in the Town Development Plan.

[Amended 3-24-1994 by L.L. No. 4-1994]

B.

Allowable density.

[Amended 12-13-2006 by L.L. No. 28-2006]

(1)

Maximum density. The maximum gross density shall not exceed one density unit, as defined in § **213-3** of this chapter, per 25,000 square feet of net lot area, as defined in Subsection **B(2)**, ***except that the maximum permitted density may be increased by not more than 45% if the applicant constructs at least 40% of the increase as middle-income dwelling units.*** The Planning Board may limit the increase in density where the Board determines that such may be necessary or appropriate because of the specific characteristics of the individual site.

(2)

Net density. To further the achievement of the objectives of the State Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law), the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law), the North Castle Town Wetlands and Drainage Law,

Editor's Note: See Ch. 209, Wetlands and Drainage.

the North Castle Town Environmental Quality Review Law,

Editor's Note: See Ch. 99, Environmental Quality Review.

the North Castle Town Development Plan and § **213-17** of this chapter, the lot area used in the calculation of maximum density in the R-MF District shall be "net lot area," as defined herein.

C.

Bedrooms. The Planning Board shall be responsible for determining the number of bedrooms in each dwelling unit, in connection with its review of site development plans.

I.

Middle income dwelling units.

(1)

Distribution. Such units shall be available for sale, resale or continuing rental only to middle-income families as defined in § 213-3 of this chapter. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Town Board and shall be distributed among efficiency, one- , two- , three- or four-bedroom units in the same proportion as all other units in the development unless a different proportion or location is approved by the Town Board as being better related to the housing needs of residents, current or projected, of the Town of North Castle. In the event that such middle-income dwelling units are developed off site, the Town Board shall ensure that the property upon which such units are developed meets the following criteria: the middle-income property is owned or controlled by the applicant at the time of approval; the middle-income property is located within 3,000 linear feet of the R-MF property; and the middle-income property is located within 1,000 feet of retail shopping, and the site is either zoned R-MF or has qualified under § 213-330 for multifamily conversion as defined therein.

[Amended 3-24-1994 by L.L. No. 4-1994]

(2)

Minimum floor area.

(a)

Minimum gross floor area per dwelling unit shall not be less than the following:

[1]

Efficiency: 450 square feet.

[2]

One-bedroom: 700 square feet.

[3]

Two-bedrooms: 900 square feet.

[4]

Three-bedrooms: 1,100 square feet, including at least 1 1/2 baths.

[5]

Four-bedrooms: 1,300 square feet, including at least 1 1/2 baths.

(b)

For purposes of this section, the Planning Board may allow balconies or paved terraces to be counted toward the minimum gross floor area requirement in an amount not to exceed 5% of that requirement.

(3)

Occupancy standards. In renting or selling, the following schedule shall apply to middle-income dwelling units:

Number of Bedrooms	Number of Persons Minimum	Maximum
Efficiency	1	1
1	1*	2
2	2	4
3	3	6
4	6	8

NOTE: *Only if an efficiency is not available. Tenants should be transferred to an efficiency when one becomes available, and the lease should so provide.

(4)

Maximum rent and sales price.

(a)

Rental. The maximum monthly rent for a middle-income dwelling unit shall not exceed 1.8%, excluding utilities (gas, oil and electricity), or 2.0%, if utilities are included, of the maximum aggregate family income for a middle-income family as defined in § 213-3 of this chapter for the maximum size of family eligible for such unit as set forth in Subsection I(3) above.

(b)

Sales. The maximum gross sales price for a middle-income unit shall not exceed two times the maximum aggregate family income for a middle-income family as defined in § 213-3 of this chapter for the maximum size of family eligible for such unit as set forth in Subsection I(3) above. In addition, a one-percent inflation rate per year of ownership (not compounded) may be added to original purchase price contingent upon the owner(s) demonstrating to the Housing Board that the MIU has been maintained in excellent condition. Application of the annual percentage increase shall be subject to the discretion of the Housing Board based solely upon the condition of the MIU.

[Amended 9-10-2008 by L.L. No. 16-2008]

(c)

Mortgages. The applicant shall, if possible, obtain from the lending institution chosen for the development a commitment to provide, for all middle-income units, mortgages for up to 95% of unit cost, or for the maximum amount for which the mortgagor qualifies, whichever is less.

(5)

Eligibility priority list; residency requirement.

[Amended 3-24-1994 by L.L. No. 4-1994; 7-20-1995 by L.L. No. 5-1995]

(a)

Eligibility priority list.

[1]

For the purpose of these regulations, the minimum residency requirement is as follows:

[a]

North Castle: two years.

[b]

Westchester County: two years.

[2]

Whenever the applicant qualifies in more than one category, the highest point value within each section applies. The point values of each section are then added together to arrive at the total point value. The "applicant" shall be defined as any individual member of a family whose income is included in the eligibility requirements of § 213-22 of this article.

[3]

The priority list shall be as follows:

Section	All others Category	Point Value
2	North Castle municipal employee, full-time, minimum of 24 months	5
	North Castle head of family, over 62 years of age, full-time, minimum of 24 months, together with spouse who is also a North Castle municipal employee, full time, minimum of 24 months	7
	Nonresident relative, over 62 years of age, of a qualified Town	3
	Other persons employed in North Castle	2

	Other persons employed in Westchester County	1
3	A Town of North Castle school district employee, full-time, minimum of 24 months	5
	A Town of North Castle school district employee, full-time, minimum of 24 months, together with spouse who is also a North Castle school district employee, full-time, minimum of 24 months	7 1/2
4	North Castle Volunteer Fire Department member, minimum of 24 months consecutive service	5
	North Castle Volunteer Fire Department member, minimum of 24 months consecutive service, together with spouse who is also a North Castle Volunteer Fire Department member, minimum of 24 months consecutive service	7 1/2
	North Castle Volunteer Fire Department member, minimum of 60 months consecutive service	8
5	Veterans of United States Armed Services	3
6	Physically handicapped resident of North Castle, certified by a physician	4
	Physically handicapped relative of North Castle resident, certified by a physician	3
7	Former resident of North Castle, minimum of 10 years	3
	Former North Castle MIU owner	2
8	Growing family, already in a North Castle MIU	5
9	Resident of Westchester County	2

(b)

Owner to be resident. Each MIU shall be the only residence of its owner. All eligible applicants who are owners of any other residence shall satisfy the Housing Board of the purchase of an MIU. For the purposes of

these regulations, real estate used by the applicant to derive income shall be excluded. Such income is to be calculated in determining the applicant's gross annual family income.

(6)

Editor's Note: Former Subsection I(6), dealing with selection priorities, was repealed 7-20-1995 by L.L. No. 5-1995. This local law also provided for the renumbering of former Subsections I(7) through I(9) as Subsections I(6) through I(8), respectively.

Continued eligibility.

(a)

Rental. Applicants for middle-income rental units referred to in this section shall, if eligible and if selected for occupancy by the owner or manager of the development, sign leases for a term of no more than two years. As long as a resident remains eligible and has complied with the terms of the lease, said resident shall be offered a two-year

renewal of the lease. If a resident's annual gross income should subsequently exceed by more than 20% the maximum then allowable, as defined in § 213-3 of this chapter, and if there is at that time an otherwise eligible applicant within one of the categories in Subsection I(5) above, said resident may complete his current lease term and shall be offered a non-middle-income rental unit available in the development at the termination of such lease term, if available. If no such dwelling unit shall be available at said time, the resident may be allowed to sign one additional one-year lease for the middle-income dwelling unit he occupies but shall not be offered a renewal of the lease beyond the expiration of said term. An MIU owner shall provide the Housing Board with a letter stating the owner's intent to make an MIU unit available for re-rental. Upon receipt of the letter, the Housing Board shall make an appointment to inspect the unit prior to the unit being advertised for rent. The purpose of the inspection shall be to evaluate and document the condition of the unit. In the event an MIU is not habitable or not in resale condition, the Housing Board reserves the right to require the MIU owner to make any necessary repairs.

[Amended 9-10-2008 by L.L. No. 16-2008]

(b)

Sales.

[Amended 7-20-1995 by L.L. No. 5-1995]

[1]

In the case of owner-occupied middle-income dwelling units, the title to said property shall be restricted, so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in accordance with Subsection I(4)(b) of this section, or the sum of the following, whichever is less:

[Amended 12-18-1997 by L.L. No. 8-1997]

[a]

The amount of any principal payment made by the home buyer.

[b]

The remaining principal on any mortgage(s).

[c]

The value of any eligible fixed improvements, as permitted below, and not included with Subsection I(6)(b)[1][a] or [b] above. Eligible fixed improvements for homeowners of middle-income units:

[Amended 9-10-2008 by L.L. No. 16-2008]

[i]

In order to qualify as an eligible fixed improvement, each expenditure shall be approved conditionally in advance by the Town Housing Board.

[ii]

The homeowner shall submit in advance to the Town Housing Board detailed plans for each proposed eligible fixed improvement and an itemization of the expected costs.

[iii]

The Town Housing Board shall review the proposal and conditionally approve eligible fixed improvements within 30 days or shall indicate the reasons denying the proposal.

[iv]

If an item wears out prior to the determined life expectancy as indicated in § 213-221(6)(b)[1][c][xii], approval from the Town Housing Board shall be obtained prior to the replacement of the item. Within 30 days after review of the fixed improvement request, the Town Housing Board shall notify the homeowner in writing whether or not the proposed expenditure is approved conditionally as an eligible fixed improvement.

[v]

Within 60 days after a proposed eligible fixed improvement has been completed, the homeowner shall apply for final approval by the Town Housing Board for the eligible fixed improvement. Complete documentation demonstrating all costs of the improvement shall be submitted to the satisfaction of the Housing Board and include the following information:

[A]

Written request for fixed improvement credit.

[B]

Itemized original receipt or original bill of sale, complete with the seller's name, address, phone number and canceled check.

[vi]

Within 60 days after the review of the fixed improvement request, the Town Housing Board shall

[vii]

If bartered goods or services were included in the cost, the homeowner shall submit an independent valuation of the value of those goods or services to the satisfaction of the Town Housing Board. If labor of the homeowner, the homeowner's spouse, children or parents for construction work is included within the cost, a detailed account of the work and time spent on the work shall be submitted along with two current estimates of the value of that work by at least two construction contractors licensed by Westchester County to the satisfaction of the Town Housing Board.

[viii]

The Town shall have the right to inspect the property at times that are mutually convenient to the Town and the homeowner to confirm that the eligible fixed improvements have been completed in a workmanlike manner and the reasonable value of the improvement. If the Town, in its reasonable discretion, is unsatisfied with the documentation provided by the homeowner, it may base its determination of the value of the improvements upon an estimation provided by an objective third-party professional.

[ix]

At the conclusion of this process, the Town Housing Board shall send a written statement of determination regarding the fixed improvement status to the homeowner.

[x]

Eligible fixed improvements shall not exceed a total of 0.5% of the original purchase price for the first complete calendar year during which the homeowner possessed the property if the homeowner purchased the property after September 10, 2008. Thereafter, the yearly limit shall be 1.0% of the original purchase price for each subsequent year of homeownership. The owner may include within the limit for eligible capital improvements an amount up to the total produced by adding together all of the yearly limits for each completed calendar year during which the owner has owned the property.

For properties purchased prior to September 10, 2008, fixed improvements authorized pursuant to § ~~213-221~~(6)(b)[1][c][xiv] shall be permitted. All other fixed improvements shall not exceed a total of 0.5% of the original purchase price for the first complete calendar year after September 10, 2008. Thereafter, the yearly limit shall be 1.0% of the original purchase price for each subsequent year of homeownership. The owner may include within the limit for eligible capital improvements an amount up to the total produced by adding together all of the yearly limits for each completed calendar year subsequent to September 10, 2008.

[xi]

Improvements eligible for fixed improvement credit are those items which:

[A]

Add habitable rooms.

[B]

Significantly reduce energy consumption.

[C]

Replace old and deteriorated building components, such as the roof or furnace.

