

**VILLAGE OF WESTHAMPTON BEACH**  
**COMPREHENSIVE PLAN UPDATE OF 2006**

**THE RESIDENTIAL DISTRICTS**

**WITH RECOMMENDATIONS FOR**  
**AFFORDABLE HOUSING**

**VILLAGE OF WESTHAMPTON BEACH**

**VILLAGE BOARD**

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## **I. Purpose Of This Update**

The Village of Westhampton Beach has recently completed Comprehensive Plan updates of its business and industrial districts. The business districts update reflected a community desire to create a stronger downtown business district by diminishing the extent of commercial zoning on its arterial roadways, thus ensuring the competitive advantage of downtown businesses in the market area. A parallel effort in this update was to protect residential character adjacent to the business districts from the adverse effects of commercial development at the interfaces and edges of these two land uses.

The industrial district update of the Village Comprehensive plan addressed the northern portion of the Village. In order to safeguard the existing residential character and to enhance the future livability of the northern village neighborhoods, the industrial zoning district east of Old Riverhead Road/north of Rogers Avenue was rezoned to a multi-family district (MF-20), which action in the long run will prove its case.

This document is intended to present an opportunity for discussion of remaining issues in the other residential neighborhoods of the Village, including affordable or "work-force" housing. This document, when finally adopted after review by the Village Board, Planning Board and the community, will serve as the final update to Westhampton Beach's Comprehensive Plan. Taken together, the Village will have produced a three volume Comprehensive Plan over the course of the period from 1996-2005.

The residential areas of the Village are shown on the map entitled "Westhampton Beach Land Use", which appears in the back of the report. The Town of Southampton Division of Information Systems prepared the map in December 2002 and it is still fairly current and accurate. It shows in color the land use patterns by tax parcel across the entire Village, and in the surrounding areas from Speonk to Quogue. The primary land uses, residential, is shown in yellow. Business and commercial uses are shown in red; recreational uses, such as golf courses, marinas, public beaches and beach clubs are shown in plum, and institutional uses such as schools are shown in gray, as are streets and highways.

As the land use map reveals, there is little vacant land remaining. Many areas shown as vacant are not developable, being either tidal wetlands along the southern shoreline, or in the Pine Barrens Core Preservation Area in the northwest corner of the Village.

A second map in the back of the report entitled "Westhampton Beach Zoning", again prepared by the Town, shows the various zoning districts in the Village. It was prepared prior to the Village's rezoning of the northeasterly Industrial District to MF-20 but is believed accurate in other respects. This update of the Comprehensive Plan corresponds to those areas zoned "R-1" through "R-5" and "MF-20". It also contains housing recommendations that cross over district boundaries that are appropriate to an update of the residential element of a comprehensive plan.

## II. General Village Zoning History

As was stated in the Industrial Districts Comprehensive Plan document, in order to understand current land use patterns, the problems created by them and the potential solutions, it is usually instructive to begin by studying land use history. This study reveals the forces that have shaped the current land use pattern, the forces that are still at work and those that have diminished, all in order to harness and direct these forces toward a more favorable future. Such is still the case here. It is worth repeating the brief zoning history introduced in the last planning document, updating it to reflect some of the issues apparent in the residential districts.

The early hamlet areas of the south shore of Long Island consisted of residential neighborhoods with farms at their outskirts. Local farm to market and country roads tenuously linked these hamlets, as later did the Long Island Rail Road. Even at the end of the 1800's services provided by the incorporated towns were minimal, mostly record keeping and the provision of local justice. Town offices were seldom in grand buildings and often were in shared buildings with other uses.

The residents in the larger hamlets felt more in common with each other than with far-flung farm areas and other hamlets, enough so to initiate separate forms of government in order to provide better local facilities. Greenport and Sag Harbor were the first of these hamlets to incorporate as villages as they were the largest in population and had an important advantage as seaports. Thus at first, these villages were formed to provide their closer knit inhabitants with more of a community form of government, and provide better services and facilities than the towns were providing to their thinly spread rural populace.

The first facilities these villages provided generally consisted of improved streets and sidewalks, street lighting, gas, telephone and electricity service, a local constabulary, and a fire company. Of course, successful fire fighting meant a need for a reliable public water supply, so the local water companies selling water to private customers, businesses and the villages for municipal purposes, also built systems of wells and water mains.

When most of the east end villages were created in the early 1900's, the incorporators followed certain rudimentary land use principles, because future growth and prosperity was also on their minds. On the South Fork, the early villages were each mapped to contain a significant length of shoreline to attract the growing number of summer residents arriving first by coach and then by train to spend the season at the seashore. These seasonal residents, the "summer colony", provided local employment, a supplemental income to the homeowners renting to them, and an exposure to the urban culture they brought with them. They also provided an annual source of new summer, and then year-round, residents for these new villages.

Also, recognizing the potential of the railroad, each village was mapped to include land up to and north of the railroad tracks of the Long Island Rail Road, in order to capture

future industrial growth and property tax revenue. This is true for all of the south shore villages of Suffolk County except Bellport.

For several decades through the early part of the century, this plan worked well. Modest retail business districts developed along the Montauk Highway and adjacent streets, with middle-class residential neighborhoods of quarter and third acre lots being gridded out north and south of the business districts. Further south to the bay and oceanfront in the eastern villages, multi-acre estates were built with large main houses, accessory barns and greenhouses, and large horticultural gardens completing each estate. Farms and cattle grazing meadows began to disappear within the villages. Smaller lot "working class" neighborhoods developed between the middle-class neighborhoods and the land adjacent to the railroad. In these dwellings lived those who were employed in the stores and shops and who worked on the estates. Some also worked in the warehouses and industries along the railroad tracks.

The industrial areas along the railroad tracks were typically lumber companies, service contractors yards, coal yards, brickyards, icehouses, and produce warehouses. In those years, they had little adverse effect on nearby neighborhoods. These enterprises were locally-owned and serviced the local community and were largely dependent on the local community.

In the early history of land use regulation, the potential adverse effects of the most objectionable land uses upon residential neighborhoods were generally known. These nuisance uses were thought of as being prevented in the future by including them on long lists of prohibited uses in zoning regulations. Sometimes, uses made these lists only after they were already in evidence and causing adverse impacts.

