

Review and Analysis of Municipal Zoning Ordinances in Westchester County

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1. PURPOSE

On November 17, 2011, the federal Monitor overseeing the August 10, 2009 Stipulation and Order of Settlement and Dismissal (“the Settlement”) entered in *U.S. ex. rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*, issued a document titled, Monitor’s Report and Recommendation Regarding Dispute Resolution (Amended).

The Monitor’s Report stated:

“The County shall, at a minimum, assess the impact each of the following zoning practices or explain why the analysis of the listed practices (“Restrictive Practices”) would not be helpful to understanding the impact of the zoning ordinances taken as a whole:

- Restrictions that limit or prohibit multi-family housing development;
- Limitations on the size of a development;
- Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality;
- Restrictions that directly or indirectly limit the number of bedrooms in a unit;
- Restrictions on lot size or other density requirements that encourage single-family housing or restrict multi-family housing; and
- Limitations on townhouse development.”

This review and analysis addresses the Monitor’s request.

An extensive review has been conducted of all 43 municipal zoning ordinances that have been adopted by the 43 cities, towns and villages in Westchester County that have home rule authority over land use regulation consistent with the laws of New York State. (The towns of Rye and Pelham have not adopted zoning ordinances as neither town encompasses land that is outside of an incorporated village.)

The County’s approach has been to be comprehensive. First, the review and analysis has been expanded beyond the 31 municipalities that are eligible sites for the development of 750 affordable affirmatively furthering fair housing units required under the Settlement’s Paragraph 7 (a), (b) and (c) so as to also include the 12 non-eligible municipalities. Second, the review encompassed all zoning districts, not just residential zones, and data was collected on additional subjects of regulation beyond the six subjects listed above.

The County considers this review and analysis as another step in its continuing dialogue with the governments of Westchester's cities, towns and villages to ensure the greatest opportunities for developing and preserving housing that affirmatively furthers fair housing.

Consistent with the actions set forth on page 204 in the *Westchester County Analysis of Impediments to Fair Housing Choice*, July 2011, the County will provide each municipality with a copy of this review and analysis. The municipalities will be requested to review the document and to provide a response to the County Department of Planning. The County will also conduct one or more informational or training programs to present and discuss the zoning research results.

Under a separate process, the County continues its efforts to promote to municipalities the "Model Ordinance Provisions" that are included in the *Westchester County Fair and Affordable Housing Implementation Plan*, dated August 9, 2010. These provisions provide model language for municipalities to require new development proposals to include a certain percentage of affordable residential units that will affirmatively further fair housing (AFFH). Also included in the provisions are model criteria and standards for the affordable AFFH units and definitions of who is eligible for the affordable AFFH units that are created. Further, the Model Ordinance Provisions outline standards for affirmative marketing and guidelines to expedite the review and approval process for development proposals that will include affordable AFFH units.

2. OVERVIEW OF REVIEW AND ANALYSIS

The first zoning ordinance regulating the use of land in Westchester County was adopted by the City of White Plains in 1920, four years after the first zoning code in the United States was adopted by New York City in 1916. By 1926, when the United States Supreme Court issued its decision in *Village of Euclid v. Ambler Realty Co.* finding that zoning was not an unreasonable extension of the village's police power, 17 municipalities in Westchester County had already adopted zoning ordinances. All but three municipalities had zoning in place by 1944. See [Figure 1: 1944 Planning and Zoning Statistics for Westchester County](#).

This history is important as it reveals that the local zoning ordinances in Westchester have evolved over six to nine decades so as to create a very complex set of regulations that should be expected to include both outdated provisions regulating uses and activities that no longer exist and the most current techniques and approaches to zoning and land use regulation.

To conduct the review and analysis, the County obtained all 43 municipal zoning ordinances. The zoning ordinance is usually a chapter or section of the municipal code. A municipal code (also known as Town Code, Village Code or City Code) includes chapters on most every subject needed to manage a municipality's operations and scope of regulation, only one of which is zoning. Other chapters may address subjects as diverse as the sale of alcoholic beverages, bingo, keeping of dogs and other animals, ethics and record keeping.

The zoning ordinance primarily divides a municipality into districts or zones and establishes regulations on the minimum size of lots, the use of land and the size and location of buildings within each of those districts. Other subjects such as accessory uses, signage, parking and exterior lighting are also typically addressed and regulated.

Several topics related to the development of land are sometimes addressed outside of the zoning ordinance and in other chapters of the municipal Code. For example, a municipality may have separate regulations on land subdivision, "clustering" (discussed in Chapter 4), wetland protection and environmental review procedures.

In this review and analysis, particular focus was given to locating within the zoning ordinance the schedule of districts, the listing and definition of permitted uses, dimensional standards and the zoning map. All but two of the 43 municipal zoning ordinances were accessed on the web-based document libraries *General Code* or *MuniCode*. For the two not available on-line, a request was made to the municipality to provide a hard copy. The web-based codes are updated by the municipality as the codes are amended and are generally considered the most up to date source of information. However, there may be lags between the adoption of code amendments and the posting of the amendments on line. Any such discrepancy will be corrected through the municipal review process described previously.

The data gathered from the 43 zoning ordinances was assembled on 43 tables. Chapter 5 of this report includes detailed explanation of the data subjects in the table's columns. The analysis of the

WESTCHESTER COUNTY PLANNING COMMISSION

PLANNING AND ZONING STATISTICS FOR WEST. COUNTY-

1944

MUNICIPALITIES	SQUARE MILES 1940	SUB-DIV. CTRL	BLDG CODE	PLANNING BOARD	ZONING ORDNANCE	BLDG INSPR	MAP OFFICIAL	ZON. BD OF APP.	TAX MAPS	POPULATION 1940	PLANNING BOARD BUD. 1943
<i>INCORPORATED VILLAGES</i>											
ARDSLEY	1.00	O	1926	1924	1927	X	1926	1926	1926	1,423	\$ 5.
BRIARCLIFF MANOR	5.78	1929	1928	1928	1928	1928	1929	1928	1917	1,830	NONE *
BRONXVILLE	1.00	X	1926	1927	1922	1927	1927	1927	TOWN X	6,888	125.
BUCHANAN	1.53	O	O	O	O	O	O	O	1932	1,600	NONE
CROTON ON HUDSON	5.00	1930	X	1930	1931	1931	1931	1931	1934	3,843	500.
DOBBS FERRY	2.50	1933	1927	1931	1924	1927	1934	1927	1923	5,883	25.
ELMSFORD	1.00	1930	X	1930	1930	X	X	1930	X	3,078	NONE
HASTINGS	2.18	1938	1938	1926	1923	1938	1929	1928	X	7,057	150.
IRVINGTON	2.91	1928	1932	1928	1922	1943	1930	X	X	3,272	NONE
LARCHMONT	1.00	1922	1919	1922	1921	1920	O	1921	X	5,970	100.
MAMARONECK	3.55	X	1925	1927	1925	1925	1937	X	1938	13,034	35.
MOUNTKISCO	1.99	1928	1928	1928	1928	1928	1928	1928	1917	5,941	NONE *
NORTH PELHAM	0.48	O	1931	O	1931	1931	1896	O	O	5,052	NONE
NORTH TARRYTOWN	1.81	O	1927	O	1926	1927	1926	1926	1938	8,804	"
OSSINING	3.00	1930	1930	1930	1930	1930	1930	1931	X	15,996	"
PELHAM	0.52	O	1917	O	1928	1917	O	X	X	1,918	"
PELHAM MANOR	1.31	O	1938	X	1938	1938	O	1938	O	5,302	NONE *
PLEASANTVILLE	1.41	1925	O	1925	1927	O	1928	1927	1898	4,454	NONE
PORT CHESTER	3.00	X	1927	X	X	X	X	X	X	23,073	"
SCARSDALE	6.38	1918	1923	1917	1922	1923	1926	1925	1916	12,966	300.
TARRYTOWN	2.81	1935	1923	1926	1923	1923	1936	1931	1913	6,874	NONE *
TUCKAHOE	1.00	X	1935	1929	1923	1925	X	1923	X	6,563	NONE
<i>CITIES</i>											
MOUNT VERNON	4.39	1915	1930	1915	1927	1930	1927	1922	1922	67,362	385.
NEW ROCHELLE	10.40	1931	1911	1931	1921	1911	1928	1921	1907	58,408	10.
PEEKSKILL	6.00	1944	X	1940	1929	X	O	1929	X	17,311	150.
RYE	6.53	1927	1928	1927	1923	1924	1928	1923	1915	9,865	50.
WHITE PLAINS	9.82	1927	1926	1916	1920	X	1927	1920	X	40,327	40.
YONKERS	17.90	1929	1926	1929	1928	1925	1938	1928	X	142,598	4,854
<i>UNINCORPORATED TOWN AREAS</i>											
BEDFORD	40.61	1929	1929	1928	1929	1929	1929	1928	O	6,807	NONE
CORTLANDT	34.21	O	O	O	O	O	O	O	O	5,573	"
EASTCHESTER	3.20	O	1925	1928	1923	1926	1928	1923	1915	10,041	200.
GREENBURGH	19.00	1929	1924	1929	1924	1925	1929	1932	1915	12,558	1,335.
HARRISON	17.96	1941	1923	1941	1923	X	1923	1928	X	11,783	250.
LEWISBORO	28.80	1935	O	1932	1936	1936	1936	1936	1937	1,929	25 *
MAMARONECK	5.16	O	1921	O	1922	1924	O	1922	1916	8,468	NONE
MT. PLEASANT	24.91	O	O	O	1928	O	O	X	X	10,497	"
NEW CASTLE	21.40	1929	O	1929	1928	1928	1929	1928	1916	4,403	185.
NORTH CASTLE	27.30	1939	X	1939	1930	X	X	1930	X	3,306	50.
NORTH SALEM	23.33	O	O	X	CONSIDERING	O	O	O	X	1,194	10.
OSSINING	3.12	O	O	X	1930	O	1930	1930	X	1,468	25.
POUNDRIDGE	28.80	O	O	O	1936	O	O	1936	O	806	NONE
RYE	1.65	X	1931	1938	1931	1931	X	X	O	1,985	200.
SOMERS	31.50	1943	1935	1943	1934	X	1943	1934	1943	2,406	NONE *
YORKTOWN	40.30	1932	O	1932	1932	O	X	1932	X	3,642	310.
PELHAM (CO-TERM.)		O	O	O		O	O	O	1933		
SCARSDALE (CO-TERM.)		O	O	O		O	O	O	X		
WEST. COUNTY	457.45									573,558	

