

LOCAL LAW NO. ___ OF 2014
TOWN OF POUND RIDGE, NEW YORK

SECTION 1. **TITLE**

This local law shall be entitled, "A Local Law Pertaining to the Inclusion of Multi-Family Housing in the Zoning Chapter of the Town Code, and an Amendment to the Affordable Fair Housing Provisions of the Zoning Chapter."

SECTION 2. **INTENT AND PURPOSE**

This local law is intended to amend the Town of Pound Ridge Zoning chapter so as to allow multi-family housing in the Town, which in turn will further the goal of the development of affordable housing in the Town, as well as to amend the affordable fair housing provisions of the Zoning chapter.

SECTION 3. **ZONING TEXT AMENDMENTS**

1. **The following new definitions shall be added to Section 113-2B in their proper alphabetical order:**

DWELLING, MULTI-FAMILY

A detached "building" containing three or more "family" or housekeeping units living independently of each other with their own sleeping, sanitary and cooking facilities.

DWELLING, TWO-FAMILY

A detached "building" containing two "family" or housekeeping units living independently of each other with their own sleeping, sanitary and cooking facilities.

MULTI-FAMILY HOUSING

A planned residential development comprised of "multi-family dwellings." "Accessory "uses" which are ancillary to "multi-family housing," such as recreational facilities, community rooms and detached garages may also be included in the development. "Multi-family housing" projects may contain or be comprised of "two-family dwellings."

2. **Special Permit Use #15 in the Schedule of Use Regulations, Residential District (Part A) referred to in Section 113-36 shall be revised to read as follows:**

15. “Multi-family housing” (R-1A, R-2A and R-3A Residential Districts only).

3. **Section 113-57 shall be revised to read as follows:**

§ 113-57 Standards for "multi-family housing."

No special permit shall be issued for the development of "multi-family housing" unless the Town Board shall find in addition to the other requirements of this article, that the proposed "use" satisfactorily meets all of the following standards and conditions:

A. Upon referral of the application to the Planning Board in accordance with § 113-50 herein, the Planning Board shall assist the Town Board, as necessary, in the review of the application with regard to the State Environmental Quality Review Act (SEQRA). *Editor's Note: See Environmental Conservation Article 8.* The special permit application shall be amended as necessary to enable the Planning Board to make a recommendation to the Town Board regarding a determination of significance. Site plan approval by the Planning Board shall be a condition of the issuance of any special permit by the Town Board.

B. The “multi-family housing” plan shall utilize creative design and development techniques to achieve the conservation and/or preservation of significant natural environmental features, including steep slopes, wetlands, watercourses, water bodies and significant rock outcroppings, on properties which are not overly environmentally constrained and which, for safety purposes, are within proximity to the Town’s major roads. The “multi-family housing” plan and the controls contained in this § 113-57 shall replace the bulk and other dimensional regulations found elsewhere in this chapter and, upon approval, the “multi-family housing” plan shall become the basis for continuing land use controls during the development period and thereafter.

C. Minimum site area; location.

(1) The "multi-family housing" site shall have an area of not less than 20 acres in the R-1A and R-2A "Districts" and not less than 30 acres in the R-3A "Districts," and the lot shall have road frontage not more than 1/4 mile in travel distance from at least one of the Town’s

major roads (that is, Westchester Avenue, High Ridge Road, Salem Road, Stone Hill Road, Pound Ridge Road and Long Ridge Road).

- (2) Notwithstanding the above, for lots which have road frontage within 1/4 mile in travel distance from the intersection of Westchester Avenue and Trinity Pass Road, the "multi-family housing" site shall have an area of not less than the minimum "lot area" required for "one-family dwellings" in the zoning "district" in which the site is located.
- (3) The aggregate of the slopes in excess of 25% and the wetlands, watercourses and water bodies, as defined in the Town of Pound Ridge Freshwater Wetlands Law *Editor's Note: See Ch. 63, Freshwater Wetlands.* shall constitute less than 45% of the gross "lot area" of the "multi-family housing" site.

D. The maximum number of "dwelling units" shall be determined by dividing the gross "lot area" (excluding slopes in excess of 25% and wetlands, watercourses and water bodies, as defined in the Town of Pound Ridge Freshwater Wetlands Law *Editor's Note: See Ch. 63, Freshwater Wetlands.*) by the minimum "lot area" required for "one-family dwellings" in the zoning "district" in which it is located, multiplying that result by four and rounding down to the nearest whole number. The density may be further restricted in consideration of the following factors:

- (1) The environmental suitability of the property.
- (2) Access to the property.
- (3) Shape of the property.
- (4) Potential impact upon the surrounding neighborhood and land "uses."

