

Appendix 11

Draft "R-AMF/2" Zoning



**D R A F T- Revised April 21, 2005**  
**TOWN OF NORTH SALEM**  
**Local Law No. \_ of the year 200\_**

A Local Law to amend the Code of the Town of North Salem, Chapter 250, entitled Zoning.

BE IT ENACTED by the Town Board of the Town of North Salem, in response to a petition submitted regarding the proposed Highgate/Woodlands project, as follows:

1. The Code of the Town of North Salem, Chapter 250, Zoning (hereinafter “the Zoning Ordinance”), Sections 250-5, 250-6, 250-11, 250-18 and 250-19.1, shall be revised as follows (text to be deleted is shown as stricken [text] and text to be added is underlined [text]). In addition, new passages of text are also shown in quotations.

**NOTE: In addition to the normal highlighting for stricken and added text, recent changes are shown in boldface type for ease of reference.**

**Article II**  
**Terminology**

2. The following term and definition shall be added to Article II, Section 250-5, Definitions, to be added after the term “ACCESSORY”:

“ACCESSORY APARTMENT, CARETAKER – A housekeeping facility with bathroom, kitchen and living facilities accessory to and separate from the housekeeping facilities of any dwelling, maintenance or recreation facilities as part of a development in the R-MF/6, R-MF/4 and R-AMF/2 Zoning Districts for a caretaker employed by the development.”

3. The following term and definition shall be added to Article II, Section 250-5, Definitions, to be added after the term “DWELLING”:

“DWELLING, ACTIVE ADULT – A dwelling unit restricted in its occupancy to persons who are age 55 years or older, but not excluding spouses, **life partners or other householders** who are under age 55 years, children and grandchildren **who have attained** the age of 19 years and adults under 55 years of age if their presence is essential for the physical care or economic support of eligible older persons.”

**Article III  
Zoning Districts and Zoning Map**

4. The following zoning district shall be added to Article III, Section 250-6, to be inserted in the list of districts after the R-MF/4 district:

**250-6. Districts Established**

<b>Symbol</b>	<b>Title</b>
<u>R-AMF/2</u>	<u>Residential-Adult Multi-Family/Medium-Density District</u>

**Article IV  
Use Requirements**

5. This Local Law shall amend the Tables of General Use Requirements by adding a new table of general use and a new table of use and density associated with Article IV, Section 250-11 of the Zoning Ordinance attached as part of this Local Law and described as follows:

- Table of General Use Requirements, R-AMF/2 (Residential-Adult Multi-Family/Medium-Density) District; and
- Table of Uses and Density for the R-AMF/2 (Residential-Adult Multi-Family/Medium-Density) District.

**Article V  
Bulk and Supplemental Development Requirements**

6. This local law shall amend Article V, Bulk and Supplemental Development Requirements, by amending Section 250-18, entitled Permitted number of dwellings, lot size and related requirements in residential districts, to read as follows:

**250-18. Permitted number of dwellings, lot size and related requirements in residential districts.**

The determination of the permitted number of dwellings, lot size and related bulk requirements for the R-4, R-2, R-1, R-½, R-¼, R-MF/6 ~~and~~ R-MF/4 and R-AMF/2 districts shall be as follows:

Subsection A. shall remain without any amendments. Subsection B. shall be revised as follows:

B. Density factors.

- (1) Density factors for R-4, R-2, R-1, R-½ and R-¼ Districts. The maximum density factors below shall be used in the calculation of maximum density expressed in the resulting number of dwellings. The total site area, in acres (as determined by actual on-site survey), shall be multiplied by the maximum density factor for the district to calculate the number of dwellings (rounded to the lowest whole number).