YEAR } INDICATES EXISTANCE

* - CONTINGENCY FUND

Figure 1: 1944 Planning and Zoning Statistics for Westchester County

data is presented in Chapter 7 with an independent report for each municipality. These reports specifically address each of the six “Restrictive Practices.”

In total, the review identified 853 unique zoning districts with specific regulations in Westchester County. The number of zoning districts within an individual municipality ranged from seven districts to 45 districts.

Of the 853 districts, 653 districts permit residential development and 200 districts do not permit residential development.

Within the 31 “eligible” municipalities, 538 unique zoning districts were identified. The number of districts within an individual “eligible” municipality ranged from seven districts to 33 districts.

Of the 538 districts in “eligible” municipalities, 418 districts permit residential development and 120 districts do not permit residential development.

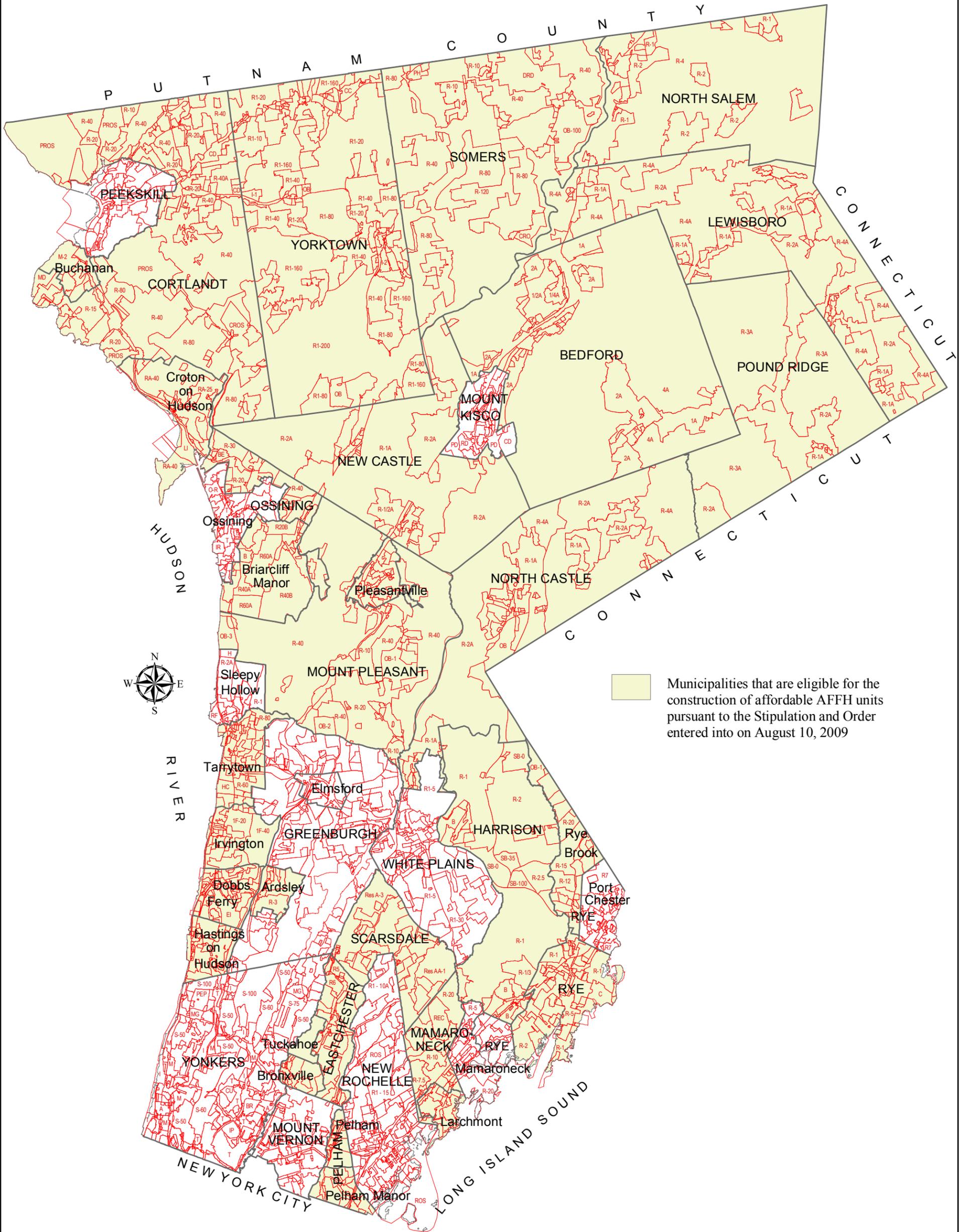
See Figure 2: Composite of Municipal Zoning Districts.

The review found that Westchester municipalities, taken together, have in place a complex set of land use regulations that cover thousands of specific conditions. Within that context, the basic elements and techniques are common throughout the county. Each ordinance includes a range of residential districts that vary primarily by minimum required lot size, from large to small, and by required minimum yard size or building setback from property lines. Each ordinance provides a variety of non-residential or business districts. Each ordinance requires an application for and approval of a special use permit for several land uses. These elements and techniques are well-established approaches to land use regulation that are found throughout the northeast states that share a home rule basis for local control of land use. There is no significant difference in the zoning techniques in effect in “eligible municipalities” compared to those in effect in “non-eligible municipalities.”

Where local zoning ordinances diverge is in the detailed regulation of specific subjects that most likely arose through very localized problems, situations or circumstance. Some of these provisions may well be antiquated. There are also some differences in definitions for certain uses, in defining and calculating development density and in the scope of local review of aspects of developments. Some ordinances are more complex than others and some have regulations that appear to conflict within the same code. These differences, inconsistencies and complexity may reflect not only the sophistication and investment of a municipality in updating its zoning ordinance, but also the uniqueness and variety of character and history of the 43 towns, villages and cities.

The review and analysis of zoning in Westchester finds that the regulations reflect the range of urban, suburban and near rural conditions that have been shaped by history, topography and availability of transportation and infrastructure. The county’s zoning provides for an overwhelming residential character at a wide range of density and allows a very broad scope of non-residential uses.

WESTCHESTER COUNTY, NEW YORK



0 1 2 4 Miles

WCDP February 2012

FIGURE 2

3. TERMS NEEDING DISCUSSION AND CLARIFICATION

Several words and phrases require specific discussion and clarification so that they may be used with consistent definition in the context of this zoning review and analysis. Common usage of a word or phrase is not necessarily the same usage of that word or phrase in a zoning ordinance. Further complicating the matter is the fact that each zoning ordinance typically has its own, and possibly unique, “Definitions” section. This chapter discusses this potential for confusion in terminology and establishes how such terms are used in this review and analysis. All of the terms discussed and the uses they represent are represented in Westchester zoning ordinances.

The discussion that follows draws on the definitions and concepts as presented in several basic planning reference sources including in particular *The Municipal Planning Primer Series: The Planning Board* (Westchester County Department of Planning and Westchester Municipal Planning Federation, 2008) and *The New Illustrated Book of Development Definitions* (Moskowitz and Lindbloom, Center for Urban Policy and Research, 1993).

A. Multi-family housing.

Without clarification, the phrase “multi-family housing” could have several definitions. At a basic level, multi-family housing could be anything that is *not* single-family housing (i.e. one dwelling unit in a free-standing building). In this case, multi-family housing would be any housing where multiple separate dwelling units are contained within one building.

Within the federal government, it appears that the definition of multi-family housing varies from agency to agency. Some definitions that appear on agency websites include:

- Department of Homeland Security/Federal Emergency Management Agency – For the purposes of the Rental Repair Pilot, multi-family housing means a property consisting of more than four units (dwellings). The term includes apartments, cooperative buildings and condominiums.
- Department of Housing and Urban Development – A property consisting of five or more units, also including health care facilities.
- Department of Veterans Affairs – A property consisting of two or more rental units.

In zoning ordinances, multi-family housing is most commonly defined as a structure with three or more separate dwelling units. Excluded from this definition are “accessory apartments” and “two-family dwellings,” which are each discussed below.

