

LOCAL LAW NO. _____ OF 2009
AMENDING CHAPTER 200 OF THE CODE
OF THE VILLAGE OF ARDSLEY
ENTITLED ZONING

Be it enacted by the Board of Trustees of the Village of Ardsley as follows:

SECTION 1 – TITLE

This Local Law shall be referred to as A Local Law Amending Chapter 200 entitled Zoning of the code of Ardsley to Establish the R4A Workforce/Affordable Overlay District

SECTION 2 – PURPOSE AND INTENT

The Village of Ardsley recognizes that a choice of housing opportunities for a variety of income groups strengthens communities by helping to increase diversity. In particular, the Village recognizes that high housing cost in the Village have priced many, emergency service volunteer, public service and quality of life occupants out of the housing market. In particular, by providing housing that is closer to places of work, commute time and cost is reduced, and productivity and family time for employees is increased. Reduced commutes also reduce traffic congestion, air pollution, and wear and tear on the transportation infrastructure. The Village also recognizes that high housing cost in the Village have priced many public service, volunteer and quality of life occupants out of the housing market. The purpose of this section is to ensure that new multifamily residential developments in the Village’s R4 zone include a mixture of market rate, affordable, and workforce housing to meet the needs of the Community’s citizens.

SECTION 3 – AMENDMENTS TO CHAPTER 200

1. Section 200-2 entitled “Definitions”

Specific terms. As used in this chapter, unless the context or subject matter requires otherwise, the following terms shall have the meanings herein indicated:

HOUSING, AFFORDABLE - Dwelling units constructed for families whose annual income is between 50% and 80% of the Westchester County median income, 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.

HOUSING, WORKFORCE - Housing designed, marketed, and made available to families that include emergency service volunteers, public service, and quality-of-life occupations that serve the residents of the Village Ardsley with said families having annual income that does not exceed 120% of the Westchester County median income as defined and periodically updated by the United States Department of Housing and Urban Development.

2. Section 200-3 entitled “Districts Established”

§ 200-3 Designation of Districts

For the purpose of promoting the public health, safety, morals and general welfare of the community, the Village of Ardsley, New York, is hereby divided into the following types of districts:

R-1 District: One-Family Residential District

R-2 District: One-Family Residential District

R-3 District: One-Family Residential District

R-4 District: Residential District

CCH District: Conservation or Clustered Housing District

RO District: Residence Office District

B-1 District: General Business District

B-2 District: Special Business District

B-3 District: Shopping Center Business District

Overlay Districts

R-4A Workforce/Affordable Housing Overlay District

2. A new Section 200-29.2 is hereby added entitled “R4A Workforce/Affordable Housing Overlay District”. There is hereby created a Workforce/Affordable Housing Overlay

District. The boundary of said district is coterminous with the R-4 District: Residential District located along Saw Mill River Road in the vicinity of Revolutionary Road.

A. Minimum Requirements

(1) All multifamily housing developments in the R4A Overlay District shall provide for the following housing:

(a) A minimum of twenty percent of all units in new multifamily housing developments shall meet the definition of "workforce housing" as set forth in § 200-2 of this chapter.

(b) A minimum of twenty percent of all units shall meet the definition of "affordable housing" as set forth in § 200-2 of this chapter.

(c) The balance of the multi-family units can be made up of a mixture of market rate, workforce or affordable housing subject to approval by the Village Board as part of site plan approval consistent with Section 200-29.1C.

B. Household Eligibility and Priorities

(1) Eligibility. To be eligible to purchase or rent a workforce housing unit, the household's aggregate annual 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) must be 120% or lower than the Westchester County median family income for a family of a particular size as determined by the United States Department of Housing and Urban Development (HUD). Annually, the maximum family income shall be recalculated and set by resolution of the Village Board, or its designee, and shall be on file with the Village Clerk.

(2) Priorities for workforce housing. Among income eligible households, initial priority to purchase or rent workforce housing units shall be given to the following types of households, in order:

- (a) Volunteer firefighters and emergency service volunteers for the Village of Ardsley. Volunteers who have been enrolled as active members of an incorporated volunteer fire company or incorporated voluntary ambulance service serving the Village of Ardsley for at least five (5) years shall have priority over volunteers who have served for shorter periods;
 - (b) Employees of the Village of Ardsley;
 - (c) Residents of the Village of Ardsley who are employees of the Ardsley School District (including non-teaching and non-administrative positions);
 - (d) Residents of the Village of Ardsley who are combat veterans of the armed services;
 - (e) Residents of the Village of Ardsley;
 - (f) Other persons employed in the Village of Ardsley;
 - (g) Senior citizens living outside the Village of Ardsley;
 - (h) Relatives of residents of the Village of Ardsley;
 - (i) Other residents of Westchester County; and
 - (j) All others. After 60 days from the date on which such units are initially offered for purchase or rental, the opportunity to purchase or rent may be made available to other income eligible households.
- (3) In the event that the number of applicants for workforce housing exceeds the number of available units, units shall be allotted:
- (a) By category;
 - (b) By chronological order of filing; and
 - (c) By lottery, if necessary.
- (4) Priorities for affordable housing. In the event that the number of applicants for affordable housing exceeds the number of available units, units shall be allotted on a lottery basis.

