
Chappaqua Form Based Code

Working Group Session – Draft Code
November 13, 2019

Meeting Objectives

I. Walk Through Key Elements in Order to Facilitate Reading and Understanding of Code Including:

- I. Code Organization
- II. Key Concepts of the Transect and Regulating Plan
- III. Administration and Approval Process
- IV. Highlight New Items and/or Detail
- V. Provide Results of Code Testing

II. Provide Opportunity for Q & A



Agenda

1. Recap
2. Code Organization
3. Transect/Sub-Districts
 - Land Use
 - Max. Building Heights
 - Density
4. Regulating Plan
5. Approval Process
6. Parking
7. Code Testing Results
8. Architecture
9. Green Building
10. Affordable Housing
11. Q&A/Discussion

Draft: 11/8/19



Town of New Castle, New York
Chapter 60 Zoning
Article VIII: Form Based District
Sections 60-800 to 60-930

Draft: 11/8/19

Recap

Comprehensive Plan: Key Concepts for the Form Based District

Livable Built Environment

Promote use of alternative transit and facilitate a range of housing types and higher density while preserving & protecting historic resources

Harmony With Nature

Protect & maintain natural resources; protect and manage open spaces; ensure sustainable design that reduces the Town's carbon footprint

Resilient Economy

Create vibrant walkable mixed-use area that has a sustainable mix of commercial & residential uses & increases patronage

Healthy Community

Expand, enhance, and maintain park and rec. space; increase rec. programming & facilities; improve linkages between open spaces and key destinations

Responsible Regionalism

Align with regional sustainable objectives such as Transit Oriented Development, preservation of open space, & affordable housing



Proposed Form Based District Structure

New Castle Zoning Ordinance

Article VIII – Form Based District

Authority, Purpose, Administration, Relationship to Town Code

Transect Based Sub-Districts: Intent, Land Use, Density

F-1 (reserved) F-2 (reserved) F-3 (reserved) F-4(-) F-4 F-5(-) F-5 F-6 (reserved) F-SD (reserved)

Regulations/Development Standards

Some regulations in existing ordinance are referenced

Chappaqua: Lower & Upper King

(new zoning designation to be implemented by Town)

Detailed Regulating Plan

Maps Build-to-Lines, Frontage Types, Opens Space, Frontage Occupancy, Building Heights, Vista Terminations, Special UD Features

Potential New Areas

(consistent with Comp. Plan/rezoned by Town or individual)

Detailed Regulating Plan

Maps Build-to-Lines, Frontage Types, Opens Space, Frontage Occupancy, Building Heights, Vista Terminations, Special UD Features

Transect Zones/Character Areas For Chappaqua



N T1 T2 T3 T4 T5 T6



Hill & Upper King

Lower King

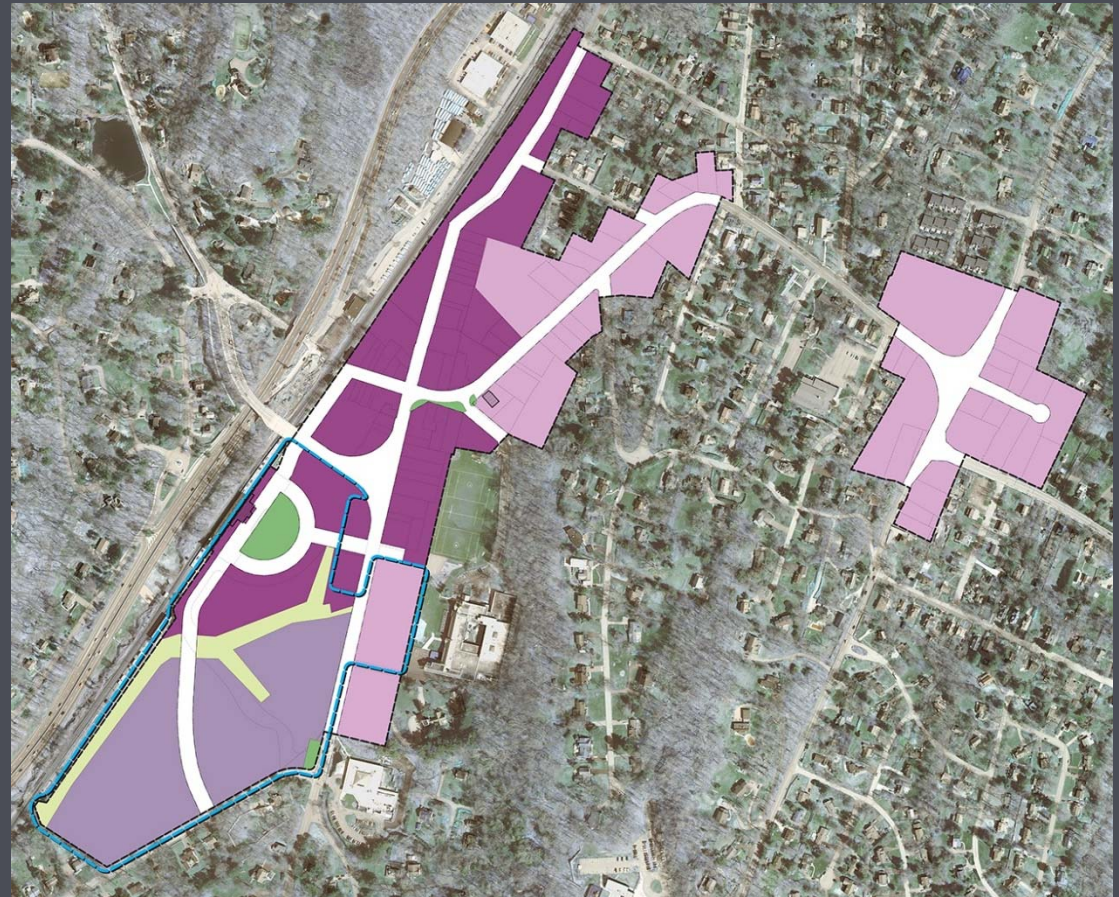
Mt. Kisco



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Proposed Transect Map & Land Uses

1. Residential permitted throughout to promote env. sustainability, healthy behaviors, T.O.D. best planning practices, and a retail supportive environment
2. No restrictions for residential types or tenures
3. Affordable housing requirement consistent with current requirements
4. Mixed-Use and single-use permitted throughout



Mixed-Use - T5 

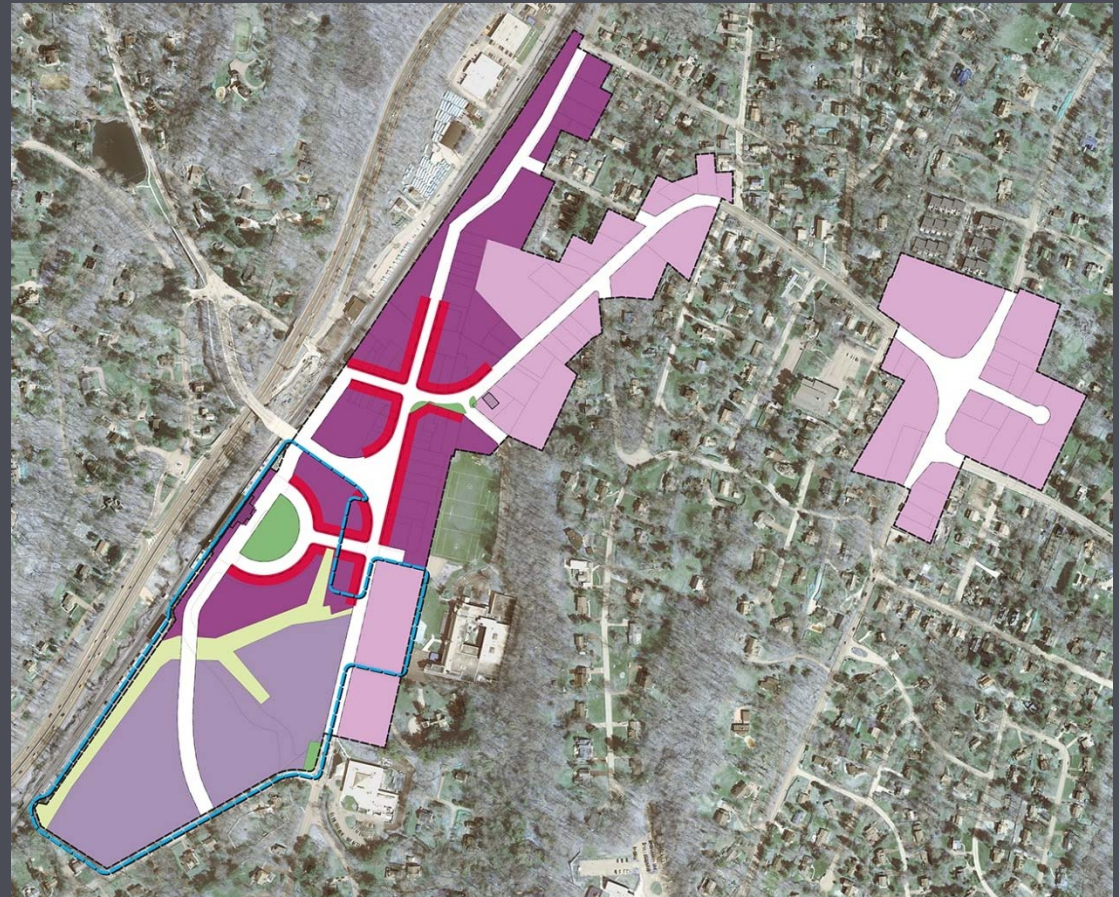
Mixed-Use/No Retail – T5(-) 