As a need to regulate more than just the nuisance land uses became evident, community-wide zoning regulations were developed. For example, these early ordinances were meant to prevent piggeries and slaughterhouses from becoming established in residential neighborhoods, separating retail businesses from residential areas, ensuring large lots in the estate districts, and preventing objectionable forms of industrial uses from locating anywhere within village limits. Quogue and Southampton Villages adopted zoning before 1930. Westhampton Beach did the same in 1953. Town-wide zoning regulations usually came later. In Southampton Town, this did not occur until 1957.

With these regulations, residential areas in the incorporated villages felt protected and they prospered. In fact, each of the early villages in Southampton Town has now established substantial large and small estate neighborhoods. Today, little vacant developable residential land exists in these villages. Residential land values have risen to the point where no subsidy of municipal government by industrial land use taxation is required. The dependence on commercially or industrially zoned land to provide tax ratables for village operation has lessened in importance. In fact the adverse impacts of some industrial and other activities can actually depress economic values in nearby residential neighborhoods.

However, according to principles already long established in zoning law, objectionable uses made prohibited that already existed in commercial and industrial districts as well as residential districts were granted "pre-existing" status because they were in existence prior to the adoption of the zoning ordinance regulation that prohibited them. These uses also became "non-conforming" in that they did not conform to the uses permitted within the zoning district in which they were located.

They were however allowed to legally exist, but became "pre-existing non-conforming" uses with respect to zoning. Under zoning these uses have certain rights, including the right to continue and even expand under certain conditions in some communities, as regulated by the zoning ordinance. Even as zoning ordinances were modernized and made more exclusive as to the uses permitted, those pre-existing nonconforming uses in existence could continue as lawful uses, even though they might continue to adversely affect adjacent neighborhoods. However, the scope of land use regulations has, and is still evolving with respect to the adverse or nuisance affects of these uses.

Nuisance conditions created by certain pre-existing non-conforming uses are difficult to regulate by traditional zoning alone. Environmental regulations with more power to regulate conditions such as chemical compounds in air emissions, particulates, and noise, all require specialized equipment and specially trained personnel to administer them. These resources are beyond the local community to employ, and are subject to the uncertainty of being locally unavailable when environmental conditions in neighboring residential districts are adversely impacted by the offending land use.

Thus, some communities have turned to the principle of amortization of objectionable non-conforming land uses. Simply stated, amortization regulations allow an objectionable land use a reasonable economic life in which to pay off the debt of its capital investment with a reasonable return, and then cause the offending activity to cease altogether and liquidate the physical assets and cause the removal of the land use.

Westhampton Beach is a pioneer in this land use control. It already has amortization regulations with respect to cabaret, disco and nightclub uses and nonconforming asphalt plants. The Suffolk Asphalt Services plant on Rogers Avenue is the subject of an application to the Village Zoning Board to establish an amortization schedule for this use.

To encourage the redevelopment of the asphalt plant site, it along with all the industrially zoned property north of Rogers Avenue, was rezoned multi-family (MF-20) in 2003. Additional reasons to rezone from industrial to multifamily residential were to preserve the residential character of the northern neighborhoods of the Village, and to provide a stimulus for more moderately priced housing. Should this incentive not be sufficient, and should adverse conditions develop around the concrete plant, the Village may wish to utilize the amortization tool for this land use as well.

## II. An Overview of the Residential Districts – Specific Issues

### A. North of Montauk Highway

The Hazelwood, Rogers Avenue and Bridle Path neighborhoods are largely built out and settled. Elimination of the adjacent industrial zoning to their north will further guarantee their stability. East of the Village limits, a portion of the Bridle Path neighborhood touches an undeveloped “old filed map” in the Town. The original subdivision was platted before subdivision regulations existed in either the Town or Village and the map was simply filed in the County Clerk’s Office as a subdivision map, without modern review or approval procedures being applied, hence the term “old filed map”. The development of that map in the original configuration would result in a very dense and grossly overbuilt subdivision. Fortunately, the subdivision that has been presented to the Town as a redeveloped map shows a substantially reduced density from the original subdivision. Early forms of the redeveloped map shunted all of the traffic from it onto the Village street system, even though the subdivision is entirely located within the Town.

When the Bridle Path subdivision was approved some fifteen years ago (then known as “Beil and Tepper”), it was acknowledged that Village streets would, when developed, serve some of the territory in the unincorporated Town. However the original redeveloped map (known as Oakland Farms) did not provide any access from the Town street system. Revised plans do show this access. The reasonableness of providing a dual access enhances fire and public safety access to the subdivision, as well as enabling the respective highway departments to more efficiently maintain the street system and municipal infrastructure. This issue should be monitored by the Village to ensure that access both from the Village and Town highway system is approved in the final plan.

### B. Senior Citizen Housing

In Westhampton Beach, like most of the other East End villages, there is a scarcity of housing built for the needs of the senior citizen population. Many seniors remain in the dwellings in which they raised their families. In many cases these dwellings are no longer suitable for their elderly inhabitants, but few options exist, so they stay on. Existing housing stock becomes inefficiently utilized. Due to high maintenance costs and limited incomes for many seniors, some of these dwellings can become dilapidated. To encourage housing turnover to families better able to utilize and maintain dwellings now occupied by seniors, and provide an opportunity for seniors to capitalize their equity while remaining in the community, senior citizen housing needs to be encouraged in Westhampton Beach.

Not only senior citizen housing itself, but affordable senior citizen housing is becoming an issue. Compounding the problem with space consuming on-site sewage facilities and/or the need to meet Suffolk County Department of Health Services (SCDHS) density requirements, and affordable senior citizen housing becomes difficult. As stated, another approach to solve this problem needs to be explored. This Plan update will attempt one.

As mentioned, the Village recently rezoned a portion of the former Industrial District to MF-20. This area has the potential to produce senior citizen housing if the zoning regulations encouraged it. The Village previously zoned portions of the B-2 and B-3 Districts as the Hotel District. These areas also have the potential to produce senior citizen housing. Due to the shortage of vacant land in the Village, and the relative appropriateness of these rezoned areas for the purpose, the potential of these districts to allow senior citizen housing to be constructed should be excellent. Yet no senior citizen housing or hotel development has been proposed since these zoning changes were adopted.