[D]

Renovate a kitchen or bathroom to address health and safety issues.

[xii]

The following improvements are normally considered to be of a fixed nature and may be added to the resale price (when they were not included in the original purchase price). The standard life expectancy is indicated in parenthesis:

[A]

Homeowners' association costs. Homeowners' association (HOA) dues are not an eligible fixed improvement; however, eligible repairs or improvements made by the HOA to the housing unit may be eligible for fixed improvement credit. If the homeowners' association pays for an improvement, such as a worn-out roof over the middle-income unit, the total cost of the project may be prorated to determine the cost attributable to the roof over the middle-income unit. A receipt, with a written request, shall be submitted, as explained in § ~~213-221~~(6)(b)[1][c][v], for review and approval.

[B]
[2]

The deed of ownership of any MIU shall contain a covenant and restriction that it is subject to the middle-income housing provisions of Chapter 213, Zoning, of the Code of the Town of North Castle, as amended from time to time, and that such provisions include restrictions on occupancy and resale. The covenants and restrictions imposed on an MIU shall be in form and content as to enable the same to be recorded with the County Clerk, Division of Land Records, Westchester County, and shall be satisfactory to the attorneys to the Town of North Castle.

[3]

An MIU owner shall provide the Housing Board with a letter stating the owner's intent to make an MIU unit available for resale. Upon receipt of the letter, the Housing Board shall make an appointment to inspect the unit prior to the unit being advertised for sale. The purpose of the inspection shall be to evaluate and document the condition of the unit. In the event an MIU is not habitable or not in resale condition, the Housing Board reserves the right to reduce the unit's selling price.

[Added 9-10-2008 by L.L. No. 16-2008]

II. 213-22.1 District Regulations – Additional R-MF-A Residence District Regulations

Multifamily-A (R-MF-A). In an R-MF-A District, all such uses shall be subject to site plan approval in accordance with Article VIII of this chapter.

A.

Intent. This district is established in order to further promote the goals and purposes of the Multifamily R-MF Zone and to further promote the goals of the Town Development Plan by providing a multifamily residential density at the upper end of the density range as set forth in such Town Development Plan for "Hamlet Density."

B.

Applicability. All standards and requirements as set forth in § 213-22 above for the Multifamily (R-MF) District shall be likewise applicable to the R-MF-A District, except as follows:

(1)

Allowable density. The average gross density shall not exceed one density unit, as defined in § 213-3 of this chapter, per 14,000 square feet of land area except, as defined in Subsection B(2) of § 213-22 above, that the permitted density may be increased by not more than 40% if the applicant constructs at least 20% of the increase as middle-income dwelling units. The Planning Board may limit the increase in density where the Board determines that such may be necessary or appropriate because of the specific characteristics of the individual site.

(2)

Improved recreation area. Instead of the requirements of § 213-22F(4), all such uses shall comply with the requirements of Chapter 143 of the Town Code entitled "Parkland Reservations."

(3)

Detached units. A property owner will be permitted to incorporate detached units as defined in § 213-3 at a percentage not to exceed 60% of the total proposed dwelling units, including attached, semidetached, detached and multifamily dwelling units, exclusive of middle-income units, provided that the previously approved number of middle-income units is increased by at least 100%.

(4)

Integrated lots. If middle-income units are included within a proposed development, and such middle-income units are located on a separate site, the density requirements of this section shall apply to the combined area of the two sites. All middle-income units shall be located within 1,000 feet of a retail business zone.

(5)

Setbacks. The Planning Board, as a part of its site plan review and approval process, is hereby granted the authority to modify all applicable dimensional requirements for sites that contain exclusively middle-income units and that involve the renovation and/or expansion of existing structures. The determination to modify such setback requirements shall take into consideration the desire to maximize the number of MIUs, as well as the existing shape of the lot, its size, its topography and the location of existing structures.

III. 213-22.3 District Regulations – Additional R-MF-SCH Residence District regulations
[Added 12-13-2006 by L.L. No. 26-2006]

In an R-MF-SCH District, all uses shall be subject to site plan approval in accordance with Article VIII of this chapter.

A.

Legislative intent. This district is established for the purpose of furthering the goals of the North Castle Comprehensive Plan by providing a multifamily residence district specifically designed for, and limited in occupancy to, senior citizens. It is intended that this new zoning district will be a "floating zone" whose implementation will require a legislative determination and rezoning by the Town Board on a case-by-case basis after consideration of the specific site, the specific development plan and the specific housing program.

B.

Standards and requirements. The following specific standards and requirements shall be applicable to all proposed development in the R-MF-SCH District:

(1)

An application for the establishment of an R-MF-SCH District shall be accepted only for property served by public water supply and sewage treatment facilities. No certificate of occupancy shall be issued until all dwelling units are connected to such approved and functioning public water supply and sewage treatment systems.

(2)

The maximum permitted amount of development on a site in an R-MF-SCH District shall be in the range of 0.15 to 0.4 FAR, which specific amount shall be determined by the Town Board at the time of each zoning approval. FAR shall be based upon "net lot area," as defined herein. The determination of maximum permitted FAR, as well as other dimensional standards for each individual zone, shall be based upon the Town Board's consideration of the character of the neighborhood in which the zone will be located; the zone's relationship to adjoining zones, properties and land uses; the zone's topography; the zone's proximity to shopping and transportation services; and other such factors which said Board may determine to be appropriate.

(3)

Each senior citizen dwelling unit shall contain not fewer than one nor more than two bedrooms. The Planning Board shall be responsible for determining the number of bedrooms in each dwelling unit in connection with its review of the site development plan.

(4)

The minimum floor area requirement shall be 800 square feet per one-bedroom unit and 1,000 square feet per two-bedroom unit, except that for middle income units the minimum floor areas shall be as set forth in § 213-22.1 of this chapter.

(5)

Not less than 15% of the permitted FAR on any site in an R-MF-SCH District shall be developed as middle-income units for senior citizens. In each such case, the maximum size of household (family) for the purpose of determining maximum rent and/or sales price, as set forth in § 213-22 of this chapter, shall be two persons for each two-bedroom unit and one person for each one-bedroom unit.

(6)

All dwelling units shall be designed to be conducive to, and attractive for, occupancy by senior citizens.

(7)

All design considerations, as required in multifamily residence districts pursuant to § 213-22G of this chapter, shall be applicable within the R-MF-SCH District, except for the enclosed parking requirement.

IV. 213-23 District Regulations – Additional business district regulations

B.

Central Business A (CB-A) District.

(2)

Principal uses. In a CB-A District, no building, structure or premises, in whole or in part, shall be used, and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved, except for the following purposes:

(c)

At least 20%, but not more than 40%, of the total floor area within the CB-A District shall consist of multifamily dwellings located on the second story. At least 20% of dwellings within the CB-A District shall be designated and set aside as middle-income units based on the income thresholds established in this Zoning Code.

Thresholds:

MIDDLE-INCOME FAMILIES

Families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of those under 21 years of age attending school full-time, shall not exceed the following multiple of the median annual Town-paid salaries of all full-time employees of the Town of North Castle as listed in the Town budget for each year:

[Amended 9-28-1988; 7-26-2000 by L.L. No. 4-2000]

Number of Persons in Family	Multiplier
1	1.20
2	1.35
3	1.45
4	1.57
5	1.65
6	1.75
7	1.85
8 or more	1.95

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Town of North Salem

II. **250-18 Bulk And Supplemental Development Requirements – Permitted number of dwellings, lot size and related requirements in residential districts and certain business districts.**

The determination of the permitted number of dwellings, lot size and related bulk requirements for the R-4, R-2, R-1, R-1/2, R-1/4, R-MF/6, R-MF/4, PD-CCRC, and PO Districts shall be as follows:

(2)

All subdivisions of 10 or more lots shall be required to provide for the construction of moderate-income housing units on 10% of the total number of approved lots. For example, one lot out of ten approved lots shall be for construction of a moderate-income housing unit. In the calculation of the required number of lots for moderate-income housing units, when ten percent of the total lots results in a fraction of a whole number, fractions of 0.6 or greater shall result in the creation of an additional moderate-income housing lot. Alternatively, two moderate-income accessory apartments may be constructed on two out of ten approved lots in lieu of one moderate-income single-family dwelling.

(3)

The density factor with bonuses may be applied to development, in the R-4, R-2, R-1, R-1/2, R-1/4, and PO Zoning Districts, at the discretion of the Planning Board to whatever degree it feels appropriate when, in its judgment, the proposed development promotes one or more of the following features:

(a)

The preservation of prime agricultural land.

(b)

The preservation of the site's natural resource land areas, including, but not limited to, lakes, ponds and watercourses, wetlands, mature woodlands and exemplary habitats, habitats of state concern and state-listed protected species.

(c)

The preservation of an historic area or landmark site.

(d)

The provision of a proportion of moderate-income housing units above the proportion required herein for 10 or more subdivision lots, or in subdivisions of less than 10 lots, a reasonable proportion or number of moderate-income housing units. (NOTE: A "moderate-income housing unit" shall be any unit offered for sale or rent for no more than the maximum sales price and rent as calculated in §§ 250-128 and 250-129 of this chapter.) The sale or rental of all dwelling units proposed under this provision, to obtain a maximum density factor with a bonus, shall be administered by the Housing Board of the Town of North Salem in accordance with the current moderate-income housing regulations contained in Article XXII of this zoning chapter or any amendment thereto.

(e)

Other unique and innovative design aspects.

III. 250-19.1 Bulk And Supplemental Development Requirements – Supplemental requirements for high-and medium-density residential development

Development in the R-MF/6 and R-MF/4 Zoning Districts is subject to site development plan review in accordance with Article X of this chapter and the supplementary requirements below. The development of multifamily dwellings in the R-1/4 and GB Zoning Districts, with the exception of multifamily units for elderly and handicapped persons, shall also comply with these supplemental requirements:

A.

The permitted uses, the maximum permitted density and the required proportion of moderate-income housing dwelling units shall be in accordance with the Table of General Use Requirements and the Table of Uses and Density for the R-MF/6 and R-MF/4 Zoning Districts contained herein.

See the two charts below:

**Town of North Salem
 Table of Uses and Density for the
 R-MF/4 (Residential-Multi-Family/Medium-Density) District
 [Added 12-12-2000 by L.L. No. 4-2000]**

Type of Use	Total Units Per Acre	Affordable (Moderate-Income) Units Per Acre	Market-Rate Units Per Acre
Multifamily dwelling units	4	0.8 (20%)	3.2
Medium-density single-family and single-family attached units	4	0.8 (20%)	3.2
Medium-density single-family with one-bedroom dwellings	4 ¹	0.8 (20%)	3.2
Multifamily units/senior citizens and disabled persons	6	1.2 (20%)	4.8

1 - 10 - 2001

NOTES:

¹ The density of four total units per acre would result in 2 single-family units per acre each with a one-bedroom dwelling.

Town of North Salem
 Table of Uses and Density for the
 R-MF/6 (Residential-Multi-Family/High-Density) District
 [Added 12-12-2000 by L.L. No. 4-2000]

Type of Use	Total Units Per Acre	Affordable (Moderate-Income) Units Per Acre	Market-Rate Units Per Acre
Multifamily dwelling units	6	1.2 (20%)	4.8
High-density single-family and single-family attached units	6	1.2 (20%)	4.8
High-density single-family with one-bedroom dwellings	6 ¹	1.2 (20%)	4.8
Multifamily units/senior citizens and disabled persons	8	1.6 (20%)	6.4

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NOTES:

¹ The density of six total units per acre would result in 3 single-family units per acre each with a one-bedroom dwelling.

D.

All dwelling units created to address specific housing needs of the community, such as moderate-income housing, senior citizen or disabled person housing, as a required proportion of total units for the use category, shall be administered by the Town of North Salem Housing Board in accordance with all pertinent regulations. A minimum of 20% of the total number of proposed dwelling units shall be provided as affordable units. For the purpose of this section, an "affordable unit" shall be defined as a moderate-income housing (MIH) unit in accordance with moderate-income housing regulations of the Town of North Salem found in the Zoning Ordinance, Article **XXII** (see below).