For the purposes of this review and analysis, “multi-family” means a structure with three or more separate dwelling units, none of which are “accessory apartments.”

The physical construction of multi-family housing can take many forms including multi-story apartment buildings, townhouses (sometimes called single-family attached), dwelling units in

structures that also have commercial uses (“mixed use”) and low-rise garden apartments, “up and down” or “flat-type” buildings, which are discussed below.

The ownership of multi-family housing can take different forms. Type of ownership is rarely regulated by zoning. Just as a single-family dwelling can be either owned or rented, each multi-family housing unit may be owned separately as a condominium or in fee-simple, or multi-family housing units may be owned in multiple numbers by a single party with individual units rented to tenants. Ownership through a cooperative is also an option. The type of ownership does not change the physical definition of multi-family housing as a structure with three or more separate dwelling units.

B. Two-family dwellings.

A two-family dwelling is a building containing two dwelling units. The dwelling units can be one over the other (“flats”) or side-by-side (“semi-detached” or “twin house”). The units may or may not be on separate lots. They may be owner-occupied or rental units. However, when the term “two-family dwelling” is used in most zoning ordinances, it refers to a permitted use of two dwelling units in one structure on a single lot, neither unit being an “accessory apartment.”

For the purposes of this analysis, “two-family dwelling” means two dwelling units in one structure on a single lot, neither unit being an “accessory apartment.”

C. Accessory apartments.

An “accessory apartment” is a dwelling unit that is subordinate to a permitted principal single-family residence use in terms of size, location and appearance and located on the same lot. It is an accessory use permitted by zoning on a property that as-of-right is permitted only one dwelling unit. Some municipalities restrict accessory apartments to lots larger than a minimum area, to lots with pre-existing single-family residences or other locations and dimensional factors such as a bedroom limitation. Such factors are intended to allow the second dwelling to fit into the character of the neighborhood, i.e. maintain the single-family residence appearance. Accessory apartments are often subject to application for and approval of a special use permit. Accessory apartments are not included in the definition of multi-family housing.

D. Townhouse development.

A townhouse dwelling may be defined as a dwelling unit in a row of at least three such units in which each unit has its own access to the outside, no unit is located over another unit and each unit is separated from each other unit by one or more vertical, common fire-resistant walls. Townhouses are also sometimes referred to as townhomes or single-family attached homes.

“Townhouse” is not typically a “use” defined by a zoning ordinance. Townhouse is usually considered one building type or style of how housing may be constructed.

In more dense or urban communities, a townhouse may be considered a single-family home on a fee simple lot that has zero lot line setbacks, i.e. a common wall with one or more other units. In less

dense suburban communities, a townhouse development may be one possible configuration for a new multi-family development. In such case, ownership can be fee-simple ownership (owning all rights of the property including the land, building and air rights), condominium (the dwelling unit is owned individually but the structure and common areas are owned by all owners on a proportional, undivided basis) or cooperative (occupants own shares in the building). In Westchester, townhouses are most often owned as fee-simple or as a condominium in a larger development.

Townhouses may be developed at a lower cost than free-standing single-family homes because of shared and reduced infrastructure. Maintenance and heating costs may be less expensive for a townhouse than for a free-standing single-family home.

E. Floating zones.

A floating zone is an unmapped zoning district where all the zone requirements (e.g. permitted uses, residential or commercial density, minimum lot size, setbacks) are set forth in the zoning ordinance and the zone is mapped, or applied to specific properties, only after an application for its use is approved by the municipal legislative body. The provisions for a floating zone in the zoning ordinance typically include locational criteria that must be met. The locational criteria are usually first established by the municipal comprehensive plan.

G. Overlay zones.

An overlay zone is a zoning district that is mapped over one or more underlying zones and that imposes additional requirements above that required by the underlying zone. Overlay zones are established to deal with special situations that may not apply to all properties within the underlying zoning district(s). For example, an overlay zone may require special site plan review for development along scenic roads or on ridgelines. An overlay zone may apply special conditions for developments along a downtown street or in a historic district. An overlay zone may limit the height of buildings in the vicinity of an airport runway.

H. Mixed use.

In this review and analysis, the term “mixed use” refers to a building or property that includes or may include residential and non-residential (commercial) uses within the same building or on the same property. In Westchester, a typical mixed use property would have commercial uses on the ground floor of a building with one or more residential units on the floor or floors above. Some high-density apartment buildings might have commercial uses at street level, while a former single-family dwelling may have a retail store on a converted first floor. Zoning ordinances establish in which districts mixed use buildings can occur and may set specific requirements on parking, access and lot size. Some ordinances may allow mixed use as part of a larger, single-lot planned development with residential and other non-residential uses.

I. Planned development.

A planned development often requires a lot or several contiguous lots that can meet a specified minimum area and be planned, developed, operated and maintained according to a master plan as a

single entity. Such developments are often required to provide for a mix of residential and commercial uses. However, some provisions for planned developments require primarily residential uses with a required mix of residential construction types (Planned Residential Development or Planned Unit Development). Primarily commercial (Planned Commercial Development) or primarily industrial (Planned Industrial Development) are also possible.

J. As-of-right use, special use and uses subject to site plan review.

Each zoning ordinance details what types of land uses are allowed, or permitted, in each zoning district. The first level of permission is “as-of-right,” uses that are allowed without any other special zoning approval process. (Compliance with building codes and procedures, other environmental permitting and possibly site plan review may be required.)

A zoning ordinance may also permit uses “as-of-right” but make the establishment of the use subject to the approval or issuance of a special use or special exception permit. These permitted uses require “extra” evaluation. The zoning ordinance sets forth specific conditions that must be met before the permit for such use may be granted. The permit cannot be withheld if compliance with the conditions is demonstrated. The review and approval for special use permits may be assigned by the municipal legislative body to the municipality’s planning board, zoning board of appeals or itself; this approval body may vary for each special use. A less intensive review process may be established by making a use a “conditional use” and providing for an administrative review for compliance with the specified conditions.

A municipality may require through its zoning ordinance or other code provisions that a permitted use be subject to site plan review and approval. Site plan review and approval is usually only required for development over a minimum size or for certain types of land use. The site plan review process usually takes into consideration the physical location of structures, parking and driveways, lighting, landscaping and storm drainage infrastructure.

It is important to note that many zoning ordinances allow lower density residential uses in higher density residential districts as well as allowing residential uses in non-residential or commercial districts uses. For example, a two-family zoning district often permits single-family homes. A multi-family district may permit single- and two-family dwellings. A commercial district may permit single-, two- and multi-family dwellings.

4. NEW YORK STATE PROVISIONS FOR CLUSTER DEVELOPMENT

New York State laws provide authority to cities, towns and villages to approve “cluster developments.” (*New York State Town Law, Section 278: Subdivision review; approval of cluster development* and similar provisions in Village Law and General City Law.) The ability for a municipality to apply this authority is typically not cited in its zoning ordinance. However, Westchester municipalities have made use of this authority to create reduced lot size residential developments and multi-family developments in residential zoning districts that, per the zoning ordinance regulations, would appear not to allow such developments.

Cluster development, also referred to as cluster subdivisions, open space subdivision, average density zoning or conservation development, is the outcome of applying a technique that allows a tract of land to be considered in its entirety and concentrate development so as to leave a portion of the tract undeveloped for conservation or other local planning objectives. New York State law defines “cluster development” as follows:

"Cluster development" shall mean a subdivision plat or plats, approved pursuant to this article, in which the applicable zoning ordinance or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands.

Clustering is accomplished by allowing the same number of lots as would be allowed through application of the zoning district’s minimum lot size requirements but reducing the size of lots, setbacks, yards and other dimensional requirements. Besides the protection of open space, cluster developments can provide an economic benefit by reducing the amount of required infrastructure, roads, water and sewer lines. Although clustering authority does not provide for a change in the permissible use of land as provided in the zoning ordinance, the ability to modify dimensional requirements enables townhouse-style (zero lot-line) construction to be accomplished in zoning districts where otherwise it would not be permitted.

Figure 3: Cluster Development – Hunt Farm and Figure 4: Cluster Development – Green Briar illustrate two large residential developments in northern Westchester approved under cluster development authority in single-family residential zoning districts. The land area shown in red is the preserved open space lands. The homes are located on lots that are significantly smaller than the minimum lot area required by the zoning district.