District	Maximum Density Factor	
	Without Bonus	With Bonus <sup>1</sup>
R-4	0.25	0.31
R-2	0.50	0.63
R-1	1.0	1.25
R-½	2.0	2.5
R-¼	4.0	5.0
R-MF/6	see <sup>2</sup>	see <sup>3</sup>
R-MF/4	see <sup>2</sup>	see <sup>3</sup>
<u>R-AMF/2</u>	<u>see <sup>2</sup></u>	<u>see <sup>3</sup></u>
PD-CCRC	see <sup>2</sup>	see <sup>3</sup>

<sup>1</sup> Density bonus of approximately twenty-five percent (25%).

<sup>2</sup> Refer to the Table of General Use Requirements and the Table of Uses and Density for density specified for each use, multiply total site area, in acres, by the number of dwelling units per acre permitted.

<sup>3</sup> The bonus in this Section (250-18) does not apply to the R-MF/6, R-MF/4, R-AMF/2 and PD-CCRC Zoning Districts. Refer to the Table of General Use Requirements and the Table of Uses and Density.

Subparagraphs B.(2) and (3) and subsections C. and D. shall remain without any amendments.

7. This local law shall amend Article V, Bulk and Supplemental Development Requirements, by amending the introductory part of Section 250-19.1 entitled, Supplemental Requirements for High and Medium-Density Residential Development, and subsection A., as follows:

**250-19.1 Supplemental Requirements for High and Medium-Density Residential Development**

Development in the R-MF/6 ~~and~~, R-MF/4 and R-AMF/2 Zoning Districts is subject to site development plan review in accordance with Article X of this ordinance and the supplementary requirements below. The development of multi-family dwellings in the R-1/4 and GB Zoning Districts, with the exception of multi-family units for elderly and handicapped persons, shall also comply with these supplemental requirements:

- A. The permitted uses, the maximum permitted density and the required proportion of moderate-income housing dwelling units, shall be in accordance with the Table of General Use Requirements, and the Table of Uses and Density for the R-MF/6 ~~and~~, R-MF/4 and R-AMF/2 Zoning Districts contained herein. The total site area (in acres) shall be used to calculate the maximum number of dwelling units permitted in the R-MF/6, R-MF/4, R-AMF/2, R-1/4 and GB Zoning Districts. The lot area and dimensions of sites and lots on which the development of single or multi-family use will occur shall be in accordance with the Table of Bulk Requirements contained herein for the corresponding use group indicated in the Table of General Use Requirements. These bulk requirements shall pertain to the overall development within the entire site and the lot dimensions such as width, front, side and rear yards and street frontage shall define the external boundaries of the development.

8. Section 250-19.1, subsections B. and C. shall remain without any amendments. **Subsection D. shall be revised as follows:**

- D. All dwelling units created to address specific housing needs of the community such as moderate-income housing, active adult, senior citizen, or disabled person housing, in accordance with the requirements of the zoning district where located or as a required proportion of total units for the use category, shall be administered by the Town of North Salem Housing Board in accordance with all pertinent regulations. A minimum of twenty percent (20%) of the total number of proposed dwelling units shall be provided as affordable units.<sup>1</sup> For the purpose of this section, an Affordable Unit shall be defined as a moderate-income housing (MIH) unit in accordance with Moderate-Income Housing Regulations of the Town of North Salem found in the Zoning Ordinance, Article XXII.

9. A new subsection E. shall be inserted to read as follows:

**E. Notwithstanding the definition of “Active adult dwelling” set forth herein, all such dwellings shall be occupied only by the following:**

- (1) Persons who are age 55 years or older (hereinafter “Active adult”);**

(2) The spouse, life partner or other householder of said “Active adult”;

(3) Children or grandchildren of said “Active adult” or of the spouse, partner or householder of said “Active Adult”, provided that each child has attained the age of 19 years. Nothing herein shall prohibit a Condominium Board or Homeowner’s Association charged with managing the “Active adult dwellings” from enacting rules and regulations permitting children or grandchildren of said “Active adult” to reside in the premises on the basis of special and unusual circumstances (e.g. marriage, adoption, divorce, death, etc.); and

(4) Adults under 55 years of age, if it is established to the satisfaction of the Condominium Board or Homeowner’s Association charged with managing the “Active adult dwellings”, that the presence of such persons is essential for the physical care or economic support of an “Active adult” residing in the community.