C. Development Standards

(1) Siting of workforce and affordable housing units. All workforce and affordable housing units constructed under this section shall be appropriately mixed into the proposed development and integrated with the market rate units in a manner acceptable to the Planning Board.

(2) Minimum design and construction standards for workforce and affordable housing units. Workforce and affordable housing units shall be integrated with the rest of the development and shall be compatible in both interior and exterior design, appearance, construction and quality of materials with other units. The workforce and affordable housing units shall be indistinguishable on the exterior from the market rate units, but shall have no less than 80% of the square footage of market rate units for the same number of bedrooms.

(3) Timing of construction or provision of workforce and affordable housing units. The construction of workforce and affordable housing units shall occur proportionately with the construction of the market rate units in the development.

D. Administration

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

(2) When a multifamily development contains 20% or more of either workforce and/or affordable units, the Village Board, Planning Board and/or Zoning Board may:

(a) Waive certain application fees for applicants proposing to build workforce and/or affordable housing units in the Village of Ardsley;

(b) Consider such other forms of assistance which may be under the control of the Village of Ardsley; and

(c) Actively assist in obtaining assistance of federal, state or other agencies in support of workforce and/or affordable housing development.

(3) No development owner containing workforce and/or affordable housing units or subsequent workforce and/or affordable housing unit owner may discriminate against or deny occupancy to any eligible household in the sale or rental of a workforce and/or affordable housing unit based upon race, color, sex, religion, or national origin.

E. Assurances

(1) Deed restrictions. The landowner and developer must agree to file a declaration at the time of site plan approval identifying the units which are workforce and affordable housing units, and restricting their future sales price and rental price in perpetuity under the provisions of this Chapter. The declaration shall include a provision requiring that every deed for a workforce and/or affordable housing unit shall include the following paragraph to inform all future sellers and buyers that this unit is a workforce and/or affordable housing unit subject to the provisions of this section:

“This dwelling has been constructed for use by income eligible families pursuant to a special program of the Village of Ardsley. 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.”

(2) Legal assurances. Each application for a proposed development containing workforce and affordable housing units shall be accompanied by appropriate undertakings, deed restrictions, easements and the like, in form and content satisfactory to the Village Attorney, as may be necessary to provide for and assure continued proper future maintenance and ownership responsibilities for all common areas, facilities and utilities within each stage of development or section thereof.

(3) Other assurances. The Planning Board may condition its recommendation of approval of a development containing workforce and affordable housing units upon the applicant

obtaining any other necessary approvals from the appropriate Village, county or state agencies having jurisdiction thereof.

(4) Performance bond. The applicant may be required to post a performance bond in an amount sufficient in the opinion of the Village Board and in favor of the Village in the form of a cash payment, surety bond or letter of credit to assure that all ancillary facilities, utilities and common areas shown on the proposed site plan are provided, together with provision for their future maintenance and care. Said performance bond shall be in form satisfactory to the Village Attorney and shall extend for a term of not less than five years after full completion as determined by the Village Board.

(5) Continued Affordability. For owner occupied affordable housing units, the affordable units shall be sold at a price not to exceed 3.3 times 80% of the median household income for Westchester County, as established annually by the U.S. Department of Housing and Urban Development. A covenant shall be recorded in the County Clerk's office, which shall provide that resale of any affordable housing units may not sell for a price exceeding 3.3 times 80% of the median household income for Westchester County, as established annually by the U.S. Department of Housing and Urban Development. For owner occupied workforce housing units, the workforce units shall be sold at a price not to exceed 3.3 times 120% of the median household income for Westchester County, as established annually by the U.S. Department of Housing and Urban Development. A covenant shall be recorded in the County Clerk's office, which shall provide that resale of any affordable housing units may not sell for a price exceeding 3.3 times 80% of the median household income for Westchester County, as established annually by the U.S. Department of Housing and Urban Development.

For rental units, the maximum monthly rent for the affordable units shall not exceed 30 percent times 80% of the median household income for Westchester County, as established annually by the U.S. Department of Housing and Urban Development, divided by 12 months. Said amount shall include utilities and common charges, if any.

SECTION 4 – AMENDMENTS TO THE ZONING MAP

The Zoning Map of the Village of Ardsley, adopted and made a part of Chapter 200 of the Code of the Village of Ardsley pursuant to Section 200-3, is hereby amended to add the R4A Workforce/Affordable Overlay District, the boundaries of which are coterminous with the existing R-4 District: Residential District, as shown on the amended Zoning Map which accompanies and which with all explanatory material thereon is hereby adopted and made part of this Local Law.

SECTION 5 – VALIDITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to any other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Village Board hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application thereof had been apparent.

SECTION 6 – EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.