#### C. Family Housing – Accessory Apartments & Local Preference

Housing prices are rising rapidly and remaining high on eastern Long Island. This is a mixed blessing in that it provides a nest egg for the retiree to utilize the built-in equity to purchase or rent a retirement dwelling, but it makes it that much more difficult for the first time buyer, renter or younger family member to find satisfactory housing within the community. The private market place is no longer building affordable or moderately priced housing without a significant encouragement, usually in the form of increased density, from the local government. This can work only where there is sufficient vacant land to develop such neighborhoods. As noted, there is little vacant land in Westhampton Beach suitable for new development.

One form of housing that can provide a small measure of affordable housing is the accessory apartment. Often, existing dwellings can be adapted to provide this secondary dwelling unit with little or no impact on the neighborhood. Such conversions also provide the homeowner with a secondary income while allowing the usable living space within the structure to be used more efficiently. Westhampton Beach has met the challenge and recently adopted an amendment allowing accessory apartments in the R-2 and R-4 Districts.

The Village also included a local preference provision in its accessory apartment amendment. This local preference was extended to members of volunteer fire departments, ambulance corps or local hospital, hospice or school volunteers; Town or Village employee; persons employed within the Town, or graduates of a local high school. This preference should be extended to other areas where affordable housing for local residents is desirable, e.g. in the Depot Road R-2 District to be discussed later in this report and in senior citizen and multi-family developments.



#### D. Neighborhood Protection – Overbuilding of Lots

To date, there has not been a large trend to overdevelop individual residential lots to the full zoning envelope in Westhampton Beach as has been evident in Southampton and East Hampton Villages. But even so, some evidence of it is appearing in scattered locations in the Rogers Avenue-Hazelwood Avenue neighborhood, however. It is inevitable however that such pressure will arise in other neighborhoods.

The Village did take a pro-active position in the year 2000 to adopt a provision to limit the total floor area of a dwelling as a function of the zoning district in which it is located. Problems do occur on the smaller lots in the R-4 District in instances where the lots are non-conforming with respect to area and lot width. Using the present code formula of 15% of the minimum lot area in the district (15,000 square feet) times two yields a 4,500 square foot house. On a lot that may be 60-75 feet in width, this produces a dwelling that becomes long and narrow and dominates the adjacent lots. A better formula for lots non-conforming in area may be 15% of their actual lot area times two. Since these lots also tend to be non-conforming with respect to lot width, this revised calculation would tend to correct for that situation. If the provision (in Section 197-34G) is still producing overly large dwellings, then reducing the multiplier adopted in 2000 to 1.5 times the actual lot area would provide a smaller scale dwelling.

#### E. Sewage Treatment

Two earlier sections of this document indicated a new approach to the issues of affordable senior citizen housing and the lack of hotel development activity would be taken. This section will discuss that approach.

A major deterrent exists to the provision of senior citizen housing including some affordable component, multi family, or “work-force” housing, hotel development and a full development of downtown Westhampton Beach, restaurants in particular. This deterrent has been the ability to build to sufficient densities on existing properties to make development economical while still meeting the requirements of the SCDHS. All existing sewage treatment in the Village is accomplished by means of on-site subsurface conventional septic systems. This method of treatment has met with varying degrees of success, difficulties having been encountered in lower downtown due to high ground water conditions.

The provision of a central sewage treatment system for Westhampton Beach has arisen from time to time, but the lack of land for the treatment facility and suitable area for the treatment system discharge has proven too difficult to solve. A downtown location has not been found and it is not likely to be found, given the scarcity of land, land costs and groundwater depth.

The County operated sewage treatment facility located at Gabreski Airport just north of the railroad tracks opposite the Village's northern boundary has a certain amount of unused capacity considering the slight amount of industrial activity taking place and programmed at the airport industrial zone. Recent discussions between the Village and Suffolk County reveal that the Village may be able to reserve for its use a certain amount of this unused capacity, if suitable arrangements could be made with Suffolk County.

This reservation of treatment capacity would enable the northern MF-20 District to be developed with senior citizen housing with an affordable housing component. It would enable the Hotel District to be developed as zoned or modified. It might also be possible to extend a trunk main sewer to Main Street to capture existing and future flows, and by means of pumping stations transfer this sewage flow to the plant at Gabreski for treatment and recharge to groundwater. This method of sewage treatment would not only service the abovementioned developments, but would greatly improve the water quality of Moniebogue Canal and Bay, by eliminating sewage discharges close to these surface waters. Funding assistance might be possible through the New York State Department of Environmental Conservation Water Quality Improvement Project Program grants or revolving fund loans, to be paid by sewer district betterment assessments.

A wastewater facilities plan (i.e. feasibility study) would need to be prepared to address the usable capacity or expansion of the plant; the area in the Village to be sewerred and flows generated therefrom; method of wastewater collection and routing of major sewers; methods of financing and betterment assessments and possibly a draft sewer use ordinance codifying the regulations of the sewer district.

#### F. Work-Force Housing - The Depot Road R-2 District

The Depot Road R-2 District is presently not developed at its potential density. For a variety of reasons, this district has not been subdivided to provide a significant inventory of housing. If the Village is successful in finally gaining access to the Gabreski Airport wastewater treatment plant, an early consideration should be made of allowing the R-2 District to tie into the wastewater collection system. However, this tie in should also produce a public benefit, moderate priced single-family housing, in exchange for the ability to increase housing density.

At a density of six dwellings per acre (7,260 SF per dwelling), more moderately priced single-family housing than under the present zoning can be produced by the density increase alone. A legislated affordable twenty-five per cent component for moderate-income families would further assure moderate priced units in this district. If the Village wanted to increase the number of moderately priced "work-force" units and further reduce the initial selling price, multi-family housing in the form of town houses at a density of eight to twelve units per acre is possible.