E. There shall be no more than 50 "dwelling units" permitted in any "multi-family housing" development.

F. Maximum "building coverage" limitations, as applied to the gross "lot area" of the "multi-family housing" site as per Subsection D above, shall be as follows:

Requirements	"District"		
	R-3A	R-2A	R-1A
Maximum "building coverage"	5%	7.5%	15%

G. Landscaped buffer.

(1) The "multi-family housing" plan shall maintain a minimum of 50% of the gross "lot area" as open space. For the purposes of this section, "open space" shall include all land and water areas on the site which are not covered by "buildings," "structures," roadways, other impervious surfaces, and semi-impervious surfaces such as gravel and porous paving. A suitably landscaped buffer area of a size to be determined to be adequate by the Planning Board based upon considerations of topography, adjoining land "use" and site design, but generally not less than 100 feet in width, shall be provided along all property boundaries. Such landscaped buffer area may contribute to the satisfaction of the fifty-percent open space requirement.

(2) Notwithstanding Subsection (1) above, for properties located entirely within 1/4 mile of the PB-A, PB-B or PB-C "Districts" the suitably landscaped buffer which shall be provided along all property boundaries shall be of a size to be determined to be adequate by the Planning Board based upon considerations of topography, adjoining land "use" and site design, but generally not less than 50 feet in width.

H. "Multi-family" "dwelling units" may be located in attached or detached "structures;" provided, however, that there shall be no more than four "dwelling units" in any one dwelling "building" and the maximum building length shall not exceed 100 feet.

I. All "dwelling units" shall be permitted a maximum "height" of 2-1/2 stories or 35 feet, whichever is less.

J. The average area of all "multi-family" "dwelling units," excluding "garage" space and any enclosable porch, shall not exceed 2,500 square feet of habitable floor area, and no individual "dwelling unit" shall contain in excess of 3,000 square feet.

K. The site shall have direct access from a public road.

L. Common indoor and outdoor recreational facilities may be provided on site in lieu of recreation fees. Such facilities shall be as determined adequate by the Planning Board. All recreation areas shall be appropriately landscaped and shall include a combination of small, internal, private "yard" and court areas for a variety of passive activities. Safety shall be emphasized in the design and particular attention given to pedestrian "use." Vehicular circulation drives shall be separated from pedestrian walks. Abrupt changes in grade shall be avoided and all changes in grade in the walk system shall be accomplished by both ramps and stairs. Such facilities, where needed, shall be built in ANSI specifications.

M. Parking.

(1) There shall be provided a minimum of not less than 2.0 "parking spaces" for each "dwelling unit," plus for each "dwelling unit" having bedrooms in excess of two there shall be an additional 0.5 "parking space" for each bedroom, plus 0.5 outdoor, unreserved "parking space" available for visitor "use" for each "dwelling unit."

(2) Notwithstanding Subsection (1) above, where the Town Board determines that less than the required number of parking spaces will satisfy the intent of this § 113-57, the Board may waive the initial improvement of up to 15% of the parking spaces required pursuant to Subsection (1). In all cases it shall be expressly demonstrated on the site plan that sufficient space remains for the provision of the total amount of off-street parking required and the site plan shall bear such designation. All such undeveloped parking space shall be used and maintained as additional landscaped grounds until required for parking. Written guaranties, satisfactory to the Town Attorney, shall be submitted by the applicant for the potential eventual improvement of any such spaces which may have been waived, and these spaces must be constructed by the property owner within six months of the date of written notice to the property owner by the Town Board that such spaces have been determined as necessary and must be constructed. In addition, the Planning Board shall have the authority to require, as a condition of approval on a project by project basis, a specific mechanism by which to ensure that the waived parking spaces, if required by the Town Board, will be built. The applicant may alternatively apply to the Town Board for approval to construct said waived spaces.