Figure 3: Cluster Development – Hunt Farm

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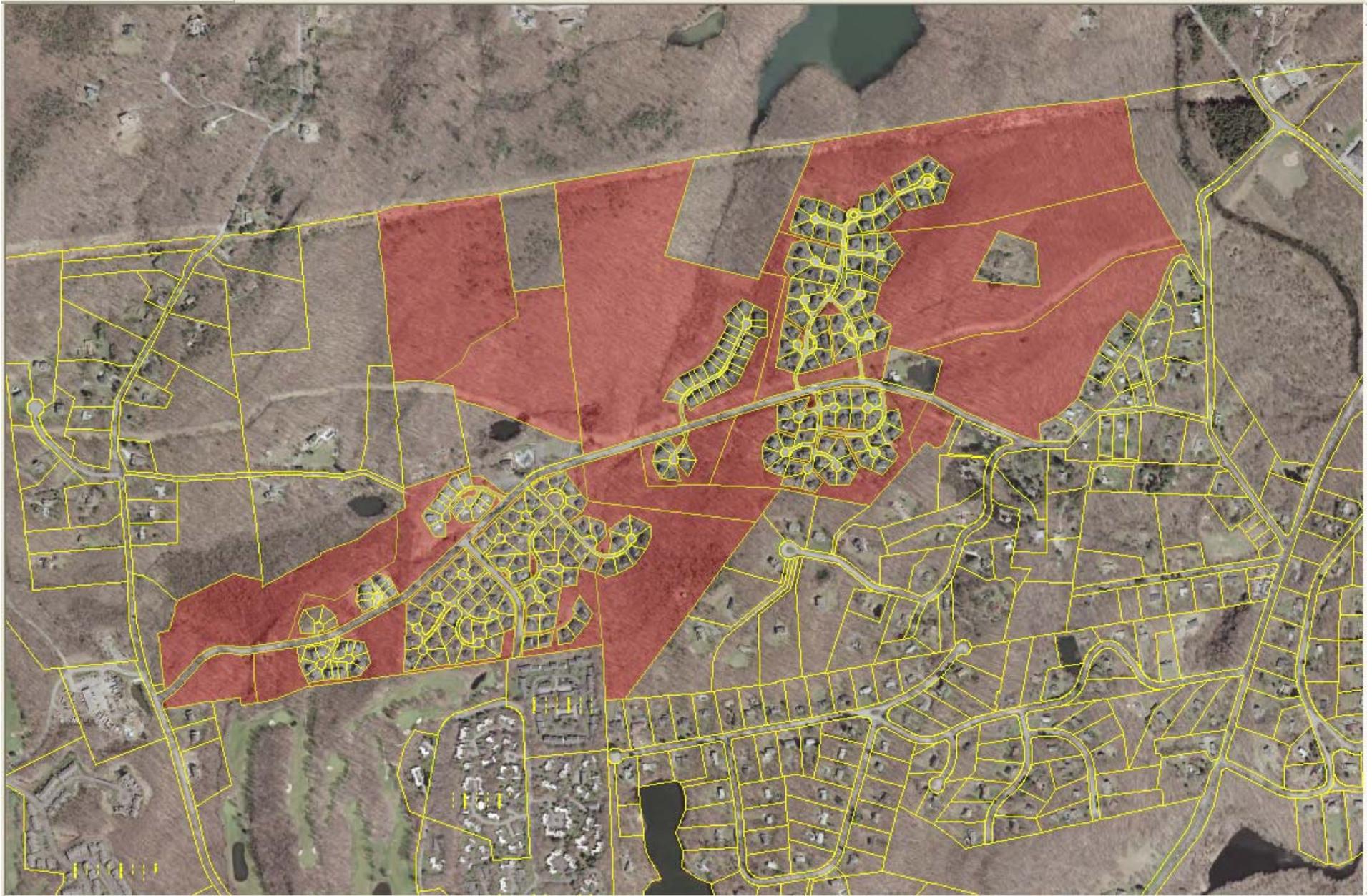


Figure 4: Cluster Development – Green Briar

WCDP 2/27/2012

5. REVIEW OF MUNICIPAL ZONING ORDINANCES

The review of 43 municipal zoning ordinances produced 43 tables of data, one per municipality. One horizontal column has been created for each zoning district that is currently established by municipal zoning ordinances, a county-wide combined total of 853 distinct zoning districts. Each table has 31 vertical columns that record specific data for each district. The tables are included in an appendix to this report. The analysis of the data in each table is presented in Chapter 7 of this report, by municipality.

Figure 5: Zoning Review Table Columns identifies the subjects researched and reported in the 31 vertical columns.

In summary, four columns provide identification information on the municipality and district name and identification. The fifth column reports on whether or not residential development is a permitted use. The sixth column identifies the minimum area required for a lot.

Nine columns report on the types of residential use permitted in each zoning district. Uses reported on are single-family, two-family, three-family, four-family, multi-family, accessory housing unit and mixed use. Also reported in these columns is whether each use is permitted as-of-right without conditions or as a special use subject to issuance of a special use permit.

Two columns report on any requirements that set a minimum or maximum on number of bedrooms per residential unit.

One column reports on whether or not townhouse/zero lot-line setback development is permitted. Another column reports on whether the zoning district regulations set restrictions on building type for multi-family development.

Seven columns report on distinct dimensional requirements that are set for development in each district. The subjects covered are: minimum front and side yard setbacks, maximum permitted density, maximum permitted building coverage, maximum permitted lot coverage, minimum floor area per residential dwelling and maximum floor area ratio.

A comments column allows for explanatory notes on data in other columns as well as notation on unique characteristics of the district regulations that may not be captured in the other columns.

The final four columns report the results of word searches in each municipal code for the terms “HUD,” “Section 8,” “Source Income” and “Choice Voucher.”

Figure 6: Summary of Municipal Zoning Analysis Tables provides an overview of some key information on a municipal basis. This information is expanded upon in the individual municipal analyses included in Chapter 7.

Figure 5: Zoning Review Table Columns

T/C/V	Designation of municipality as Town, City or Village
Municipality	Name of municipality
Zoning District	Abbreviation of zoning district
Name of District	Name of zoning district
District Mapped	zoning district located on the zoning map
Minimum lot area	the minimum size lot required within a zoning district
Single Family	One dwelling unit per lot a permitted land use within zoning district
2 Family	2 dwelling units per lot a permitted land use within zoning district
3 Family	3 dwelling units per lot a permitted land use within zoning district
4 Family	4 dwelling units per lot a permitted land use within zoning district
Multi-family	multiple dwelling units per lot a permitted land use within zoning district. Number of dwelling units vary by municipality.
Definition of Multifamily	The definition of multifamily as defined in the zoning ordinance
Accessory Unit Permitted	A dwelling unit that is an accessory use to a primary use.
Restriction on Accessory Unit	Any zoning ordinance restrictions for accessory units
Mixed Use Residential Component	The allowing of commercial and residential uses on the same lot regardless if they are in the same structure or not.
Maximum Number of Bedrooms	The maximum number of bedrooms allowed per dwelling unit or lot
Minimum Number of Bedrooms	The minimum number of bedrooms allowed per dwelling unit or lot
Townhouse development	Permitting townhouse development with townhouse being defined as a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
Restriction on Building Type for Multifamily Development	Building-type restrictions on multifamily development
Front Yard Setback	The distance a structure must be set back from the front yard lot line.
Side Yard Setback	The distance a structure must be set back from the side yard lot line.
Maximum density Allowed	The maximum dwelling units per acre permitted
Maximum Building Coverage	The maximum amount of lot area that all structures can cover a lot.
Maximum Lot Coverage	The maximum amount of lot area that all impervious surfaces may cover a lot

Figure 5: Zoning Review Table Columns

Minimum Floor Area/Dwelling	The minimum amount of floor area that must be provided per dwelling unit
F.A.R.	Floor Area Ratio (F.A.R.) is the total floor to lot area ratio
Comments	Comments are details the reviewer may have to explain any asterisks noted in the chart
HUD	Reference to Housing Urban Development
Section 8	Reference to Section 8 housing
Choice Voucher	Reference to the housing choice voucher program
Source Income	Reference to source of income to be used considered for dwelling unit rent or purchase

Figure 6: Summary of Municipal Zoning Data Tables

MUNICIPALITY	ELIGIBILITY	Number of Districts			Allowable within the Municipality			Accessory Apartment
		Allowing Residential Use	Not Allowing Residential Use	Total	Two Family	Multifamily (3 or more DU)		
					Permitted	Permitted	Comments	
ARDSLEY	A	8	2	10	As of Right	As of Right		No
BEDFORD	A	15	4	19	As of Right	As of Right		Special Use
BRIARCLIFF MANOR	A	14	3	17	As of Right	As of Right*	*200 square feet of enclosed, suitable surface play area for small children is required per dwelling unit	No
BRONXVILLE	A	8	2	10	As of Right	As of Right		Special Use
BUCHANAN	A	7	2	9	As of Right*	As of Right*	*Only allowed as component of mixed use	Special Use
CORTLANDT	B	19	4	23	Special Use**	As of Right* /Special Use	*Limited to 2 bedroom units (no bedroom limit for MF w/SUP), **Permitted if constructed prior to 1994	Special Use
CROTON-ON-HUDSON	B	14	8	22	As of Right	As of Right		Special Use
DOBBS FERRY	B	21	4	25	As of Right	As of Right		No
EASTCHESTER	A	18	0	18	As of Right	As of Right		No
ELMSFORD	NA	9	0	9	As of Right	As of Right		No
GREENBURGH	NA	26	2	28	As of Right	As of Right	Public and semi public and publically funded housing limited to certain districts	No
HARRISON*	A	12	7	19	As of Right	As of Right		No
HASTINGS-ON-HUDSON	A	16	7	23	As of Right	As of Right		As of Right
IRVINGTON	A	8	1	9	As of Right	As of Right		As of Right
LARCHMONT	A	11	0	11	As of Right	As of Right		No
LEWISBORO	A	13	0	13	As of Right	As of Right		Special Use
MAMARONECK (V)	NA	16	5	21	As of Right	As of Right		No
MAMARONECK (T)	NA	12	5	17	As of Right	As of Right		No
MOUNT KISCO	NA	11	14	25	As of Right	As of Right		As of Right
MOUNT PLEASANT	A	26	6	32	As of Right	As of Right		Special Use
MOUNT VERNON	NA	12	7	19	As of Right	As of Right		As of Right
NEW CASTLE	A	12	4	16	As of Right*	As of Right	*Two family As of Right for AFFH units only	As of Right
NEW ROCHELLE	NA	38	7	45	As of Right	As of Right		No
NORTH CASTLE	A	20	10	30	As of Right	As of Right		Special Use
NORTH SALEM	A	12	2	14	Defined as MF*	As of Right	*Two family considered multifamily	Special Use
OSSINING (V)	NA	21	4	25	As of Right	As of Right		No
OSSINING (T)	B	13	3	16	Special Use	As of Right		Special Use
PEEKSKILL	NA	14	8	22	As of Right	As of Right		Special Use
PELHAM	A	11	1	12	As of Right	As of Right		No
PELHAM MANOR	A	5	5	10	As of Right	As of Right		No
PLEASANTVILLE	A	18	4	22	As of Right	As of Right		Special Use
PORT CHESTER	NA	14	12	26	As of Right	As of Right		No
POUND RIDGE	A	7	0	7	As of Right*	As of Right*	*only as mixed use component with first floor being commercial or senior citizen development	As of Right
RYE	A	23	6	29	As of Right	As of Right		As of Right
RYE BROOK	A	22	1	23	As of Right	As of Right		No
SCARSDALE	A	10	8	18	As of Right	As of Right		As of Right
SLEEPY HOLLOW	NA	11	6	17	As of Right	As of Right		As of Right
SOMERS	A	14	2	16	No	As of Right		Special Use
TARRYTOWN	C	21	3	24	As of Right	As of Right		No
TUCKAHOE	C	5	3	8	As of Right	As of Right		No
WHITE PLAINS	NA	27	3	30	As of Right	As of Right		Special Use
YONKERS	NA	24	7	31	As of Right	As of Right		Special Use
YORKTOWN	A	15	18	33	As of Right	As of Right*	*dimensional conditions	Special Use
TOTALS		653	200	853				

