

**BARRETT HILL – ZONING TEXT AMENDMENT**

**Town of Southeast, Putnam County, NY**

**Local Law No. \_\_\_ of 2016**

A LOCAL LAW entitled: “A Local Law to Amend the Chapter 138 of the Town Code to create a Multifamily Work Force Housing District.” Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

**SECTION 1: LEGISLATIVE INTENT**

The Town Board of the Town of Southeast, proposes to amend the Code of the Town of Southeast to permit Multifamily Work Force Housing District to provide suitable opportunities within the Town for the development of housing designed to satisfy the needs of households maintained by the disabled, the young, the elderly, and families earning less than 80% of the county’s annual median income. The district is intended to provide for the construction of multifamily housing on sites determined to be appropriate based on criteria established herein which are designed to promote the public health, safety and general welfare and to develop housing which is responsive to a variety of special needs of present and future residents of the Town.

**SECTION 2: AMENDMENTS TO ARTICLE I, “GENERAL PROVISIONS; DEFINITIONS”**

Section 138-4.B, “Definitions” is hereby amended in part to add the following definitions:

**AFFORDABLE HOUSING UNIT**

For-Purchase Housing Unit: A for-purchase housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Putnam County as defined by the United States Census Bureau and for which the annual housing cost of a unit including common charges, principal, interest, taxes and insurance (PITI) does not exceed 33% of 80% AMI, adjusted for household size. The housing unit shall be subject to a 99 year deed restriction limiting the sale and resale of the property to qualifying affordable households.

Rental Housing Unit: A rental unit that is affordable to a household whose income does not exceed 80% of the area median income for Putnam County, as defined by the United States Census Bureau. The housing unit shall be subject to a 99 year deed restriction limiting the rental and re-rental of the property qualifying affordable households.

**AFFORDABLE PRIORITY UNIT**

A Priority Unit which is subject to a 99 year restriction limiting the sale or rental price initially and upon resale or re-rental at a price to be determined for the particular project.

**PRIORITY UNIT**

A single family or multifamily housing unit that is marketed to and occupied by a household meeting the eligibility requirements defined by the particular project, including but not limited to households within a preference group which may include but are not limited to residents and/or workers in the Town of Southeast who are members of the fire and police force, school district employees, veterans residing in Putnam County, persons aged 55 and older, persons with disabilities, and Putnam County First Responders, etc.

**QUALIFYING AFFORDABLE HOUSEHOLD**

A household in which the total household income is equal to or less than 80% of Putnam County Household Income as published by the United States Census Bureau from time to time or as adjusted

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consistent with increases in the CPI during interim periods, and in which at least one member of the household is a member of one or more of the preference groups identified for the particular project.

**SECTION 3: AMENDMENTS TO ARTICLE II, “ESTABLISHMENT OF DISTRICTS; MAP”**

Section 138-5, “Districts enumerated” is hereby amended in part to add the following district:

Multifamily Work Force Housing District            MWFH

**SECTION 4: ESTABLISHMENT OF ARTICLE XIX, “FLOATING ZONING DISTRICTS”**

Article XIX, “Floating Zoning Districts,” and Section 104, “Multifamily Work Force Housing District,” are hereby established.

- A. Purpose and intent. A multifamily workforce housing district is 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 disabled, the young, the elderly, and families earning less than 80% of the county’s annual median income. The district is intended to provide for the construction of multifamily housing on sites determined to be appropriate based on criteria established herein which are designed to promote the public health, safety and general welfare and to develop housing which is responsive to a variety of special 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, the multifamily work force housing district 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.
- B. Eligible property. Any site proposed to be included in the Multifamily Work Force Housing District shall be in the OP2 District and shall meet the following site eligibility requirements, all of which shall be met on the effective date of the Zoning Map amendment:
  - (1) Such site shall be accessed by a State, County, or Town road and shall be adjacent to a residential zone;
  - (2) Such site shall be serviced by an existing central sewage treatment plant, central water supply and central fire protection system;
  - (3) Notwithstanding the minimum lot size requirements for the OP-2 District set forth in the Commercial Zoning Schedule, such site shall have a minimum lot size of 25 acres.
- C. Permitted uses. The following uses shall be permitted in the Multifamily Work Force Housing District, subject to the following restrictions:
  - (1) Multifamily residential housing, subject to the issuance of a special permit from the Town Board and site plan approval from the Planning Board.
  - (2) Single family dwellings (attached or detached), subject to the issuance of a special permit from the Town Board and site plan approval from the Planning Board.
- D. Special permit standards. The issuance of a special permit for single family or multifamily residential housing shall be subject to the following standards:
  - (1) A minimum of 30% of the project units shall be designated as Priority Units for occupancy by eligible households.

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- (2) In any development of 10 or more dwelling units, at least 10% of the units shall be classified as Affordable Housing as defined by §138-4.B. In computing this number, fractional units of 0.5 or more shall be rounded up.

**E. Dimensional and bulk standards.**

- (1) The yard, setback, floor area ratio and building coverage standards of the OP-2 Zoning District shall apply.
- (2) A minimum of 1.5 off-street parking spaces per dwelling unit shall be required, plus twenty (20) percent for visitor parking.