Mixed-Use – T4 



Proposed Transect Map & Land Uses: Retail

1. Retail required at specific places, generally permitted, but prohibited in some areas to create retail supportive environment



- Mixed-Use - T5 
- Mixed-Use/No Retail – T5(-) 
- Mixed-Use – T4 
- Retail Required 



Building Height: 5-Story

1. Area closest to train station, supportive of best planning practice for T.O.D.
2. Environmentally sustainable development pattern
3. Most significant opportunity to further Comp. Plan goal of bringing residences
4. Most support for a revitalized Lower King
5. Transit parking replacement is significant financial burden – Increased units can offset costs
6. Area with least visual impact & removed from single-family homes



 5-Story



Building Height: 4-Story

1. Maintain character
2. Two-sided spatial proportion considered
3. Most areas dimensionally constrained (most likely can't achieve bldgs. taller than 4-story)
4. Transition from 5-story area



4-Story



Building Height: 3-Story

1. Compatible with historic buildings and character
2. Transition to single-family homes
3. Most areas dimensionally constrained (most likely can't achieve bldgs. taller than 3-story)



3-Story 



Frontage Occupancy



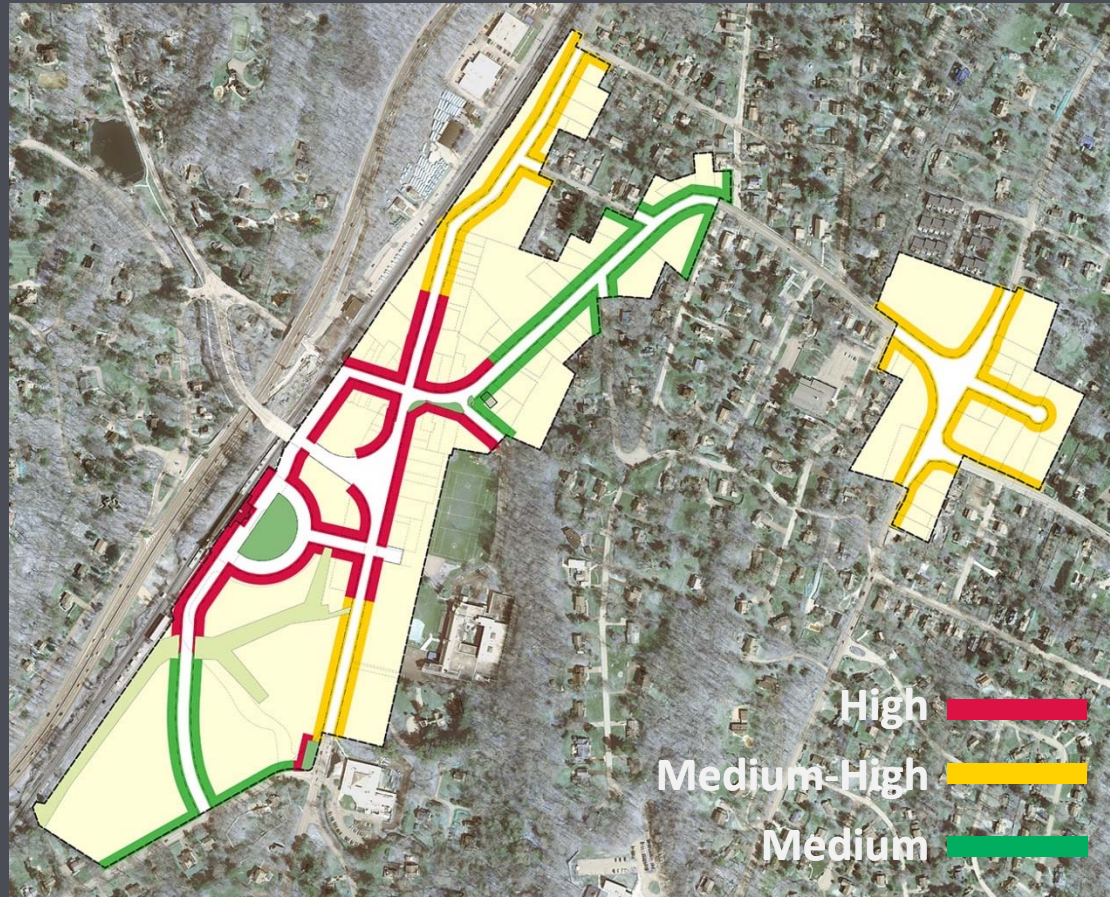
High



Medium-High



Medium



1. Higher in core area and at most significant retail
2. Medium in T4 where there is less retail
3. Lower in less “dense” areas and in transition areas to single-family



Code Organization



§ 60-800 Form Based District: Contents

§ 60-810 Form Based District: Authority and Purpose	2
A. Authority	2
B. Intent and Purpose	2
§ 60-820 Form Based District: Applicability	3
A. General	3
B. Additions to District	3
§ 60-830 Form Based District: Relationship to Other Chapters of the Town of New Castle Code	4
A. General Framework	4
B. Supersession of Other Parts of the New Castle Town Code	4
C. Applicability to Other Parts of the Town Code	4
§ 60-840 Form Based District: Administration	5
A. Role of the Development Department	5
B. Approval Process and Permits for Buildings and Uses	6
C. Issuance of Building Permits and Certificates of Occupancy.	8
D. Approval Processes for Streets, Sidewalks, and Public Improvements.	8
E. Division of Land Under this Article.	8
F. Amendment.	8
§ 60-850 Form Based District: Nonconforming Uses, Structures, and Lots	9
A. Supersession	9
B. Approval	9
§ 60-860 Form Based District: Transect – Uses and Building Heights	10
A. Transect Intent	11
B. Establishment of Sub-Districts	11
C. Sub-District Intent	12
D. Sub-Districts Required	12
E. Permitted Uses	14
F. Development Intensity	18
G. General Building Heights	18
§ 60-870 Form Based District: Regulating Plans and Regulating Plan Regulations	19
A. Establishment of Regulating Plans	19
B. Public and Private Street Alignments	36
C. Open Space	36
D. Build-to-Lines for Buildings	36
E. Frontage Occupancy	36
F. Vista Terminations and Special Urban Design Features	38
G. Public and Private Frontages	39

§ 60-880 Form Based District: General Development Regulations	42
A. Subdivision	42
B. Blocks	42
C. Lots	43
D. Accessory Buildings and Dwelling Units	46
E. Parking Required	46
F. Parking Location	48
G. Parking Provision – Fee in Lieu of Parking	49
H. Parking Configuration	49
I. Parking, Overnight	50
J. Loading	50
K. Service	50
L. Open Space and Landscape	50
M. Walls, Fences, and Gates	51
N. Gas and Service Stations	51
O. Visibility at Intersections	52
P. Signs	52
Q. Exterior Lighting	57
R. Utilities	57
§ 60-890 Form Based District: Thoroughfares	58
A. Supersession	58
B. Conformity to Regulating Plan	58
C. Street Design Standards	58
D. Intersections	60
E. Continuation of Streets into Adjacent Properties	60
F. Street Names	60
§ 60-900 Form Based District: Affordable And Workforce Housing	61
A. AFFH and Workforce Definitions and AFFH Model Ordinance Provisions	61
B. Requirements	61
§ 60-910 Form Based District: Green Building and Healthy Building Standards	62
A. Applicability and Requirements for Green Buildings	62
B. Applicability and Requirements for Healthy Buildings	62
§ 60-920 Form Based District: Architecture Regulations	63
A. Purpose and Intent	63
B. Precedence	63
C. General Architecture Regulations, All Buildings	63
D. General Architecture Regulations, Retail, Office, and Mixed-Use Buildings	68
E. General Architecture Regulations, Townhouses	69
F. General Architecture Regulations, Civic Buildings	70
G. Architecture Styles	72
§ 60-930 Form Based District: Definitions	114
A. Rules of Interpretation	114
B. Definitions	114



