

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

RESOLUTION SETTING PUBLIC HEARING TO CONSIDER A LOCAL LAW CREATING VILLAGE CODE ARTICLE VIIC TO CREATE AN AFFORDABLE WORKFORCE HOUSING (AWH) DISTRICT (FLOATING ZONING DISTRICT)

WHEREAS, the Village Board of the Village of Sag Harbor is seeking to establish affordable workforce housing opportunities within the Village to maintain its year round residency; and

WHEREAS, in furtherance of this goal, the Board of Trustees is considering enacting a local law creating Village Code Article VIIC, Affordable Workforce Housing Zoning District to allow expanded opportunities to create affordable workforce housing; and now, therefore be it

RESOLVED, that a public hearing shall be held on Tuesday, January 9, 2024, at the Village of Sag Harbor Municipal Building, 55 Main Street, Sag Harbor New York, at 6:00 p.m. or as soon thereafter as can be heard, to consider a Local Law creating Village Code Article VIIC, Affordable Workforce Housing Zoning District, to allow expanded opportunities to create affordable workforce housing; and be it further

RESOLVED, that the Village Clerk is hereby directed to refer this local law to the Suffolk County Planning Commission, the Planning Board of the Village of Sag Harbor, the Village of Sag Harbor Planning Consultant, Nelson Pope & Voorhis (to conduct the necessary SEQRA review), and the Harbor Committee for LWRP Consistency Review if necessary.

INTRODUCTORY LAW NO.

LOCAL LAW NO. OF 2024

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

A LOCAL LAW to create Village Code Article VIIC, Affordable Workforce Housing District, to allow expanded opportunities to create affordable workforce housing.

SECTION 1. Please see the following and create Village Code Article VIIC Affordable Workforce Housing (AWH) Zoning District, by adding those words that are underlined:

Article VIIC Affordable Workforce Housing (AWH) District

§300-8.17 Legislative Intent.

SECTION 2. Amendment. Please see the following and create Village Code Article VIIC Affordable Workforce Housing (AWH) Zoning District, by adding those words that are underlined:

§ 300-8.18 Application procedure.

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

The procedure for planning and zoning approval of any future proposed AWH shall be as follows:

A.

SEQRA review and approval of a preliminary development concept plan and the zoning reclassification of a specific parcel or parcels of land to AWH Zoning for development in accordance with that plan by the Village Board of Trustees.

B.

Approval of a final, detailed site plan, as well as a subdivision plat, if appropriate, by the Planning Board.

C. Approval of a Certificate of Appropriateness by the Board of Historic Preservation and Architectural Review.

D. Wetland permits if applicable and LWRP Consistency review issued by the Harbor Committee.

§300-8.19 Village Board Election.

A. Referral to Planning Board.

Should the Village Board, in the exercise of its discretion, choose to consider the establishment of a new Affordable Workforce Housing District, the Village Board shall refer all complete applications for such district to the Planning Board for review and report. Within 30 days of the date of the Planning Board referral, the Planning Board shall report its recommendations back to the Village Board. No final action, either approving or denying the application, shall be taken until the Village Board receives the Planning Board report or the expiration of the Planning Board review period, whichever comes first. Such review period may be extended or shortened by the Village Board.

(1) Planning Board report.

The Planning Board, in its report to the Village Board, may recommend either approval of the proposed application for the establishment of the _____ District, with or without modifications, or disapproval. In the event of a recommendation for disapproval, the Planning Board shall state in its report the reasons therefor. In preparing its report and recommendation, the Planning Board shall take into consideration the recommendations of Village Master Plan, including Master Plan updates; special and supplementary reports and reports prepared by the Village in compliance with SEQRA; the existing nature and arrangement of land uses in the area; the relationship of the proposed design and location of buildings on the site; traffic circulation both on and off the site; the adequacy of available community facilities and utilities to service the proposed development; compliance with the proposed development with the standards and requirements of this article; the

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

then-current need for such housing; and such other factors as may be appropriately related to the purpose and intent of this article and the Village Code.

