

PROPOSED LOCAL LAW C – 2019

A Proposed Local Law to amend Chapter 342 of the Code of the Village of Mamaroneck (Zoning) regarding housing.

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK  
AS FOLLOWS:**

*(Language in strike-through ~~abcedefghijk~~ to be deleted; language in **bold** is to be added)*

*Section 1.*

Section 342-3 of the Code of the Village of Mamaroneck is amended by adding the following definitions:

**AREA MEDIAN INCOME (AMI)**

**The area median income for Westchester County, as defined and periodically updated by the United States Department of Housing and Urban Development in accordance with the exception criteria applicable to Westchester County.**

**FAIR AND AFFORDABLE HOUSING FAMILY (FAHF)**

**A family, the aggregate annual income of the members of which, including the total of all current annual income of all family members from any source whatsoever, but excluding the earnings of those members of the family under 21 years of age attending school full time, does not exceed 80 percent of AMI at the time of application or, in the case of a rental, 120 percent at the time of renewal.**

**FAIR AND AFFORDABLE HOUSING UNIT (FAHU)**

**A dwelling unit reserved for rental by a fair and affordable housing family, the maximum yearly rent for which, excluding utilities, does not exceed 30 percent of 80 percent of AMI at the time of application, or 30 percent of 120 percent of AMI at the time of renewal, or a dwelling unit reserved for sale to a fair and affordable housing family, the maximum gross sales price for which does not exceed 2.5 times 80 percent of AMI.**

**FAIR AND AFFORDABLE RESIDENCE**

**A fair and affordable housing unit or a fair and deeply affordable housing unit.**

**FAIR AND DEEPLY AFFORDABLE HOUSING FAMILY (FDAHF)**

**A family, the aggregate annual income of the members of which, including the total of all current annual income of all family members from any source whatsoever, but excluding the earnings of those members of the family under 21 years of age attending school full time, does not exceed 40 percent of AMI at the time of application or, in the case of a rental, 80 percent at the time of renewal.**

**FAIR AND DEEPLY AFFORDABLE HOUSING UNIT (FDAHU)**

**A dwelling unit reserved for rental by a fair and deeply affordable housing family, the maximum yearly rent for which, excluding utilities, does not exceed 30 percent of 40 percent of AMI at the time of application, or 30 percent of 80 percent of AMI at the time**

of renewal, or a dwelling unit reserved for sale to a fair and deeply affordable housing family, the maximum gross sales price for which does not exceed 2.5 times 80 percent of AMI.

#### **GROCERY STORE, FULL-SERVICE**

A retail store offering a full line of groceries, meat, fruits and produce including general merchandise and health and beauty aids, and which may offer a service deli, baked goods, frozen and prepared foods, a specialty food shop and/or a pharmacy.

#### **GROUND FLOOR**

The floor of a building at or closest to final grade.

#### **MARKET RATE HOUSING UNIT**

A housing unit that is not a fair and affordable housing unit or a fair and deeply affordable housing unit.

#### **MIXED-USE DEVELOPMENT**

A development that contains both residential and non-residential uses.

#### *Section 2.*

Section 342-30(A)(1)(p) of the Code of the Village of Mamaroneck is amended as follows:

- (p) Residence uses ~~as permitted by~~ **in accordance with § 342-50. (This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with such approval.)**

#### *Section 3.*

Section 342-30.1 of the Code of the Village of Mamaroneck is amended as follows:

- A. Purpose and intent. The Transit-Oriented Development (TOD) Overlay District is based upon recommendations in the Transit-Oriented Development (TOD) Zoning Study of the Village of Mamaroneck dated February 2013. The TOD Zoning Study recommends the creation of a TOD Overlay District to capitalize on development and redevelopment potential resulting from proximity to the Mamaroneck train station and Central Business District, while creating tangible benefits for existing residents and property owners within and adjacent to the TOD Overlay District.
- B. Mapping of TOD Overlay District. The area comprising the Transit-Oriented Development. Overlay District is indicated on the Zoning Map of the Village of Mamaroneck.
- C. Permitted principal and accessory uses. Any principal or accessory use allowed in the underlying C-1 General Commercial District shall be allowed in the TOD Overlay District, as may be modified by the provisions hereof.
- D. ~~Notwithstanding the requirements of the underlying C-1 District, the following provisions shall apply to the TOD Overlay District:~~ **Special permit uses. The Planning Board may grant special permits for residence uses in the TOD Overlay District in accordance with the requirements of § 342-50. (This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with**

such approval.)