IV. 250-19.2 Bulk And Supplemental Development Requirements – Supplemental requirements for Planned Development – Continuing Care Retirement Community District

C.

Development in a Planned Development-Continuing Care Retirement Community District (PD-CCRC) shall also be subject to the following supplementary requirements:

(6)

Affordable units.

(a)

A minimum of 10% of the total number of proposed independent-living dwelling units and assisted/assistive-living rooms shall be provided as affordable units. For the purpose of this section, an "affordable unit" shall be defined as a moderate-income housing (MIH) unit.

(b)

Affordable units shall be managed in accordance with moderate-income housing regulations of the Town of North Salem found in the Zoning Ordinance, Article XXII.

(7)

In addition to the standards in the Table of Bulk Requirements,

Editor's Note: The Table of Bulk Requirements is located at the end of this chapter.

any medium-density single-family development permitted by a special permit of the Town Board in a PD-CCRC District shall comply with the following density and accessory use requirements:

(a)

A maximum of four dwelling units per acre shall be permitted.

(b)

A minimum of 20% of the total number of proposed multifamily or medium-density single-family dwelling units shall be provided as affordable units. For the purpose of this section, an "affordable unit" shall be defined as a moderate-income housing (MIH) unit which shall be managed in accordance with Article **XXII** herein.

IV. Article XXII – 250-122 – Moderate-Income Housing Regulations – Purpose

The purpose of this Article is to provide standards for regulation of moderate-income housing (MIH) units in the Town, including income eligibility, area requirements, maximum sales price of units, ownership of units, resale of units, maintenance and repair of units, maximum rent levels, etc. In addition, this Article establishes a Town Housing Board which is empowered with the authority to implement and oversee the moderate-income housing program, pursuant to a set of guidelines which are also included in this Article.

V. 250-123 Moderate-Income Housing Regulations – Town Housing Board

A.

The Town Housing Board will be composed of a Chairman and four members appointed by the Town Board. All are to be residents of North Salem. Members are appointed for three-year terms. Initially, one member is to be appointed for one year, two for two years and two for three years. On expiration of these terms of appointment, members will be appointed for full three-year terms of office. This procedure assures staggered expiration of terms, providing stability and continuity for the Town Housing Board.

[Amended 5-14-1996 by L.L. No. 3-1996]

B.

The Housing Board shall have the following responsibilities:

(1)

Acceptance and review of applications submitted by families for MIH units. Applications, to be submitted by families, are accepted for evaluation and placement on the eligibility priority list following public notice of the availability of such dwelling units within a residential housing development. Applicants may specifically apply for an announced project or for several available projects simultaneously. Applications should be sent by registered mail, return receipt requested, to the Housing Board Chairman, Town Hall, North Salem, New York 10560. A receipt and reference number shall be issued upon receipt of an application for consideration by the Housing Board.

[Amended 12-20-1994 by L.L. No. 6-1994]

(2)

Maintenance of an eligibility priority list as well as annual certification and recertification of applications placed on the eligibility priority list according to the provisions of this Article. Individual eligibility priority lists shall be maintained for each available MIH project and shall be revised on a yearly basis. Designation (placement) on the list for a specific MIH project shall remain in effect for one year. An applicant on an eligibility priority list will receive a letter from the Housing Board, sent to his address on file, requesting the applicant's intention as to having his application remain on that eligibility priority list. Letters are to be mailed no later than one year after the initial notice of the availability of the MIH project. Failure to respond will remove such applicant from the eligibility priority list. Responses are to be sent by registered mail, return receipt requested, to the Housing Board Chairman, Town Hall, North Salem, New York 10560. Applicants requesting continuing consideration shall certify to the Housing Board that their total family income complies with the terms of this Article. It is the responsibility of applicants to have all documentation necessary for review of their application received by the Housing Board no later than 45 days after receipt of a letter inquiring about their intention to remain on an eligibility priority list.

[Amended 12-20-1994 by L.L. No. 6-1994]

(3)

Establishment of a lottery for selecting applicants when such applicants have equal priority list placement.

(4)

Assistance to the Town Board in the determination of an appropriate number of MIH units as provided for in § 250-124A(1).

(5)

Authority to take any other action to effectuate the purpose of this Article.

C.

At the time of the issuance of a certificate of occupancy, the Building Inspector shall send a copy of such certificate to the Housing Board, which shall then inform the applicants of the maximum sales price or rent of the MIH units in such development and the maximum annual gross family income for eligibility for purchase or rent of said units. The Housing Board shall canvass the list for qualified applicants starting with the first applicant on the eligibility priority list. An applicant receiving an offer of an MIH unit shall reply to such offer within a period of time stipulated by the Housing Board or forfeit his opportunity to purchase or rent the MIH unit. An applicant's rejection of an offer shall be designated in writing and kept on file in the Town Clerk's office for a minimum of three years. An applicant rejecting a particular offer of an MIH unit shall maintain his position on the eligibility priority list for the duration of that list.

[Amended 7-13-1993 by L.L. No. 4-1993]

VI. 250-124 Moderate-Income Housing Regulations – Standards

A.

The Planning Board, in granting density with bonus for MIH units, in accordance with § 250-18E(2)(d) of the Zoning Code, shall consider the following:

(1)

The Townwide number of MIH units that the Housing Board and/or the Town Board deem necessary to achieve the purpose and intent of this Article and the affordable housing policy and needs as articulated by the Town and the Housing Board as created therein.

(2)

The relative concentration of MIH units within a specific area of the Town in order to balance the impact of increased density among various areas. The density bonus for affordable moderate-income housing units is to be encouraged in all residential zones.

B.

Applicants before the Planning Board are required to consider the moderate-income housing needs for the Town. Applicants are to receive a declaration that the Planning Board actively encourages applications for bonuses for moderate-income housing units and a copy of the Moderate-Income Housing Regulations.

VII. 250-125 Moderate-Income Housing Regulations – Distribution of units

Such MIH units shall be physically integrated into the design of the development. The units shall consist of one-, two- and/or three-bedroom units in a proportion approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of North Salem and the surrounding region. The Planning Board shall receive and consider the recommendation of the Housing Board in determining the proportion of one-, two- and three-bedroom units.

VIII. 250-126 Moderate-Income Housing Regulations – Minimum floor area

Minimum gross floor area (living space) per dwelling unit shall not be less than the following:

A.

One-bedroom: 700 square feet.

B.

Two-bedroom: 900 square feet.

C.

Three-bedroom: 1,100 square feet.

IX. 250-127 Moderate-Income Housing Regulations – Occupancy standards

At the time of purchase or rent, the following schedule of occupancy shall apply to MIH units:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6

X. 250-128

Moderate-Income Housing Regulations – Income eligibility

A.

For the purpose of computing family income under an income eligibility section of this article for purchase of an MIH Unit, the mean (average) annual salary paid to Town of North Salem full-time employees as set forth in the Town's adopted budget shall be used.

[Amended 7-13-1993 by L.L. No. 4-1993; 2-25-1997 by L.L. No. 1-1997; 1-20-1998 by L.L. No. 2-1998]

B.

The following table shall be used to determine the income factor

Number of Bedrooms	Income Factor
1-bedroom	1.3
2-bedroom	1.5
3-bedroom	1.7

[Amended 2-25-1997 by L.L. No. 1-1997];

C.

The above mean (average) annual income (see § **250-128A**) shall then be multiplied by the income factor for the number of bedrooms in an MIH unit to determine the maximum income allowed for eligibility. Families with income in excess of this figure will not be eligible for MIH units. The Housing Board will require complete

disclosure of all income and assets. Family income shall include the gross income from all sources for all family members, utilizing the latest federal income tax returns in addition to full disclosure of assets. Non-income-producing assets may be assigned an income-producing value and deemed income by the Housing Board. Complete disclosure of income and assets is to be made on forms and/or applications provided by the Housing Board. Full income and asset disclosure is the responsibility of the applicant and is to be provided to the Housing Board with an affidavit.

[Amended 2-25-1997 by L.L. No. 1-1997]

D.

For the purposes of these regulations, a "family" shall be defined as provided in § 250-5 of the Zoning Code.

E.

For the purposes of these regulations, family income shall exclude an earned income from a minor or full-time student, up to a maximum of \$5,000.

F.

Moderate-income housing units available on a rental basis shall be available to applicants who meet the maximum family income levels established by the Westchester County Division of Housing and Community Development for its Multifamily Property Improvement Program.

[Added 7-13-1993 by L.L. No. 4-1993]

XI. Moderate-Income Housing Regulations – Maximum sales price and rent

A.

The maximum sales price for an MIH unit shall not exceed 2 1/2 times the maximum family income allowed for eligibility for a moderate-income family, as defined in § 250-128 of this article, for the maximum size family eligible for such units as specified in § 250-127 of this article.

[Amended 2-25-1997 by L.L. No. 1-1997]

B.

The maximum monthly rent for MIH rental units shall be set by the Town Housing Board.

XII. 250-130 Moderate-Income Housing Regulations – Owner to be resident

All MIH units shall be occupied by either the person(s) owning or renting such units. All eligible applicants who are owners of any other residences shall satisfy the Housing Board of their intent to sell or otherwise divest themselves of any other residences prior to the purchase of an MIH unit. For the purposes of these regulations, real estate used by the applicant to derive income shall be excluded. Such income is to be calculated in determining the applicant's gross annual family income. Notwithstanding the above, it is intended that lenders retain all of their rights in foreclosure such that a lender may take title to the premises for the limited purpose of transferring title to the same or rental of such premises only to a purchaser or lessee qualified under and pursuant to this chapter.

XIII. 250-131 Moderate-Income Housing Regulations – Eligibility priority list; residency requirement

A.

For the purpose of these regulations, the minimum residency requirement is as follows:

(1)

North Salem: two years.

(2)

Westchester County: two years.

B.

Whenever an applicant qualifies in more than one category, the highest point value within that category applies. An "applicant" shall be defined as any member of a family whose income is included in the eligibility requirements of § 250-128 of this Article.

C.

The priority list shall be as follows:

		Point Value
	North Salem Volunteer Fire Department member, minimum of 24 consecutive months of active service	
1.	North Salem Town Resident [Amended 7-13-1993 by L.L. No. 4-1993]	5
5.	North Salem Head of Family 62 years of age or older	10
6.	North Salem handicapped family member of North Salem, certified by a physician	10
	Nonresident relative, over 62 years of age, of a qualified Town resident	3
	Physically handicapped relative of North Salem resident, certified by a physician	3
	Physicians	1
7.	Former resident of North Salem, minimum of 10 years	3
	North Salem municipal employee, full-time, minimum	
	Former MIH unit owner, part-time	3
	[Added 7-13-1993 by L.L. No. 4-1993]	
8.	"Growing family," already in a North Salem MIH unit	5
	Other persons employed in North Salem	2
9.	Resident of Westchester County	2
	Other persons employed in Westchester County	1
3.	North Salem School District employee, full-time, minimum 24 months	5
4.	North Salem Volunteer Ambulance Corps member, minimum of 24 consecutive months of active service [Amended 7-13-1993 by L.L. No. 4-1993]	8

D.

A two-year lease shall be offered to all tenants of moderate-income housing units available on a rental basis. At time of renewal, a tenant shall resubmit all financial information required by the Housing Board to determine continued income eligibility. A lease shall not be renewed in instances where a tenant's income has risen by 20% or more, and such tenants shall be given one year within which to relocate.

XIII. 250-132 Moderate-Income Housing Regulations – Ownership; deed restrictions

A.