It is proposed that the current R-2 dimensional regulations remain in place and apply until such time as connection to the wastewater collection system is a certainty. At that time the District would be relabeled "R-2A" to distinguish it from the other R-2 Districts in the Village and the new density and affordability regulations would apply. If development in the northern Hotel District and the MF-20 District north of Rogers Avenue have not occurred at that time, it is also possible to then consolidate them into the new R-2A District to provide a greater base of moderate priced housing for the Village.

#### G. Apartments Over Stores

Apartments over stores can provide a small measure of moderately priced rental or for sale housing opportunities in the Village. The Village recently moved to clarify and streamline the regulations under which apartments over stores may be created.

#### H. Moderate Income Multi-Family Component

A component of all new multi-family developments, including senior citizen and "work-force" developments, should be a "set-aside" for moderate-income individuals and families. The MF-20 District should no longer be allowed to produce market rate, i.e. luxury, units alone. In a resort community such as Westhampton, these units would sell very quickly so that a "work-force" family would be priced out of the market. In exchange for the granting of approvals for a multi-family development, a modest twenty percent affordable component should be worked into every site plan.

#### I. Moniebogue Lane

It has come to the attention of the Village that there are certain small areas at the edges of the B-1 District may be better suited for dwellings than for a business establishment. One of these areas lies on Moniebogue Lane in the southwesterly portion of the B-1 District.

Moniebogue Lane is a dead end street with its business and commercial activity at its northerly end. The southerly end of Moniebogue Lane is in residential use, but the entire street frontage and length is zoned B-1. It also contains vacant lot on which stood a dwelling damaged by fire. New residences are prohibited in the B-1 District, and it would be a radical departure from the Plan to permit them. An alternative is to extend the MF-20 District into the southern portion of Moniebogue Lane, replacing the B-1 designation. This provides a logical transition from business to residential, permitting single-family development and the erection of a new dwelling on this lot. The existing lot sizes on Moniebogue Lane are such that multi-family development is impractical on the individual lots. The Plan recommends that the Village adopt this rezoning and a proposed rezoning map is presented in the Detailed Recommendations section of the Plan.

#### **IV. Detailed Recommendations**

A basic premise of the development of a community land use plan is to address the health, safety, and welfare of the community at large, in order to achieve a reasonable community balance. Where it has generally been agreed and acceptable that the existing land use pattern fits the community, the overall land use plan may look very much like the existing pattern.

Such is the case in Westhampton Beach. The Village is over 95 per cent developed. For the most part, existing residential development and zoning dimensional regulations coincide. Most residential development conforms to the current regulations. The Plan's emphasis will shift to plan implementation and improved administration of land use regulations rather than to recommend extensive rezoning of residential areas.

##### **A. Recodification of the Residential District Use and Dimensional Regulations**

Toward this end, the plan recommends a recodification of the residential districts regulations, to simplify and streamline their administration. The residential districts recodification is similar to the tabular recodification conducted in the business districts and industrial districts plans.

The use tables are set up in the usual manner, with the uses listed in the left-hand column, districts across the top row, and conditions of permission in the rows and columns corresponding to the respective use and district. The dimensional tables are similarly constructed.

1. It is intended at the outset not to change any of the existing regulations or dimensions other than to implement the recommendations of this update. Explanatory notes have been added where the original text requires the table to be supplemented.
2. The previous amendment dates (appearing in the existing code in bold type) have not been included in this draft. The Editor's Note should remain in § 197-10 in the text, and has been included as a footnote to the Proposed Residential Districts Use and Dimensional Tables.
3. Existing § 197-6 through 10 should remain in the text as reserved sections for future use.

4. In Residential Districts, the following use and dimensional regulations shall apply as presented in the tables below:

**PROPOSED RESIDENTIAL DISTRICTS USE TABLE**

USE	R-1	R-2	R-3	R-4	R-5*	MF-20
One-family detached dwelling	P	P	P	P	P	P
Two-family detached dwelling	X	X	X	X	X	P
Multiple dwelling	X	X	X	X	X	SE
Condominium or cooperative development (a)	X	X	X	X	X	SE
Home occupations	X	P	X	P	X	X
Multiple occupancy of a one-family residence	P	P	P	P	P	P
Religious and educational uses	SE	SE	X	SE	X	X
Accessory apartment (See Article XI)	X	P	X	P	X	X
Accessory uses	P	P	P	P	P	P

**PROPOSED RESIDENTIAL DISTRICTS DIMENSIONAL REGULATIONS**

DIMENSION	R-1	R-2	R-3	R-4	R-5*	MF-20
Minimum Lot Area (SF)	40,000	20,000	20,000	15,000	6,000	20,000
Minimum Lot Area per Dwelling Unit (SF)	-	-	-	-	-	(k)
Minimum Lot Width (Ft)	150	100	100(b)	75	60	75
Max. Bldg. Lot Coverage (% of lot area)	20	20	20(c)	20	20(f)	25
Minimum Yards (Ft)						(i)
Front Yard Depth	50	50	75(d) 50(d)	40	20	(i)
Side Yards (total for 2)	70	50	50	40	20	
Minimum for one	30	20	20	15	10	
Rear Yard	50	50	75	40	25(g)	
Maximum Building Height (Stories)	2	2	2	2	2	2
“ “ “ (Ft) (j)	32	32	32(e)	32	20(h)	32
Minimum Floor Area, single family dwelling (See Sect. 197-34)						
Maximum Floor Area, single family dwelling (See Sect. 197-34 G)						
Minimum Floor Area, two family detached dwelling						See § 197-34B
“ “ “, dwelling units in a multiple dwelling, including those that are condominiums and cooperatives						See § 197-34D

\*Editor's Note: Local Law No. 12-1983 was adopted with the following explanation of context, described as "Legislative findings":

Whereas the Village Board of Trustees finds that the Pond Point area, formerly identified as a land subdivision plat entitled 'Buena Vista Property of Pond Point Development Co. Situated at Westhampton Beach' has the following substandard conditions and potential hazards:

1. A total of 128 ownership lots generally ranging in area from 1,600 to 16,000 square feet, with an average lot area of 6,700 square feet, with access to all lots, except those with frontage on Dune