~~(1) Residence uses in the TOD Overlay District. Residence uses in the TOD Overlay District shall meet the standards for residence uses in C-1 Districts, as specified in § 342-50, except as follows~~

~~(a) Such residential uses shall not require a special permit from the Planning Board.~~

~~(b) Site size. For residential uses within the TOD Overlay District, there shall be no minimum or maximum site size requirement.~~

~~(c) Floor area ratio. The permitted FAR for the entire building, including residential and nonresidential uses, shall not exceed 0.6, except that the FAR may be increased to a maximum of 1.7, as provided in the following provisions:~~

~~[1] The Planning Board may increase the FAR to 0.80 in accordance with the provisions of Article XV of this chapter for below-market-rate housing.~~

~~[2] The Planning Board may further increase the FAR by an additional 0.3 for mixed-use development that includes a full-service grocery store of up to 25,000 square feet of gross floor area.~~

~~[2] The Planning Board may further increase the FAR by an additional 0.4, provided that both of the following requirements are met to the satisfaction of the Planning Board:~~

~~[a] Payment into a Neighborhood Stabilization Fund. The developer or property owner shall pay an amount equal to 10% of the market value of the additional gross floor area allowable by the 0.4 FAR bonus, as estimated by the Town of Mamaroneck Assessor. Payment shall be made prior to the issuance of a certificate of occupancy.~~

~~[b] Provision of green building elements and/or green infrastructure as defined in this chapter to the satisfaction of the Planning Board and as reviewed by the Building Inspector and/or the Village Engineer.~~

~~[3] If ground-level retail stores, restaurants, personal service stores, clubs, dancing studios, dancing schools, or other similar uses are provided that those uses, in the opinion of the Planning Board, will encourage an active street environment for pedestrians, the Planning Board may exempt up to 3,000 square feet of gross floor area, of such use the area occupied by those uses, or 1/3 of the ground-floor area, whichever is greater, from the calculation of maximum FAR.~~

~~(d) Maximum coverage: 50%.~~

~~(e) Minimum required yards:~~

~~[1] Front: five feet.~~

~~[2] Two sides combined: 20 feet.~~

~~[3] Lesser side: eight feet.~~

~~[4] Rear: 25 feet.~~

~~(f) Usable open space requirement: 150 square feet per unit. "Usable open space" shall be defined as active recreation, sitting or landscaped areas open to the sky. Parking shall not be considered usable open space. On any lot containing more than 15 dwelling units, the design, layout and equipment of such open space shall be subject to Planning Board approval. For purposes of open space calculations, an "atrium" is defined as a continuous area open to a sidewalk and street which is open and unobstructed, except for sitting and landscaped areas, to a height of at least 25 feet and whose roof and wall configuration allows natural sunlight as the main light source. Rooftop and atrium open spaces that are open to all the residents of the building may account for up to 10% of the open space requirements.~~

- E. Parking for any permitted principal or accessory use ~~shall~~**must** meet the parking requirements of § 342-56, except that for multifamily housing, the requirement shall be one space per dwelling unit, plus 1/4 space per bedroom. For a building containing a mix of multifamily residential and nonresidential uses, the required parking for the residential use may be reduced to **one** space per dwelling unit, plus 1/4 space per bedroom in excess of one bedroom. ~~Such~~ **Required** parking for ~~mixed uses~~ **a mixed-use development** must be shared among the uses on the site and not assigned to any one user, as acceptable to the Planning Board.

#### *Section 4.*

Section 342-31(A)(1)(d) of the Code of the Village of Mamaroneck is amended as follows:

- (d) Residence uses ~~as permitted by~~ **in accordance with** § 342-50. (This use is subject to the approval procedure set forth in Article X and shall conform to any additional requirements made in connection with such approval.)

#### *Section 5.*

Section 342-37(A)(3) of the Code of the Village of Mamaroneck is amended as follows:

- (3) Any principal uses, **other than a residence use**, permitted in a C-1 General Commercial District, but subject to the restrictions § 342-47.

#### *Section 6.*

Section 342-50 of the Code of the Village of Mamaroneck is amended as follows:

§ 342-50 Residence uses in commercial districts **and the Transit-Oriented Development Overlay District.**

- A. **Special permit for residence uses. The Planning Board may grant special permits for residence uses in the following areas in accordance with the requirements of this section and the approval procedure set forth in Article X:**

- (1) **as a principal use in that portion of the C-1 Districts not located on Boston Post Road or on the southwestern side of Old White Plains Road northwest of Center Avenue or on Mamaroneck Avenue north of Nostrand Avenue;**
- (2) **as a use accessory to a permitted principal use on the Boston Post Road in the C-1 Districts;**

- (3) as a principal use in the Transit-Oriented Development Overlay District; and**
- (4) as a principal use in the C-2 Districts.**

**B. Requirements for residence uses where permitted in the commercial districts and the Transit-Oriented Development Overlay District. Each permitted residence use in the commercial districts and the Transit-Oriented Development Overlay District must satisfy the following requirements.**