Ownership of an MIH unit shall be on a fee-simple, condominium or cooperative basis, and title to the same shall vest in the eligible purchaser either individually, as joint tenant with other eligible purchasers or as tenants by the entirety. MIH rental units may be owned by individuals or corporations, who or which will offer such units at rent levels which conform to the criteria established by the Town Housing Board. The deed of ownership of any MIH unit shall contain a covenant and restriction that is subject to the moderate-income housing provisions of the Zoning Code of the Town of North Salem, as amended from time to time, and that such provisions include restrictions on occupancy and resale. The covenants and restrictions imposed on an MIH unit shall be in form and content so as to enable the same to be recorded with the County Clerk, Division of Land Records of Westchester County, and shall be satisfactory to the attorneys to the Town of North Salem.

[Amended 7-13-1993 by L.L. No. 4-1993]

B.

Upon the death of the last of the eligible owners to die, the executor or administrator of the estate of the deceased owner shall place the MIH unit for resale on the basis as set forth herein. In no event shall the beneficiaries of the estate, distributees or heirs at law of the deceased owner be entitled to occupy the MIH unit or be entitled to ownership status, unless the eligibility provisions of these regulations are separately adhered to and complied with.

C.

Under no circumstances shall an MIH unit, whether available for ownership or on a rental basis, be offered for rental, lease, sublease, boarding, timeshare or any other basis whereby persons other than the eligible owners and qualifying family members reside in the MIH unit on either a temporary (more than one week) or permanent basis.

XIV. 250-133 Moderate-Income Housing Regulations – Resale

The Housing Board shall calculate the resale price as provided in § 250-129, taking into consideration any additional factors affecting such pricing (such as improvements), and shall offer such unit to the next eligible purchaser as provided for in § 250-131. In no event shall the seller of an MIH unit be entitled to a profit obtained from a selling price in excess of the maximum sales price as determined in § 250-129.

XV. 250-134 Moderate-Income Housing Regulations – Maintenance; upkeep and repairs

A.

All MIH units shall be maintained in a satisfactory manner as prescribed by the Housing Board. The owner of such a unit shall first obtain the written permission and approval of the Housing Board prior to engaging in any major repair or rehabilitation requiring a building permit. Emergency structural repairs must be approved by the Building Inspector, and the Building Inspector shall be responsible for inspecting the repair work when completed and for notifying the Housing Board when said work is completed. Under no circumstances shall the Housing Board approve any addition in size to the structure. The original square footage of the unit shall be maintained through the unit's existence.

B.

All MIH units shall be maintained at the original builder's specification level. At the time of resale, the Housing Board shall be authorized to impose such assessments as necessary, for conditions indicative of owner neglect, to reasonably return the unit to its original condition; said assessment shall be deducted from that portion of the selling price reverting to the seller of the unit.

Town of Ossining

I. 200-32 Affordable Housing – Findings

The Town Board of the Town of Ossining acknowledges the high cost of housing compared to average earnings in the County, and this trend has grown more noticeable as land and housing values have increased in recent years. Maintaining and ensuring a balanced mix of housing types and sizes that are affordable to a range of incomes is essential to ensuring the long-term health of the community. Such balanced housing stock enables a variety of residents to live and work in the Town, maintain family ties, and participate in community services, such as emergency services. Balanced housing is also essential to attracting and maintaining an adequate workforce, a healthy business environment, and a balanced tax base that supports local services and the quality of life. It is therefore important to maintain a mix of housing choices and to encourage and/or require the construction of below-market-rate (BMR) units in future development.

II. 200-33 Affordable Housing - Multifamily and General Business Districts

To achieve the purposes above, the approval authority may require that a residential density bonus be granted for multiple, row or attached dwellings constructed or rehabilitated in the MF and GB Districts with one-half of said density bonus consisting of below-market-rate units as defined and regulated in this article. The maximum permitted density bonus shall be in accordance with the following schedule:

Size of Property (acres)	Maximum Permitted Density Bonus
10 or more	20%
More than 5 but less than 10	30%
Less than or equal to 5	40%

III. 200-34

Affordable Housing – Cluster developments in one-family residence districts

To achieve the purposes above, in cluster developments pursuant to § 200-31 of this chapter, the approval authority may require that a residential density bonus be granted with one-half of said density bonus consisting of below-market-rate units as defined and regulated in this article. The maximum permitted density bonus shall be in accordance with the schedule in § 200-33 above.

IV. 200-35 Affordable Housing – Below-market-rate-units

A.

Finishes, amenities, size, distribution and mix. BMR units shall have exterior finishes and general amenities comparable to the market rate units within the development, shall be no less than 80% of the size of said market-rate units, and shall be reasonably distributed throughout the project. Further, the BMR units shall be provided in a mix of unit types in the same proportion as all other units in the development unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Ossining.

B.

Minimum gross floor area. Notwithstanding §§ 200-21 and 200-22 of this chapter, the minimum gross floor area per dwelling unit shall not be less than the following:

(1)

Studio/efficiency unit: 350 square feet.

(2)

One-bedroom unit: 600 square feet.

(3)

Two-bedroom unit: 800 square feet.

(4)

Three-bedroom unit: 1,000 square feet.

C.

	Number of Bedrooms	Minimum Number of Persons	Maximum Number of Persons
	Studio/efficiency	1	2
	1	1	2
	2	2	4
	3	3	6
	4	4	8

Occupancy standards. The minimum and maximum occupancy of a BMR unit shall be as follows:

D.

BMR unit-eligible household. Households must meet the criteria

established in § 200-53A, under "BMR unit-eligible household."

E.

Maximum rent and sales price. The monthly rent, including utilities, for BMR units shall not exceed 30% of the aggregate gross monthly income of an eligible household as defined in § 200-53A, under "BMR unit-eligible household," for the maximum size household that may occupy such unit as set forth in Subsection C above. The maximum gross sales price for a BMR unit shall not exceed a figure based on a maximum household expense of 30% of the aggregate gross monthly income of an eligible household as defined in § 200-53A for the maximum size household that may occupy such unit as set forth in Subsection C above, relating to the sum of principal, interest, taxes, and insurance, based on industry-standard mortgage underwriting guidelines, prevailing interest rates, and a down payment of 5%.

F.

Priority of BMR unit applicants.

(1)

Households applying for BMR units shall be selected on the basis of the following categories of priority:

(a)

Town of Ossining municipal employees.

(b)

Persons serving as emergency responders for the Town of Ossining.

(c)

All other residents of the Town of Ossining.

(d)

Employees of the Ossining School District.

(e)

Other persons employed in the Town of Ossining.

(f)

Relatives of residents of the Town of Ossining.

(g)

Other residents of Westchester County.

(h)

Other persons employed in Westchester County.

(i)

All others.

(2)

Within each of the above categories, the following special groups shall receive priority in the following order:

(a)

Households whose head of household or spouse is 62 years of age or older.

(b)

First-time homebuyers.

(c)

Households whose head of household or spouse is 30 years of age or younger.

G.

The following statement shall be included in the deed, certificate of occupancy and/or rental agreement, as appropriate, for each BMR dwelling unit:

"This is a below-market-rate unit as defined in § <u>200-53</u> of the Code of the Town of Ossining, New York, and is subject to all restrictions and limitations as set forth therein."
--

H.

Resale. In the case of owner-occupied BMR units, the title to said property shall be restricted so that in the event of any resale by the homeowner or any successor, the resale price shall not exceed the maximum sales price for said unit, as determined in Subsection E, plus the depreciated value of capital improvements based on their estimated life for up to 5% of the price of the unit.

I.

Administration. The Town Board shall be responsible for administering these regulations and may designate a board, commission or other organization to monitor compliance.

Town of Pound Ridge

- I. **113-99 Housing Board – Housing board established; eligibility and selection for affordable housing; rent and sale prices for affordable housing.**

A.

Establishment of Housing Board. The Town Board hereby establishes a Town Housing Board, which shall be responsible for the administration of the affordable housing requirements of this section as well as for the promulgation of rules and regulations as may be necessary to implement such requirements.

(1)

The Housing Board shall consist of seven members appointed by the Town Board and serving at the pleasure of the Town Board, with the Chairperson appointed annually.

(2)

The rules and regulations developed by the Housing Board as may be necessary to implement the requirements outlined below must be approved by the Town Board.

(3)

The Town Housing Board shall certify as eligible all applicants for rental or sales of "affordable dwelling units" and shall annually reexamine, or cause to be reexamined, each renter occupant's family income and assets.

(4)

On or before March 30 of each year thereafter, the Town Housing Board shall notify the owner or manager of each multifamily development containing affordable units as to the rent, sales and income eligibility requirements for such units derived from the preceding calendar year.

(5)

The owner or manager of each multifamily development shall certify to the Housing Board on or before May 31 of each year that the current rental or sales prices and income eligibility of all "affordable dwelling units" and their occupants comply with the terms of this article.

(6)

"Affordable dwelling units" may be occupied only by the owner, his or her immediate family and occasional houseguests, except by express permission of the Housing Board. Any unit not owner-occupied may be rented only if approved by the Housing Board, to applicants who qualify according to Subsections **B**, **C**, and **D** of this article.

B.

Income eligibility for affordable housing units. Income eligibility for affordable housing applicants shall be verified by the Housing Board according to the following standards or as further restricted in the applicable zone:

(1)

Families whose aggregate income, including the total of all current annual income of all adult members residing in the household from any source whatsoever at the time of application, but excluding the earnings of working minors (under 21 years of age) attending school full-time, does not exceed the following multiples of Westchester County median income established by HUD during the three most recently completed calendar years:

	Size of Family (persons)	Multiple of Median Wages
	1	0.9
	2	1.1
	3	1.3
	4	1.4
	5	1.6
	6	1.7
	7	1.9
	8 or more	2.0

(2)

Property income. For property or other investments that are not returning dividends, rents or other measurable income (excluding normal household personal possessions), a yearly income of 5% of the fair market value of the investment shall be included in the family's aggregate

income.

(3)

Applicants for affordable rental units referred to in this section shall, if eligible and if certified for occupancy by the Housing Board, sign leases for a term of no more than two years.

(4)

As long as a resident remains eligible and has complied with the terms of the lease, said resident may be offered a one-year renewal of the lease. If a resident's annual gross income should subsequently exceed by more than 20% of the maximum then allowable, as defined in this section, and if there is at that time an otherwise eligible applicant within one of the categories in Subsection **B** above, said resident may complete his current lease term or one year from date of notification, whichever is longer.

(5)

In the case of owner-occupied "affordable dwelling units," the title to said property shall be restricted so that in the event of any resale by the home buyer or any successor, the resale price shall not exceed the then maximum sales price for said unit, regardless of improvement, as determined in accordance with Subsection **B** of this article. It is assumed that homeowners, in the course of their homeownership, will be making improvements to their property.

C.

Additional eligibility priorities: Financially eligible persons and families applying for "affordable dwelling units" shall be selected by the Housing Board on the basis of the following categories of priority:

(1)

Pound Ridge Volunteer Fire Department Member or Pound Ridge Volunteer Ambulance Corps Member. Applicants must now be and have been members in good standing for not less than two years.

(2)

Town of Pound Ridge municipal employees.

(3)

Pound Ridge residents.

(4)

Immediate relatives of Pound Ridge residents (children, parents, siblings, aunts and uncles).

(5)

Bedford Central and Katonah-Lewisboro School District employees.

(6)

Other persons employed in Pound Ridge.

(7)

Seniors from contiguous towns.

(8)

Other persons employed in Westchester County.

(9)

All others.

D.

Selection priorities. Within each of the above categories, the applicant shall be selected according to the following additional priorities.

(1)

Families of which the head or spouse is 62 years or older.

(2)

Families of which the head or spouse is handicapped (certified by a physician).

(3)

Pound Ridge head of family, 35 years of age or younger.

E.

Monthly rent and/or sale price of affordable units.

(1)

The maximum monthly rent for an affordable dwelling unit shall not exceed 1.75%, excluding utilities (gas, oil, electricity, water and sewage, common charges), or 2%, if utilities and common charges are included, of the multiple assigned to the number of bedrooms in the dwelling unit times the average of the last three-year median income levels published by Westchester County.

(2)

The maximum gross sales price for an affordable dwelling unit shall not exceed two times the multiple assigned to the number of bedrooms in the dwelling unit times the average of the last three-year median of annual paid wages as outlined in the table below.

