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Enactment of New Article XXXI of Chapter 300 entitled **Inclusion of Additional Housing Units**

A LOCAL LAW to repeal Chapter 300-39 of the Code of the Town of Yorktown entitled "AFFORDABLE HOUSING" and enact a new Chapter 300 Article XXXI entitled "INCLUSION OF ADDITIONAL HOUSING UNITS" of the Code of the Town of Yorktown

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II.

Chapter 300-39 of the Code of the Town of Yorktown entitled "AFFORDABLE HOUSING" is hereby repealed in its entirety.

Section III.

Chapter 300 Article XXXI of the Code of the Town of Yorktown entitled INCLUSION OF ADDITIONAL HOUSING UNITS is hereby enacted.

§ 300-248. Purpose.

Any new residential development may propose to the Planning Board inclusion of additional housing units above the unit count allowed by the zoning code. The additional units shall be a combination of Below Market Rate Housing Units (BMRHUs) and Market Rate units (MRUs) as defined in Section §102-4 and according to the following standards.

§ 300-249. Density calculations.

A. Density Bonus:

For all housing proposals in which at least 10% of the unit count, rounded up to the nearest whole number, is devoted to Below Market Rate Housing Units, a Density Bonus shall be granted equal to the number of Below Market Rate Housing Units being proposed and approved by the Planning Board.

Example: An applicant has an as of right 20 lot subdivision or 20 unit multi-family residential site plan. The applicant offers to construct 2 of the lots or units as BMRHUs. Since the applicant has proposed at least 10% BMRHUs in the development, a Density Bonus is granted equal to the number of BMRHUs proposed. Therefore, the applicant can develop 22 lots or 22 units within their project.

20 MRs
+2 BMRHUs (Density Bonus)
22 Total Lots or Units

B. Additional Density Bonus

Nothing contained herein shall limit the number of BMRHUs a developer may propose. At the discretion of the Town Board, in consultation with the Planning Board, an Additional Density Bonus may be available to a developer for those developments that exceed the standards for a Density Bonus as a means to incentivize additional BMRHU construction. The following may be offered to incentivize additional BMRHU development:

- (1) An additional 1.5 market-rate units for each BMRHU unit provided over 10% of the market rate unit count rounded up to the nearest whole number.
- (2) Reduction in number of parking spaces required onsite.
- (3) Reduction of other code requirements as may be appropriate and determined by the Town Board.
- (4) Up to a 10% reduction in the application fee required under Chapter 168.
- (5) Technical and logistical assistance to the developer to obtain any needed variances, waivers or approvals from local, State or Federal agencies.

Example: An applicant has an as of right 20 lot subdivision or 20 unit multi-family residential site plan. The applicant offers to construct 3 of the lots or units as BMRHUs. Since the applicant has proposed at least 10% BMRHUs in the development, a Density Bonus is granted equal to the number of BMRHUs proposed. Therefore, the applicant can develop 23 lots or 23 units within their project.

In addition, the applicant may be granted an Additional Density Bonus equal to 1.5 units per BMRHUs over the 10% proposed rounded up to the nearest whole number, or 2 units. Therefore, the applicant can develop a total of 25 units.

20 MRUs
3 BMRHUs (Density Bonus)
+2 MRUs (Additional Density Bonus = 1 x 1.5)
25 Total Lots or Units

- C. The addition of Density Bonus or Additional Density Bonus units involved in subdivision of single-family dwelling shall not be permitted to increase the building height or lot coverage as defined in Appendix A of Chapter 300, Zoning. With authorization from the Town Board, the Planning Board shall use Section §300-22 Flexibility Standards or Chapter 300 Article XXV Clustering and Flexibility Standards to vary other bulk requirements in order to design a plan of development that best suits the development property.
- D. Below Market Rate Housing Units shall only be re-rented or re-sold to individuals or families who qualify for such housing at the time of such re-rental or re-sale, and the rent or purchase price for such re-rental or re-sale shall not exceed the rent price or purchase price as described in the Restrictive Covenant.

§ 300-250. Minimum floor area. The minimum gross floor area per BMRHU shall be determined by Section §102-5(D).

Section IV. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have

been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section V. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section VI. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.