- Road, by completely inadequate 14- and 16-foot-wide rights-of-way or by non-vehicular pedestrian 'walks' with 10-foot rights-of-way;
2. Of the total number of lots, 24 are vacant, including 17 seaward of Surf Walk, which is approximately on the crest of the first line of dunes, and four of which have less than 1,600 square feet of area, leaving three potential building lots for all practical purposes;
  3. Building coverage on the improved lots is greater than 15% of the total lot area on 84 percent of these lots, and it is greater than 25% on 33% of them;
  4. Essentially all existing dwellings are one-floor in character although some have been raised on piles to avoid flooding;
  5. Although the entire Pond Point area has been in the Residential District 3 zone, the dimensional standards of that district have been almost completely impossible to realize in this area and therefore unproductive in terms of the district's zoning objectives, particularly with reference to dwelling unit density and the permitted intensity of development;
  6. Further, the entire Pond Point area is in the Tidal Floodplain Overlay District and is classified by the FIRM (Flood Insurance Rate Map) as being either in zone A7, with projected flood elevations of 7 or 8 feet, or in zone V8, with projected flood elevations of 10, 11 or 12 feet;
  7. Much of the length of Point and Harbor Roads has a center-line elevation of 3.0 feet, while from Beach Road to Dune Road it rises to about 5.5 feet with the center line on Dune Road in this area ranging from 5.5 to 7.0 feet;
  8. Tidal records also indicate more frequent lesser flooding on the occasion of unusually high tides during the spring, fall and winter months;
  9. Reports from various Village staff members and others concerned with providing services to residents indicate that even this more frequent seasonal flooding causes sewerage and drainage problems and hazardous road conditions for service and emergency vehicles; and further
  10. The height permitted for residences should be especially limited in order to safeguard and preserve the existing harmony of structures within this specific area, subject only to the permitted raising of existing structures in order to protect against floodplain risks.
  11. All the above conditions are compounded and aggravated by the practice of 'group' rentals under ARTICLE IX-A of the Zoning Ordinance,\*\* which now exists on 24 of the 104 improved ownership lots with the consequent potential increase in resident population tending to overcrowd the land, parked automobiles, vehicular traffic and sanitary and solid waste.

Therefore, considering the potential for future expansion of existing dwelling units and their prospective use for 'group' rental and for increased population density, automobile parking, vehicular traffic, sanitary and solid waste disposal and storm water drainage, all with the attendant increased hazards related to their occurrence, the decrease of open space and overcrowding of the land and the lesser quality of the environment, the Village Board of Trustees hereby establishes this Residential District 5 (Pond Point) to regulate further development in the Pond Point area in a manner consistent with the spirit and the purpose of the Zoning Ordinance and the promotion of the health, safety, morals and general welfare of the Village of Westhampton Beach.

\*\*NOTE: See now Art. V of this chapter.

**In connection with the site plan review procedure established in Chapter 91, Flood Damage Prevention, Section 91-14, the site plan for any future improvements on Lots in Residential District 5 (Pond Point) shall provide for the following:**

- (a) Adequate off-street parking spaces with a stabilized all-weather surface to accommodate all vehicles associated with residential use of the site, including those permitted pursuant to Article V.
- (b) No proposed site grading or regarding shall raise the ground elevation above the elevation of the surrounding streets or pedestrian walks.

- (c) On-site disposal of all additional storm water runoff generated by future improvements, except where a community drainage system of adequate capacity has been constructed to dispose of such drainage without using the street surfaces as the drainage channel.

**Explanations of the parenthesized letters within the Tables:**

- (a) Shall consist exclusively of a one- or two-family detached dwelling or a multiple dwelling, including a combination thereof.
- (b) Lot width shall be measured and shall apply at the front lot line, at the front of the nearest roofed portion of any structure closest to Dune Road and at the crest-of-dune line.
- (c) Exclusive of any area south of the crest of the dune or any areas designated as tidal wetlands by the New York State Department of Environmental Conservation.
- (d) 75' South side of Dune Road; 50' North side of Dune Road.
- (e) Above the determined base flood elevation.
- (f) Off-street parking areas (land coverage) shall not exceed 5% of the lot area or 500 square feet, whichever is the larger area. The total of building, off-street parking and impervious surface areas shall not exceed 40% of the lot area.
- (g) Measured from the rear line of the main building to the rear lot line of the lot or to the bulkhead, the reach of the mean high tide or the edge of the tidal wetland, whichever is the least distant.
- (h) Measured from the base flood elevation to the highest point of the roof.
- (i) (1) One-family and two-family detached dwellings and accessory buildings and structures shall have the same yards, stories and heights as required in the R-4 District, pursuant to Section 197-9D and E.  
(2) Multiple dwellings and condominium and cooperative developments shall have front yard depths of not less than 50 feet; there shall be two side yards totaling not less than 30 feet, neither of which shall be less than 10 feet; and there shall be a rear yard of not less than 50 feet.
- (j) In the R-1, R-2 and R-3 Districts, the height shall not exceed 32 feet above the determined base flood elevation. In the R-1 District all buildings in an area of special flood hazard, as defined by Chapter 70, Flood Damage Prevention, shall not exceed a height of 40 feet above mean sea level except as is set forth herein:
  - (1) Buildings located in an area of special flood hazard may exceed the 40 feet above mean sea level height limitation, provided the following conditions are met:
    - (a) The top plate of the second floor wall does not exceed 36 feet above mean sea level.
    - (b) The highest point of the roof ridge does not exceed 44 feet above mean sea level.
    - (c) The building does not have a mezzanine.
    - (d) The building complies with Chapter 91, Flood Damage Prevention, of the Village Code.
  - (2) If the height of a building as of April 8, 2002, is one foot or more above base flood elevation, such building's height may be increased by one foot more than the limits set forth in subparagraph (j) (1) (a) and (b) above.In the R-2 and R-3 Districts, all buildings in an area of special flood hazard, as defined by Chapter 70, Flood Damage Prevention, shall not exceed a height of 40 feet above mean sea level.
- (k) See the table entitled "Multifamily 20 and Hotel District Table of Permitted Unit Density" on page 197:A13 herein.