- (1) Separate entrance. The entrance to the residentially used portion of the building must be through either a common lobby or plaza or an area that is separated from the area used for non-residential purposes.**
- (2) Reserved parking. Except in the Transit-Oriented Development Overlay District, parking for the residences of any mixed-use structure, where required or provided, must be in a separate parking area for the use of residents only or in a reserved section of a common parking area. The reserved section must be adequately marked, landscaped and otherwise demarcated from commercial parking. To allow for visitor parking, the Planning Board may require up to 15 percent more off-street parking for the use of residents than would otherwise be required by Article VIII.**
- (3) Compatibility of use. The Planning Board may allow residence uses above or in conjunction with commercial uses only if the Planning Board determines that the proposed commercial uses will be compatible with residences. In making that determination, the Planning Board must consider noise, odors, hours of operation and traffic anticipated to result from the proposed non-residential uses. Motor vehicle service stations, public garages, printing plants, cabarets, transformer stations and motels are presumed to be incompatible with residence uses, but the Planning Board may determine, on the basis of proof submitted by the applicant, that those uses are compatible with residences.**
- (4) Green building elements and infrastructure. The development must incorporate green building elements and/or green infrastructure to the satisfaction of the Planning Board.**
- (5) The development may not contain a building, structure or parking area within 50 feet from the mean high-water line of Long Island Sound or any body of water which flows into Long Island Sound, and the Planning Board may not grant a permit for such a building structure or parking area under section 240-30 of this Code for development under this section, unless the building, structure or parking area is water-dependent, as that term is defined in section 240-30.**
- (6) In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this article and the policies established by the Village Comprehensive Plan, residence uses in the commercial districts must provide fair and affordable housing units in accordance with Article XV and the following schedule:**

<b>Zoning District</b>	<b>Maximum FAR or coverage - 5 or more units</b>	<b>Percentage Required</b>
<b>C-1</b>	<b>0.8</b>	<b>5-10 units: 1 FAHU 11 to 20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number</b>
<b>C-2</b>	<b>2.0</b>	<b>5-10 units: 1 FAHU 11-20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number</b>
<b>TOD</b>	<b>.8 (up to 1.5 if other TOD incentives are utilized)</b>	<b>5-10 units: 1 FAHU 11-20 units: 2 FAHU 21 or more units: 10% of units rounded up to the nearest whole number</b>

**AC. Additional requirements for residence uses in the C-1 Districts.** Residence uses, where permitted as principal uses in C-1 Districts, ~~shall~~ **must** meet the following standards, in addition to the standards set forth in § 342-50(B), above:

- (1) Site size. ~~The infill provision for housing in C-1 Districts shall apply only to sites under 40,000 square feet in area, unless a site is to be utilized for below-market housing.~~ **The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article XV of this chapter.** ~~In cases of the provision of below-market housing there shall be no restriction on site size.~~
- (2) Floor area ratio. ~~The permitted total maximum floor area ratio (FAR) shall not exceed 0.60 for developments with four or fewer residential units and 0.80 for developments with five or more residential units. The Planning Board may increase the FAR to 0.80 in accordance with the provisions of Article XV of this chapter for below-market housing.~~ **Except as provided in Article XV, the permitted total maximum floor area ratio (FAR) shall not exceed 0.60 for developments with four or fewer residential units and 0.80 for developments with five or more residential units. The Planning Board may increase the FAR to 0.80 in accordance with the provisions of Article XV of this chapter for below-market housing.**
- (3) Height, setback and yard controls. ~~Zoning envelope controls shall be as follows:~~
  - (a) Minimum lot width and frontage: 50 feet.
  - (b) Minimum lot depth: 100 feet.
  - (c) Minimum habitable floor area (per unit): 450 square feet.
  - (d) Maximum stories: three; ~~four in the C-1 Zone on Mamaroneck Avenue, Boston Post Road and Van Ransst Place.~~
  - (e) Maximum height: 35 feet; ~~45 feet on Boston Post Road and 50 feet on Mamaroneck~~

Avenue.