Transect/Sub-Districts



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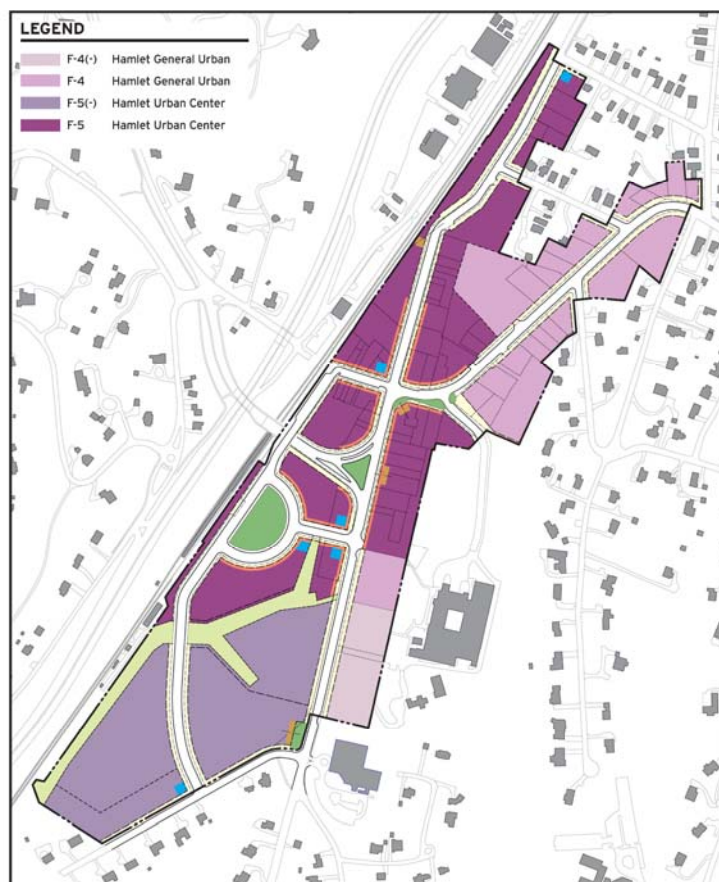


Figure 860-01: Form Based Sub-Districts



Figure 860-01: Form Based Sub-Districts

F-4(-) – Hamlet General Urban, Limited Retail



The Hamlet General Urban Sub-District-Limited Retail consists of medium density development. A mix of uses may be present, but there is little or no retail. Residential building types include primarily Multi-Family and Townhouse. Low-to-midrise buildings are found. Setbacks are smaller. Streets with curbs, sidewalks, and regularly spaced street trees define medium-sized blocks.

F-5 – Hamlet Urban Center



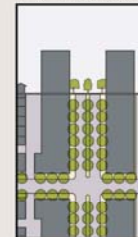
The Hamlet Urban Center Sub-District consists of higher density low-rise and mid-rise buildings. A mix of uses are present, including mixed-use buildings. These areas also serve as commercial centers. There are wide sidewalks, regular street tree planting, and buildings set close to the sidewalks.

F-4 – Hamlet General Urban



The Hamlet General Urban Sub-District consists of medium density development. A mix of uses and mixed-use buildings may be present. Residential building types include primarily Multi-Family and Townhouse. Low-to-midrise buildings are found. Setbacks are smaller. Streets with curbs, sidewalks, and regularly spaced street trees define medium-sized blocks.

F-6 – Urban Center [Reserved]



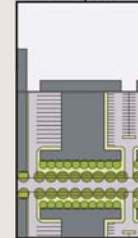
The Urban Center Sub-District consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. Streets have regular street tree planting and buildings are set close to wide sidewalks.

F-5(-) – Hamlet Urban Center, No Retail



The Hamlet Urban Center Sub-District-No Retail consists of higher density low-rise and mid-rise buildings. A mix of uses may be present, including mixed-use buildings, but there is no retail. These areas serve as commercial centers. There are wide sidewalks, regular street tree planting, and buildings set close to the sidewalks.

F-SD – Special District [Reserved]



The Special Sub-District accommodates uses not typically found in Urban areas. Larger blocks and setbacks may be present. Landscape screening may be present.



Transect Map



Use Category	F-1	F-2	F-3	F-4(-)	F-4	F-5(-)	F-5	F-6	F-SD
Agriculture, Heavy	resv'd.	resv'd.	resv'd.	N	N	N	N	resv'd.	resv'd.
Agriculture, Light	resv'd.	resv'd.	resv'd.	N	N	N	N	resv'd.	resv'd.
Automotive Sales and Service*	resv'd.	resv'd.	resv'd.	N	P	N	P	resv'd.	resv'd.
Civic Facilities	resv'd.	resv'd.	resv'd.	P	P	P	P	resv'd.	resv'd.
Controlled Uses**	resv'd.	resv'd.	resv'd.	N	N	N	N	resv'd.	resv'd.
Industrial, Light	resv'd.	resv'd.	resv'd.	N	N	N	N	resv'd.	resv'd.
Industrial, Heavy	resv'd.	resv'd.	resv'd.	N	N	N	N	resv'd.	resv'd.
Institutional	resv'd.	resv'd.	resv'd.	N	N	N	N	resv'd.	resv'd.
Office	resv'd.	resv'd.	resv'd.	P	P	P	P	resv'd.	resv'd.
Public Facilities and Utilities	resv'd.	resv'd.	resv'd.	S	S	S	S	resv'd.	resv'd.
Residential, Multi-Family	resv'd.	resv'd.	resv'd.	P	P	P	P	resv'd.	resv'd.
Residential, One-Family	resv'd.	resv'd.	resv'd.	P	P	N	N	resv'd.	resv'd.
Residential, Townhouse	resv'd.	resv'd.	resv'd.	P	P	P	P	resv'd.	resv'd.
Residential, Two Family	resv'd.	resv'd.	resv'd.	P	P	N	N	resv'd.	resv'd.
Retail and Mixed-Use	resv'd.	resv'd.	resv'd.	N	P	N	P	resv'd.	resv'd.

* See §60-860 E. (7) for special requirements

** Controlled Uses are subject to the review and approval procedure set for in § 60-430 Special Uses

Figure 860-04: Land Use Table

Form Based Sub-District	Maximum Height* (No. of Stories)
F-1	reserved
F-2	reserved
F-3	reserved
F-4(-)	4
F-4	4
F-5(-)	5
F-5	5
F-6	reserved
F-SD	reserved

*Building Height stated on a Regulating Plan may be lower and shall control specific development.

Figure 860-05: Building Height

F-4 – Hamlet General Urban



The Hamlet General Urban Sub-District consists of medium density development. A mix of uses and mixed-use buildings may be present. Residential building types include primarily Multi-Family and Townhouse. Low-to-midrise buildings are found. Setbacks are smaller. Streets with curbs, sidewalks, and regularly spaced street trees define medium-sized blocks.

1. Density: FAR or DU/AC are not used to limit density. Density is limited by building form (including heights and parking requirements).
2. Density is also determined by FGEIS. Overall district may not exceed the impacts studied in the GEIS