The compilation of data on each zoning district in Westchester County shows that the zoning regulations in place provide for essentially all types of development, both residential and non-residential. This is evident both on a county-wide basis and on a municipal level basis. The levels of density permitted cover a very wide range, providing opportunity for a variety of residential development types. The zoning districts and their standards reflect historic development patterns, the availability of supporting infrastructure and natural physical conditions. The types of detailed regulation identified in the table columns reflect typical zoning practice that can be found in most every zoning ordinance nationwide.

6. LIMITATIONS DIRECTED AT SECTION 8 HOUSING CHOICE VOUCHERS

As a component of this review and analysis, an electronic word search was made of 42 municipal codes. (The code of one “non-eligible municipality,” the Village of Sleepy Hollow, was not searched as the code is not in an easily searchable format.) The purpose of this search was to identify any code provisions that in any way may limit, or appear to limit, the use of Section 8 housing vouchers. The search addressed zoning ordinance provisions – searching for permitted uses, special permit provisions, prohibited uses and detailed requirements in a municipality’s various districts – as well finding any references to Section 8 anywhere within the municipal codes. To ensure an exhaustive search for possible limitations on Section 8 within the codes, additional “key words” were searched in addition to “Section 8” – these words were: “HUD,” “source income” and “choice voucher.”

It was found that several municipalities do make reference to Section 8 and the other terms searched. These references were found to be either 1) references to the administration of the Section 8 Housing Choice Voucher program within the municipality or 2) the use of HUD and Section 8 program elements as tools for a municipality’s affordable housing ordinance provisions (e.g. references to income limits). Therefore, the only references to Section 8 in the 41 municipal codes were in the context of administering fair and affordable housing and housing programs. No ordinance provisions were found in the search of the ordinances that could be interpreted as limiting the use of Section 8 housing choice vouchers.

7. ANALYSES OF 43 MUNICIPAL ZONING ORDINANCES FOR RESTRICTIVE PRACTICES

The following pages present an analysis of each of the 43 municipal zoning ordinances in Westchester County in alphabetical order by name of municipality. For each of the six “Restrictive Practices” identified by the Monitor (see Chapter 1 of this report), there is an analysis of the practice as it may be applied in each zoning ordinance. At the end of each municipal analysis, there is a discussion of other considerations, as appropriate.

The analysis has not identified specific local zoning practices that have exclusionary impacts.

VILLAGE OF ARDSLEY

The Village of Ardsley Zoning Ordinance identifies 10 zoning districts mapped within the Village. One of the districts is a “Workforce Affordable Housing Overlay District” that encompasses an underlying district and imposes additional requirements above that required by the underlying district. Residential development is permitted in eight districts; two zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits multi-family housing in one distinct zoning district. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 9 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Ardsley zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 40,000 square feet (0.9 acre) of land to the highest density in the Village’s R-4 Residence District which permits one dwelling unit per 4,000 square feet (0.09 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy. The Village Zoning Ordinance places a mandatory affordable housing set-aside requirement on all new multi-family developments in the R-4 Residence District. The Zoning Ordinance has a positive impact on the provision of affordable housing by including mandatory provisions for the inclusion of affordable housing units. (See B. Other Considerations regarding the requirements of the affordable unit set-aside.)

4. **Restrictions that directly or indirectly limit the number of bedrooms in a unit.**

Analysis: None of the Village’s 10 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. **Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.**

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for each type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. **Limitations on townhouse development.**

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

The R-4A Workforce Affordable Housing Overlay District encompasses the Village’s R-4 Residence District, the only district permitting multi-family dwellings as-of-right. The R-4A Overlay District imposes a requirement that 20% of the units must be “workforce housing.” Among income-eligible households, priority is given to Village employees and residents.

TOWN OF BEDFORD

The Town of Bedford Zoning Ordinance identifies 19 zoning districts mapped within the Town. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 14 districts; four zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in 12 distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in six distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Bedford zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 174,240 square feet (four acres) of land to the highest density of one dwelling unit per 3,500 square feet (0.08 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town's 19 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings. (See B. **Other Considerations** for discussion of a limit on the number of persons per lot within the Town's accessory apartment regulations.)

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in 12 distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted in the 14 districts allowing residences. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

The Town’s regulations on accessory apartments located within an existing single-family dwelling include a unique special permit standard, not found in other ordinances. This standard states: “No more than five persons shall occupy the lot.” This appears to limit the total number of persons who may reside on a single-family lot that has an accessory apartment located within an existing single-family dwelling to five – including those persons within the main residence and those within the accessory apartment. This total occupancy standard does not apply when the accessory apartment is located in an accessory building – such units are defined as “cottages” under the Bedford Zoning Ordinance. All of the other special permit requirements are typical of such regulations.

VILLAGE OF BRIARCLIFF MANOR

The Village of Briarcliff Manor Zoning Ordinance identifies 17 zoning districts mapped within the Village. Residential development is permitted in 14 districts; three zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in two distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 15 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Briarcliff Manor zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 80,000 square feet (1.8 acres) of land to the highest density in the Village's R30M Multi-Family District which permits one dwelling unit per 5,000 square feet (0.1 acre). Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 17 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in two distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

The Village Zoning Ordinance sets an unusual requirement on multi-family developments – “there shall be on the same lot an enclosed, suitable surface play area for small children having an area of not less than 200 square feet for each dwelling unit therein.”

VILLAGE OF BRONXVILLE

The Village of Bronxville Zoning Ordinance identifies 10 zoning districts mapped within the Village. Residential development is permitted in eight districts; two zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in seven distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Bronxville zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 30,000 square feet (0.7 acre) of land to the highest density in the Village's D Six Story Multiple Residence District which permits one dwelling unit per 1,500 square feet (.03 acre). Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 10 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF BUCHANAN

The Village of Buchanan Zoning Ordinance identifies nine zoning districts mapped within the Village. Residential development is permitted in seven districts; two zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in two distinct zoning districts. These two districts require that the dwelling units be in the back of, or over, a commercial establishment, provided that each dwelling unit contains a minimum of 750 square feet, with a maximum of four dwelling units per acre. No more than 50 percent of total floor area may be utilized for residential purposes. The Village Zoning Ordinance does not permit as-of-right multi-family housing in seven distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Buchanan zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 40,000 square feet (0.9 acres) to four dwelling units per acre for dwellings in back of, or over, commercial uses. Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's nine zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in two distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF CORTLANDT

The Town of Cortlandt Zoning Ordinance identifies 22 zoning districts mapped within the Town. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 17 districts; four zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 20 distinct zoning districts. (See B. Other Considerations for further discussion of the Town's approach to development of multi-family housing).

2. Limitations on the size of a development.

Analysis: Each Cortlandt zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 160,000 square feet (3.7 acres) of land to the highest density of one dwelling unit per 5,000 square feet (0.1 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: The HC-9A Highway Commercial Multi-Family District restricts units to two bedrooms. Ten districts limit accessory apartments to either one or two bedrooms. (See B. Other Considerations for further discussion of the Town's approach to development of multi-family housing).

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted in five zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

The one zoning district in the Town of Cortlandt which permits new as-of-right multi-family housing is the HC-9A Highway Commercial/Multi-Family District. This district limits multi-family to three- and four-family dwellings and sets a maximum limit on bedrooms to two bedrooms per unit. However, we note that the newly constructed Roundtop at Montrose fair and affordable housing development is located in the HC-9A district. It consists of 91 units of one and two-bedroom rental units but it is not in a three- or four-family dwelling configuration.