NOTE:	Number of Bedrooms in Affordable Dwelling Unit	Multiple Applied to Affordable Dwelling Unit when one becomes available; lease should so provide.	Number of occupants permitted	
			Minimum	Maximum
	Efficiency	0.9	1	1
	1	1	1 ¹	2
	2	1.25	2	4
	3	1.5	3	6
	4	1.75	5	8

(3)

At the time of the issuance of a certificate of compliance, the Building Inspector shall send a copy of such certificate to the Town Housing Board, which shall then inform the applicant of the maximum rental or sales charge which

may be established for the "affordable dwelling units" in such development and the maximum annual gross family income for occupancy of said units.

(4)

Tax assessment. The limited rental income and/or sales value of affordable units shall be taken into consideration by the Town Assessor in determining the full value basis for assessments on such units.

F.

Other Housing Board responsibilities. In addition to the administrative responsibilities outlined herein, the Housing Board shall also evaluate resident housing needs, identify housing opportunities and maintain waiting lists for those seeking housing. The Housing Board shall make recommendations to the Town Board on the status of various housing-related issues at least once each calendar year.

II. 113-58.2 Special Permit Standards – Residential Use of 100% of maximum permitted floor area.

[Added 1-12-2006 by L.L. No. 1-2006]

No special permit shall be issued for residential use of 100% of the maximum permitted floor area in the PB-C District unless the Town Board shall find that, in addition to all other requirements of this article:

A.

The project permanently contributes toward meeting the Town's special housing needs, as set forth in the Town's Comprehensive Plan, whereby the rent or purchase price of 20%, but in no case less than two, of the dwelling units (such units shall be of the same size, bedroom count, and construction as the market-rate units except as specifically approved by the Town Board with the advice of the Planning Board and the Town Housing Board), are affordable to households with an income of not more than 80% of the median income in Westchester County, in effect at the time, and further that such units shall be deed restricted as to maximum rental rates or sales price and other factors as determined by the Town Board to be appropriate to meet the objective of this section.

B.

An occupancy and management plan for the restricted units shall be provided by the Housing Board to be appointed by the Town Board to administer the affordable housing requirements of this section. Such occupancy and management plan shall include income eligibility requirements, sale, resale and rental restrictions and limitations, and a plan of priority for affordable housing applicants.

C.

Adequate off-street parking will be provided, but in no case less than 1.5 spaces per dwelling unit, exclusive of driveway spaces in front of garages.

Definition: Affordable Housing Unit

AFFORDABLE DWELLING UNIT

A dwelling unit, the rental or sales price of which does not exceed the maximum allowable level established by § 113-99E (see above).

[Added 9-18-2008 by L.L. No. 4-2008]

Town of Somers-

I. 3-1 Affordable Housing Board – Establishment and organization

There is hereby created an Affordable Housing Board of the Town of Somers. The Board shall consist of five members appointed by the Town Board to serve at its pleasure for terms of two years. From among the members of the Board, the Town Board from time to time shall designate a Chairperson. The Board shall meet at such times designated by the Chairperson or as the Board shall determine. Vacancies occurring other than by expiration of a term shall be filled in the same manner as original appointments for the balance of the unexpired term.

II. 3-2 Affordable Housing Board – Compensation

Members of the Board shall receive no compensation for their service but may receive, within an appropriation therefor, reimbursement for reasonable and necessary expenses incurred in the performance of their duties.

III. 3-3 Affordable Housing Board – Powers and duties

The Board shall have the following powers and duties:

A.

To define, refine and provide oversight in the development and implementation of proposals for the Somers Affordable Housing Code utilizing the Affordable Housing Report as a guide.

B.

To confer with banks and lending institutions for the purpose of identifying proposals to encourage affordable housing and to encourage such banks and lending institutions to identify and implement methods of reducing down payments, closing costs and mortgage rates.

C.

To advise and consult with public officials and boards for the purpose of advancing affordable housing concerns.

D.

To provide for public dissemination of information on affordable housing issues.

E.

To periodically report to the Town Board on progress relating to affordable housing.

IV. 170-12 Residence Districts – Designed residential development

A.

A designed residential development is a group of residential dwellings, detached, semidetached or attached, which dwellings are developed under unified sponsorship and control according to a general land use and development plan, which land use and development plan has been approved by the Town Board as being in accordance with this and all other applicable sections of this chapter. It is the intent and purpose of these regulations to permit the establishment of a designed residential development use where such use shall achieve the following objectives:

(4)

Innovation, flexibility and variety in the type, design and layout of residential housing *so as to permit greater variety and range in the choice of housing types, living environment, occupancy tenure and housing cost.*

B.

Eligibility requirements.

(1)

Location. Designed residential development shall be permitted only in Residence R120, Residence R80 and R40 Districts.

V. 170-13 Residence Districts – Multifamily Residence MFR Districts

Multifamily residence districts are hereby established in order to provide suitable opportunities within the Town for the development of housing designed to satisfy the needs of households maintained by the young, the elderly and families earning less than 80% of the county's median income, and to permit a broad array of housing types, dwelling unit sizes and forms of ownership/occupancy. These districts are intended to provide for the construction of multifamily housing on sites determined to be appropriate based upon criteria established in the Town Development Plan and in conformance with the standards recommended therein, which standards are designed to promote the public health, safety and general welfare and to require the development of housing which is responsive to the variety of special size, design, locational and affordability needs of present and future residents of the Town. To help assure the achievement of this goal with proper protection for existing and future neighboring development and infrastructure, all multifamily residence districts shall be established on a floating-zone basis, subject to approval by the Town Board and in accordance with an approved preliminary development concept plan, as described and defined herein.

A.

Multifamily Residence Baldwin Place MFR-BP District. It is the specific purpose and intent of the Multifamily Residence Baldwin Place MFR-BP District to provide the opportunity for the development of medium-density, as defined herein, multifamily housing in and adjacent to the business center of Baldwin Place on sites within an existing, expanded or new sanitary sewer district, capable of being served with a central water system, and with convenient access to major roads, regional shopping and community facilities and services. *It is the Town's further objective that the Multifamily Residence Baldwin Place MFR-BP District include affordable housing.* The following basic planning standards will be used as a general guide by the Town Board in determining and establishing the specific site and building development controls applicable within each individual Multifamily Residence Baldwin Place MFR-BP District established pursuant to this section: [Amended 11-13-2008 by L.L. No. 11-2008]

(1)

Minimum site area. In order to receive consideration for designation within the Multifamily Residence Baldwin Place MFR-BP District, a tract shall have an area of not less than 10 acres. No minimum is required for each individual building lot within a development which is subdivided in accordance with a preliminary development concept plan approved by the Town Board and a final site development plan approved by the Planning Board pursuant to the planning standards of this section of this chapter as applied by the Town Board. Site location shall conform to the policies set forth in the Town Development Plan.

(2)

Development density.

(a)

The average gross density within a Multifamily Residence Baldwin Place MFR-BP District shall not exceed three density units, as defined in § 170-12D(1)(a) of this chapter, per acre of net land area, except as provided in Subsection A(3) below. Net land area shall be calculated as set forth in Article XA. At least 15% of the basic permitted density shall consist of affordable dwelling units.

(b)

In addition, the Town Board shall consider other planning and zoning policy considerations and criteria in making its determination of the appropriate number of basic density units and the suitability of the tract for multifamily development. These considerations and criteria include but are not limited to the following:

[1]

Lot area.

[2]

Compatibility with officially adopted Town, county, regional and state plans.

[3]

Availability and adequacy of sanitary sewer and water systems to be provided on a central basis.

[4]

Adequacy of adjacent and nearby public roads to accommodate traffic generated from the multifamily development or, if not presently adequate, that necessary improvements can and will be made prior to project occupancy.

[5]

Availability and proximity of public transportation facilities.

[6]

Availability and proximity of existing or planned employment facilities.

[7]

Availability and proximity of shopping and other community services.

[8]

The degree to which the proposed development is designed to achieve the planning and housing goals as set forth in this chapter and in the Town Development Plan.

(c)

The Planning Board shall be responsible for determining the number of bedrooms in each dwelling unit in connection with its review of site development plans, taking into consideration the floor plans proposed by the applicant and such other information as said Board may determine appropriate.

(3)

Incentive density. The permitted density on a multifamily development site in a Multifamily Residence Baldwin Place MFR-BP District may be increased by not more than 50% beyond the basic permitted density for the provision of dwelling units designated for low/moderate income families, specifically restricted as follows:

(a)

Affordable dwelling units: one additional market-rate unit for each affordable unit in excess of the required 15% of the base permitted density, but not to exceed a maximum increase of 20% in the number of market-rate units.

(b)

As a condition of the granting of any density increase for specifically restricted dwelling units as set forth in Subsection A(3)(a) above, initial and continued eligibility priority shall be in accordance with Article XIA.

(16)

Affordable dwelling units.

(a)

Quantity. Not less than 15% of the permitted basic density in each approved multifamily development shall be affordable dwelling units as defined in § 170-3 (see below) of this chapter.

(b)

All other standards as discussed in Article XIA, Affordable Housing, shall apply.

B.

Multifamily Residence Hamlet MFR-H District. It is the specific purpose and intent of the Multifamily Residence Hamlet MFR-H District to provide the opportunity for the development of low-to-medium-density, as defined herein, multifamily housing in and adjacent to the hamlet centers, on sites within an existing, expanded or new sanitary sewer district capable of being served with a central water system and with convenient access to shopping, major roads and community facilities and services. *It is the Town's further objective that the Multifamily Residence Hamlet MFR-H District include affordable housing.* To help achieve these goals, all basic planning standards set forth in Subsection A(1) through (16) for the Multifamily Residence Baldwin Place MFR-BP District shall be applied by the Town Board in determining and establishing the specific site and building development controls applicable within each individual Multifamily Residence Hamlet MFR-H District established pursuant to this section, as modified below:

(1)

Development density. The basic and incentive densities within a Multifamily Residence Hamlet MFR-H District shall be calculated as in the Multifamily Residence Baldwin Place MFR-BP District, with the exception that the basic average gross density shall not exceed two density units per acre of net land area.

(2)

Persons in Household	1	2	3	4	5	6
Maximum income (80% of county median income)	\$48,080	\$54,880	\$61,760	\$68,640	\$74,160	\$79,600
Maximum housing cost (30% of income)						
Annually	\$14,424	\$16,464	\$18,528	\$20,592	\$22,248	\$23,880
Monthly	\$1,202	\$1,372	\$1,544	\$1,716	\$1,854	\$1,990

Coverage. The maximum permitted building coverage within a Multifamily Residence Hamlet MFR-H District shall be 15%, and the maximum permitted combined coverage of buildings and paved surfaces (roads, driveways and parking areas) shall be 35%. The net site area to be used in this calculation shall be established in the same manner as set forth for the Multifamily Residence Baldwin Place MFR-BP District in Subsection **A(4)**.

VI. AFFORDABLE DWELLING UNITS

Dwelling units limited in occupancy to households whose annual income does not exceed 80% of the actual Westchester County median income (not capped), as defined and periodically updated by the United States Department of Housing and Urban Development, and the annual rental cost of which does not exceed 30% of said income or, for homeowners, the annual ownership cost of which [the sum of principal, interest, taxes and insurance (PITI) and common charges, if any] does not exceed 30% of said income. For example, for the year 2001, those dollar numbers are as follows:

VII. 170-15.1 Business Historic Preservation District – Principal Uses

C.

Affordable dwelling units.

(1)

At least 15% or no less than one unit, whichever is greater, of all permitted residential dwelling units shall consist of affordable dwelling units, as defined in § **170-3** of this chapter.

(2)

All other standards as discussed in Article XIA, Affordable Housing, shall apply.

VIII. 170-19 Neighborhood Shopping NS District – Purpose

Pursuant to the Town of Somers Comprehensive Master Plan, it is the purpose of the NS District to provide the opportunity and encouragement for the creation of economically healthy, functionally efficient, environmentally sound and visually attractive neighborhood business areas designed to primarily serve the local convenience retail and personal service needs of the residents of the Town of Somers, as well as to provide alternative housing opportunities for small households.

