

May 1, 2014

Lewisboro Housing Committee

Proposed Amendments to the Zoning Code of the Town of Lewisboro.

The Lewisboro Housing Committee wishes to propose the following amendments to portions of the Zoning Code, specifically Section 220, for consideration by the Town Board. The purpose of the amendments is to facilitate the provision of affordable housing in our town in a manner compatible with rural character of Lewisboro. Members of the Committee present these proposals to the Town Board after serious and thorough consideration of all the issues involved, and look forward to discussing them with the Board.

1. The Housing Committee recommends that the Town amend the zoning code to allow housing in business and commercial areas. Specifically, we propose amending Section 220-24 A, Permitted Uses in CC-20 Districts (Campus Commercial Districts); Section 220-24 C, Permitted Uses in RB Districts (Retail Business Districts); and Section 220-24 D, Permitted Uses in GB Districts (General Business Districts) to allow "Residential use" as a permitted use in these districts.

Therefore, specifically, the following changes are recommended:

--In Section 220-24 A (1) "Permitted Principle Uses" (in CC-20 Districts), we propose adding a clause (e) "Residential use".

--In Section 220-24 C (1) "Permitted Principal Uses" (in RB Districts), we propose adding a clause (k) "Residential use".

--In Section 220-24 D (1) "Permitted Principal Uses" (in GB Districts), we propose adding a clause (h) stating "Residential use".

The current zoning code already allows "dwelling units on floors above any permitted principal nonresidential use" under designated conditions. Our proposal would expand the permitted use to include housing within the designated business districts.

The Committee proposes this amendment to the Town Board as a basic concept, and suggests that the Board ask other appropriate bodies considering land use, such as the Planning Board, to recommend which of the existing provisions in the code for multi-family developments and other housing would be appropriate to incorporate into the new amended portion of the code permitting residential use in business districts. These would include such matters as minimum lot size (Section 220-26 A), average gross density (Section 220-26 B (1)), requirements for open space (Section 220-26 D) or recreational

facilities (Section 220-26 D (3)). The Housing Committee will also discuss which of these restrictions should apply.

2. The Housing Committee recommends that the accessory apartments be permitted as of right. Specifically, we propose amending Section 220-40 Accessory apartments (amended in 1989, 1998, and 2003) which currently requires a special use permit. We recommend that the Town Attorney draft the specific language for the amended code for the Town Board's consideration, to permit accessory apartment as of right, providing that those wishing to convert an apartment for such a use meet all environmental and other applicable requirements in the code. The Board may wish the Planning Board to review this proposal as well.
3. A Model Ordinance for Lewisboro. The Housing Committee proposes further amendments to Section 220 of the Town Zoning Code, for the following purposes:
 - To encourage development of "fair and affordable" housing* while simultaneously preserving and protecting the uniquely rural character and all environmentally significant areas within our Town;
 - To ensure that the Town reserves its right to develop designated housing for first responders and other vital personnel in the Town, depending upon need, while maintaining the Town's existing middle-income housing units
 - To ensure that the Town's zoning code remains in compliance with applicable federal, state, and county law, as has already been enacted in many Westchester municipalities over the past few years, including neighboring towns of Bedford, North Salem, Pound Ridge and Somers;
 - To ensure that the Lewisboro Town zoning code is non-discriminatory;

Therefore, the Lewisboro Housing Committee recommends that the Lewisboro Town Board, in consultation with all appropriate subsidiary boards and committees consider the following proposals to amend and supplement the Town's zoning ordinance (Section 220):

(1) An owner-occupied dwelling unit may be designated and defined as "fair and affordable" if it meets the following criteria:

- (a) the homeowner's household income does not exceed 80% of Westchester County's median income as defined by the U.S. Department of Housing and Urban Development (HUD), and
- (b) total costs of home ownership (e.g., mortgage, taxes, insurance, common charges, etc.) do not exceed 33% of household income, thereby ensuring the financial stability and security of these homeowners.

(2) Any designated "fair and affordable" rental unit is considered as such when:

- (a) the renter's income does not exceed 60% of Westchester's median income as defined by the U.S. Department of Housing and Urban Development (HUD), and
 - (b) total housing costs for the rental unit (e.g., rent, utilities, common charges, etc.) do not exceed 30% of the renter's household income, thereby ensuring the financial stability and security of these renters.
- (3) No person(s), including those currently residing in the Town of Lewisboro, is/are entitled to any type of preference or priority in applying for or residing in a designated "fair and affordable" home (as defined in this proposal) within the Town of Lewisboro (whether the unit is owner-occupied or a rental unit) following the effective date of these amendments.
 - (4) Following the adoption and effective date of these amendments, the developer of any newly proposed development that contains ten or more units to be constructed in the Town of Lewisboro must designate, within his application to the Town, one residence for each ten units built as "fair and affordable".
 - (5) The Housing Committee recommends that the Town's existing ordinance that permits an increase in density when middle income units are included in a development be extended to include "fair and affordable" housing units as defined in this proposal. This would require that Section 220-26 (B) (2) (Development Density) be amended to include the words "'fair and affordable' dwelling units" as follows (words to be added in brackets): "'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 middle income dwelling units [and or "fair and affordable dwelling units]."
 - (6) All "fair and affordable" homes which are established within the Town of Lewisboro must remain "fair and affordable", as defined herein, for a period of fifty years.
 - (7) All "fair and affordable" homes which are established within the Town of Lewisboro shall comply with all other requirements delineated within existing Town of Lewisboro Code provisions (e.g., home appearance, siting, minimum floor area, maximum occupancy of home, applicable health and safety provisions, etc.).
 - (8) The Housing Committee recommends that these amendments apply solely to *future* construction, renovations or conversions following the date of adoption of these proposals.
 - (9) The provisions outlined above for "fair and affordable housing" in no way abrogates the Town's right to provide housing for first responders or other personnel providing services in town, nor to provide housing for senior citizens or disabled residents, as it deems appropriate for the wellbeing of the Town.
 - (10) The Lewisboro Housing Committee shall propose to the Town Board appropriate rules and regulations for the administration of "fair and affordable" housing units, if asked to do so.
 - (11) All "fair and affordable" units, whether for purchase or rent, shall be marketed in accordance with the requirements, policies and protocols established in the Westchester

County Fair & Affordable Housing Affirmative Marketing Plan, so as to ensure outreach to racially and ethnically diverse households.

(12) At a future date when the Town's Master Plan and Zoning Code are reviewed, it is recommended that they be simplified and streamlined to promote the following zoning/planning strategies which are consistent with the goals of promoting development of both first responder housing and "fair and affordable" housing as defined in this proposal:

- (a) encouragement of bonus density/special-use town-wide,
- (b) cluster-housing guidelines for future Town subdivision applications,
- (c) economic incentives for construction of and conversion to "fair and affordable" housing,
- (d) an expedited project review process, including an early negative declaration under SEQRA, when appropriate.

*The new designation of "fair and affordable" housing as defined above does not replace or eliminate the current designated "middle income" housing category, as defined and described in Section 220 of the Town Code. The existing and approved units will continue to be administered as before, and may be added to at the discretion of the appropriate town authorities.