While it may appear that the Town Zoning Ordinance sets fairly restrictive limits on new multi-family development, the Town has utilized alternative approaches to permitting diverse types of development. In particular, the Town has allowed “cluster developments” (under the provisions of New York State Town Law Section 278 cluster development) throughout the Town. At least eight residential cluster developments are located in a variety of locations and in a variety of residential zoning districts. The techniques used in these clustered developments have allowed more dense, and affordable, developments to be built, including several townhouse developments. Some of these developments included publicly supported affordable units.

VILLAGE OF CROTON-ON-HUDSON

The Village of Croton-on-Hudson Zoning Ordinance identifies 22 zoning districts mapped within the Village. Four of the districts are overlay districts that encompasses underlying districts and impose additional requirements above that required by the underlying district. Residential development is permitted in 10 districts; eight zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 15 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Croton-on-Hudson zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 40,000 square feet (0.9 acre) of land to the highest density in the Village's RC Multiple Residence District which permits one dwelling unit per 3,000 square feet (0.07 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 22 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF DOBBS FERRY

The Village of Dobbs Ferry Zoning Ordinance identifies 24 zoning districts mapped within the Village. Residential development is permitted in 20 districts; four zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in 13 distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 11 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Dobbs Ferry zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 40,000 square feet (0.9 acre) of land to the highest density in the Village's MD2 Mixed Residential and B Broadway Districts which permit one dwelling unit per 800 square feet (0.09 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 24 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in 13 distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted as-of-right in 11 districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF EASTCHESTER

The Town of Eastchester Zoning Ordinance identifies 18 zoning districts mapped within the Town. Residential development is permitted in all 18 districts.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in nine distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in nine distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Eastchester zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 20,000 square feet (0.46 acre) of land to the highest density of one dwelling unit per 350 square feet (0.001 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town's 18 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in nine distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

On November 5, 2009, the Town Zoning Ordinance was amended to permit senior housing development by special permit within the GB General Business District on minimum 1-acre lots. Multi-family housing was and is otherwise permitted in the GB district but if an applicant proposes a senior housing development, an extra story is permitted

VILLAGE OF ELMSFORD

The Village of Elmsford Zoning Ordinance identifies nine zoning districts mapped within the Village. Residential development is permitted in eight districts; one zoning district excludes residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in six distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Elmsford zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 21,780 square feet (0.5 acre) of land to the highest density of one dwelling unit per 2,500 square feet (0.06 acre). Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's nine zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF GREENBURGH

The Town of Greenburgh Zoning Ordinance identifies 28 zoning districts mapped within the town. One of the districts is an overlay “Conservation District” that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 26 districts permit; two zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in 10 distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 18 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test. (See **B. Other Considerations** regarding the PH Scattered Site Public Housing District.)

2. Limitations on the size of a development.

Analysis: Each Greenburgh zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 40,000 square feet (0.9 acre) of land to the highest density in the Town’s High Rise Multifamily District which permits one dwelling unit per 250 square feet (0.006 acre). Buildings in the High Rise Multifamily District may be up to 6 stories or 68 feet in height. Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy. The Town Zoning Ordinance places a mandatory affordable housing set-aside requirement on all new multi-family developments.

The Zoning Ordinance has a positive impact on the provision of affordable housing by including both mandatory and incentive provisions for the inclusion of affordable housing units. (See **B. Other Considerations** regarding the PH Scattered Site Public Housing District.)

4. **Restrictions that directly or indirectly limit the number of bedrooms in a unit.**

Analysis: None of the Town’s 28 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through high-rise multi-family dwellings.

5. **Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.**

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in 10 distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. **Limitations on townhouse development.**

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

The only permitted principal uses in the **PH Scatter Site Public Housing District** are single-family homes on lots with a minimum area of 10,000 square feet and multi-family dwellings that are “financed for public housing.” This is the only zoning district which specifically lists such publicly financed housing as a principal use. Under typical zoning ordinance interpretation, once a principal use is defined by an ordinance, then unless it is listed as a principal use in a specific district, it is assumed to not be permitted. Therefore, multi-family dwellings that are “financed for public housing” would only be permitted in this one district. The Town Zoning Ordinance does not provide a definition of “public housing.”

Westchester County has direct knowledge that the Town Zoning Ordinance has not been interpreted or applied in such a manner as to not permit the development of multi-family housing supported with public funds or financing in districts other than the **PH Scatter Site Public Housing District**.

The County has contributed financial support to a variety of fair and affordable housing developments, including multi-family developments, within the Town that are located in zoning districts other than the **PH Scatter Site Public Housing District**.

TOWN/VILLAGE OF HARRISON

The Town/Village of Harrison Zoning Ordinance identifies 19 zoning districts mapped within the Town/Village. Residential development is permitted in 15 districts; four zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town/Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Town/Village Zoning Ordinance does not permit as-of-right multi-family housing in 16 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Harrison zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 108,900 square feet (2.5 acres) to the highest density of 750 square feet per unit in the Town/Village's Multi-family Residence District. Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town/Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town/Village's 19 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town/Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town/Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF HASTINGS-ON-HUDSON

The Village of Hastings-on-Hudson Zoning Ordinance identifies 23 zoning districts mapped within the Village. Three of the districts are overlay districts that encompasses underlying districts and impose additional requirements above that required by the underlying district. Residential development is permitted in 13 districts; seven zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 16 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Hastings-on-Hudson zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 20,000 square feet (0.46 acre) of land to the highest density in the Village's MR1.5 Multifamily Residence District which permits one dwelling unit per 1,500 square feet (0.03 acre). Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 23 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are as-of-right in the MW-A Waterfront District which requires that all or most of residential units be townhouses. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF IRVINGTON

The Village of Irvington Zoning Ordinance identifies 15 zoning districts mapped within the Village. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 12 districts; two zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 13 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Irvington zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 80,000 square feet (1.8 acre) of land to the highest density of one dwelling unit per 5,000 square feet (0.11 acre). Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 15 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted as-of-right in two zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF LARCHMONT

The Village of Larchmont Zoning Ordinance identifies 11 zoning districts mapped within the Village. Residential development is permitted in all 11 districts.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in eight distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Larchmont zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 30,000 square feet (0.7 acres) to a maximum of 20 dwelling units in a multifamily building; multi-family dwelling must be on lots no less than 1,500 square feet. Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: Within the Village's 11 zoning districts, one district, the R-7.5 One Family Residence and Townhouse District, limits townhouses to two bedrooms.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Ordinance limits townhouses to two bedrooms with no more than seven townhouses per acre and no more than seven townhouses per building. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF LEWISBORO

The Town of Lewisboro Zoning Ordinance identifies 13 zoning districts mapped within the Town. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 12 districts; no zoning district excludes residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 11 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Lewisboro zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 174,240 square feet (four acres) of land to the highest density of 15,000 square feet (0.34 acre) required for a multi-family dwelling having public water and sewer service. Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town's 13 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF MAMARONECK

The Town of Mamaroneck Zoning Ordinance identifies 17 zoning districts mapped within the Town. Residential development is permitted in 12 districts; five zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 13 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Town of Mamaroneck zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 50,000 square feet (1.15 acres) of land to the highest density of one dwelling unit per 1,500 square feet (0.03 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: The B-MUB Business-Mixed Use Business District limits the number of three-bedroom dwelling units to one in every 25 dwelling units.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF MAMARONECK

The Village of Mamaroneck Zoning Ordinance identifies 21 zoning districts mapped within the Village. Residential development is permitted in 16 districts; five zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in seven distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 14 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Village of Mamaroneck zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 20,000 square feet (0.46 acre) of land to the highest density of one dwelling unit per 1,000 square feet (0.02 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 21 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in seven distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use – except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE/TOWN OF MOUNT KISCO

The Village/Town of Mount Kisco Zoning Ordinance identifies 25 zoning districts mapped within the Village/Town. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 12 districts; 12 zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village/Town Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Village/Town Zoning Ordinance does not permit as-of-right multi-family housing in 21 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Mount Kisco zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 15,000 square feet (0.34 acre) of land to the highest density of one dwelling unit per 1,500 square feet (0.034 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village/Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village/Town's 25 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village/Town Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village/Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted in four zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF MOUNT PLEASANT

The Town of Mount Pleasant Zoning Ordinance identifies 31 zoning districts mapped within the Town. Residential development is permitted in 25 districts; six zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in 18 distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 13 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Mount Pleasant zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 40,000 square feet (0.9 acre) of land to the highest density of one dwelling unit per 4,000 square feet (0.009 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: In one of the 18 districts that permit multi-family housing, one – the PRD-T-8 Planned Residential Development Transitional-8 District – limits dwellings to 2 bedrooms or an average of 1.5 bedrooms for multi-family developments.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in 18 distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

CITY OF MOUNT VERNON

The City of Mount Vernon Zoning Ordinance identifies 19 zoning districts mapped within the City. Residential development is permitted in 12 districts; seven zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The City Zoning Ordinance permits as-of-right multi-family housing in six distinct zoning districts. The City Zoning Ordinance does not permit as-of-right multi-family housing in 13 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Mount Vernon zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 7,800 square feet (0.18 acre) of land to the highest density of one dwelling unit per 1,200 square feet (0.03 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The City Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the City's 19 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the City Zoning Ordinance permits as-of-right multi-family housing in six distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The City Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses or attached dwelling units are permitted in nine zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF NEW CASTLE