- N. "Multi-family" "dwelling units" shall not be serviced by individual wells and septic systems, but rather by communal or shared sewage disposal and water supply facilities.
- O. A homeowners' association shall be formed for purposes of owning, operating and maintaining all common land areas and all common facilities on the site. All "dwelling unit" owners must be members of the association and shall share in all costs incurred by the association on an equitable basis. The applicant shall execute and file with the Town such documents as, in the opinion of the Town Attorney, will be sufficient to create a property owners' association responsible for the continued ownership, "use" and maintenance of all common land areas and facilities in accordance with the following requirements and any other conditions and limitations deemed appropriate by the Town to assure that the interests of the Town and of the future property owners will be adequately protected. In addition to all other purposes, the association shall establish necessary rules and regulations from time to time which shall be consistent with the purposes of this chapter and govern the "use" of "premises" authorized hereunder.
- (1) Membership in the association must be mandatory for each property owner within the development and for any successive property owners.
 - (2) All restrictions on the "use" and maintenance of the common lands and facilities must be perpetual.
 - (3) The association must be responsible for liability insurance, local taxes and maintenance of the common land areas and facilities.
 - (4) Each property owner within the development shall be made responsible for his proportionate share of the association's expenses, including taxes, and all assessments levied by the association shall become a lien on his property if not paid.
 - (5) In the event that the maintenance, preservation and/or "use" of the common land areas and facilities ceases to be in conformance with any of the above requirements or any other requirements specified by the Town when approving the special permit or site plan, the Town shall be granted the right to take all necessary action to assure such conformance and to assess against the association and/or the individual property owner within the development all costs incurred by the Town for such purposes.

- (6) The homeowners' association may provide one "dwelling unit" for a resident manager and said person's "family" or other maintenance support staff. Such unit shall be restricted in occupancy to said resident manager and "family" or other maintenance support staff. Such unit shall be included in the computation of the allowable number of units for the property. It shall be the responsibility of the homeowners' association to maintain this unit in keeping with other units on the property and to accept all financial responsibility for it.
- P. "Multi-family housing" projects may contain or be comprised of "two-family dwellings" and the requirements pertaining to "multi-family housing" units and development herein shall apply thereto.
- Q. The Town Board, in its sole discretion, may modify the width of the landscaped buffer requirements of § 113-57G herein up to a maximum of 50%, upon demonstration by the special permit applicant that:
- (1) the benefit to the Town of granting such a modification outweighs any potential detriment; and
 - (2) compliance with the requirement is not requisite to the health, safety and general welfare of the public.
- R. So long as the total number of "dwelling units" in the project does not exceed 50, the Town Board may allow up to a 25% increase in the maximum number of "dwelling units" as determined in Subsection D above for such special benefits as the provision of: (a) at least 15% (rather than a minimum of 10%) of the "dwelling units" in the "multi-family housing" project as "affordable fair housing dwelling units" in accordance with § 113-100 of this chapter; and/or (b) a significant amount of environmental conservation and/or preservation which goes above and beyond that otherwise required for the approval of the special permit.
- S. The Planning Board shall render a specific advisory opinion to the Town Board on all waiver and modification requests made by an applicant in accordance with §§ 113-57M(2) and 113-57Q herein.
- T. In the event of any inconsistencies between the standards contained in this § 113-57 and the provisions in the remainder of this chapter, the provisions of § 113-57 shall control.

4. Section 113-100A shall be revised to read as follows:

- A. Required affordable fair housing dwelling unit component. Within all residential developments of 10 or more dwelling units created by subdivision or site plan approval in the Town, no less than 10% of the total number of units must be created as affordable fair housing units. For example, one dwelling unit out of 10 approved units shall be an affordable fair housing dwelling. In the calculation of the required number of affordable fair housing dwellings in projects containing 30 or fewer dwelling units, when 10% 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 affordable fair housing dwelling unit. In the calculation of the required number of affordable fair housing dwellings in projects containing more than 30 dwelling units, when 10% of the total lots results in a fraction of a whole number, said fraction shall result in the creation of an additional affordable fair housing dwelling unit. Notwithstanding the above, all multi-family housing projects containing four or more dwellings approved in accordance with § 113-57 of this chapter shall contain at least one affordable fair housing unit.

SECTION 5. RATIFICATION, READOPTION AND CONFIRMATION

Except as specifically modified by the amendments contained herein, the Zoning chapter of the Town of Pound Ridge Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 6: NUMBERING FOR CODIFICATION

It is the intention of the Town of Pound Ridge and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Pound Ridge; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 7. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or

inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

SECTION 8. **EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

Dated: _____, 2014