IX. 170-20.4 Neighborhood Shopping NS District – Affordable dwelling units

A.

At least 15% or no less than one unit, which ever is greater, of all permitted residential dwelling units shall consist of affordable dwelling units, as defined in § 170-3 of this chapter.

B.

Per the approval of the Somers Town Board, any residential use as permitted herein that has access to public water and public sewer, an increase in the minimum floor area ratio from 0.25 to not more than 0.4 for all uses, but not to exceed 0.18 for nonresidential uses, may be considered as long as 50% of the total number of residential units are considered affordable dwelling units as defined in § 170-3 of this chapter. Where at least 50% of the dwelling units in such a development are affordable dwelling units as defined in § 170-3 of this chapter, the Town Board may:

(1)

Authorize the Planning Board to reduce the required number of parking spaces for residential and nonresidential uses to a lesser number as deemed appropriate by the Planning Board in light of the fact that noncompeting uses (residential vs. commercial) with differing peak hours of demand would be accommodated on the same site.

(2)

Allow an increase in the maximum permitted building height to three stories or 50 feet.

C.

All other standards as discussed in Article XIA, Affordable Housing, shall apply.

X. 170-21.1 Community Shopping CS District – Purpose

Pursuant to the Town of Somers Comprehensive Master Plan, it is the purpose of the CS District to provide the opportunity for creation of an economically healthy, functionally efficient, environmentally sound and visually attractive community business area to replace the existing community shopping center in Baldwin Place, as well as to provide alternative housing opportunities for small households.

XI. 170-21.5 Community Shopping CS District – Dimensional standards and requirements

The following dimensional standards and requirements shall apply with respect to permitted principal and accessory uses in CS Districts:

K.

With respect to residential apartments, only efficiency (studio), one-bedroom and two-bedroom dwelling units shall be permitted.

**XII. 170-23 Planned Hamlet PH District – Principal Uses
[Amended 5-9-2002 by L.L. No. 4-2002; 11-13-2008 by L.L. No. 11-2008]**

In a PH District, no building, structure or premises, in whole or in part, shall be used, and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved, except for the following purposes or as herein elsewhere specifically provided, together with the accessory uses specified in § 170-23.1:

A. Multifamily residences (must be provided in any PH District development, either alone or in combination with other permitted uses, and at least 15% of the permitted multifamily dwelling units shall consist of affordable dwelling units). Occupancy preference and other guidelines for affordable dwelling units shall be adhered to as identified in Article XIA, Affordable Housing.

170-23.4 Planned Hamlet PH District – Dimensional standards and requirements

C.

The maximum floor area ratio (FAR) for any individually listed category of permitted use shall be 0.04, except a maximum of 0.06 and a minimum of 0.04 shall be required for multifamily residences [plus any incentive density increases which may be granted by the Town Board pursuant to the standards and requirements of § 170-13A(3) – see above], and a maximum of 0.01 shall be permitted for use category S.

G.

Senior citizen affordable housing.

XIII. 170-26 Office Business OB-100 Districts – Principal Uses

In an Office Business OB-100 District, no building, structure or premises, in whole or in part, shall be used and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved except for the following purposes or as herein elsewhere specifically provided, together with the accessory uses specified in § 170-27:

A.

Any use permitted in the Residence R80 District and subject to the limitations therein set forth. *

** Possible provisions for affordable housing – see affordable housing provisions in Residence Districts, above.*

XIV. 170-30 Corporate Research/Office CRO Districts – Principal Uses

In a Corporate Research/Office CRO District, no building, structure or premises, in whole or in part, shall be used and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved except for the following purposes or as herein elsewhere specifically provided, together with the accessory uses specified in § 170-31:

A.

Any use permitted in the Residence R-80 District and subject to the limitations therein set forth.*

** Possible provisions for affordable housing – see affordable housing provisions in Residence Districts, above.*

XV. 170-66 Special Exception Uses In Residence Districts – Congregate housing facilities for the elderly

A special exception use permit may be granted by the Zoning Board of Appeals to permit congregate housing facilities for the elderly. It is the specific purpose and intent of this provision to promote the health, safety and general welfare of this community and provide diverse housing options through the development of congregate housing at a scale that relates to characteristics of Somers' population and on sites that relate to provision of necessary services consistent with the objectives and policies of the Town Comprehensive Plan. Furthermore, it is the purpose and intent of this provision to provide for the construction of quality care facilities that are subject to regulation by the State of New York, that provide full protection for residents and that are not limited to the wealthier segments of the elderly population. To help achieve these goals, the issuance of a special exception use permit shall be subject to the following conditions in addition to the general standards and requirements applicable to special exception use permits as set forth in § 170-106 of this chapter:

H.

Low/moderate income units. No less than 10% of the congregate dwelling units shall be restricted in basic rent or sale price, exclusive of contract services. The design and approval of such units shall be based on application of the provisions of § 170-13A(16).

XVI. 170-70 Special Exception Uses In Residence Districts – Accessory apartments

A special exception use permit may be granted by the Zoning Board of Appeals to permit accessory apartments. It is the specific purpose and intent of this provision to provide the opportunity for the development of small rental housing units designed, in particular, to meet the special housing needs of single persons and couples of low and moderate income, both young and old, and of relatives of families presently living in Somers. Furthermore, it is the

purpose and intent of this provision to allow the more efficient use of the Town's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income and to protect and preserve property values. To help achieve these goals and to promote the objectives of the Town Development Plan, the issuance of a special exception use permit shall be subject to the following conditions, in addition to the general standards and requirements applicable to special exception use permits as set forth in § 170-106 of this chapter:

A.

The property and principal and accessory structures thereon shall conform to the lot area, yard and other requirements for the zoning district in which the property and structures are located unless a variance therefor shall have been granted by the Zoning Board of Appeals.

B.

An accessory apartment may be located within the principal dwelling building or in an accessory building, provided that such principal or accessory building was constructed or issued a building permit prior to April 1, 1992.

C.

The minimum size one-family building lot on which an accessory apartment may be located is 40,000 square feet. An accessory apartment may be permitted on a one-family lot with a smaller area only if, in the opinion of the Zoning Board of Appeals, an accessory apartment can be adequately accommodated within the existing principal dwelling building and it will not overburden the property. In no event shall an accessory apartment be permitted in an accessory building on a lot with an area of less than 40,000 square feet.

D.

The owner of the one-family lot upon which the accessory apartment is located shall occupy and maintain as his legal residence at least one of the dwelling units on the premises.

E.

The minimum floor area for an accessory apartment shall be 300 square feet and have a maximum floor area of 800 square feet. Each accessory apartment shall contain not more than one bedroom unless, in the opinion of the Zoning Board of Appeals, a second bedroom can be adequately accommodated within the existing building and will not overburden the property and the building was issued a certificate of occupancy prior to April 1, 1992. The Zoning Board of Appeals shall be responsible for determining the number of bedrooms in each dwelling unit in connection with its review of the special exception use permit application.

F.

There shall be no more than one accessory apartment permitted per one-family building lot.

G.

If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a one-family residence.

H.

Prior to the issuance of a building permit for the establishment of an accessory apartment in a principal dwelling building or the conversion of an existing accessory building to an accessory apartment use, approval of the proposed method and adequacy of water supply and sewage disposal shall be obtained from the Westchester County Department of Health and shall be further subject to engineering review by the Town.

I.

No less than one off-street parking space shall be provided per accessory apartment, plus one additional space for units having more than one bedroom.

J.

A special exception use permit for an accessory apartment shall be valid for a period of seven years or until six months after a transfer of title of the property, whichever occurs earlier. A permit may be renewed by the property owner upon application to the Zoning Board of Appeals. Within six months after a transfer of title, the new property owner may apply to renew the special permit. The Zoning Board of Appeals may extend a special permit for an additional period of six months following a transfer of title pending a determination on a renewal application. Action by the Zoning Board of Appeals to renew the permit for an additional term as set forth above shall not be taken until the Building Inspector conducts an inspection of the subject property and advises the Zoning Board of Appeals that the property continues to be in compliance with all conditions of the permit.

K.

The premises in which an accessory apartment is proposed to be located shall be inspected by the Building Inspector upon the application for a special permit and prior to the approval of the special permit. Each accessory apartment established as a special exception use shall be subject to inspection by the Building Inspector at any time. A finding of noncompliance with any condition or term of the permit shall result in revocation of the permit.

L.

A copy of the original special exception use permit and of each renewal permit, signed by the owner of the subject property, shall be filed in the Westchester County Division of Land Records within 30 days of approval of the permit. The permit shall list all applicable conditions and the term of the permit and, in addition, state that the permit shall become null and void if any conditions are not complied with and if the owner of the property ceases to occupy one of the dwelling units on the premises as his legal residence.

M.

When, during the review of an application, the Zoning Board of Appeals finds that significant site work will be required to increase parking areas, to enlarge subsurface sewage disposal areas or to otherwise alter physical site conditions, the Board shall condition the issuance of the special exception use permit on the applicant obtaining site plan approval by the Planning Board. In all other situations, site plan approval by the Planning Board shall not be required.

N.

An applicant for an accessory apartment special exception use permit to legalize an existing accessory apartment which does not have a special permit shall be charged an application fee in the amount of three times the regular application fee commencing for applications filed on or about April 1, 1996.

O.

The Zoning Board of Appeals shall be authorized to deny an application for an accessory apartment special exception use permit if the application does not meet the criteria set forth in this section or in § 170-106 or for the following reasons:

(1)

The proposed use is not in the public interest, will create undue fire or traffic hazards, impair the character of the neighborhood or adversely affect property values or the layout and design of the use is not reasonably in keeping with the character of neighboring structures or would tend to undermine the stability of the area and taxes therefrom.

(2)

The special permit use sought will not reasonably serve the public health, safety and general welfare or reasonably promote the purpose and intent of this section.

(3)

The disadvantages of granting of special permit outweigh the benefits connected with the same.

XVII. 170-60.1 Affordable Housing – Purpose

The need to create housing that is affordable to families and individuals with low/moderate incomes has been recognized by the Town of Somers. The Town is committed to implementing the means to encourage the development of such housing. The purpose of this article is to increase the range of housing opportunities throughout the Town.

XVIII. 170-60.2 Affordable Housing – Affordable housing preference

As a condition of locating affordable dwelling units throughout the Town, initial and continued eligibility priority shall be established among all income-eligible households whereby:

A.

Preference to purchase or rent affordable housing shall be given, except in those instances whereby funding sources or levels do not permit preferential treatment, to those households where a member of the household to occupy a unit of affordable housing is (the following list is not intended to be in preferential order):

(1)

A current Somers Town resident, whereby "resident" is defined as someone residing or dwelling in Somers.

(2)

A Somers municipal employee (full-time, minimum 24 months).

(3)

A Somers volunteer fireman.

(4)

A Somers policeman (part-time).

(5)

A Somers Central School District employee (full-time, minimum 24 months).

(6)

A former resident of Somers (must have been a resident previously for a minimum of 10 years).

(7)

An individual, who, as of the date of the application, has accrued at least one year of active military service. If the individual has been discharged from military service, it must be with an honorable discharge.

(8)

An individual receiving disability benefits from the Social Security Administration.

(9)

Someone who is determined to be legally blind through certification by an ophthalmologist.

(10)

An individual that is hearing impaired as certified by a practicing physician.

B.

If an applicant falls within more than one preferential category as listed above, there will be no additional preferential status assigned to that applicant.

C.

If there is more than one applicant that falls within the preference categories as listed above, the applicant with the earliest date and time of receipt of application, as filed in the office of the Somers Town Clerk, will be given preference.

XIX. 170-60.3 Affordable Housing – Distribution

Affordable dwelling units shall be physically integrated into the design of each development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two-, three- or four-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of Somers.