The Town of New Castle Zoning Ordinance identifies 16 zoning districts mapped within the Town. Residential development is permitted in 12 districts; four zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 13 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each New Castle zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 87,120 square feet (two acres) of land to the highest density of one studio apartment per 2,200 square feet (0.05 acre). Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town's 16 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

CITY OF NEW ROCHELLE

The City of New Rochelle Zoning Ordinance identifies 43 zoning districts mapped within the City. Four of the districts are overlay districts that encompass underlying districts and impose additional requirements above that required by the underlying district. Residential development is permitted in 34 districts; five zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The City Zoning Ordinance permits as-of-right multi-family housing in 19 distinct zoning districts. The City Zoning Ordinance does not permit as-of-right multi-family housing in 20 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each New Rochelle zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 20,000 square feet (0.46 acre) of land to the highest density of one dwelling unit per 1,750 square feet (0.04 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The City Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the City's 43 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the City Zoning Ordinance permits as-of-right multi-family housing in 19 distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The City Zoning Ordinance does not establish any limitation on building type for multi-family residential development. One-family attached dwellings are permitted in one zoning district. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF NORTH CASTLE

The Town of North Castle Zoning Ordinance identifies 30 zoning districts mapped within the Town. Residential development is permitted in 19 districts; 11 zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in five distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 25 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each North Castle zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 174,240 square feet (four acres) of land to the highest density of one dwelling unit per 25,000 square feet (0.6 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town's 30 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in five distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Attached and semi-detached housing is permitted in five zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF NORTH SALEM

The Town of North Salem Zoning Ordinance identifies 14 zoning districts mapped within the Town. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 11 districts; two zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in two distinct zoning districts. Three additional districts permit as-of-right multi-family housing for seniors and disabled persons. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 12 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each North Salem zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 174,240 square feet (four acres) of land to the highest density of one dwelling unit per 7,260 square feet (0.16 acre). Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town's 14 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in two distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses or one-family attached dwellings are permitted in seven zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF OSSINING

The Town of Ossining Zoning Ordinance identifies 16 zoning districts mapped within the Town. Residential development is permitted in 12 districts; four zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits multi-family housing in three districts as a “conditional use.” (See C. Other Considerations for further information on these conditions.) The Town Zoning Ordinance does not permit as-of-right, or conditional, multi-family housing in the remaining 13 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Town of Ossining zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 40,000 square feet (0.9 acre) of land to the highest density in the Town’s MF and MF-I Multi-Family Districts which permits one dwelling unit per 4,000 square feet (0.09 acre) plus 1,500 square feet per bedroom. Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town’s 16 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits multi-family conditionally housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development. Townhouses are permitted in the MF Multi-Family District as a conditional uses; a maximum of six townhouses are permitted in a row.

B. Other Considerations

Multi-family housing is permitted as a “Conditional Use” within three zones in the Town of Ossining: MF Multi-Family, MF-Multi-Family Inn and GB General Business Districts. Review and approval by the Town’s Planning Board is required, in addition to site plan approval, to ensure satisfaction of the “conditions” detailed in the ordinance. These include limits such as the length of the buildings, distance between buildings, landscaping, open space and signage requirements. The GB District also includes a minimum lot size requirement of one acre and minimum sizes of dwelling units.

VILLAGE OF OSSINING

The Village of Ossining Zoning Ordinance identifies 25 zoning districts mapped within the Village. Two of the districts are overlay districts that encompass underlying districts and impose additional requirements above that required by the underlying district. Residential development is permitted in 19 districts; four zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in two distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 21 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Village of Ossining zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 15,000 square feet (0.34 acre) of land to the highest density of one dwelling unit per 1,000 square feet (0.02 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: One of the Village's zoning districts, the PWRD Planned Waterfront and Railway Development Overlay District, includes a limit of three bedrooms per residential unit.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in two distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted in four zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

CITY OF PEEKSKILL

The City of Peekskill Zoning Ordinance identifies 22 zoning districts mapped within the City. Residential development is permitted in 14 districts; eight zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The City Zoning Ordinance permits as-of-right multi-family housing in five distinct zoning districts. The City Zoning Ordinance does not permit as-of-right multi-family housing in 17 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Peekskill zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 7,500 square feet (0.17 acre) of land to the highest density of one dwelling unit per 2,000 square feet (0.05 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The City Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the City's 22 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the City Zoning Ordinance permits as-of-right multi-family housing in five distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The City Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted in five zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF PELHAM

The Village of Pelham Zoning Ordinance identifies 12 zoning districts mapped within the Village. Residential development is permitted in 11 districts; one zoning district excludes residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in eight distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Pelham zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 10,000 square feet (0.2 acres) to 10,000 square feet for a multifamily residence, but not to exceed a density of one dwelling unit per 480 square feet of land area. Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 12 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through high-rise multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF PELHAM MANOR

The Village of Pelham Manor Zoning Ordinance identifies 10 zoning districts mapped within the Village. Residential development is permitted in five districts; five zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district. The Village Zoning Ordinance does not permit as-of-right multi-family housing in nine distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Pelham Manor zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 20,000 square feet (0.4 acres) to 3,000 square feet of land area per dwelling unit in multifamily buildings. Multi-family residences are defined as two or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 10 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through high-rise multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF PLEASANTVILLE

The Village of Pleasantville Zoning Ordinance identifies 22 zoning districts mapped within the Village. Two of the districts are overlay districts that encompasses underlying districts and impose additional requirements above that required by the underlying district. Residential development is permitted in 15 districts; five zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 16 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Pleasantville zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 12,000 square feet (0.3 acres) to 2,500 square feet (0.06 acres) per unit in multifamily residences. Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 22 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The Ordinance permits attached single-family townhouses in three zoning districts. The townhouse design type of construction is also one form of construction that may be available for multi-family development.

B. Other Considerations

VILLAGE OF PORT CHESTER

The Village of Port Chester Zoning Ordinance identifies 24 zoning districts mapped within the Village. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 11 districts; 12 zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in six distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 17 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Port Chester zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 20,000 square feet (0.46 acre) of land to the highest density of one dwelling unit per 575 square feet (0.01 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 24 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in six distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF POUND RIDGE

The Town of Pound Ridge Zoning Ordinance identifies seven zoning districts mapped within the Town. Residential development is permitted in all seven districts.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. (See **B. Other Considerations** for a discussion of these three districts.) The Town Zoning Ordinance does not permit as-of-right multi-family housing in four distinct zoning districts.

Multi-family senior citizen housing is permitted by special permit on sites of not less than 20 acres in the R-1A and R-2A Districts and on sites not less than 30 acres in the R-3A District. Such developments are limited to a maximum of 50 dwelling units which may be attached or detached provided, however, that not more than 60% of all units may be attached and no more than three dwelling units may be in any one building.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Pound Ridge zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 130,680 square feet (three acres) of land to the highest density in the Town's three Planned Business Districts which do not specify maximum dwelling units per acre, but do allow for more concentrated development of mixed uses in the Scotts Corners hamlet. Multi-family residences are not defined in the ordinance. See discussion of senior citizen housing above in 1.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. **Restrictions that directly or indirectly limit the number of bedrooms in a unit.**

Analysis: None of the Town’s seven zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. **Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.**

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. **Limitations on townhouse development.**

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

The three districts which permit multi-family dwellings as-of-right (the Planned Business District A, B and C) have special requirements for multi-family dwellings regarding the location of the dwellings. In the PB-A District, the multi-family dwellings must not be on the first floor of a building within 150 feet of Westchester Avenue, the shopping and mixed use district in the hamlet of Scotts Corners. Both the PB-B and PB-C districts, also in the Scotts Corners hamlet, permit multi-family dwellings only on the second and third floors of buildings, above non-residential uses. The Zoning Ordinance regulates density in these districts through minimum setback and height requirements. There are no restrictions as to age limits, e.g. senior citizen housing, in multi-family housing in these districts

As of February 2012, the Town of Pound Ridge was considering amending the Town Zoning Ordinance so as to remove the restriction of “senior citizen” in the special permit provision for multi-family housing in the R-1A and R-2A Districts as described under 1. above.