**10. Subsections E., F. and G. shall be re-lettered to become subsections F., G. and H. and shall be revised as follows:**

**E.F.** For Single-family dwelling units with attached one-bedroom dwellings, the following requirements must be met:

- (1) The owner of the property shall occupy at least one (1) of the dwelling units and the one-bedroom dwelling shall be attached to the single-family dwelling.
- (2) A one-bedroom apartment shall contain a minimum floor area of four hundred (400) square feet. The maximum floor area shall not exceed seven hundred and fifty (750) square feet.
- (3) The entry to a one-bedroom apartment and its design shall be such that, to the degree feasible, the structure containing the single-family dwelling and the apartment will have the appearance of a single-family residence.

(4) In the R-AMF/2 zoning district, both dwelling units must be active adult dwellings.

**F.G.** Water and sewage.

- (1) Development of dwelling units at the densities permitted in the R-MF/6 ~~and~~ R-MF/4 and R-AMF/2 Zoning Districts are contingent upon the provision of common or central facilities for the transmission, storage and/or treatment of water and sewage. Such facilities shall be designed, approved and constructed in accordance

with the requirements of the Town Engineer, the Westchester County Department of Health and the New York City Department of Environmental Protection and any other agency or office having jurisdiction over development and operation of water supply and sewage treatment facilities.

- (2) The setback for the aboveground structures associated with water and sewer facilities shall be a minimum of one hundred feet (100') from all external boundaries of the development site. The Planning Board may increase or decrease such setback requirements on individual properties by up to 50% based upon consideration of topographic conditions, the nature of adjoining land, existing vegetation and other screening. Suitable buffer screening shall be provided.

<sup>1</sup>The requirement regarding moderate-income housing applies except as modified by a stipulation so ordered by a Court of competent jurisdiction prior to enactment of this amendment (the stipulation is related to the Highgate/Woodlands project and the property owned by Lukashok).

**G.H. Ancillary Facilities.**

- (1) Certain related ancillary facilities may be permitted with development in the R-MF/6 and R-MF/4 and R-AMF/2 Zoning Districts, either in a separate building or in combination with dwelling units, such as a community room, an administrative office, only to the extent that they meet the needs of the occupants of the multiple dwellings. Such facilities shall be subordinate to the residential character of the site and shall be located out of public view with no outside advertising.
- (2) A caretaker accessory apartment may be permitted as part of a development of more than 50 dwelling units in the R-MF/6, R-MF/4 and R-AMF/2 Zoning Districts. The caretaker apartment shall be accessory to and separate from the housekeeping facilities of any dwelling, maintenance or recreation facilities. However, the apartment shall be attached to a dwelling, or maintenance or recreation structure. The apartment's maximum floor area shall not exceed one thousand (1,000) square feet and there shall be no more than 2 bedrooms. The apartment must be occupied only by a caretaker and his or her family who is a full-time employee of the association or organization responsible for the operation of the development and its facilities.

11. Section 250-19.1, subsections H. through R. **shall be re-lettered to become subsections I. through S. and shall otherwise** remain without any amendments. A new subsection T. shall be inserted to read as follows:

“T. In addition to the standards in the Table of Bulk Requirements, any medium-density single-family development permitted by a Special Permit of the Town Board in a R-AMF/2 district shall comply with the following density and accessory use requirements:

- (1) A maximum of 1 dwelling unit per acre shall be permitted.

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(2) A minimum of 20 percent (20%) of the total number of proposed medium-density single-family dwelling units shall be provided as affordable units. For the purpose of this section, an Affordable Unit shall be defined as a moderate-income housing (MIH) unit which shall be managed in accordance with Article XXII herein.

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(3) Only the accessory uses listed in the Table of General Use Requirements for the R-AMF/2 zoning district (Column E) shall be permitted.”