5. Renumber and relocate existing § 197-11 G. as § 197-11A, as the intervening sections have themselves been relocated to the Residential Dimensional Regulations Table.

6. Revise existing § 197-81 B. to reflect the density regulations now incorporated elsewhere in the Code with respect to the construction of multifamily dwellings in the B-1 and other districts, leaving § 197-81 only to deal with conversions. Thus, § 197-81 B. is proposed to read as follows:

“ B. In the instance where the permit is sought for the conversion of existing structures or buildings to a multiple dwelling or a conversion of a nonconforming boardinghouse, hotel or motel into a residential condominium or cooperative, the maximum number of dwelling units shall not exceed six (6) such units per acre of lot area in all zoning districts except the B-1 District, where the maximum number of dwelling units shall not exceed eight (8) such units per acre of lot area.”

## **B. Senior Citizen Housing**

This part of the Plan is to provide the Village with a draft set of zoning provisions for senior citizen housing, as the use now exists only as a listed special exception use in the Hotel District, with no other regulations except for those contained in the definition and parking sections.

It is desirable to maintain this use as a special exception use in the Hotel District, and introduce it as such in the MF-20 District. It does not appear to be appropriate in any of the other zoning districts in the Village.

It also appears to be a valid public benefit to have some proportion of a senior citizen development initially dedicated to moderate-income senior citizens. A frequently used percentage is twenty percent of the units be initially made available to senior citizens fitting the category of moderate income. The next several pages contain the proposed zoning text.

### ***1. Recommended Regulations for Senior Citizen Housing Zoning***

1. Definitions: Modify the existing definition of senior citizen housing by deleting the last sentence. This regulatory language will appear later in the special exception language. Thus, the new definition of senior citizen housing would read:

“ SENIOR CITIZEN HOUSING: Housing designed and limited to persons who are fifty-five (55) years of age and over, including a husband or wife under the



age of fifty-five (55) years who is residing with his or her spouse, and children over the age of nineteen (19) years residing with parents or grandparents where at least one of the parents or grandparents is at least fifty-five (55) years of age or older.”

2. Special Exception Conditions: Special Exception conditions need to be incorporated into Article VIII – Special Exceptions. These would appear to be enumerated as Section 197-80.8. Conditions for Senior Citizen Housing, and read as follows:
  - A. Preference. Initial preference shall be given to the following categories of age-eligible individuals seeking to reside within senior citizen housing in the Village. Said preference shall be maintained for the first six (6) months the dwelling units are available for occupancy, including initial sales or rentals, re-sales and subsequent rentals.
    - (1) Village residents in order of the number of years as resident of the Village; active members of a volunteer fire department, ambulance corps or an age-eligible person who can demonstrate to the Village a commitment of time on a regular basis to a charitable or not-for-profit corporation such as a hospital, hospice or school within the Town of Southampton; an employee of the Town of Southampton or Village of Westhampton Beach; an person employed in the Town of Southampton or an age eligible graduate of a high school located within the Town of Southampton.
    - (2) Where a unit reserved for moderate-income housing is restricted pursuant to a grant or subsidy from the Federal Government, State of New York or other municipal agency to provide low- or moderate-income housing consistent with the intent of this chapter, the Village may accept such restrictions in lieu of the preferences listed above.
  - B. At least twenty (20) percent of the total number of dwelling units in the development shall be set-aside as units for moderate-income senior citizens as defined in Chapter \_\_\_\_\_ of the Village Code.
  - C. Administration and control of occupancy. Chapter \_\_\_ of the Village Code shall provide for the control and administration of occupancy of moderate-income housing and senior citizen housing. The Village Board and the Planning Board shall have the right to require that the applicant or owner execute agreements and covenants as it may deem to be required. Said agreements or covenants shall be recorded in the office of the Suffolk County Clerk and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the Village Board.

- D. Number of bedrooms. The dwelling units in a senior citizen housing development may contain up to, but not more than, two (2) bedrooms per unit. Rooms designated as dens, libraries, studios, family rooms, etc., shall be deemed to be bedrooms.
- E. Safeguards. No rental of any portion of the unit or subletting of the unit itself shall be permitted. Appropriate safeguards should be instituted to forestall seasonal rentals of any portion of the units or the units in general, including the imposition of covenants and restrictions binding upon all owners and occupants.
- F. Basements, cellars, attics, garages. No living units shall be permitted in an attic, basement or cellar area. Garages shall not be converted to habitable living space.
- G. Screening buffers. There shall be a perimeter screen planting area of not less than fifteen (15) feet in width or a natural vegetation buffer of not less than twenty-five (25) feet in width around the entire perimeter of the site (excluding access points). A fence, opaque in nature and six (6) feet in height, may be required. The determination of screening buffers and fencing shall be made by the Planning Board in its site plan review, based on the characteristics of the site and the nature of adjacent lands.
- H. Recreation. There shall be set aside an area or areas for outdoor recreational purposes exclusively for the use of the occupants and their guests. These areas may include, but are not limited to, sitting areas and group game areas. Such areas shall be shown on the site plan. A minimum of one hundred fifty (150) square feet per dwelling unit of outside recreation must be provided, improved, constructed and maintained at the expense of the owner/landlord. Landscaped areas not improved for recreational purposes and walkways, driveways and parking areas shall not be deemed to satisfy the requirements of this article. In addition, a minimum of ten (10) square feet per dwelling unit of indoor recreational area must also be provided. Such area shall not be used for storage or any such similar purpose and shall be available to all occupants and their guests. The indoor recreational area shall be central to the entire facility and may be either attached to a residential building or be in the form of a multipurpose community building or buildings with rooms sufficient to accommodate indoor recreational facilities, social gatherings, meetings, and similar functions of the development.
- I. Parking areas. Parking areas shall be paved in accordance with Planning Board specifications and provide for on-site drainage. Sidewalks shall be provided along all internal and external street frontages. Internal roadways shall have a minimum width of twenty-five (25) feet and be curbed for their entire length.