B. Village Board public hearing.

A public hearing before the Village Board on an AWH zoning designation shall comply with the same notice as prescribed by law for zoning amendments.

§300-8.20 Village Board action.

A.

The Village Board may act either to approve, approve with modifications or disapprove the preliminary development concept plan and the establishment of the Affordable Workforce Housing Overlay District (AWH District). Approval or approval with modifications of that concept plan together with the approval of the AWH District shall be deemed to authorize the applicant to proceed with the detailed design of the proposed development in accordance with such concept plan and the subsequent procedures and requirements of this article. A copy of the resolution containing the Village Board's decision shall be forwarded to the Planning Board and to the applicant. A copy shall also be placed on file in the office of the Village Clerk, and, if in the form of an approval, the official copy of the Village Zoning Map shall be amended accordingly.

B.

Approval of the establishment of an Affordable Workforce Housing District shall expire within 36 months of the date of Village Board approval if the applicant has not applied for and received site development plan approval and final subdivision plat approval, if appropriate, for at least the first section of the planned development from the Planning Board in accordance with the subsequent requirements of this article and unless within 36 months of Village Board approval substantial construction has begun. The Village Board, upon request of the applicant, may extend the above time periods for two additional periods of not more than six months each. In the event of expiration of AWH approval, the district shall, after proper notice and a public hearing, revert to its prior zoning classification. Thereafter, the Village Clerk shall amend the official copy of the Zoning Map accordingly.

§300-8.21 Development standards.

Development within the Affordable Workforce Housing Districts shall be governed by the provisions of this section. Where not herein specified, the Village Board shall establish additional development standards.

A.

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

Location. The location of Affordable Workforce Housing Districts shall be permitted in _____ Zoning Districts.

B.

Minimum site size. The minimum lot size required for the establishment of an Affordable Workforce Housing District shall be _____ square feet, but in any case, the site shall be of such shape, dimension, topography and location as will allow for an appropriate and attractive development with proper setbacks, screening and a harmonious relationship with adjoining land uses and the natural physical terrain.

C.

Ownership. A proposed AHOD site may be owned by one or more persons or corporations but shall be presented as a single parcel of land at the time application for rezoning is made. The application shall be jointly filed by all owners and, if approved, shall be jointly binding on them. If required by the Planning Board, this shall be confirmed by written agreement, in recordable form satisfactory to the Village Attorney.

D.

Density.

(1)

The permitted density within an Affordable Workforce Housing District shall be up to one unit per _____ square feet of buildable land area per dwelling.

(2)

At least _____ % of all units provided in the development shall be set aside as units for moderate-income families as defined in Chapter 150.

(3)

In determining whether to grant a zone change to an Affordable Workforce Housing District, the Village Board, in addition to its usual discretion in considering a change of zone, shall also consider the need for units for moderate-income families, the nature and extent to which the applicant intends to provide them, the appropriateness of the location of the proposed site, the environmental suitability of the site, the proposed development design to accommodate such an increased density and the overall pattern of distribution of such limits across the Village.

(4)

Eligibility.

(a)

As used in this chapter, the following term shall have the meaning indicated:

QUALIFIED ACTIVE MEMBER

A volunteer involved in providing firematic protection or emergency medical services in the Village of Sag Harbor, including but not limited to volunteer fire fighters, volunteer fire police,

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

volunteer emergency medical technicians, as decided by the administration or bylaws of the given agency providing such firematic protection or emergency services. For purposes of administering the provisions of this chapter for qualified active members, the Village of Sag Harbor shall utilize the approved list compiled by the given agency for Length of Service Award Program (LOSAP) and any supplemental listings provided by the given agency which list persons who have met the point requirements of LOSAP having remained active in service but no longer are eligible for LOSAP listing due to age restrictions.

(b)

Initial and continued eligibility priority for the sale or occupancy (rent) of units for moderate- and middle-income families shall be on the following basis:

[1]

Persons who are qualified active members in service as a volunteer in an agency providing firematic protection or ambulance services in the Village of Sag Harbor as determined by such agency's approved list submitted for the Length of Service Award Program (LOSAP) and provided that such agency's bylaws are not exclusionary in nature in order to conform with the Fair Housing Act. A higher priority shall be given to those volunteers currently residing in the Sag Harbor school district.