- (f) Maximum coverage: 30%~~percent~~; **except that a maximum coverage of 35% percent is permitted in the C-1 Zone on Mamaroneck Avenue and Boston Post Road or for a development that consists of in which all of the residences are below market rate housing fair and affordable residences as defined provided in accordance with Article XV of this chapter.**
- (g) Minimum required yards:
- [1] Front: 20 feet. ~~(NOTE: Applies to for new construction. Setbacks may be modified for rehabilitation of existing structure, provided that the structure complies with C-1 regulations and the Planning Board determines that adequate light, air and open space will exist for residents of the rehabilitated space.)~~
  - [2] Lesser side: 10 feet. ~~(NOTE: These minimum setbacks must be landscaped and may be doubled where they are adjacent to a residential district.)~~
  - [3] Two sides combined: 20 feet. ~~(NOTE: These minimum setbacks must be landscaped and may be doubled where they are adjacent to a residential district.)~~
  - [4] Rear yard: 25 feet. ~~(NOTE: Applies to new construction. Setbacks may be modified, for rehabilitation of existing structure, provided that the structure complies with C-1 regulations and the Planning Board determines that adequate light, air and open space will exist for residents of the rehabilitated space.)~~
  - [5] Required side yards must be landscaped as reasonably determined by the Planning Board.**
  - [6] The Planning Board may require that any required side yard that is adjacent to a residential district be twice the size that would otherwise be required.**
- (h) Minimum setback for parking and driveways: five feet. ~~(NOTE: These minimum setbacks~~**The setback area** ~~must be landscaped and where the setback area is adjacent to a residential district, the Planning Board may require that the setback area be up to 10 feet. be doubled where they are the area is adjacent to a residential district.)~~
- (i) Off-street parking and loading: as required by Article VIII.
- (j) Open space ~~requirement~~: 300 square feet per unit.
- ~~(4) Special permit criteria. The infill housing provision within C-1 Zones shall be allowed only through a special permit granted by the Planning Board. No such permit shall issue unless the following requirements are met, in addition to those of Article X hereof:~~
- ~~(a) Separate entrances. The residentially used portion of any structure shall have an entrance or entrances which do not require access through any nonresidentially used area, other than a common lobby or plaza. The location and design of such entrances shall be subject to approval by the Planning Board as part of the required special permit application.~~
  - ~~(b) Reserved parking. Parking for the residences of any mixed structure shall be in a separate lot or in a reserved section of the parking area, which reserved section must~~

~~be adequately marked, landscaped and otherwise demarcated from commercial parking. For any or all buildings, the Planning Board may require additional parking for visitors up to 15% more than required in Article VIII.~~

- ~~(c) Compatibility of use. The Planning Board shall allow infill housing above commercial uses or in conjunction with commercial uses only if such uses are found to be compatible with such housing. The Planning Board shall consider noise, smell pollution, hours of operation and expected traffic volumes in making this determination. The following use groups of the C-1 District shall normally be considered incompatible without proof of the contrary from the applicant that is satisfactory to the Planning Board: § 342-30A(1)(e), restaurants, § 342-30A(1)(g), motor vehicle service stations and public garages, § 342-30A(1)(i), printing plants, § 342-30A(1)(j), clubs, § 342-30A(1)(m), farms, § 342-30A(1)(n), transformer stations and § 342-30A(1)(o), motels.~~
- ~~(d) Building context. The Planning Board shall consider the surrounding scale, height, design and setbacks of existing buildings in its determination of the zoning envelope for infill housing. In undertaking this contextual evaluation, the Planning Board may request building sections and elevations; shadow diagrams, showing the impact of the proposed use on adjacent property; and planimetric context maps, showing all adjacent buildings with street or build to lines. In order to achieve a compatible building environment, the Planning Board may modify height, setback and yard controls. Where a lot is in one ownership and a portion of said lot lies in the C-1 Zoning District and a contiguous portion of said lot lies in an RM Zoning District, the Planning Board may modify the height, setback, yards, floor area ratio and building coverage of the lot in both the C-1 and the RM Zoning Districts, provided that in no case shall the zoning regulations be changed so as to increase density or coverage of the land which combined would be permitted in both the C-1 and the RM Zoning Districts. However, any modification must be accompanied by written findings as to why such modification will produce a superior building context.~~

**D. Additional requirements for residence uses on Boston Post Road in the C-1 Districts. Residence uses on Boston Post Road in the C-1 Districts, where permitted as accessory to a permitted principal use, must meet the following standards, in addition to the standards set forth in § 342-50(B), above:**

**(1) Height, setback and yard controls.**

- (a) Site size. There is no minimum or maximum site size requirement.**
- (b) Maximum stories: one story of residential use.**
- (c) Maximum height: 25 feet.**
- (d) Maximum coverage: 30 percent, except that a maximum coverage of 35 percent is permitted for a development in which all of the residences are fair and affordable residences in accordance with Article XV of this chapter.**
- (e) Minimum required yards:**
  - [1] Front: 20 feet.**