**F. Development standards. All single family and multifamily residential development in the Multifamily Work Force District shall comply with the following standards:**

- (1) Physical integration. Units designated as Priority Units shall be designed to be integrated into the overall project so as not to be immediately identifiable and shall contain the same quality workmanship and materials.
- (2) Dwelling unit size and unit type. Dwelling unit types may include multifamily and single family attached or single family detached types and may include one or two bedroom units.
- (3) Minimum floor area. The minimum gross floor area (living space) per Affordable Housing dwelling unit shall not be less than 80 percent of the average floor area of non-restricted housing units in the development, and no less than the following:
  - a) Studio/efficiency: 450 square feet.
  - b) One-bedroom: 675 square feet.
  - c) Two-bedroom: 750 square feet.
- (4) Occupancy standards. The following schedule of occupancy shall apply to all Affordable Housing Units:

<b>Number of Bedrooms</b>	<b>Maximum Number of Persons</b>
Studio/efficiency	2
1	3
2	5

- (5) Bedrooms. No multi-family housing unit shall contain more than two bedrooms. The intended use of each room in a multi-family housing unit shall be specified on the site plan. For the purpose of determining the number of bedrooms in the dwelling unit, any room designed, intended, furnished or occupied for sleeping quarters and any room other than a living room, kitchen or bathroom or a utility room having more than 50 square feet of floor area shall be considered a bedroom. The identification of use of rooms in each dwelling unit shall be a part of the approval of the site plan. The habitable floor area of a dwelling unit shall not exceed 1,800 square feet.
- (6) Phasing. Each Phase shall include an equal number of Priority Units spread throughout the project.
- (7) Building Size. Total Building Area shall comply with the Floor Area Ratio (FAR) for the OP-2 zone.

**G. Selection and affordability standards.**

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- (1) Each project shall be required to define the selection criteria and process for compliance of the project to this section as part of the Project Marketing Plan or Community Benefits Agreement.
  - (2) The Project Marketing Plan or Community Benefits Agreement shall identify the organization, group or company who shall ensure compliance with the eligibility requirements for the project. As part of the Special Permit approval process, the Town Board shall have the authority to approve or disapprove of the organization, group, or company that shall manage and ensure compliance with the eligibility requirements for the Project.
  - (3) Each project shall define how the project shall benefit the identified preference groups/population identified in the Project Marketing Plan or Community Benefits Agreement.
  - (4) At least 30% of the project units shall be designated to serve the preference group/population (i.e. Priority Units).
  - (5) The Project Marketing Plan or Community Benefits Agreement will include the method to ensure the Priority Units serve the preference group/population.
  - (6) Typical preference groups could include such residents and/or workers in the Town of Southeast who are members of the fire and police force, school district employees, veterans residing in Putnam County, persons aged 55 and older, persons with disabilities, and Putnam County First Responders, etc.
  - (7) At least 34% of the Priority Units shall be subject to a 99 year restriction limiting the sale or rental price of such Affordable Priority Units, initially and upon re-rental or resale.
    - a) With respect to rental units, such Affordable Priority Units shall be rented to Qualifying Affordable Households at rates equal to 30% of 80% of the Putnam County Household Income, as published by the United States Census Bureau from time to time or as adjusted consistent with increases in the CPI during interim periods.
    - b) With respect to sale units, such Affordable Priority Units shall be sold to Qualifying Affordable Households at sales prices equal to 90% of the prices set forth in the Sales Offering Plan or Memorandum (for the first six months of sales, as established by the sale of the first unit), or 90% of the sales price of similar housing units in the subject multi-unit multi-family housing development in the 6 months preceding the date of the contract of sale, adjusted for unit size. The sale price of these units shall not exceed the threshold for an Affordable Housing Unit as defined in §138-4.B.
- H. Application procedure. The procedure for planning and zoning approval of a proposed multifamily work force housing development in accordance with this section shall involve a three-stage review process, including (1) Town Board approval of a Zoning Map change to designate the subject property as within the Multifamily Work Force Housing District, (2) Town Board approval of a special permit for the single family or multifamily residential development, (3) Planning Board approval of a site plan.
- I. Reservation of parkland. Before the PlanningTown Board may approve any site plana Special Permit for a project containing multi-family residential units, sucha site plan shall also be provided that shall show, when required by such Board, a park or parks suitably located for playground or other recreational purposes.
- (1) The PlanningTown Board shall not require land for park, playground or other recreational purposes until it has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and future needs for park and recreational facilities in the Town based on projected population growth to which the particular site plan will contribute. Such findings shall provide an individualized determination that such required dedication or reservation is related both in nature and extent to the impact of the proposed site planproject.

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- (2) In the event the PlanningTown Board makes a finding pursuant to the preceding subsection that the proposed site planproject presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purpose, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the PlanningTown Board may require a sum of money in lieu thereof. In making such determination of suitability, the Board shall assess the size and suitability of lands shown in the site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate community. Any monies required by the PlanningAs part of the Special Permit referral pursuant to Section 138-52.A(2), the Town Board shall seek a report and recommendation from the Planning Board regarding the suitability of lands shown in the site plan which could be possible locations for park or recreational facilities. Any monies required by the Town Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited to the Town of Southeast to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property. Such payment shall be a condition of site planSpecial Permit approval and shall be assessed in accordance with the site plan recreation fee schedule established by the Town Board per §138-87. No site plan shall be signed by the Chairman of the Planning Board until such Special Permit approval is granted by the Town Board, and payment has been received by the Town and receipt therefor provided to the Planning Board.

### **SECTION 5: VALIDITY**

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

### **SECTION 6: EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State.