[2]

Village residents in order of number of years as resident. A higher priority shall be given to Village residents currently residing in the Sag Harbor school district.

[4]

Persons employed in the Village of Sag Harbor with a higher priority to those whom are employed by the Village of Sag Harbor in order of number of years as an employee.

[5]

All others.

(c)

However, the foregoing eligibility priorities for any such special units shall apply only among persons who offer the same gross purchase price or monthly rent to the seller or lessor of such unit.

(5)

The total number of units on any site shall not exceed _____.

E.

Coverage. The maximum permitted building coverage within an Affordable Workforce Housing District shall be _____ %.

F.

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

Traffic access. Properties within an Affordable Workforce Housing District shall have direct frontage on a Village road. Each application shall include a site specific Traffic Impact Study to be evaluated by the Village Board of Trustees to determine in its discretion whether project-related traffic impacts would be satisfactorily mitigated or avoided.

G.

Utilities, Water Supply and Sewage Disposal.

(1)

Water and sewer service. Developments should be served by public water, where possible. Where public water is not present, approval may be conditioned on the provision of said service. The applicant shall demonstrate the ability to provide adequate sanitary waste treatment in accordance with Suffolk County water quality protection standards. All necessary approvals shall be obtained from the Suffolk County Department of Health Services for sewage disposal and water supply.

(2)

Drainage. Storm water drainage systems serving any multifamily development shall be designed so that the rate of runoff from the site during a one-hundred-year storm will not exceed that which would have occurred prior to its construction. The calculation of such runoff from the site during a one-hundred-year storm will not exceed that which would have occurred prior to its construction. The calculation of such runoff rate and the design of the drainage system shall be subject to the approval of the Village Engineer.

(3)

Refuse storage and collection. Plans for the storage and collection of refuse within any multifamily development shall be subject to Planning Board approval. The outside storage, if permitted, shall be in rodentproof containers conveniently located and enclosed or otherwise screened from view. Such facilities shall comply with all setback requirements applicable to principal buildings.

(4)

Underground utilities. All utilities within any multifamily development, including electric, telephone and cable television, shall be placed underground.

(5)

Fire prevention. The site plans for multifamily development shall provide proper access for fire-fighting equipment and personnel and shall provide hydrants in such number and location and with such water pressure as may be determined adequate and approved by the Planning Board, based upon the recommendations of the Village Engineer and the Fire Department having jurisdiction.

H.

Recreation and open space.

(1)

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

Recreation area. Except as provided below, each multifamily development shall include a recreation area which is designed, improved and maintained for the exclusive use of the residents of such development and their nonpaying guests. The recreation area shall contain at least 75 square feet of lot area per dwelling unit, but in no case less than 50 square feet per bedroom. The plan for the recreation area shall be subject to Planning Board approval as to location, design and adequacy, taking into consideration the size of the development and the anticipated occupancy of the units. Where the Planning Board determines that a suitable recreation area of adequate size cannot be properly located in any such development or is otherwise not practical, the Board may require as a condition of approval of any such site plan a payment to the Village of a sum which shall constitute a trust fund to be used by the Village exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property. Such sum shall be determined in accordance with the provisions of § 240-13D of the Village Code.

(2)

Private outdoor space. Each individual multifamily dwelling unit shall, if practicable, be provided with a private outdoor space in the form of a patio, terrace, garden, courtyard, deck or balcony, which space shall be immediately adjoining and directly accessible to the dwelling unit which it serves.

(3)

Other open spaces. All portions of any multifamily development which are not used for one or more of the purposes permitted above shall be designed and maintained as permanent open space, either to be landscaped or preserved in its natural state, all in accordance with plans approved by the Planning Board.

I.

Traffic and Parking. The development shall meet the parking requirements provided in §§ 300-9.6 of the Village Code or, in the alternative, the Board of Trustees may provide a parking waiver for lesser on-site parking capacity upon evaluation of a parking management plan acceptable to the Board of Trustees.