- [2] Lesser side: 10 feet.**
- [3] Two sides combined: 20 feet.**
- [4] Rear yard: 25 feet.**
- [5] Required side yards must be landscaped as reasonably determined by the Planning Board.**
- [6] The Planning Board may require that any required side yard that is adjacent to a residential district be twice the size that would otherwise be required.**
- (f) Minimum setback for parking and driveways: five feet. The setback area must be landscaped and where the setback area is adjacent to a residential district, the Planning Board may require that the setback be up to 10 feet.**
- (g) Off-street parking and loading: as required by Article VIII.**
- (h) Open space requirement: 300 square feet per market-rate unit, 150 square feet per fair and affordable housing unit or fair and deeply affordable housing unit.**
- E. Additional requirements for residence uses in the Transit-Oriented Development Overlay District. Residence uses in the Transit-Oriented Development Overlay District must meet the following standards, in addition to the standards set forth in § 342-50(B), above:**
  - (1) Site size. The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article XV of this chapter.**
  - (2) Floor area ratio. The permitted FAR for the entire building, including residential and nonresidential uses is 0.6 for buildings with four or fewer residential units and 0.8 for buildings with five or more residential units, except that the FAR may be increased by up to 0.3 for mixed-use development that includes a full-service grocery store not more than 25,000 square feet in gross floor area, but if the grocery store ever ceases to operate, the area in which the grocery store was located must be leased to the Village of Mamaroneck for community use for one dollar per year.**
  - (3) Maximum height: 40 feet, but 50 feet on Mamaroneck Avenue as long as the stories above the first story are set back five feet more from the front lot line than the first story.**
  - (4) Maximum stories: three, but four stories on Mamaroneck Avenue.**
  - (5) Maximum coverage: 50 percent.**
  - (6) Minimum required yards:**
    - (a) Front: five feet.**
    - (b) Two sides combined: 20 feet.**
    - (c) Lesser side: eight feet.**
    - (d) Rear: 25 feet.**

(e) **Required side yards must be landscaped as reasonably determined by the Planning Board.**

**(7) Usable open space requirement: 150 square feet per unit.**

**BF. Residence uses in C-2 Districts shall must meet the following standards, in addition to the standards set forth in § 342-50(B), above:**

~~(1) Residential uses in C-2 Districts shall be allowed only through a special permit granted by the Planning Board.~~

~~(2) No such permit shall issue unless the following requirements are met, in addition to those of Article X hereof and those of Subsection A(4) of this section.~~

~~(a) The residentially used portion of any structure shall have an entrance or entrances which do not require access through any non-residentially used area, other than a common lobby or plaza. The location and design of such entrances shall be subject to approval by the Planning Board as a part of the required special permit application.~~

~~(b) The maximum permitted floor area ratio for residential uses shall be 2.0. This may be increased in accordance with provisions of Article XV of this chapter for below-market rate housing.~~

~~(c) The maximum permitted building height shall be 45 feet. This may be increased in accordance with provisions of Article XV of this chapter for below market rate housing.~~

~~(d) Parking spaces shall be as provided in Article VIII.~~

**(1) Site size. The site must be less than 40,000 square feet in area, except that the site may be up to 60,000 square feet in area for a development that consists of all fair and affordable residences in accordance with Article XV of this chapter.**

**(2) There must be at least five residential units in the building.**

**(3) The maximum permitted floor area ratio for residence uses is 2.0. The maximum permitted floor area ratio may be increased in accordance with the bonus provisions of Article XV of this chapter.**

**(4) The maximum permitted building height is 40 feet. The maximum permitted building height may be increased in accordance with the bonus provisions of Article XV of this chapter.**

**(5) Off-street parking spaces must be provided as required by Article VIII of this chapter.**

**(6) No ground floor space with frontage on Mamaroneck Avenue may be used for residential occupancy.**

#### *Section 7.*

Section 342-56(A) of the Code of the Village of Mamaroneck is amended by adding the following requirement:

Use	Minimum Number of Spaces
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<b>Fair and affordable residences in a multifamily dwelling</b>	<b>3/4 space per dwelling unit plus 1/4 space per bedroom in excess of one.</b>
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*Section 8.*

Article XV of the Code of the Village of Mamaroneck is amended as follows:

**Article XV Below Market Rate Housing Fair and Affordable Residence Uses.**

§ 342-103 ~~Bonus provisions enumerated~~ **Development bonuses for affordable residence uses;**  
~~definitions~~

- A. In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this article and the policies established by the Village Comprehensive Plan, residence uses providing fair and affordable residences are entitled to the development bonuses set forth in the following schedule:**

<b>Zoning District</b>	<b>Bonus</b>	<b>Maximum FAR or coverage - 5 or more units</b>	<b>Percentage of fair and affordable housing units required to achieve bonus</b>	<b>Percentage of fair and deeply affordable housing units required to achieve bonus</b>
<b>C-2</b>	<b>.5 FAR</b>	<b>FAR 2.5</b>	<b>100% of units</b>	<b>10% of units</b>
<b>RM-1</b>	<b>20% unit bonus</b>	<b>2,500 square feet of land/unit</b>	<b>50% of bonus</b>	<b>No requirement</b>
<b>RM-2</b>	<b>20% unit bonus</b>	<b>1,500 square feet of land/unit</b>	<b>50% of bonus</b>	<b>No requirement</b>
<b>RM-3</b>	<b>20% unit bonus</b>	<b>1,000 square feet of land/unit</b>	<b>50% of bonus</b>	<b>No requirement</b>