Regulating Plan



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Regulating Plan



Block Numbers

Draft: 11/8/19

Article VIII: Form Based Districts



Figure 870-4: Tile 3

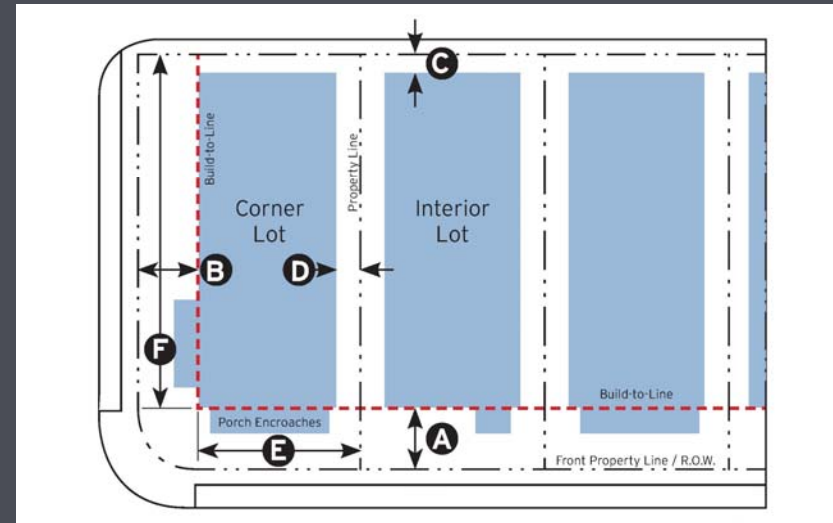
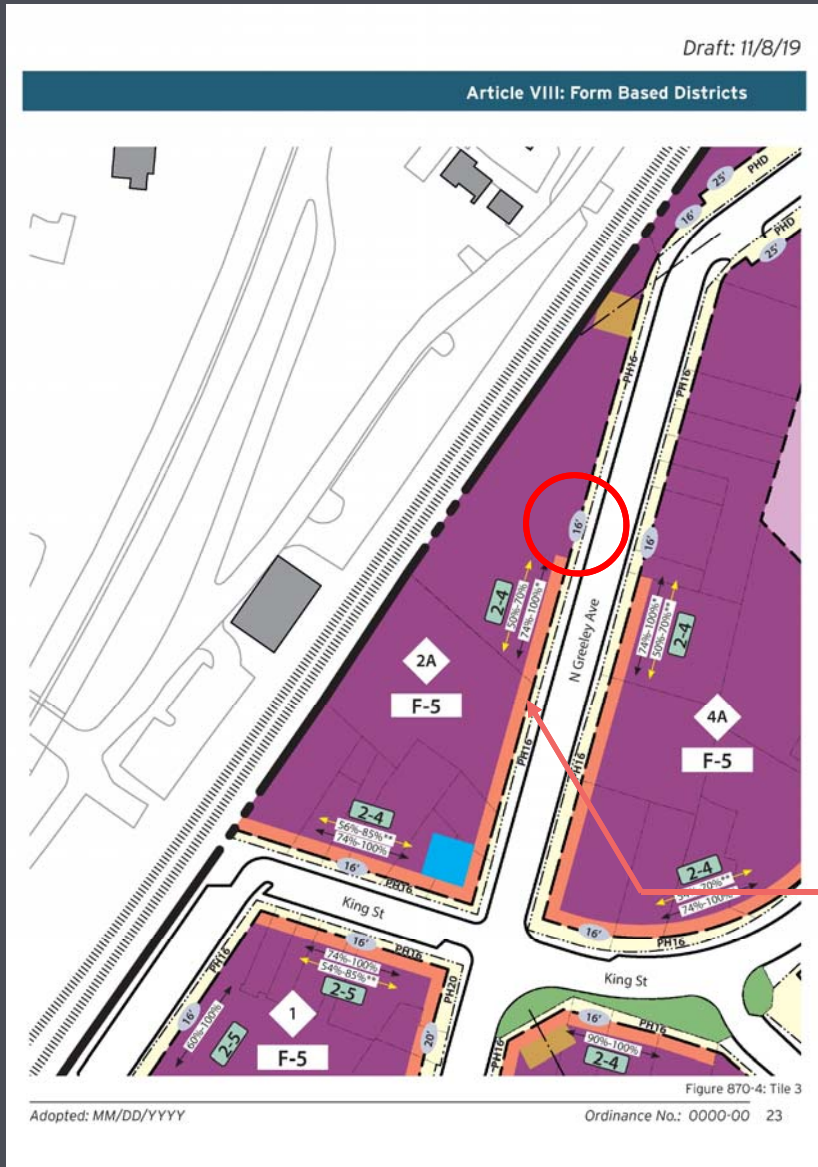
Adopted: MM/DD/YYYY

Ordinance No.: 0000-00 23



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Build-to-Line

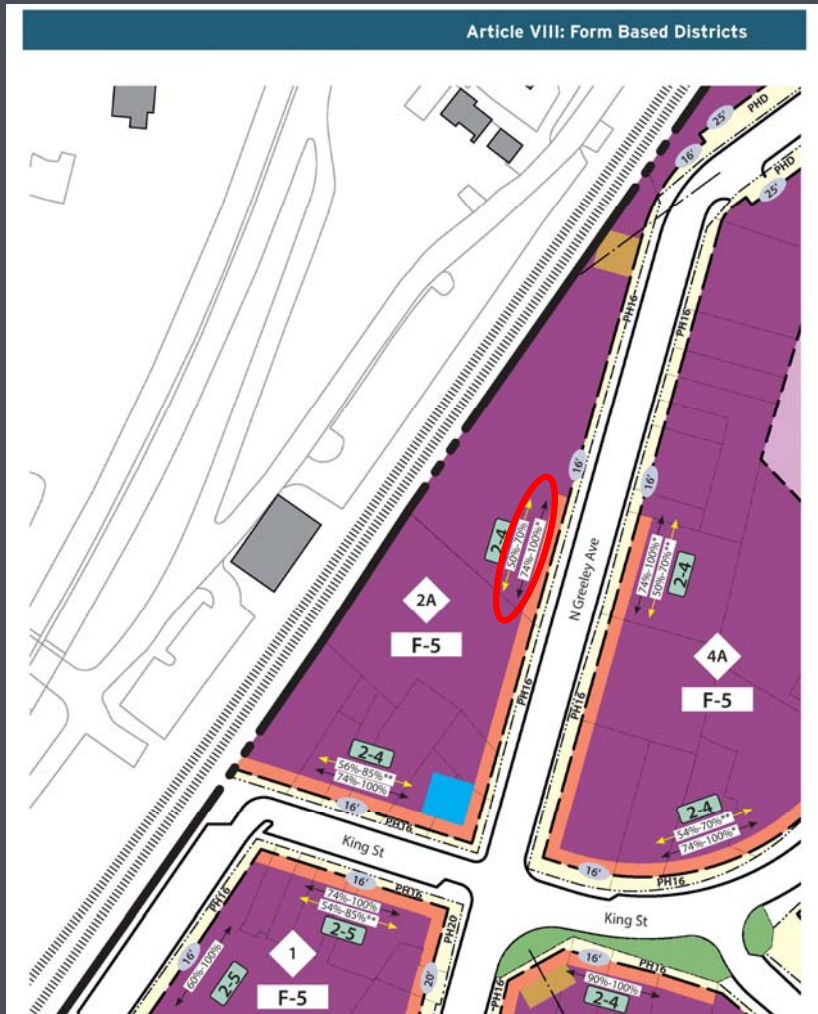


Build-to-Line

1. Different than a set-back line – buildings must be built to this line and not further back from this line.



Frontage Occupancy



1. * 70% minimum for lots shorter than 100' along Build-to-Line, 60% minimum for lots shorter than 92'.
2. * 70% minimum for lots shorter than 100' along Build-to-Line, 60% minimum for lots shorter than 92'.
3. ** 100% maximum for lots shorter than 50' along Build-to-Line,
4. 80% for lots shorter than 150' along Build-to-Line.