VILLAGE OF RYE BROOK

The Village of Rye Brook Zoning Ordinance identifies 23 zoning districts mapped within the Village. Five of the districts are overlay districts that encompasses underlying districts and impose additional requirements above that required by the underlying district. Residential development is permitted in all districts.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 14 distinct (non-overlay) zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Rye Brook zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 25,000 square feet (0.6 acres) to the highest density at a two-family dwelling on a lot size of 5,000 square feet, or 17 dwelling units per acre. Multi-family residences are not defined and are permitted on sites of no less than 10 acres plus 2,000 square feet per family with a building height limit of two stories.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 23 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in four distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

CITY OF RYE

The City of Rye Zoning Ordinance identifies 29 zoning districts mapped within the City. Five of the districts are overlay districts that encompass underlying districts and impose additional requirements above that required by the underlying district. Residential development is permitted in 18 districts; six zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The City Zoning Ordinance permits as-of-right multi-family housing in seven distinct zoning districts. The City Zoning Ordinance does not permit as-of-right multi-family housing in 17 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Rye zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 43,536 square feet (one acre) of land to the highest density in the City's Senior Citizen Apartment District which permits one family per 800 square feet (0.02 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The City Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the City's 29 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through high-rise multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the City Zoning Ordinance permits as-of-right multi-family housing in seven distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The City Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE/TOWN OF SCARSDALE

The Village of Scarsdale Zoning Ordinance identifies 18 zoning districts mapped within the Village. Residential development is permitted in 10 districts; eight zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 15 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Scarsdale zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 87,120 square feet (two acres) of land to the highest density in the Village's C Residence District which permits one dwelling unit per 2,000 square feet (0.05 acre). Multi-family residences are not defined in the Zoning Ordinance.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 18 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF SLEEPY HOLLOW

The Village of Sleepy Hollow Zoning Ordinance identifies 17 zoning districts mapped within the Village. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 10 districts; six zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 13 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Sleepy Hollow zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 43,560 square feet (one acre) of land to the highest density of one dwelling unit per 1,666 square feet (0.04 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 17 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Attached or row dwellings are permitted in three zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF SOMERS

The Town of Somers Zoning Ordinance identifies 16 zoning districts mapped within the Town. One of the districts is an overlay district that encompasses underlying districts and imposes additional requirements above that required by the underlying district. Residential development is permitted in 14 districts; two zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in six distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in eight distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Somers zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 180,000 square feet (4.1 acres) to the highest density at 11 one-bedroom residences per one acre. Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy. The Ordinance includes specific provisions for the optional inclusion of “dwelling units designed for low/moderate income families” (rewarded with a density increase) in several zoning districts and specific provisions for the mandatory inclusion of such affordable units in one zoning district. The Zoning Ordinance has a positive impact on the provision of affordable housing by including both mandatory and incentive provisions for the inclusion of affordable housing units.

4. **Restrictions that directly or indirectly limit the number of bedrooms in a unit.**

Analysis: Within five zoning districts, the Town Zoning Ordinance sets limits on the number of bedrooms that may be in any residential unit. In three of those districts, a de facto maximum of four bedrooms per residential unit is established as the “density unit” formula defined in the ordinance uses bedroom count to set maximum density and assigns density units to a range of units between a low of studio unit and a high of four-bedroom unit. The other two districts are non-residential districts by definition and set a maximum of two bedrooms per residential unit.

Based on reports of the Town’s planning professionals, the establishment of a four-bedroom limit per residential unit in multi-family developments was based on expectations of likely construction, not an intention to ban larger units. The restriction of two bedrooms per unit in the Neighborhood Shopping and Community Shopping districts is related to the small mapped areas of these districts and the Town planning objective to concentrate commercial uses on this land. Residential uses are permitted above first floor commercial use. The Town provides for larger multi-family developments through its Multi-Family Residential districts which are intended to be adjacent to the local business districts.

5. **Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.**

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in six distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. **Limitations on townhouse development.**

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF TARRYTOWN

The Village of Tarrytown Zoning Ordinance identifies 24 zoning districts mapped within the Village. Residential development is permitted in 21 districts; three zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in eight distinct zoning districts. The Village Zoning Ordinance does not permit as-of-right multi-family housing in 16 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Tarrytown zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 80,000 square feet (1.8 acre) of land to the highest density of one dwelling unit per 5,000 square feet (0.01 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's 24 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in eight distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

VILLAGE OF TUCKAHOE

The Village of Tuckahoe Zoning Ordinance identifies eight zoning districts mapped within the Village. Residential development is permitted in five districts; three zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Village Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district. The Village Zoning Ordinance does not permit as-of-right multi-family housing in seven distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Tuckahoe zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 12,000 square feet (0.3 acre) of land to the highest density in the Village's Apartment 3 District which permits apartment buildings up to three stories in height on lots at least 12,000 square feet (0.3 acre). Multi-family residences are not defined.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality

Analysis: The Village Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Village's eight zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Village Zoning Ordinance permits as-of-right multi-family housing in one distinct zoning district and establishes a range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Village Zoning Ordinance does not establish any limitation on building type for multi-family residential development. The townhouse design type of construction is one form of construction that is available for multi-family development. The Zoning Ordinance permits townhouses in the Apartment 3 District; townhouses are limited to eight units in a row.

B. Other Considerations

CITY OF WHITE PLAINS

The City of White Plains Zoning Ordinance identifies 30 zoning districts mapped within the City. Residential development is permitted in 27 districts; three zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The City Zoning Ordinance permits as-of-right multi-family housing in 19 distinct zoning districts. The City Zoning Ordinance does not permit as-of-right multi-family housing in 11 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each White Plains zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 30,000 square feet (0.69 acre) of land to the highest density of one dwelling unit per 500 square feet (0.011 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The City Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the City's 30 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the City Zoning Ordinance permits as-of-right multi-family housing in 19 distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The City Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted in one zoning district. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

CITY OF YONKERS

The City of Yonkers Zoning Ordinance identifies 31 zoning districts mapped within the City. Residential development is permitted in 25 districts; six zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The City Zoning Ordinance permits as-of-right multi-family housing in 15 distinct zoning districts. The City Zoning Ordinance does not permit as-of-right multi-family housing in 16 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Yonkers zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 20,000 square feet (0.46 acre) of land to the highest density of one dwelling unit per 800 square feet (0.02 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The City Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the City's 31 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the City Zoning Ordinance permits as-of-right multi-family housing in 15 distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted.

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The City Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses and row houses are permitted in eight zoning districts. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

TOWN OF YORKTOWN

The Town of Yorktown Zoning Ordinance identifies 32 zoning districts mapped within the Town. Residential development is permitted in 14 districts; 18 zoning districts exclude residential development.

A. Six Restrictive Practices

1. Restrictions that limit or prohibit multifamily housing development.

Analysis: The Town Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts. The Town Zoning Ordinance does not permit as-of-right multi-family housing in 29 distinct zoning districts.

It is to be expected that every municipal zoning ordinance will permit certain uses in some districts and not in other districts as the regulation of land uses is the basic function of zoning. The key observation to be made is whether a zoning ordinance permits a wide range of uses that would reasonably be expected to locate in the specific geographic area. This ordinance meets that test.

2. Limitations on the size of a development.

Analysis: Each Yorktown zoning district establishes a limit on the size of a development, primarily by requiring a minimum amount of land area per dwelling unit. The minimum amount of land area per dwelling unit varies by zoning district ranging from the lowest density at one single-family residence per 200,000 square feet (4.6 acres) of land to the highest density in the Town's R-3 Multi-Family Residential District which permits multi-family dwellings on properties of at least 3,630 square feet (0.08 acre). Multi-family residences are defined as three or more dwelling units.

It is to be expected that every municipal zoning ordinance will establish a maximum permitted density of development. The key observation to be made is whether a zoning ordinance provides for a range of density appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets that test.

3. Limitations directed at Section 8 or other affordable housing, including limitations on such developments in a municipality.

Analysis: The Town Zoning Ordinance does not establish any limitation or restriction of any type on the use of Section 8 housing choice vouchers or other form of housing subsidy. In fact, the Town Zoning Ordinance places a mandatory affordable housing set-aside requirement on all new single and multi-family developments. The Zoning Ordinance has a positive impact on the provision of affordable housing by including mandatory provisions for the inclusion of affordable housing units.

4. Restrictions that directly or indirectly limit the number of bedrooms in a unit.

Analysis: None of the Town's 32 zoning districts includes any limits on the number of bedrooms that may be created in a dwelling unit, single-family through multi-family dwellings.

5. Restrictions on lot size or other density requirements that encourage single-family housing or restrict multifamily housing.

Analysis: As discussed under #1 and #2 above, the Town Zoning Ordinance permits as-of-right multi-family housing in three distinct zoning districts and establishes a wide range of minimum land area per dwelling unit requirements. The ordinance does not encourage any particular form or type of development; the ordinance establishes “permitted uses” in the categories of “principal uses,” “accessory uses” and “special exception uses.” The ordinance does not “restrict” any use except as it may be perceived to do so by designating specific zoning districts in which every use – multi-family, single-family, retail, industrial, etc. – is permitted. (See **B. Other Considerations** for a discussion of additional regulations on multi-family housing.)

It is to be expected that every municipal zoning ordinance will establish a minimum lot size and a maximum permitted density for every type of development. The key observation to be made is whether a zoning ordinance provides for a range of housing types and a range of density that is appropriate to the geographic area and supportable by existing or new infrastructure. This ordinance meets these tests.

6. Limitations on townhouse development.

Analysis: The Town Zoning Ordinance does not establish any limitation on building type for multi-family residential development. Townhouses are permitted in five zoning districts in the Town. Townhouses are limited to six attached dwellings with no more than three stories. The townhouse design type of construction is one form of construction that is available for multi-family development.

B. Other Considerations

The Yorktown Zoning Ordinance establishes a set of dimensional and area standards for multi-family developments that are more extensive than those in place in other Westchester municipalities. These include requiring: 90 feet or more between main walls of the building, 50 feet or more between end walls with windows, 30 feet or more between walls in any other case and no single building over 180 feet in length.

APPENDIX

COMPENDIUM DATA TABLES OF 43 MUNICIPAL ZONING ORDINANCES

(Included in separate binding.)