- B. If 100 percent of the dwelling units in a development in the C-2 Districts for which a special permit is granted under § 342-50(B) are fair and affordable residences in accordance with this article and the development is undertaken in cooperation with a state or local affordable housing program or in conjunction with a not-for-profit corporation whose purpose is the creation of fair and affordable housing, the Planning Board may allow the development to be up to six stories and 60 feet, but not more than five stories and 50 feet on Mamaroneck Avenue, and may allow the floor area ratio (FAR) to be up to 2.5.**

- C. In order to achieve a compatible building environment, the portion of the building stories above 40 feet must be setback a minimum of ten feet from the front lot line.**

- ~~A. In order to provide a choice of housing opportunities for a variety of income groups within the Village, in accordance with the purposes of this article and the policies as set forth in the Village Comprehensive Plan bonus provisions for increasing the number of units or floor space devoted to housing shall be allowed, upon a vote of the Planning Board for each specific~~

application, in accordance with the following schedule:

Zoning District	Maximum Coverage	Bonus
C-1	FAR 0.60	0.2 FAR bonus
C-2	FAR 2.0	0.5 FAR bonus
RM-1	2,500 square feet of land/unit	20% bonus
RM-2	2,500 square feet of land/unit	20% bonus
RM-3	1,000 square feet of land/unit	20% bonus

~~B. For each additional market rate unit produced as a result of the bonus provision, one comparable below market rate unit must be provided. In all cases, 50% of the total number of additional units provided by these bonus provisions must be reserved for below market rate families as herein defined.~~

~~C. As used in this Article, the following terms shall have the meanings indicated:~~

~~BELOW MARKET RATE DWELLING~~

~~A dwelling unit, the rental or sales price of which does not exceed the maximum allowable level established by this Article for below market rate families.~~

~~BELOW MARKET RATE FAMILIES~~

~~Families whose 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, shall not exceed 80% of the actual Westchester County median income (not capped), as defined and periodically updated by the United States Department of Housing and Urban Development ("HUD"), At renewal, continuing eligibility will be based upon 120% of the Westchester County, NY AMI.~~

§ 342-104 Development standards.

~~A. Distribution. Such units shall be available for sale, resale or continuing rental only to below market rate families, as defined in this Article. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among efficiency, one-, two- and three-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board as being better related to the housing needs, current or projected, of the Village of Mamaroneck.~~

**A. Design. Fair and affordable residences must be physically integrated into the design of the development in a manner satisfactory to the Planning Board and must be distributed among efficiency, one-, two- and three-bedroom units in the same proportion as all other units in the development, unless a different proportion is approved by the Planning Board because it is better related to the housing needs, current or projected, of the Village**

of Mamaroneck. The fair and affordable residences must not be distinguishable from market rate units from the outside of the unit or the building exterior.

- B. Minimum floor area. **The minimum** ~~Minimum~~ gross floor area per dwelling unit **for fair and affordable residences shall must** not be less than the comparable ~~market rate~~ **market rate housing** unit in the ~~building~~**development**, or the following minimums, whichever ~~are~~ **is** less:

- (1) Efficiency: 450 square feet.
- (2) One bedroom: 650 square feet.
- (3) Two bedrooms: 850 square feet.
- (4) Three bedrooms: 1,100 square feet, including at least 1 1/2 baths.

- ~~C. Occupancy guidelines. In renting or selling, the following schedule shall provide guidelines in approving the rental or sale of below market rate dwelling units:~~

	Number of Persons	
Number of Bedrooms	Minimum	Maximum
Efficiency	1	1
1	1	2
2	2	4
3	3	6

§ 342-105. ~~Maximum rent and sales prices; mortgages~~ **Ownership and occupancy standards.**

- ~~A. Rent and sales levels. The maximum yearly rent, excluding utilities, for a below market rate dwelling unit shall not exceed 30%, and the maximum gross sales price shall not exceed 2.5 times the aggregate family income for a below market rate family, as defined in this Article, for the maximum size of family eligible for such unit as listed above.~~
- ~~B. Mortgages. The applicant shall, if possible, obtain from the lending institution chosen for the development a commitment to provide for all middle income units mortgages for up to 90% of unit cost or for the maximum amount for which the mortgagor qualifies, whichever is less.~~
- A. Occupancy guidelines. In renting or selling, the owners of fair and affordable residences must observe the following guidelines in determining the rental and sale prices of those units:**

	Number of Persons	
Number of Bedrooms	Minimum	Maximum
Efficiency	1	1
1	1	2
2	2	4
3	3	6