J.

Minimum floor area. The development shall meet the minimum floor area requirement _____ of the Village Code.

K.

Covenants and restrictions. The Village Board shall require that the applicant or owner execute such agreements and covenants as it may deem to be required. Said agreements or covenants shall be recorded in the County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the Village Board. In addition, the Village Board shall require affordability covenants to ensure the continued affordability of the housing units.

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

L.

Architectural review. All construction shall be subject to the review of the Board of Historic Preservation and Architectural Review pursuant to Article XIII of Chapter 300. When the subject property is located in the Historic District, the application shall be referred by the Village Board of Trustees to the BHPAR, which would provide a report with a project-specific review and recommendation on the change of zone application.

M.

Other requirements.

(1)

Individual unit access. In general, each individual dwelling unit within any multifamily development shall have its own separate entrance/exit leading directly to the outside. The Planning Board may waive this requirement as a part of site plan approval where said Board determines that the basic intent of this requirement in terms of safety and the avoidance of common hallway areas can be met through other elements of the building design.

N. Community Character.

Cap on number of Units?

§300-8.22 Action by Village Board on its own motion.

Nothing herein shall be construed as limiting the authority of the Village Board to establish an Affordable Workforce Housing District on its own motion. Where the Village Board proceeds on its motion, the procedures for zoning approval for an Affordable Workforce Housing District *shall be pursuant to § 330-185 in lieu of the procedures of this article.* Where the Village Board establishes an Affordable Workforce Housing District on its own motion, final site plan approval and subdivision approval, if appropriate, shall be obtained from the Planning Board as required by this article.

§300-8.23 Site plan approval by Planning Board.

A.

No earthwork, land clearing, construction or development shall take place on any property within an Affordable Workforce Housing District except in accordance with a site plan approved by the Planning Board in accordance with this article and with the procedures and standards for site plan approval as set forth in §300-14 of this chapter.

B.

Where a proposed affordable housing development also involves the subdivision or resubdivision of land, no development may proceed until the Planning Board has granted final subdivision approval in accordance with the standards and procedures of the subdivision approval in accordance with the standards and procedures of the Subdivision of Land, Chapter 240 of this Code.

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

§300-8.24 Building permit fees.

Where the Village Board has rezoned a parcel for an Affordable Workforce Housing District and the Planning Board has approved a site plan and/or subdivision pursuant to this article, the building permit fees provided in § 123-12 of the Building Construction Code of the Village of Sag Harbor shall be waived for those dwelling units designated by the Planning Board as units for moderate-income families. Building permit fees may be required for all additions or modifications to the principal dwelling unit and for all accessory buildings and structures for said units for moderate-income families. There shall be no waiver of the of the building permit fees for those units not limited for moderate-income families.

SECTION 3. Amendment. Please see the following and amend Village Code §300-3.1, Designation of districts; by deleting those words that are stricken and adding those words that are underlined:

300-3.1 Designation of districts.

[Amended 4-21-2016 by L.L. No. 5-2016; 1-11-2022 by L.L. No. 1-2022; 12-13-2022 by L.L. No. 19-2022]

For the purpose of this chapter, the Village of Sag Harbor is hereby divided into six zoning districts and three overlay districts, which shall be designated as follows:

- R-20 One-Family Residence District
- OD Office District
- RM Resort Motel District
- VB Village Business District
- WF Waterfront District
- PC Parks and Conservation District
- Historic Overlay District
- Tidal Flood Hazard Overlay District
- WFOD Waterfront Overlay District
- HBBC Historically Black Beachfront Communities Overlay District
- AWH Affordable Workforce Housing District

SECTION 4. Authority

The Village of Sag Harbor hereby enacts this legislation pursuant to NYS Village Law § NYS Village Law §§7-700, 7-725-b, NYS Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(6), (11).

SECTION 5. Severability.

DRAFT LEGISLATION – SAMPLE- WORK SESSION 12-18-23

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall be rendered.

SECTION 6. Effective Date.

This chapter shall take effect immediately upon filing in the office of the Secretary of State pursuant to the Municipal Home Rule Law.