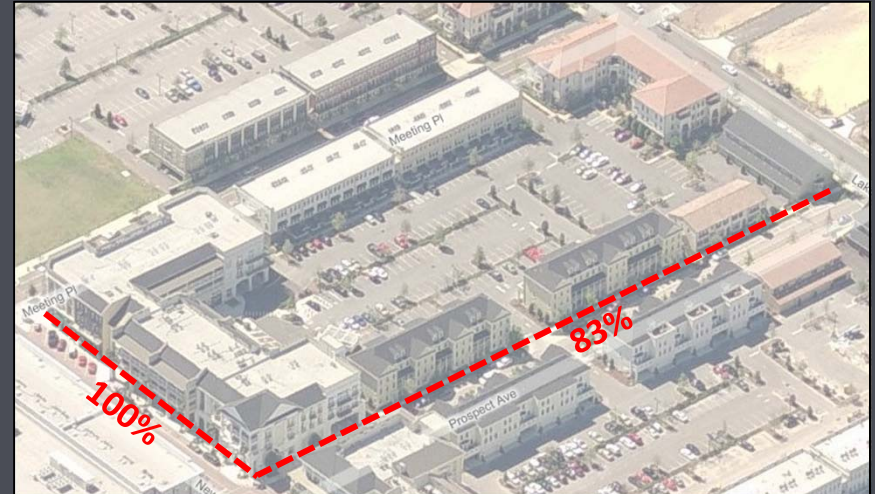
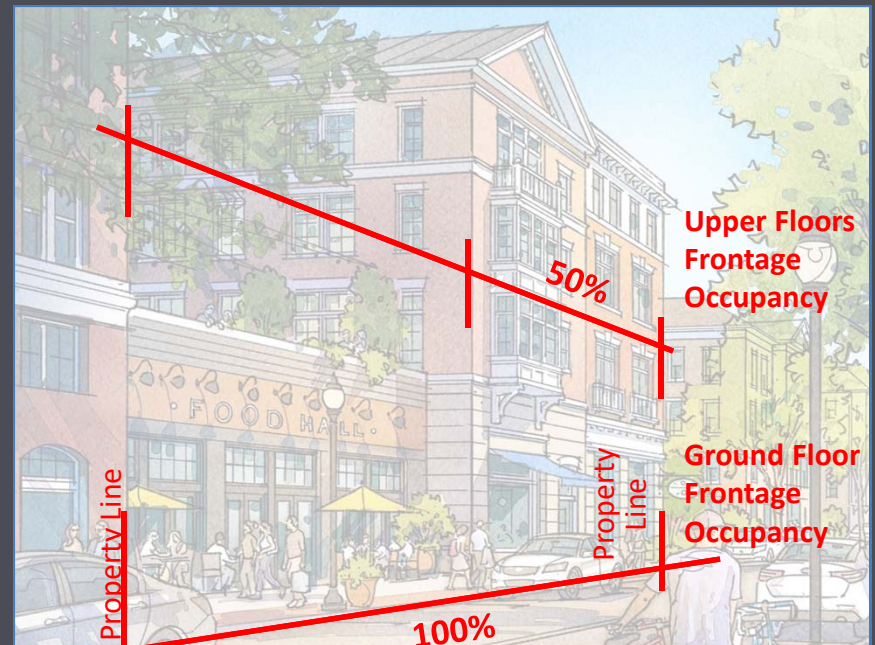
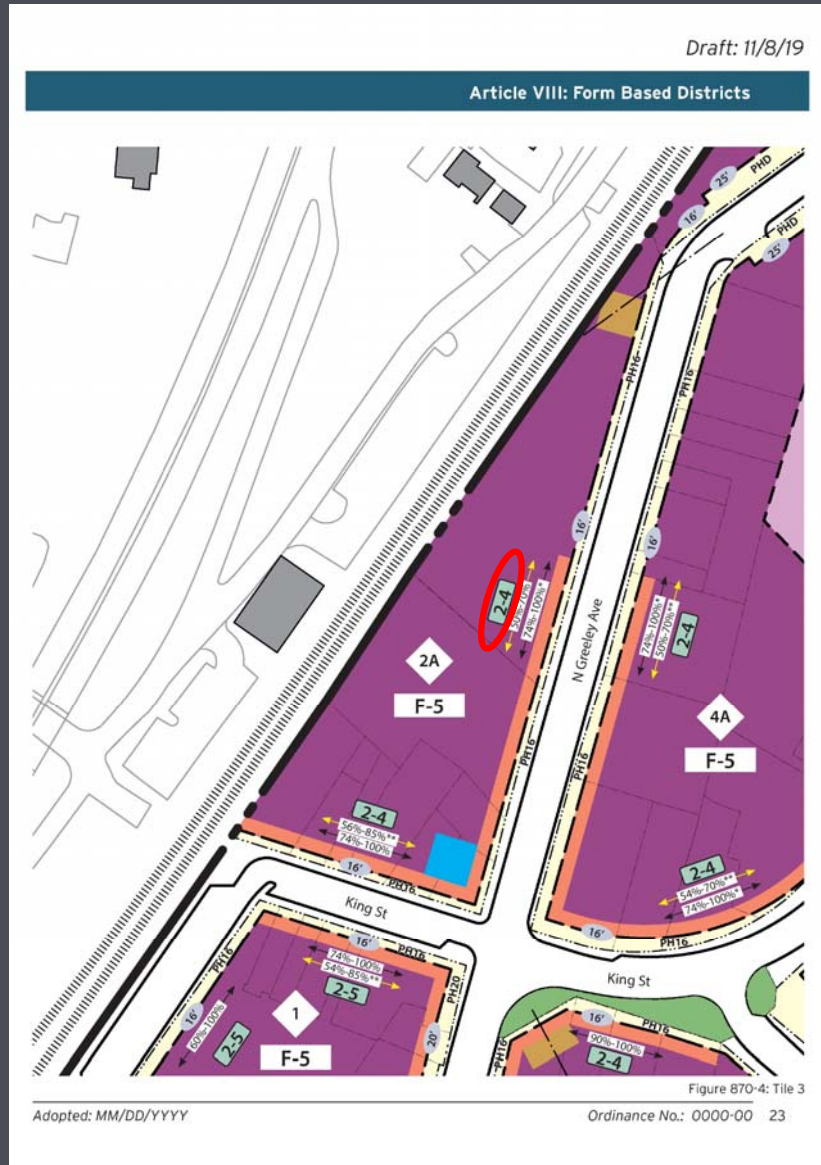


Photo: Windows Live Local



Building Height



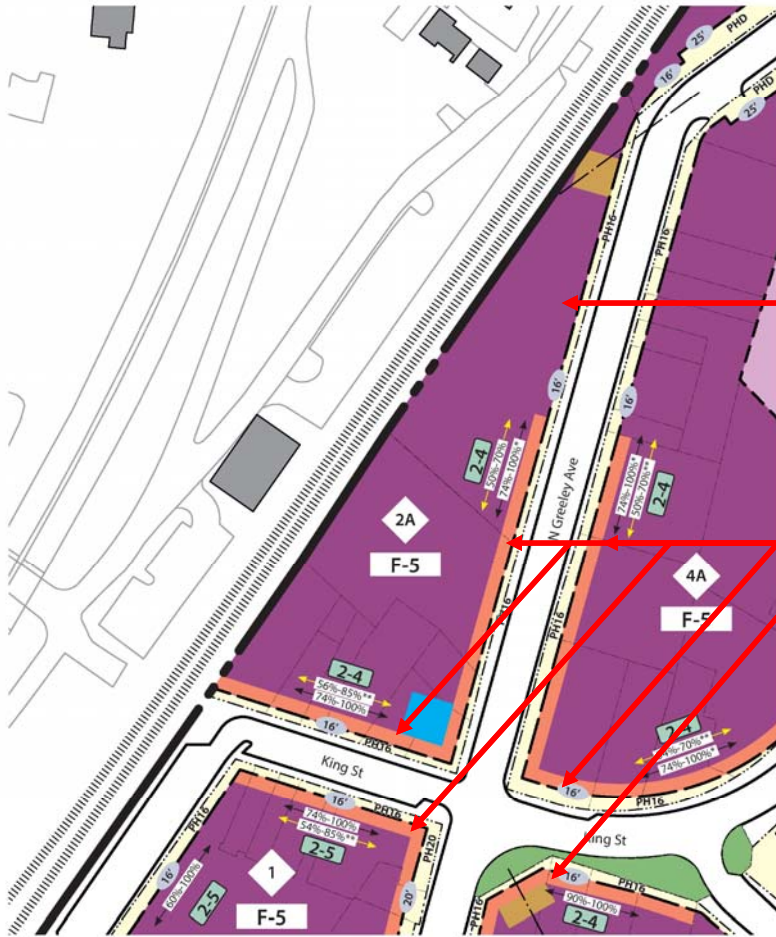
1. Minimum Building Height
2. Maximum Building Height
3. Measured in Stories, not Feet
4. Each Block Face (may supersede sub-district maximum height with a lower maximum height)