- B. **Period of affordability.** Owner-occupied fair and affordable residences must remain affordable in accordance with the provisions of this chapter for a period of 99 years. Renter-occupied fair and affordable residences must remain affordable in accordance with the provisions of this chapter for so long as any portion of the site is used for residential purposes.
- C. **Rental and sale of units.** During the period of affordability, fair and affordable housing units created under the provisions of this article may be sold, re-sold or rented only to fair and affordable housing families and fair and deeply affordable housing units created under the provisions of this article may be sold, re-sold or rented only to fair and deeply affordable families.
- D. **Maximum rent and sale price.**
  - (1) During the period of affordability, the maximum yearly rent, excluding utilities, for a fair and affordable housing unit must not exceed 30 percent of 80 percent of AMI at the time of application, or 30 percent of 120 percent of AMI at the time of renewal, and the maximum gross sales price must not exceed 2.5 times 80 percent of AMI.
  - (2) During the period of affordability, the maximum yearly rent, excluding utilities, for a fair and deeply affordable housing unit must not exceed 30 percent of 40 percent of AMI at the time of application, or 30 percent of 120 percent of AMI at the time of renewal, and the maximum gross sales price must not exceed 2.5 times 80 percent of AMI.
- E. **Recording.** Prior to obtaining a certificate of occupancy, the owner of the development must record an instrument, acceptable in form to the Village Attorney, which obligates the owner, its successors and assigns to maintain the fair and affordable housing residences in accordance with the requirements of this article for the period of affordability.

§342-106 Eligibility Standards.

- A. **Eligibility priorities.** ~~Eligible families~~ ~~Below-market-rate families~~ applying for ~~below-market-rate dwelling~~ **fair and affordable housing units and fair and deeply affordable housing units** ~~will shall~~ be selected **for occupancy** on the basis of a lottery drawing conducted on an as-needed basis by the Town of Mamaroneck Public Housing Agency. The Town of Mamaroneck Public Housing Agency will establish the list of lottery winners based on bedroom count and provide the list to the owner or manager. The owner or manager will then notify the selected ~~below-market-rate~~ families.
- B. **Continued eligibility.**
  - (1) **Rental.** ~~Applicants~~ **Families selected for below-market-rate fair and affordable rental units and fair and deeply affordable** rental units ~~referred to in this section shall, if eligible and if selected for occupancy by the owner or manager of the development, sign~~ **must be** offered leases for terms of not more than two years. As long as ~~a resident~~ **the family** remains eligible and has complied with the terms of the lease, ~~said resident shall~~ **the family must** be offered a two-year **lease renewal at the end of each lease term** ~~of the lease~~. If a ~~resident's family's aggregate annual gross income at the time of renewal should exceeds~~

**the maximum permissible income for eligibility** ~~120% of the Westchester County, NY AMI as defined and periodically updated by HUD, and if there is at that time an otherwise eligible family applicant within one of the categories above for the unit, said resident the family may complete his~~ **its** current lease term and ~~shall~~ **must** be offered a ~~market rate-income rental~~ **market rate housing** unit available in the development at the termination of the lease term, if available. If no such dwelling **market rate housing** unit ~~shall be~~ is available at ~~said~~**the** time, the ~~resident family~~ **family** may be allowed to sign one additional one-year lease for the ~~below market rate~~ **fair and affordable housing unit or fair and deeply affordable housing** dwelling unit ~~he~~**it** occupies but ~~shall~~ **may** not be offered a renewal of the lease beyond the expiration of ~~said~~ **that** term.

- (2) Sales. ~~In the case of Title to owner-occupied below-market~~ **fair and affordable housing units and fair and deeply affordable housing** units, the title to said property ~~shall~~ **must** be restricted so that ~~when, in the event of any resale by the family sells the unit home buyer or any successor, the resale price shall~~ **does** not exceed ~~either~~ the then-maximum sales price for ~~said~~**the** unit, plus an allowable appreciation of equity ~~invested of 5% annually as determined in accordance with this Article equal to five percent of the initial purchase price multiplied by the number of years the family has owned the unit or the sum of the amount of any principal payments made by the family, the remaining principal due on the mortgage, the value of any fixed improvements made by the family and not otherwise and included and the reasonable and necessary expenses incidental to the sale, whichever is greater.~~ **following, whichever is greater:**
- (a) ~~The amount of any principal payment made by the home buyer.~~
  - (b) ~~The remaining principal on any mortgage(s).~~
  - (c) ~~The value of any fixed improvements made by the home buyer and not included above.~~
  - (d) ~~Reasonable and necessary expenses incidental to the resale.~~