- J. Universal design. To the extent practicable, the development shall incorporate the adaptable design elements of universal design to reduce problems meeting requirements for accessibility pursuant to the Americans With Disabilities Act (ADA) and Fair Housing Act (FHA). "Universal design" is a flexible, inclusive process aimed at enabling all occupants access regardless of size, age, or abilities, including but not limited to accessibility code compliance. The diverse needs of the development's population should be accommodated in a cost-effective yet dignified and pleasant manner assuring a convenient, safe, and secure environment for all persons residing in such development, whether active or physically challenged, youthful or elderly.
- (1) Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling, and handrails and ample places for rest shall be provided. Gradients of walks shall not exceed five (5) percent and single riser grade changes in walks shall not be permitted, unless it is impractical to do so because of terrain or unusual circumstances of the site. All outdoor areas available to residents shall permit such residents to move about without danger and with minimum effort.
  - (2) Residential units, to the extent practicable, shall incorporate adaptable design concepts by conformance to the supplemental design requirements listed in *Chapter \_\_\_\_\_, Article \_\_\_\_\_, Universal Design*, as applicable to residential developments designated as "senior housing." (Note: Universal Design refers to design standards compliant with the Americans With Disabilities Act (ADA) accessibility guidelines. As of this writing, it is not known whether the Village has formally adopted these design standards).
- K. Architectural design. All construction shall be subject to the review of the Architectural Review Board, pursuant to Chapter 5 of the Village Code. The design and location of all site improvements and all buildings must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for older persons. Building prototypes and design shall reflect indigenous architecture, and shall be built with consideration to the special character of Westhampton Beach as a residential and a resort community. For developments containing townhouses or detached single-family units, in the choice of exterior finish and color, care shall be taken to avoid the appearance of a development in which adjacent structures appear the same.
- L. General maintenance and services. Adequate facilities shall be provided for the removal of snow, trash and garbage and for the general maintenance of the development. The method of storing and collection of

trash and other solid wastes shall comply with the provisions of Article II of Chapter 96 of the Village Code.

- M. Lighting. Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of the residents. However, such outdoor lighting shall not project light onto, nor shall light sources be visible from, adjacent properties. No outdoor light source shall be more than ten (10) feet above the ground level underneath it and shall be fully shielded to the horizontal (zero cutoff).
- N. Fire protection. The site plans for senior housing developments shall provide access for firefighting equipment and personnel and shall provide hydrants in such number and location and with such water pressure as may be determined adequate by the Planning Board, based upon the recommendation of the Village Engineer and the Fire Department. An emergency alarm device equipped with audio and visual features shall be provided in each dwelling unit.
- O. Storage. For the convenience of the residents of the development, provision shall be made for general storage of bulky items, such as trunks.
- P. Supervision. Where full-time, twenty-four hour superintendent services are not provided, there shall be posted within each dwelling unit a twenty-four hour emergency phone number at which either managerial or maintenance personnel may be contacted. In addition, the owner shall be required to make application for at least one (1) public telephone to be conveniently located within the development.

### 3. Dimensional Regulations:

- A. Notwithstanding the minimum lot area requirements in the MF-20 and Hotel Districts, the minimum lot area for senior citizen housing shall be eighty thousand (80,000) square feet, the maximum lot coverage shall be twenty-five (25) percent and the minimum lot width shall be one hundred seventy-five (175) feet.
- B. The permitted unit density for senior citizen housing shall be eight (8) units per forty thousand (40,000) square feet of lot area.
- C. All other dimensional regulations and floor area minimums shall comply with those of the MF-20 District.”

## ***2. Recommended Regulations for Moderate Income And Senior Citizen Housing Administration***

The Senior Citizen zoning amendment requires an accompanying Village Code chapter on housing administration. A new chapter will have to be drafted into the Village Code to handle the administration and occupancy of the moderate-income units as well. These have been combined into one proposed chapter of the Village Code.

In the proposed legislation, the administration of the sales, rentals and continuing eligibility rests with the Town Office of Community Development. This method is proposed at this time because the Village may not desire to take on its own administrative responsibility of maintaining an affordable housing office. However, this would still require a Village housing liaison officer to ensure coordination with the Town. This chapter would need to include language to that effect before it is adopted. A separate memo of understanding, or better, a contract with the Town, would specify the responsibilities of both parties in maintaining the affordability agreements. Below is a proposed draft chapter modeled on the parallel chapter in the Town Code.

### **“CHAPTER \_\_\_\_\_ MODERATE-INCOME AND SENIOR CITIZEN HOUSING**

#### **Purpose.**

The purpose of this chapter is to provide control and administration of the occupancy of moderate-income housing and senior citizen housing, created pursuant to Section 197.\_\_\_\_ of the Village Code.

#### **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**CONSUMER PRICE INDEX** -The Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics for the New York Metropolitan Area.

**DIRECTOR** -The Director of the Community Development Office for the *Town of Southampton*.

**LOCAL PREFERENCE CRITERIA** - Village residents in order of the number of years as resident of the Village of Westhampton Beach; active members of a volunteer fire department, ambulance corps or an age-eligible person who can demonstrate to the Village a commitment of time on a regular basis to a charitable or not-for-profit corporation such as a hospital, hospice or school within the Town of Southampton; an employee of the Town of Southampton or Village of Westhampton Beach; an person

employed in the Town of Southampton or an age eligible graduate of a high school located within the Town of Southampton.

MODERATE-INCOME FAMILY – A family whose aggregate annual income does not exceed more than eighty (80) per cent of the median family income for a family of that size promulgated for the Nassau-Suffolk primary metropolitan statistical area and published annually by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937 [42 U.S.C. 1437a(b)(2)] and Part 813, Subpart A, Section 102, of Title 24, Subtitle B, of the Code of Federal Regulations (24 CFR 813.102).

MODERATE-INCOME HOUSING - Dwelling units created pursuant to Section 197- of the Village Code.

OFFICE -The Community Development Office for the *Town of Southampton*.

PERMANENT FIXED IMPROVEMENT -An improvement to a unit for a moderate-income family that cannot be removed without substantial damage to the subject premises or total loss of value of said improvements. No adjustment shall be deemed a permanent fixed improvement unless the actual initial cost of the improvement to the owner exceeds one (1) percent of the purchase price paid by the owner. No adjustment shall be made unless valid written documentation of the cost of said improvements is presented to the Director.