Retail

Draft: 11/8/19

Article VIII: Form Based Districts



Retail Not Required

Retail Required

Figure 870-4: Tile 3

Adopted: MM/DD/YYYY

Ordinance No.: 0000-00 23



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Frontage

Draft: 11/8/19

Article VIII: Form Based Districts

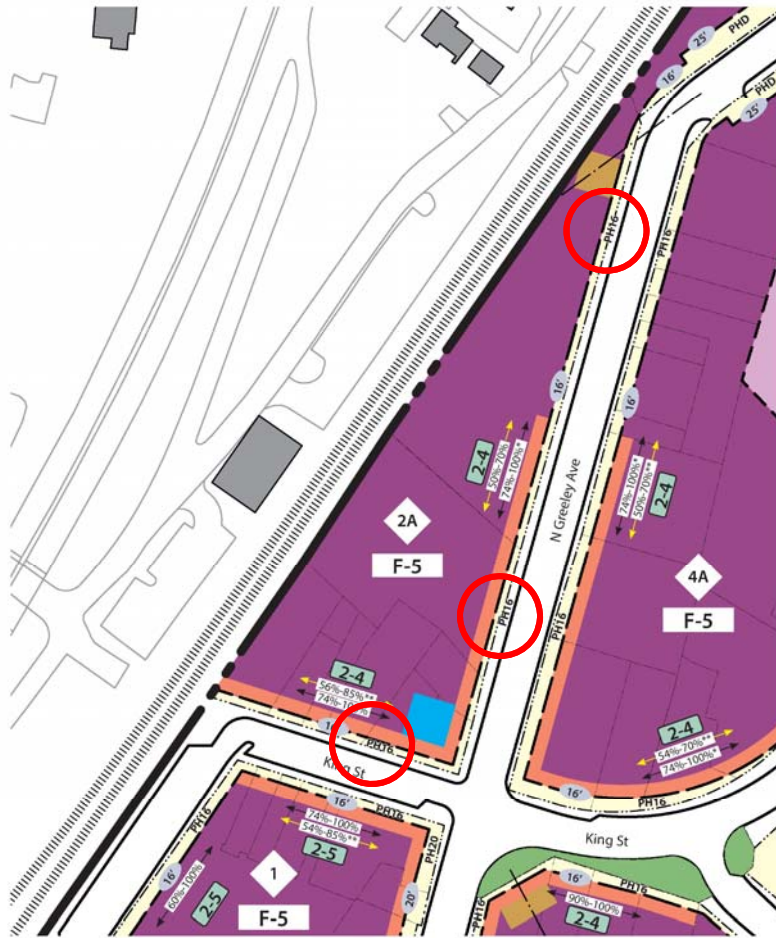


Figure 870-4: Tile 3

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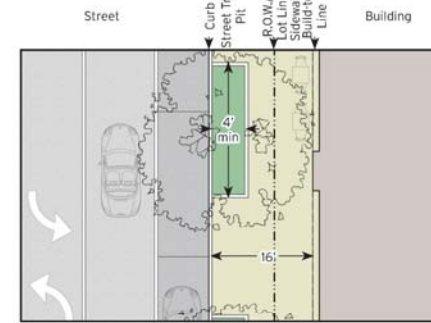
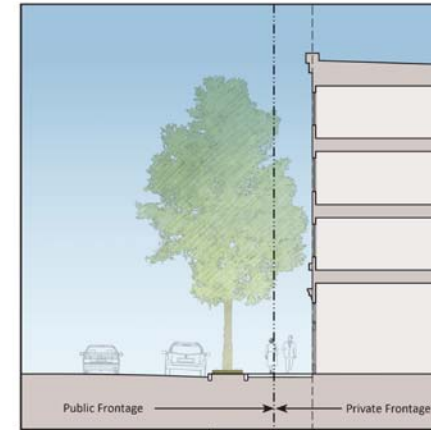


Figure 870-23: Tree Pit and Hardscape - 16

- a. The "Tree Pit and Hardscape - 16" shall provide:
 - i. A hardscape surface from Curb to Building Face measuring 16' in depth from the curb face and integrally designed to appear as a single sidewalk.
 - ii. Street tree pits a minimum of 4' long and 4' wide planted with trees approximately every 40 linear feet.
 - iii. Materials shall match the existing sidewalks along King St and Greeley St.



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Special Architectural Features