#### §342-107 Administration.

- A. The Town of Mamaroneck Public Housing Agency ~~shall~~ **will** be responsible for the administration of ~~the below market rate housing requirements of this Article as well as the purchase and rental of fair and affordable residences and~~ for the promulgation of such rules and regulations as may be necessary to implement ~~such~~**these** requirements. The owner or manager of the ~~below market rate dwelling units shall be~~ **fair and affordable residence is** responsible initially for determining and certifying eligibility and must provide certification ~~of same~~ and documentation **of eligibility** to the Town of Mamaroneck Public Housing Authority in accordance with its rules and regulations prior to ~~below market rate families the fair and affordable housing families or fair and deeply affordable housing families~~ being placed on the list for the lottery drawing.
- B. At the time of the issuance of a certificate of occupancy, the Building Inspector ~~shall~~ **must** send a copy of ~~such~~ **the** certificate to the Town of Mamaroneck Public Housing Agency, including a description of the ~~below market rate dwelling~~ **fair and affordable housing units or fair and deeply affordable housing** units and applicable limitations. The Town of Mamaroneck Public Housing Agency ~~shall~~ **will** then inform the owner of the maximum rental

or sales charge which may be established for ~~the below market rate dwelling~~ **those** units in such development and the maximum annual gross family income for eligibility **requirements** for occupancy of ~~said~~ **those** units.

- C. Based upon the information provided by the owner or manager of the ~~below market rate dwelling units~~ **fair and affordable residence**, the Town of Mamaroneck Public Housing Agency shall **will** certify **fair and affordable housing families and fair and deeply affordable housing families** as eligible ~~all applicants~~ for rental or sales of ~~below market rate dwelling units~~ and shall **will** annually reexamine or cause to be reexamined each ~~occupant~~ family's income.
- D. On or before April 1 of each year thereafter, the Town of Mamaroneck Public Housing Agency shall **must** notify the owner or manager of each ~~multifamily development containing below market rate dwelling units~~ **fair and affordable residences** as to the rent, sales and income eligibility requirements for ~~such units~~ **those residences** as set forth above.
- E. The owner or manager of **each** ~~such multifamily development containing below market rate dwelling units~~ shall **fair and affordable residences must** certify to the Town of Mamaroneck Public Housing Agency on or before June 1 of each year that the current rental or sales prices of all ~~below market rate dwelling units~~ **fair and affordable housing residences** comply with the ~~terms~~ **requirements** of this ~~Article~~ **article**.
- F. ~~The limited rental income and/or sales value of below market rate units shall be taken into consideration by the Village Assessor in determining the full value basis for assessments on such units.~~

~~§ 342-107.1 Additional provisions for the C-2 District.~~

~~In order to provide flexibility to the Village in encouraging below market rate housing, these additional provisions are provided for in the C-2 District:~~

~~A. Eligibility.~~

- ~~(1) The proposed housing development is undertaken in cooperation with the Village of Mamaroneck through the Village Economic Development Program, a state or local affordable housing program or in conjunction with a not for profit corporation whose purpose is the creation of below market rate.~~
- ~~(2) The proposed development is located within the C-2 District and will enhance the vitality of the area both by the provision of housing and the provision of ground floor retail and/or office uses.~~

~~B. Special permit procedure. The Village Board of Trustees shall certify that the eligibility standards listed in Subsection A above have been met by the applicant. The applicant may then apply for a special permit for below market rate housing to the Planning Board. The Planning Board shall consider the special permit in accordance with the standards of § 342-50B of the Zoning Code and the additional standards listed below in Subsection C.~~

~~C. Development standards.~~

- ~~(1) The development standards of the C-2 District shall apply with the exception of building height, which may be increased from 45 feet to 60 feet, and floor area ratio (FAR), which~~



~~may be increased from 2.0 to 2.5.~~

- ~~(2) In order to achieve the above-listed area and bulk exceptions, the development must provide 100% of the units at below market rate levels. The applicant shall demonstrate the affordability of the units to the satisfaction of the Planning Board. The applicant shall compare the rental or sales levels with existing federal, state or county affordable housing programs that might be utilized and/or with the median income for Westchester County as defined and periodically updated by HUD. In no case, however, shall sales prices or rent levels exceed a level affordable by 150% of the median income of county residents.~~
- ~~(3) The applicant must establish a mechanism, such as a covenant or deed restriction, controlling resale of the individual units that assumes the housing will remain affordable in perpetuity. This mechanism must be acceptable to the Village Attorney, and the cap on resale prices must not exceed an appreciation on equity of more than 10% annually.~~
- ~~(4) The proposed development shall be administered in accordance with § 342-107 or by a separate program acceptable to the Village Manager. Village employees and residents shall be given first preference in the rent up or sales program established for the development.~~

#### *Section 9.*

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

#### *Section 10.*

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and will supersede the provisions of the Village Law to the extent that they are inconsistent with this local law.

#### *Section 11.*

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.