

TOWN OF LEWISBORO

The Town of Lewisboro has not adopted the County model zoning ordinance for affordable housing. It has no mandates for affordable housing; it has incentives for "middle income" housing that apply to only one almost built out zoning district. The Town has made no progress towards fulfilling its benchmark obligation of more than 200 FAH units under the unadopted Affordable Housing Allocation Plan; so far, no affordable housing units have been constructed. Multifamily housing is restricted to one zoning district, in which a single development site has been identified, which can accommodate only about 18 housing units. Accessory apartments are not allowed as-of-right, although they are allowed by special permit with the express purpose of expanding housing options for middle-income families, yet these options are only available to families of four people or less. Without adopting the model zoning ordinance or reconsidering restrictions on multifamily and accessory apartment development, the Town will fail to meet the affordable housing allocation.

Model Zoning and County Benchmark

- The Town has not adopted the model affordable housing zoning ordinance.
- The unadopted Affordable Housing Allocation Plan produced in 2005 by the County's planning department called for 239 affordable housing units in Lewisboro, none of which have been built in the interim.

Zoning Ordinance

- Multifamily development is permitted as-of-right in one of the Town's 13 zoning districts, the R-MF district.
- Mixed-use development (i.e., residences above stores) is permitted as-of-right in two commercial districts.
- Two-family dwellings are permitted as-of-right in two residential districts.
- Accessory apartments are not permitted as-of-right anywhere in Lewisboro. They are allowed by special permit on single-family lots of a minimum size of one-half acre. An accessory apartment is defined as "a dwelling unit which is incidental and subordinate to a permitted principal one-family use and located on the same lot therewith, where either unit is occupied by the owner of the premises."
- Accessory residence dwellings are also not permitted as-of-right. They are allowed by special permit on lots of at least 20 acres. An *accessory residence dwelling* is defined as "a dwelling unit which is incidental and subordinate to a permitted principal one-family residence and located on the same lot therewith, where the principal unit is occupied by the owner of the premises. An accessory residence dwelling shall not be considered an accessory apartment as defined herein."

Restrictive Practices

- In the R-MF district, the only district where multifamily housing is permitted, the minimum lot size for developments served by Lewisboro public water and sewer infrastructure is 15,000 square feet. If a development will not be served by public

water and sewer, the minimum lot size is 15 acres. This strongly encourages smaller infill developments by putting a heavy burden on developers who wish to develop outside of the water and sewer district.

- Density restrictions and bulk requirements restrict the likelihood that multifamily units will be developed in the R-MF district. The maximum permitted density is one density unit per acre, where a density unit may be equal to one single-family unit with four or more bedrooms, three efficiency units, or some combination of units/bedrooms in between.
- Accessory apartments cannot contain more than two bedrooms or four occupants.

Incentives and Mandates

- There is no mandate for affordable housing.
- In the R-MF Multifamily Residence District, density may be increased by up to 40 percent if the applicant builds at least one-third of the additional density as middle-income units. A *middle income family* is defined as a family whose aggregate income does not exceed a multiple of the median annual Town-paid wages of a full-time employee, depending on family size.
- Middle-income units built in the R-MF district must be integrated into the design of the development and must be distributed among efficiency, one-, two-, three- or four-bedroom units in the same proportion as market-rate units.

Zoning Map, Development Pattern and Development Potential

- Four areas in the Town are mapped within the R-MF zone, cumulatively containing less than one percent of the Town's area, and three of the four areas are entirely built out.
- One of the four areas contains a single development site, of 4.5 acres, which could accommodate 18 dwelling units.
- Only 0.13 percent of the total area is occupied by multifamily residences. An additional 0.2 percent of the total land area is occupied by two- and three-family residences.
- At a value of roughly \$294,000 per apartment or condo unit, and an average cost of \$375,000 per unit for multifamily and condo development in the County, affordable housing development, even in mixed-income developments, would be limited even with less restrictive zoning, absent subsidies.

Master Plan

- The most recent comprehensive plan, completed in 1985, states that "further expansion of multifamily housing opportunities based on regional needs is not imperative." The plan cites progress made in developing approximately 500 multifamily units between 1974 and 1984, 45 of which were "middle income" units, despite recommending across-the-board lowering of residential density levels.

Implications

- The Affordable Housing Allocation Plan produced in 2005 by the County's planning department calls for well over 200 affordable housing units in Lewisboro, of which none have been built in the interim.
- The absence of mandates for affordable housing decreases the likelihood that any new residential units will be affordable.
- At a value of under \$300,000 per apartment or condo unit, and an average cost of \$375,000 per unit for multifamily and condo development in the County, affordable housing development, even in mixed-income developments, would be limited even with less restrictive zoning. Subsidies, such as those available from the County under the Settlement, would likely be needed even for mixed-income development.
- The opportunity for new multifamily housing is quite limited. Less than one percent of the Town is mapped within a zone that permits such housing, in which only one site is available for potential multifamily development. Although this site is of substantial size (4.5 acres), strict density requirements would result in only 18 multifamily units by the County's estimation. Even if all of the units were affordable, this would represent less than 8 percent of the Affordable Housing Allocation for Lewisboro under the County's unadopted plan.
- Accessory housing is not permitted as-of-right anywhere in the Town, and the special permit for such housing restricts accessory apartments to a maximum of four persons, thus excluding larger families.
- Additional actions will be needed for the Town to meet its affordable housing obligation under the Settlement. These might include, in some combination, mapping additional areas for multifamily housing, providing mandates for affordable housing, permitting accessory housing units as-of-right, and providing opportunities for additional types of low-density development (such as cottage-style housing or quadraplexes).
- Even with additional Town actions, FAH housing will remain problematic without assistance from the County, in the form of financial subsidies and marketing assistance (such as the maintenance of a Countywide registry of FAH units).

LEWISBORO FACT SHEET

a. Total acreage of the Town	18,648 acres	100%
b. Total acreage in zoning districts where multifamily housing is permitted as-of-right	142.7 acres	0.8%
c. Undeveloped area in these zoning districts	5.6 acres	0.03%
d. Undeveloped area not subject to wetlands, floodplain and steep slopes	5.6 acres	0.03%
e. Order of magnitude area available for development*	4.5 acres	0.02%
f. Number of sites available for development	1 site	
g. Average size of sites	4.5 acres	
h. Theoretical number of multifamily units that can be developed as-of-right	18 units	
i. Average selling price for multifamily (condo) units	\$295,000 **	
j. Order of magnitude value for land, per condo unit	\$ 60,000	
k. Order of magnitude total cost of development, per condo unit	\$375,000	
l. Percent minority population (1.2% Black, 2.5% Latino)	4%	
m. Percent minority population in the zoning districts permitting multifamily housing as-of-right and containing available development sites (0.9% Black, 3% Hispanic)	4%	
n. Number of units needed to meet the 2000-2015 Allocation Plan benchmark	239 units	
2015 Allocation	239 units	
Number of units created since 2000	0 units	

* After applying a factor of 80 percent to account for irregular site configuration, setbacks, building form restrictions, and the like.

** Regional value employed where data was not provided for the municipality, employing the County's definition of North, Central and South for what is meant as region. Weighted averages were calculated using available data for each region.