12. All other provisions of the Code of the Town of North Salem shall remain in full force and effect.

13. This local law shall be effective immediately upon filing with the Secretary of State.

*DRAFT-Revised February 18, 2005*

Town of North Salem

Table of Uses and Density for the

R-AMF/2 (Residential-Adult Multi-Family/Medium-Density) District

Total units per acre	Affordable (Moderate-Income) units per acre	Market rate units per acre
Medium-density multi-family <b>active adult</b> dwelling units		
2	0.4 (20%) <sup>1</sup>	1.6
Medium-density single-family detached and single-family attached <b>active adult</b> dwelling units		
2	0.4 (20%) <sup>1</sup>	1.6
Medium-density single-family <b>active adult</b> dwelling units with one bedroom <b>active adult</b> dwellings		
2 <sup>2</sup>	0.4 (20%) <sup>1</sup>	1.6
<u>Footnotes:</u>  <sup>1</sup> The requirement regarding moderate-income housing applies except as modified by a stipulation so-ordered by a Court of competent jurisdiction prior to enactment of this amendment (the stipulation is related to the Highgate/Woodlands project and the property owned by Lukashok).  <sup>2</sup> The density of two (2) total units per acre would result in 1 single-family <b>active adult</b> dwelling unit per acre each with a one-bedroom <b>active adult</b> dwelling.		

***DRAFT- Revised February 18, 2005***  
**Town of North Salem**  
**Table of General Use Requirements**  
**R-AMF/2 (Residential-Adult Multi-Family/Medium-Density) District**

A District	B Uses Permitted by Right	B-1 Use Group	C Conditional Uses by Planning Board	C-1 Use Group	D Uses by Special Permit of Town Board	D-1 Use Group	E Accessory Uses by Right	F Minimum Off-Street Parking Spaces Required		G Additional Use Requirements
								For		
									Requirement (spaces)	
R-AMF/2 <sup>1</sup>	1. Multi-family active adult dwelling units <sup>1</sup>	r	1. Single-family detached active adult dwellings, with one-bedroom dwellings <sup>1</sup> , both dwellings for active adults <sup>1</sup>  2. Single-family detached active adult dwellings <sup>1</sup>  3. Single-family attached active adult dwellings <sup>1</sup>	r	1. Single-family detached dwellings  <b>OTHER POSSIBLE TOWN BOARD SPECIAL PERMIT USES FROM THE R-1 DISTRICT:</b>  <i>H. Hospitals or sanitoriums</i>  <i>H. Private secondary or elementary schools</i>  <i>H. Nursery schools or day-care centers</i>  <i>H. Universities, seminaries or colleges</i>  <i>H. Dormitories as accessory to private schools, seminaries, universities or colleges</i>  <i>H. Libraries</i>  <i>H. Convalescent or nursing homes</i>  <b>CONSIDER SOME R-1 CONDITIONAL USES AS TB SPECIAL PERMIT USES (SEE R-1 TABLE)</b>	e	1. Private common recreational facilities such as swimming pools, tennis courts or other similar courts, playgrounds or play areas  2. Home professional offices  3. Customary home occupations  4. Private garages, carports or open areas for parking of passenger vehicles  5. The keeping of customary household pets, but not more than 3 dogs, together with the young thereof not more than 6 months old  6. For any dwelling, home occupation or professional office, 1 nameplate and/or 1 identification sign, neither one to exceed 2 square feet in area, to be placed on the building or at least 5 feet from any front lot line, edge of street or street line  7. For any premises for sale or for rent, 1 temporary nonilluminated "for sale" or "for rent" sign, not over 4 square feet in area and located at least 5 feet from any front lot line, edge of street or street line	Multi-family dwelling units  Single-family units  One-bedroom apartments attached to single-family units	2 spaces per unit  2 spaces per unit  1 space per unit	1. Refer to supplemental regulations for development in the R-AMF/2 Zoning District

<sup>1</sup>Refer to Table of Uses and Density for the R-AMF/2 Zoning District and Article V, Section 250-19.1 for supplemental requirements for development in the R-AMF/2 zoning district.