Draft: 11/8/19

Article VIII: Form Based Districts

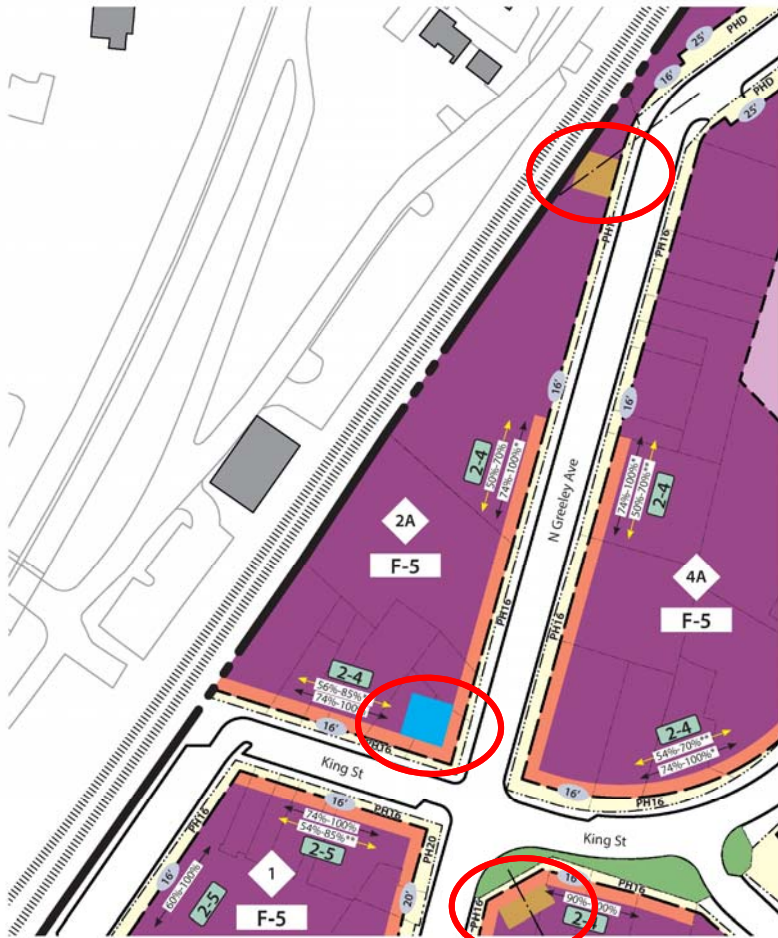


Figure 870-4: Tile 3

Adopted: MM/DD/YYYY

Ordinance No.: 0000-00 23



Figure 870-20: Corner Tower

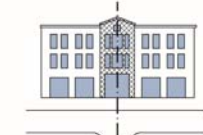


Figure 870-21: Symmetrical Facade on Axis

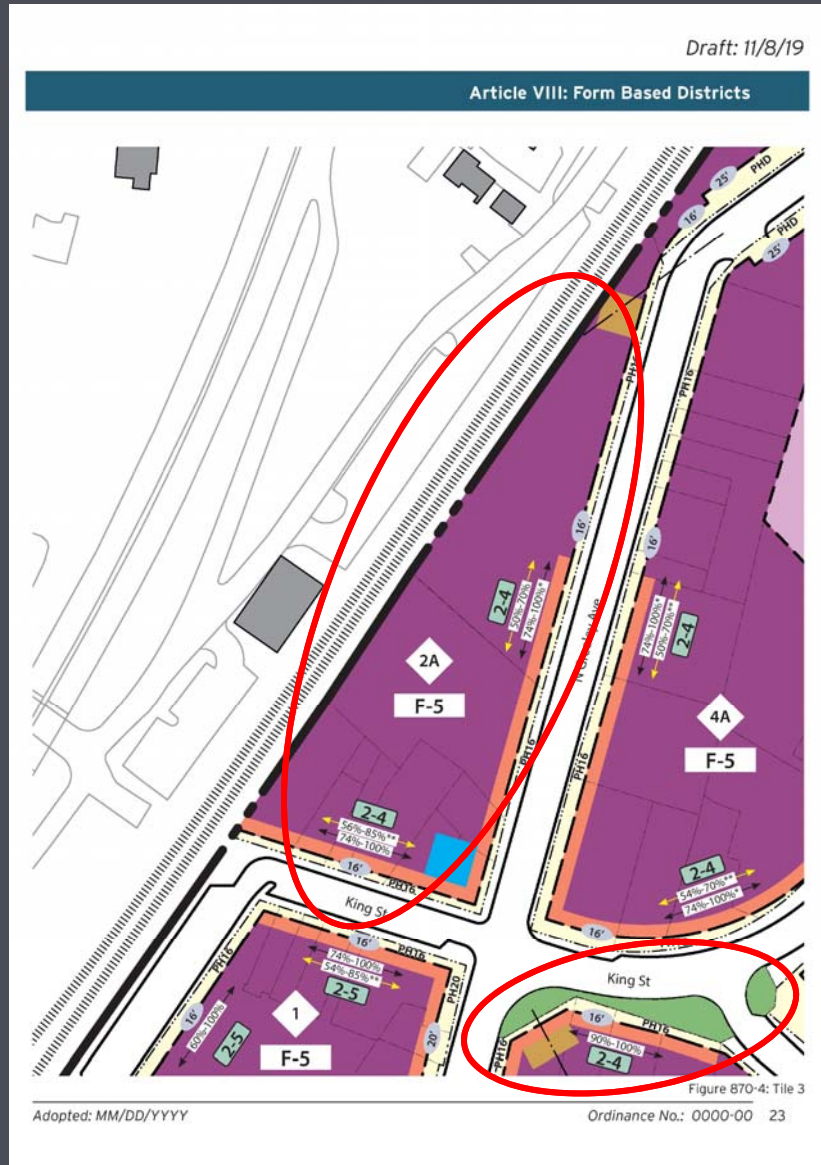


Figure 870-22: Prominent Building Element on Axis



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Required Open Space



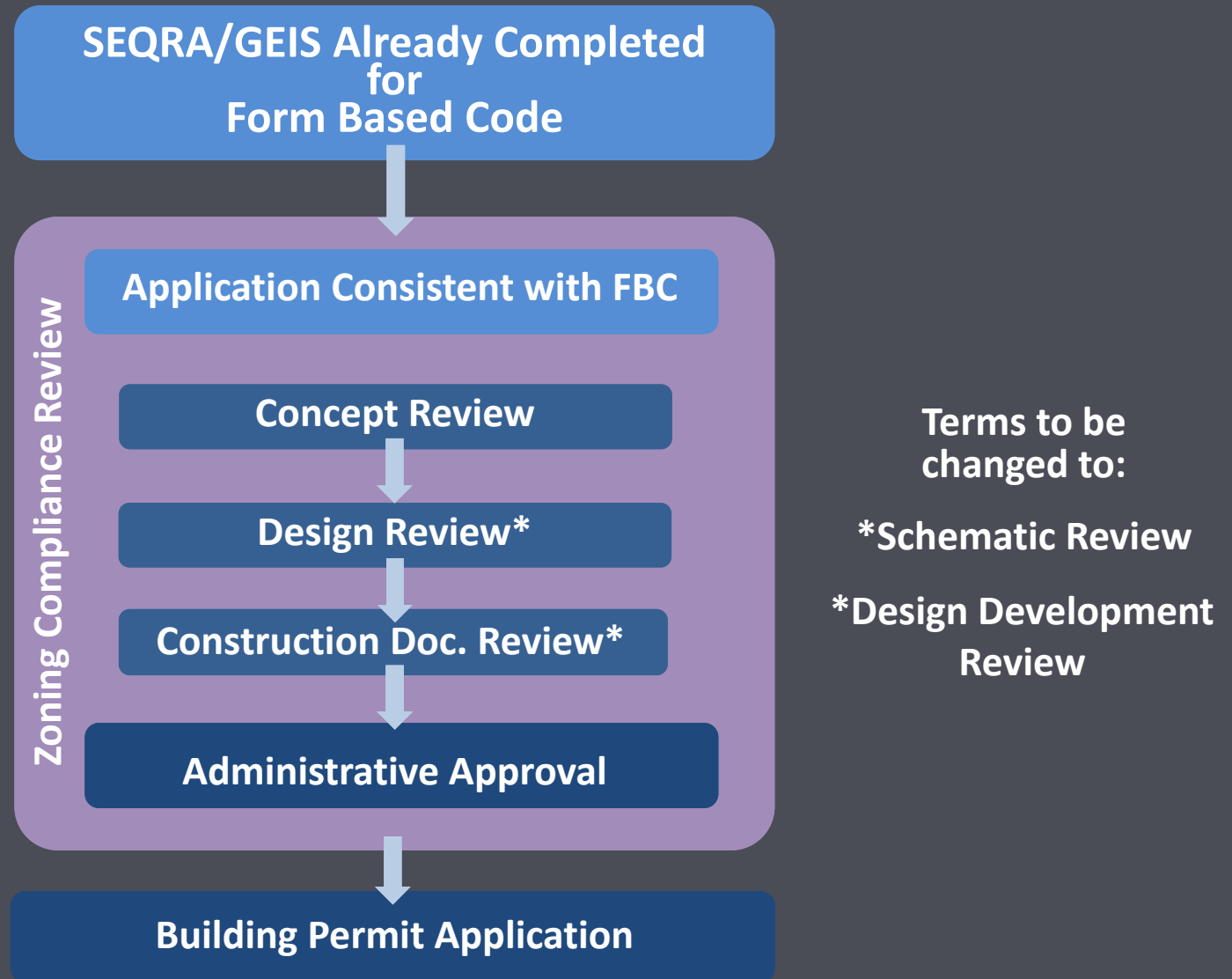
1. As shown in Regulating Plan
2. Referencing §60-420.G - Parkland or parkland fees with multifamily site plan approval: Impractical to provide on-site - Fees shall be paid, rather than provision on-site, for use in District.



Approval Process



Typical Submission/Approval Process*



Note: Process does not typically require Planning Board approval or Architectural Review Board referral.

Administrative Approval of Minor Deviations

- Minor Deviations from Dimensional Requirements
 1. Public and Private Street Alignments of up to 50'
 2. Open Space Configurations
 3. Build-to-Line Deviations of 15% or less
 4. Frontage Occupancy Deviations of 5% or less
 5. 5% for other dimensional deviations
- Land Uses not listed that are similar in character, scale, and impact
- Cul-de-sacs when there is a physical barrier
- Parking reduction when a study has been completed
- Higher percentage of compact spaces when demonstrated that a higher use of compact spaces occurs
- New street locations when they comply with regulations
- Substitute materials for buildings when they meet specific conditions



Planning Board and Zoning Board of Appeals

- Decisions of the Development Department may be submitted for reconsideration by the Planning Board.
- Special Permits are granted by the Planning Board.
- Variances must be granted by the Zoning Board of Appeals.



Expansion and Modification of Non-Conforming Uses and Structures

- Development Department rather than Zoning Board of Appeals



Parking



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Parking

Use Category	Ratio
Agriculture, Heavy	[reserved]
Agriculture, Light	[reserved]
Automotive Sales and Service	[reserved]
Civic Facilities	TBD*
Controlled Uses	[reserved]
Industrial, Light	[reserved]
Industrial, Heavy	[reserved]
Institutional	TBD*
Office	
General Office	2.8/1,000 SF
Medical Office	3.3/1,000 SF
Public Facilities and Utilities	TBD*
Residential, Multi-Family	
Rental	
Studio	.85/DU
1-Bedroom	1.1/DU
2-Bedroom	1.4/DU
3+Bedroom	1.65/DU
Ownership	
Studio	.9/DU
1-Bedroom	1.2/DU
2-Bedroom	1.5/DU
3+Bedroom	1.75/DU
Residential, One-Family	2/DU
Residential, Townhouse	1.8/DU
Residential, Two-Family	2/DU
Retail	
up to 10,000 SF	2.8/1,000 SF
> 10,000 SF	4/1,000 SF
Restaurant	10/1,000 SF

* To be determined by the Development Department at time of application.

Figure 880-08: Base Parking Ratios

1. AFFH & Workforce: .75/Studio; 1/DU other
2. Comm. additions <3,000 SF none if no parking reduced
3. 4 or < DU addition to ex. comm. 50% reduction
4. Shared Parking permitted
5. Year long study illustrating reduced parking use can free up parking for other uses
6. Demonstration that an existing comparable use requires less parking can reduce parking required by 10% max.
7. Off-site parking permitted within 1,320'
8. Overnight on-street parking permitted
9. Overnight parking in existing municipal lots permitted and may count towards 20% of required parking.
10. On-street directly in front of use may count
11. Daytime existing municipal lot parking permitted if there are sufficient spaces
12. Off-site within 1-mile with shuttle
13. Fee-in-Lieu for right to park in new municipal lots

Code Testing Results

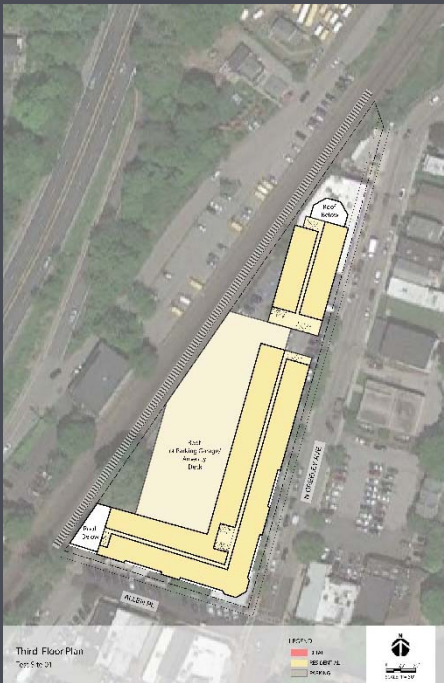
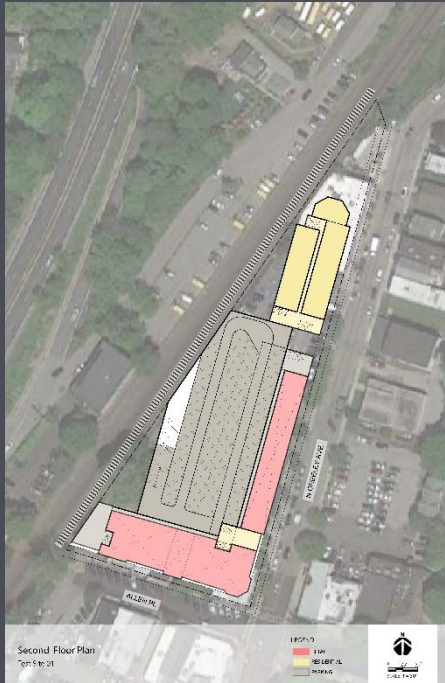
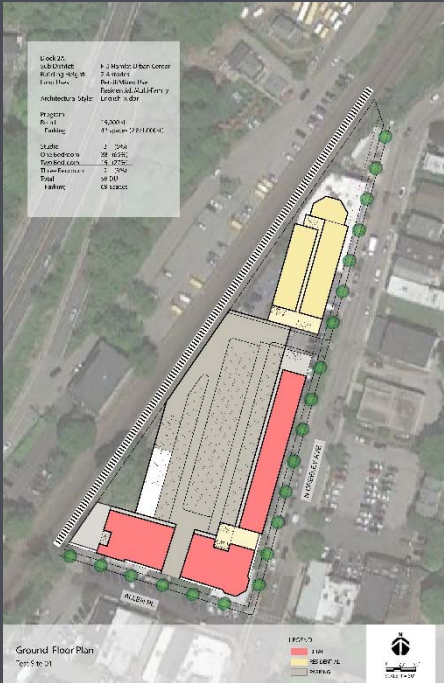