XX. 170-60.4 Affordable Housing – Occupancy standards

The following occupancy limitations shall apply to affordable dwelling units:

Number of Bedrooms	Minimum Number of Persons	Maximum Number of Persons
Efficiency	1	1
1	1	2
2	2	4
3	3	6
4	4	8

XXI. 170-60.5 Affordable Housing – Resale of affordable housing units

"For sale" affordable dwelling units shall not be resold for more than the amount that, at the then-prevailing interest rates, will result in the unit cost meeting the affordability standards as set forth annually for Westchester County by the Department of Housing and Urban Development (HUD). For homeownership developments, affordability is based on the projected mortgage for which a family with a maximum income at 80% AMI can qualify, plus housing costs. Housing costs to be included in the calculation for the sales price include the expected principal and interest on the mortgage loan, property taxes, homeowners insurance (PITI) and any common charges, homeowners' association fees and/or maintenance fees. For purposes of determining affordability, payment of principal and interest shall be calculated on the basis of 95% of the sale price. All resales shall be to buyers qualified by the homeowners' association, condominium or cooperative board, as applicable, and certified as qualified to the Town Board or its designee.

XXII. 170-60.6 Affordable Housing – Affordable rental dwelling units

The maximum permissible rent for affordable rental dwelling units shall be as follows:

Size of Dwelling Unit	Maximum Permitted Annual Rental
Efficiency	30% of 80% of Westchester County median income for a one-person household
1-bedroom	30% of 80% of Westchester County median income for the average of a one- and two-person household
2-bedroom	30% of 80% of Westchester County median income for a three-person household
3-bedroom	30% of 80% of Westchester County median income for the average of a four- and five-person household
4-bedroom	30% of 80% of Westchester County median income for a six-person household

A.

The Westchester County area median incomes upon which eligibility is based is published by the Department of Housing and Urban Development (HUD) on an annual basis for Westchester County and may be adjusted accordingly.

B.

With respect to such affordable rental dwelling units, the landlord shall certify to the satisfaction of the Town Board, or its designee, that the requisite number of such units have been assigned to income eligible tenants and that any new tenants in such units meet the income guidelines in effect when they take occupancy.

C.

The following statement shall be included in the deed, certificate of occupancy and/or rental agreement, as appropriate, for each affordable dwelling unit: "This is an affordable dwelling unit as defined in Chapter 170, Zoning, of the Code of the Town of Somers, New York, and is subject to all restrictions and limitations as set forth therein."

XXIII. 170-60.7 Affordable Housing – Time limit on affordable dwelling units

All affordable dwelling units as described in association with regulation are to be deemed affordable for perpetuity.

XXIV. 55-5 Recreation Fee – Applicability

The recreation fees provided for in this chapter shall apply to all residential subdivisions and site plans for which a recreation fee is required to be paid, except that, after conducting a public hearing on at least 10 days' notice, the Town Board may, in its discretion, waive, in whole or in part, the payment of a recreation fee otherwise required to be paid, upon a finding that such waiver is necessary or desirable to facilitate the development of affordable dwelling units as defined in § 170-3 of the Code of the Town of Somers.

XXV. 154-5 Senior Citizen Tax Exemption – Exemption granted

Pursuant to the provisions of Chapter 402, 406 and 407 of the Laws of 1995, Chapter 139 of the Laws of 1996, Chapter 298 of the Laws of 1998, Chapter 198 of the Laws of 2000 and Chapter 202 of the Laws of 2002 and other amendments to § 467 of the Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Town of Somers for Town general taxes as hereinafter provided. Such exemptions allowed by law have been subtracted from the total amount assessed.

Town of Yorktown-

Town of Yorktown Affordable Housing Provisions

I. 300-21 Schedule Of Regulations – Schedule of regulations

C.

Use regulations.

(4)

RSP-1 Age-Oriented Community District.

(a)

Permitted main uses shall be as follows:

[1]

Age-oriented communities as defined and described herein and as provided for in §§ 300-123 through 300-151 and in accordance with the provisions and procedure in Article VIII.

(b)

Main uses permitted by special permit shall be in accordance with provisions of Article VII.

(c)

Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182). Accessory uses shall be as provided in § 300-124D.

(5)

RSP-2 Senior Citizens District.

(a)

Permitted main uses shall be as follows:

[1]

Senior citizen development as defined and described herein and provided for in § 300-152 and following and in accordance with the provisions and procedures in Article VIII.

(b)

Main uses permitted by special permit shall be in accordance with the provisions of Article VII.

(c)

Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182) shall be as follows:

[1]

Accessory uses listed in § 300-152 and following and as shown on approved site plan.

[2]

One dwelling unit for staff superintendent, regardless of age.

(6)

RSP-3 Age-Oriented Geriatric Community.

(a)

Permitted main uses shall be as follows:

[1]

A geriatric center as defined and provided for in § 300-159 and following and in accordance with the procedures in Article VIII.

(b)

Main uses permitted by special permit shall be in accordance with provisions of Article VII.

(c)

Permitted accessory uses (uses listed under this heading are subject to the provisions of § 300-182) shall be as follows:

[1]

Accessory uses listed in § 300-159 and following and as shown on the approved site plan.

II. 300-38 Permitted Special Uses – Accessory dwelling units in single-family homes

A.

It is the purpose of this section to legalize and control existing accessory dwelling units in single-family homes and to regulate new conversions. It is the intent that neighborhoods zoned as single-family primary maintain their single-family character. ***The adoption of this section will further the Town's goal to provide affordable rental housing in Yorktown without thereby changing the low-density, predominantly single-family character of the Town. At the same time, this section will act towards easing the financial burden of homeowners, particularly senior citizens.*** It is the further purpose and intent of these provisions to provide for the health, safety and welfare of the inhabitants of the Town of Yorktown and of the occupants of accessory dwelling units and to ensure that said accessory dwelling units meet minimum health, fire and safety standards. [Amended 6-5-1984 by L.L. No. 6-1984; 6-4-1996 by L.L. No. 6-1996]

B.

The Zoning Board of Appeals of the Town of Yorktown may permit the construction of an accessory dwelling unit within an existing single-family home pursuant to the following standards.

[Amended 1-5-1988 by L.L. No. 3-1988; 6-4-1996 by L.L. No. 6-1996; 12-19-2006 by L.L. No. 17-2006]

(1)

Accessory dwelling units. Such units shall be permitted in detached accessory buildings in the R1-80 Zone and greater zones, provided that the accessory building complies with all setback and yard requirements of the zone for the main building and that the unit is on the second story of the accessory building and does not displace or reduce

the original accessory building's use. No accessory dwelling units are allowed in accessory buildings in the R1-10, R1-20 and R1-40 Zones.

(2)

Lot size. No less than the legal size as required by the zoning district, except that in the R1-10 Zone, 10,000 square foot lots will qualify if they have been in existence prior to 1970 and/or have been legalized by the Zoning Board of Appeals.

(3)

Age of principal structure. Any existing house for which a certificate of occupancy has or should have been issued prior to the effective date of this section is eligible. Any new house which has received a certificate of occupancy subsequent to the effective date of this section shall not be eligible for this special permit for a period of two years from the issuance of such certificate of occupancy. The Zoning Board may waive the two-year waiting period in order to allow creation of an accessory apartment for a disabled person or a senior citizen 62 years of age or older, but in no other circumstance.

(4)

Architectural treatment. The architectural treatment of the structure shall be such as to portray the character of the single-family dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances shall be at the side or in the rear.

(5)

Floor area. The usable floor area of the accessory unit shall have a minimum of 400 square feet and a maximum of 800 square feet, except that the area of the accessory unit shall not exceed 33% of the usable floor area of the main building.

(6)

Bedrooms. There shall be a maximum of two bedrooms in the accessory unit.

(7)

Parking. One and one half off-street spaces shall be provided for each unit; provided that the existing number of bedrooms is not increased. If the existing number of bedrooms is increased, the Zoning Board may require additional off-street spaces.

(8)

Ownership. One dwelling unit must be owner-occupied, which must be the larger unit, except for accessory units approved prior to June 1, 1996.

(9)

Number of accessory dwelling units per lot. There shall be no more than one accessory apartment nor a total of two dwelling units permitted per lot.

(10)

Permits. A building permit shall be obtained as otherwise required, and a certificate of occupancy must be issued prior to utilization of an accessory unit. No permit shall be issued until the Town Engineer or the Board of Health, whichever is appropriate, has made a written approval regarding the sewage disposal capacity for the unit created.

III. 300-39 Permitted Special Uses – Affordable housing

A.

Effect, purpose and intent. It is the purpose and intent of this section to provide guidelines and regulations for existing affordable housing.

B.

Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING

A residential dwelling unit made available for sale at a price established in conformance with the provisions hereof. Only units which have been established as affordable as of August 17, 1994, shall be subject to the provisions of this section.

AGGREGATE INCOME

The gross annual income of all members of a household, including but not limited to taxable income, nontaxable income, investment income, accident and health plan benefits, insurance policy proceeds, distributions from trust funds, social security payments, unemployment compensation and alimony payments, excluding the earnings of working minors and/or full-time students, alimony paid and taxable tuition benefits. The annual term shall be such as fixed by the housing authority rules and regulations.

QUALIFYING INCOME

The income needed to pay the taxes, mortgage insurance, hazard insurance and the principal and interest payments on a fixed rate, thirty-year mortgage for 95% of the sales price of affordable housing, at mortgage rates determined by an average of the rates listed in the most current mortgage update of the Gannett Suburban Newspapers.

[Amended 3-7-1995 by L.L. No. 5-1995]

C.

Eligibility.

(1)

Eligibility of purchaser.

(a)

To be eligible to purchase affordable housing, a household's aggregate income shall not exceed 120% of the qualifying income required for the purchase of the affordable housing unit.

(b)

Among income-eligible households, preference to purchase or rent affordable housing shall be given to those households where a member of the household to occupy a unit of affordable housing:

[Added 3-7-1995 by L.L. No. 5-1995]

[1]

Has lived in the Town of Yorktown for two or more years.

[2]

Has been employed in the Town of Yorktown and has been so employed for two or more years.

[3]

Has been an unpaid member of the Yorktown or the Mohegan Lake Volunteer Fire company and has continuously served for two or more years.

[4]

Has been an unpaid member of the Yorktown Volunteer Corps and has continuously served for two or more years.

[5]

Is elderly or disabled and has lived in Yorktown for two or more years.

[6]

Is an honorably discharged United States veteran and lived in Yorktown for two or more years.

[7]

Is a Town of Yorktown municipal employee.

(c)

To ensure that the affordable housing units created herein will, in fact, be purchased by those persons with the need for the same, in addition to the income eligibility requirement, the Community Housing Board shall exclude from the list of eligible persons those with significant net assets exceeding 50% of the cost of a two-bedroom target rate affordable housing unit. The determination of net assets shall be as promulgated in the rules and regulations of the Housing Board.

[Amended 3-7-1995 by L.L. No. 5-1995]

(d)

It is recognized that under certain circumstances, a person seeking affordable housing may have substantial net assets exceeding the limits above, but due to age, disability and/or other circumstances does not receive an appreciable income and therefore relies on his worth in lieu thereof. For these persons, the Housing Board, on evidence of the same, may make an exception to the net assets eligibility rule. This exception is intended to apply in particular to the elderly, disabled and/or others determined by the Board who do not earn an appreciable income, but who may have significant net assets (i.e., home equity, etc.).

(2)

Eligibility of tenants. To be eligible to rent affordable housing, a household's aggregate income shall not exceed four times the unit's rental ceiling rate.

(a)

The rental index rate shall be 28% of the median annual Town-paid wages of all full-time employees of the Town of Yorktown for the last full calendar year prior to the year in which the unit is leased.

(b)

The rental target rate for affordable housing rented to income-eligible households shall be established according to the size of each individual housing unit and shall be determined by multiplying the rental index rate by the following factors:

	Number of Bedrooms	Factor
	0	.8
	1	.9
	2	1.0
	3	1.1
	4	1.2
	5	1.3

(c)

The rental ceiling rate for various unit sizes shall be 120% of the rental target rate.

D.

Occupant selection standard. When affordable housing is sold or rented, the following standards shall be used to determine occupancy:

(1)

A household must be income-eligible.

(2)

Selection ranking of applicants will be based upon a point system wherein a household will receive one point, but only one point, for each of the following items which may apply to the household:

[Amended 3-7-1995 by L.L. No. 5-1995]

(a)

A member of the household has lived in the Town of Yorktown for two or more years.

(b)

A member of the household has been employed in the Town of Yorktown and has been so employed for two or more years.

(c)

A member of the household has been an unpaid member of the Yorktown or the Mohegan Lake Volunteer Fire Company and has continuously served for two or more years.

(d)

A member of the household has been an unpaid member of the Yorktown Volunteer Ambulance Corps and has continuously served for two or more years.

(e)

A member of the household is elderly (62 or more years of age) or disabled and has lived in Yorktown for two or more years.

(f)

A member of the household is an honorably discharged United States veteran and has lived in Yorktown for two or more years.

(g)

A member of the household is a Town of Yorktown municipal employee.

(h)

A member of the household is a Yorktown or Lakeland School District employee in school buildings located within the Town of Yorktown.

(3)

Among income-eligible households, affordable units will be offered to applicants who have the most points and, if a tie exists in the number of points, then to the applicant with the earliest date and time of receipt of the preapplication.

[Added 3-7-1995 by L.L. No. 5-1995]

(4)

Upon acceptance of the sales offer by the household, the household must provide a refundable, good-faith binder of 1% of the sales price of the affordable unit. If no eligible household accepts the terms of sale, the Community Housing Board may authorize the owner to sell same upon the open market.

[Added 3-7-1995 by L.L. No. 5-1995]

E.

Perpetuating affordability.

[Amended 3-7-1995 by L.L. No. 5-1995]

(1)

Use limitations. The owner or occupant of affordable housing may not lease or sublet the unit without the prior authorization of the Community Housing Board. The Community Housing Board shall not permit affordable housing to be leased or sublet unless the following conditions are met:

(a)

The lessee or sublessee meets the conditions established herein for initial occupancy of affordable housing.

(b)

The rent charged is in accordance with the provisions and intent of this section.

(c)

The lease or sublease shall not exceed one year.

(2)

Deed restrictions; ownership units. The title to affordable housing shall be restricted so that, in the event of resale by the owner or any successor, the resale provisions are as set forth herein.

(3)

Resale.

(a)

The resale price of affordable housing shall not exceed the original price paid by the owner increased by the amount such sum would increase if it had been invested in United States Series E Savings Bonds from the year and month in which the unit was purchased to the year and month in which the unit is placed on the market as hereafter adjusted. The resale price of affordable housing shall not include the closing costs associated with selling and purchasing the unit.

(b)

The owner of affordable housing shall first notify the Community Housing Board or its designee. Upon notification of the owner's intent to sell, the Community Housing Board shall calculate the resale price, taking into consideration, in its discretion, any significant improvements made to the property, plus the United States Series E Savings Bond return on said improvement. Any resale of affordable housing must be subject to the deed restriction set forth herein.

(c)

The Community Housing Board shall notify the owner of the affordable unit at the resale price within 30 days of receiving the owner's written notice of the notice to sell. The owner may sell the unit to an eligible buyer at a price consistent with the provisions of this section.

(4)

Rent regulation and lease renewal. The household which occupies an affordable housing rental unit may continue to occupy that rental unit for up to one year after the expiration of its current lease in those instances where that

household's income and net assets exceed the maximum income and net assets for the Community Housing Program or the household no longer meets its eligibility at the time the lease is up for renewal. No further lease renewal will be permitted for that household if its income and net assets continue to exceed the maximum income and net assets eligibility guidelines at the end of the one-year lease renewal.

(5)

Improvements restriction. An owner of an affordable housing unit shall not make any structural improvements and/or changes to an affordable housing unit without the approval of the Housing Board.

F.

Establishment of a Community Housing Board. There is hereby established a Community Housing Board composed of nine members, each a resident of the Town of Yorktown. The Board shall administer the provisions of this section so that its purpose and intent are realized. The Community Housing Board shall have the following responsibilities:

(1)

The annual review of the implementation of this section and the recommendation of changes in these provisions where necessary.

(2)

The calculation of eligible incomes and resale prices.

(3)

The certification of the eligibility of all households applying for the purchase or rental of affordable housing and the annual recertification of each applicant.

(4)

The maintenance of a list of eligible households for each size and type of affordable housing.

(5)

The promulgation of such rules and regulations necessary to implement the requirements, intent and purpose of this section.

(6)

The authority to take any other actions necessary to effectuate the purpose and intent of this section.

IV. 300-123 Age-Oriented Community – Background and purposes

A.

The Town of Yorktown, New York, has provided in its Development Plan, as amended to June 1961, and as implemented by its this chapter, as amended to July 1964, ample lands for sale to and use and occupancy by persons of all ages, financial circumstances and family conditions, as well as sufficient and suitable lands for nonresidential purposes and for the population contemplated in said Development Plan for years still to come. The establishment of

a special classification for the age-oriented community will leave ample lands available in the Town for other types of housing accommodations for those not yet qualifying under this classification. Without even considering the land zoned in such manner as to be available for general residence use in neighboring Towns within this county, the immigration to the Town of Yorktown of citizens of more modest means or those desiring space to raise their families will in no way be detrimentally affected.

B.

The purpose of the age-oriented community is to permit the establishment, within residential areas, of a specialized residential development for older persons, in which development certain accessory uses requisite to the mode of living and age of, or desirable and convenient for use by, a group of residents having the characteristics of those qualified by definition to inhabit the structures constituting such specialized residential development are permitted. There is an increasing demand by persons of or nearing retirement age for dwelling accommodations in a developed, separate residential section in which a greater degree of tranquillity is assured through the zoning classifications, which will be inhabited by persons similarly circumstanced and which have been designed and developed for such age group. It is further provided that such age-oriented community be considered and made part of a larger, overall residential neighborhood. Not only is it considered the duty of a municipal government to provide space within its boundaries for this group of citizens which, as the science of geriatrics advances, grows larger daily, but it is to the benefit of the Town and its other residents to do so.

V. 300-255 Affordable Housing – Findings; policy

The Town Board of the Town of Yorktown finds that:

A.

The Town faces a shortage of affordable housing due to the high cost of housing in the Town which impacts the general welfare of the municipality;

B.

The social and economic diversity of the Town is dependent upon a reasonable supply of affordable housing;

C.

Certain development projects attract new residents to the Town, placing pressure on the supply and availability of affordable housing, and impact existing population patterns and community character;

D.

The Town's Comprehensive Plan supports the creation of affordable housing within the Town;

E.

The Yorktown Community Housing Board administers the Town's affordable housing program and establishes affordability guidelines; and

F.

It is the policy of the Town to require builders to share the affordable housing burdens caused by their developments.

VI. 300-256 Affordable Housing – Purpose

The purpose of this article is to ensure that new residential development in the Town includes a reasonable supply of affordable housing to meet the needs of the community's citizens. This article sets forth standards for affordable housing to be provided in conjunction with residential subdivisions of land. The provision of such housing may be achieved through the conveyance of land.

VII. 300-257 Affordable Housing – Applicability

A.

This article shall apply to all proposed residential subdivisions of land in all residential zoning districts.

B.

This article shall not apply to any residential subdivision proposal for which a draft environmental impact statement has already been accepted as complete and a public hearing has been conducted with respect thereto by the Town of Yorktown Planning Board pursuant to the New York State Environmental Quality Review Act as of the effective date of this article.

[Amended 2-20-2007 by L.L. No. 7-2007]

VIII. 300-258 Affordable Housing – Provision of affordable units

A.

At least 10% of the units in any residential subdivision of land in any single-family zoning district shall be established as affordable housing units according to Subsection A(2) below. Satisfaction of the requirements shall be according to the methods provided for in Subsection A(1) below:

(1)

Construction of affordable housing units on the site of the proposed subdivision of land.

(2)

The actual number of units to be set aside is as follows:

(a)

For a subdivision of two through nine new units, zero affordable units are to be set aside.

(b)

For a subdivision of 10 through 14 new units, one affordable unit is to be set aside.

(c)

For a subdivision of 15 through 24 new units, two affordable units are to be set aside.

(d)

For a subdivision of 25 through 34 new units, three affordable units are to be set aside.

(e)

Each additional 10 new units or part thereof shall require one additional affordable unit.

B.

At least 10% of the units of any new multifamily residential development of 30 units or less in any multifamily residential zoning district shall be established as affordable housing units according to Subsection **B(1)** below and at least 15% of the units of any new multifamily residential development of 31 units or more in any multifamily residential zoning district shall be established as affordable housing units according to Subsection **B(1)** below.

(1)

The actual number of units to be set aside is as follows:

(a)

For a multifamily development of two through nine new units, zero affordable units are to be set aside.

(b)

For a multifamily development of 10 through 14 new units, one affordable units is to be set aside.

(c)

For a multifamily development of 15 through 24 new units, two affordable units are to be set aside.

(d)

For a multifamily development of 25 through 30 new units, three affordable units are to be set aside.

(e)

For a multifamily development of 31 through 36 new units, five affordable units are to be set aside.

(f)

For a multifamily development of 37 through 42 new units, six affordable units are to be set aside.

(g)

For a multifamily development of 43 through 49 new units, seven affordable units are to be set aside.

(h)

Each additional seven new units or part thereof shall require one additional affordable unit.

IX. 300-259 Affordable Housing – Provisions applicable to affordable housing units on site

A.

Siting of affordable units. All affordable units constructed under this section shall be situated within the proposed subdivision and be no less accessible to public amenities, such as open space, as the market-rate units.

B.

Minimum design and construction standards for affordable unit. Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

C.

Timing of construction or provision of affordable units or lots. The construction of affordable units shall occur proportionately with the construction of the market rate units in the subdivision. No building permit may be issued for the last 10% of market-rate units within a subdivision until the last affordable unit has been issued a building permit, and no certificates of occupancy for those 10% market rate units shall be issued until said affordable units receive certificates of occupancy.

D.

At the discretion of the Planning Board and upon a showing of good cause, affordable housing requirements for special populations may be waived or modified. Said populations shall include the handicapped, infirmed or seniors when such housing is congregate-care, nursing-home or such other housing for special populations that the Planning Board recognizes.

E.

The Planning Board when establishing the affordable units within a subdivision or development shall require each individual unit to be deed restricted so that affordability is perpetuated.

X. 300-260 Affordable Housing – Administration

A.

The Yorktown Community Housing Board shall be responsible for administering the affordable housing requirements of this article as well as for the promulgation of such rules and regulations as may be necessary to implement such requirements.

B.

At the time of the issuance of a building permit, the Building Inspector shall send a copy of such certificate to the Yorktown Community Housing Board, which shall then establish the maximum rental or sales charge for affordable housing units in such subdivision and the maximum annual gross family income for eligibility for occupancy of said units.

C.

With respect to rental units, on or before March 30 of each year thereafter the Yorktown Community Housing Board shall notify the owner or manager of each affordable unit as to the rent and income eligibility requirements for such unit based upon figures derived from the preceding calendar year. With respect to ownership units, the Yorktown Community Housing Board shall provide sales criteria for the sale of an affordable housing unit at the time of offering the unit for sale.

D.

The owner or manager of each multifamily development with affordable units shall annually certify to the satisfaction of the Yorktown Community Housing Board that the requisite number of affordable units have been assigned to income-eligible individuals which meet the income guidelines in effect when said individual(s) took occupancy. Annual certification shall include unit designations and occupant names and shall be signed by the developer or his or her designated representative, as appropriate, and the Yorktown Community Housing Board.

E.

Affordable housing units shall not be resold for more than the amount that, at the then-prevailing interest rates, will result in a unit cost meeting the affordable standards set by the Yorktown Community Housing Board and the requirements herein. All resales shall be to qualified buyers who meet the requirements set forth in the definition established by the Yorktown Community Housing Board.