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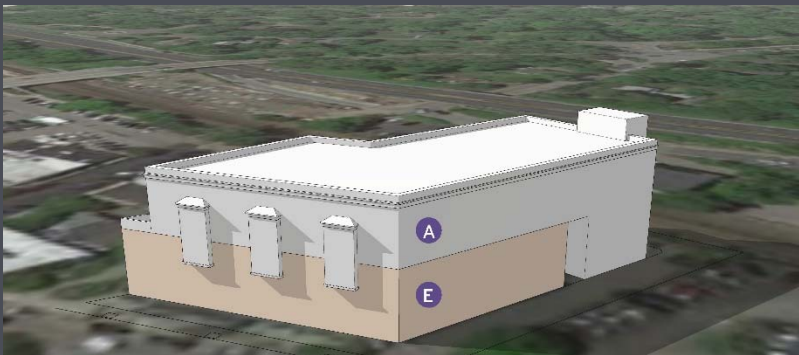
Code Testing



Intent of upper floor frontage occupancy isn't achieved – Code can address by requiring that upper floor frontage occupancy is based on building façade length and not build-to-line frontage



Code Testing



Comment from tester: Not clear if you are doing an addition if you must adhere to the permitted styles or work with the style of the existing building.



General Architecture

All Buildings

1. Urban Design Response
2. Massing
3. Orientation
4. Façade Organization
5. Entries
6. Windows
7. Wall Materials
8. Mechanical Equipment
9. Materials
10. Color
11. FFE
12. Steps at Stoops

Retail, Office, & Mixed-Use Buildings

1. Configuration
2. Windows
3. Entries

Townhouses

1. String Composition

Civic

1. Siting



Architecture, Styles

Draft: 11/8/19

Town of New Castle, New York: Chapter 60 Zoning

G. Architecture Styles

(1) Permitted Styles:

- a. The following styles are reflective of the history of Chappaqua, New Castle, and the region and new buildings shall be designed in one of these permitted styles:
 - i. Georgian/Federal
 - ii. Greek Revival
 - iii. Italianate
 - iv. English Tudor
 - v. Art Deco
- b. The permitted styles by sub-district are shown in *Figure 920-08*.

(2) Language Usage: As used in this subsection, headings designated "history" are intended to be descriptive and explanatory and not regulatory. Architectural elements prefaced by the words "shall," "must," and "essential" are mandatory, and architectural elements prefaced by the words "usually," "typically," "commonly," "should," "may," "illustrate," or similar permissive words are advisory or recommended but not required.

(3) Additional Style Guides: In addition to the standards established in this sub-section for each style, building design shall also adhere to the principles contained in *A Field Guide to American Houses* (McAlester, Virginia and Lee, Consumers Union of United States, 1984), *The American Vignola* (Ware, William R., Dover Publications, Inc., 1994) and *Traditional Construction Patterns* (Mouzon, McGraw-Hill, 2004) as interpreted by the Development Department. Technical architectural terms used in this section shall carry the meanings generally understood within the architecture profession and described in architectural manuals and textbooks in common usage, such as those listed above. Interpretation of such architectural terms shall be made by the Development Department.

(4) When the phrase, "...shall be appropriate to the architectural style" or "shall be consistent with the historic style" or "shall be consistent with the style" is used in this code, it shall mean that the item shall be consistent with the selected style as described in *A Field Guide to American Houses* (McAlester, Virginia and Lee, Consumers Union of United States, 1984)

(5) Building Details: All building elements shall be consistent with the historic style.

Style	F-1	F-2	F-3	F-4(+)	F-4	F-5(-)	F-5	F-6	F-SD
Georgian/Federal	resv'd.	resv'd.	resv'd.	P	P	P	P	resv'd.	resv'd.
Greek Revival	resv'd.	resv'd.	resv'd.	P	P	P	P	resv'd.	resv'd.
Italianate	resv'd.	resv'd.	resv'd.	P	P	P	P	resv'd.	resv'd.
English Tudor	resv'd.	resv'd.	resv'd.	P	P	P	P	resv'd.	resv'd.
Art Deco	resv'd.	resv'd.	resv'd.	N	N	P*	P*	resv'd.	resv'd.
[reserved]	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.
[reserved]	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.	resv'd.

* Art Deco shall not be the predominant style and may not exceed 20% of a block face.

Figure 920-08: Permitted Styles

Green Building



TORTI GALLAS + PARTNERS

Green Building & Healthy Buildings

Draft: 11/8/19

Town of New Castle, New York: Chapter 60 Zoning

§ 60-910 Form Based District: Green Building and Healthy Building Standards

A. Applicability and Requirements for Green Buildings

- (1) All new buildings shall comply with the provisions in Chapter 74 Green Building Standards except as modified here:
 - a. Alternate rating and certification systems to USGBC's LEED for New Construction (LEED-NC) may be approved by the Development Department
 - b. All new developments greater than 50,000 S.F. shall be at least LEED Certified or equivalent.
 - c. All new developments greater than 100,000 S.F. shall be at least LEED Silver Certified or equivalent.
 - d. Parking structures shall not be required to be LEED Certified or equivalent.
- (2) All sites providing irrigation shall provide a method to capture and re-use rainwater.
- (3) All exterior lighting shall use photosensitive cells that automatically turn off lights at sunrise.
- (4) Geo-thermal shall be permitted on all sites.
- (5) Green roofs shall be permitted for all building types.
- (6) Pervious paving shall be permitted.
- (7) All new development shall comply with the New York State Green Infrastructure mandate.

B. Applicability and Requirements for Healthy Buildings

- (1) In order to promote the health and welfare of the community and to support the goals of the Comprehensive Plan all buildings requiring to be LEED Certified (or similar) shall also be initially certified as healthy buildings through Fitwell, Well Building, or similar rating system.

1. Town Attorney has identified that there may be an issue with the way that the current Green Building Ordinance is written and administered.



Affordable Housing



TORTI GALLAS + PARTNERS

AFFH and Affordable Housing

Draft: 11/8/19

Article VIII: Form Based Districts

§ 60-900 Form Based District: Affordable And Workforce Housing

A. AFFH and Workforce Definitions and AFFH Model Ordinance Provisions

- (1) See §60-210 "Affordable Affirmatively Furthering Fair Housing (AFFH) Unit" for definition of an AFFH unit.
- (2) See §60-210 "Workforce Housing" for definition of Workforce Housing.
- (3) See §60-220 "Affordable AFFH model ordinance regulatory provisions" for provisions.

B. Requirements

- (1) The following requirements for number of AFFH and Workforce units shall supersede requirements found in the Town of Newcastle Code:
 - a. Developments of less than 12 dwelling units shall not be required to provide AFFH or Workforce dwelling units.
 - b. Developments of 12 to less than 80 dwelling units shall provide a minimum of 4% AFFH dwelling units and minimum of 2% Workforce units.
 - c. Developments of greater than 80 dwelling units shall provide a minimum of 8% AFFH dwelling units and 4% Workforce units.
 - d. Developments with multiple phases shall count the total number of dwelling units for all phases for purposes of determining the required percentage of AFFH and Workforce units. AFFH and Workforce units shall be provided in each phase of a multi-phase project at the required ratios.

Adopted: MM/DD/YYYY

Ordinance No.: 0000-00 61

1. Current Ordinance requires
 - a) MFR-C: 5-10 MF DU req. 1 AFFH DU
 - b) MFR-C: 10 or more MF DU req. 10% AFFH
2. Current Ordinance does not require Workforce Housing (defines as 100% AMI for family of 4 – same as AFFH). Often, Workforce is defined as 80-120% of AMI.
3. Recommended requirements in the Form Based District are:
 - a) <12 DU no requirement
 - b) 12-80 DU requires:
 - a) 4% AFFH
 - b) 2% Workforce
 - c) 80+ DU requires:
 - a) 8% AFFH
 - b) 4% Workforce



Q&A



Town of New Castle, New York
Chapter 60 Zoning
Article VIII: Form Based District
Sections 60-800 to 60-930