SENIOR CITIZEN HOUSING -Dwelling units constructed pursuant to Section 197- of the Village Code.

**Interagency cooperation.**

A. Whenever the Planning Board approves a site plan for senior citizen or moderate-income housing under Section 197-63 (Site Plan Procedure) of the Village Code a copy of the site plan shall be filed with the Village Building Inspector and the Community Development Director, together with any covenants or agreements filed in connection with said project relating to the provisions of senior citizens housing and moderate income set aside units.

B. Whenever the Building Inspector shall issue a building permit for a dwelling unit or units for which a covenant or agreement has been executed which provides that said unit or units shall be for senior citizens housing or moderate-income housing, a copy of the permit shall be filed with the Director, together with any covenant or agreement affecting the dwelling unit or units.

**General Duties of Director.**

A. The Director shall be responsible for the administration of dwelling units for moderate-income families and senior citizens housing constructed under Chapter 197 of

the Village Code. The Director shall promulgate all rules and regulations, including model agreements, subject to Village Board approval, necessary to implement this chapter, the moderate-income housing provisions of Chapter 197 and the senior citizens housing provisions of Chapter 197 of this Code.

B. The Director shall cause to be prepared and shall maintain eligibility lists for the various senior citizens and moderate-income housing programs under Chapter 197 of this Code.

**Procedure.**

A. Upon receipt of an application for the issuance of a certificate of occupancy for a dwelling unit for moderate-income families, or earlier if requested by the owner, but not prior to the issuance of a building permit, the Building Inspector shall send a copy of the application to the Director, who shall inform the owner within thirty (30) days of the maximum monthly rental or initial maximum sales price for the dwelling unit and the maximum family income for eligibility for occupancy of said unit.

B. No certificate of occupancy may be issued by the Building Inspector until the Director has provided the rental, sales and income eligibility information as provided in Section A. above.

C. The Director shall certify the eligibility of all applicants for rental or sale of moderate-income housing and shall annually re-examine or cause to be re-examined each rental occupant family's eligibility. Local preference criteria shall be included in the assessment of the applicant's eligibility. The eligibility of a purchaser of a dwelling reserved for moderate-income families shall be examined and certified prior to closing of title. An owner shall lease or sell low- or moderate-income housing only to a person who has received a certificate of eligibility issued by the Director. Violations of this provision shall constitute grounds for revocation of a certificate of occupancy.

D. On or before March 31 of each year thereafter, the Director shall notify the owner or manager of moderate-income housing units as to the rent, sales and income eligibility requirements for such units based upon figures derived from the preceding year.

E. The owner or manager of moderate-income housing units shall certify to the Director on or before May 31 of each year that all moderate-income housing sales and rentals comply with the provisions of this Chapter and Chapter 197 of the Village Code.

F. Rental of apartments. Multiple dwellings or apartments reserved for moderate-income families may be rented under the following conditions:

(1) The apartment shall remain the primary residence of the moderate-income family for the term of the lease.

(2) The apartment shall not be used or leased as a summer rental as the term is defined in Chapter 197 of the Village Code.

(3) Where the unit for a moderate-income family is to be rented, the lease for said unit shall not exceed two (2) years. As long as an occupant remains eligible and has complied with the terms of the lease, the occupant shall be offered a two (2) year renewal of the lease. If an occupant's annual income shall exceed the eligible income level by more than twenty (20) per cent, and there is an eligible applicant for the unit, the occupant may complete the current lease term and shall be offered, if available, a unit that is not a low- and moderate-income family unit in the development. If no such dwelling unit is available, the occupant may be allowed to sign one additional one-year lease for the moderate-income dwelling unit, but no further renewal shall be permitted.

G. Use of one-family dwelling. The owner of a one-family dwelling reserved for moderate-income families shall occupy the premises as their primary residence and shall not rent or lease the premises or any portion thereof to others, as an absentee landlord or otherwise.

H. Resale price of dwelling units.

(1) Dwelling units reserved for moderate-income families may be resold to moderate-income families, provided that the maximum resale price does not exceed the purchase price plus the cost of permanent fixed improvements, adjusted for the change in the consumer price index for "All Items" for the New York Metropolitan Area during the period of ownership of such dwelling unit and such improvements plus reasonable and necessary resale expenses.

(2) Notwithstanding the provisions of sub-section H (1) hereof, the Director may authorize the resale of a dwelling unit reserved for moderate-income families at a price in excess of the maximum resale price specified in sub-section H (1) hereof, under the following conditions:

(a) That the owner of such dwelling unit files an application with the Director requesting approval of such resale, setting forth in detail the calculation for the determination of the maximum resale price, the proposed resale price and such other information and documentation as the Director shall request.

(b) That the portion of the resale price in excess of the maximum allowable resale price shall be divided between the resale seller and the Village in the following proportions:

<b>Year of Resale After Purchase</b>	<b>Percentage to Owner</b>	<b>Percentage to Village</b>
Up to the 1 <sup>st</sup>	0%	100%
During the 2 <sup>nd</sup>	5%	95%
“ 3 <sup>rd</sup>	10%	90%
“ 4 <sup>th</sup>	15%	85%
“ 5 <sup>th</sup>	20%	80%
“ 6 <sup>th</sup>	25%	75%
“ 7 <sup>th</sup>	30%	70%



“ 8 <sup>th</sup>	35%	65%
“ 9 <sup>th</sup>	40%	60%
“ 10 <sup>th</sup>	45%	55%
“ 11 <sup>th</sup>	50%	50%
“ 12 <sup>th</sup>	55%	45%
“ 13 <sup>th</sup>	60%	40%
“ 14 <sup>th</sup>	65%	35%
“ 15 <sup>th</sup>	70%	30%
“ 16 <sup>th</sup>	75%	25%
“ 17 <sup>th</sup>	80%	20%
“ 18 <sup>th</sup>	85%	15%
“ 19 <sup>th</sup>	90%	10%
“ 20 <sup>th</sup>	95%	5%
21 <sup>st</sup> or beyond	100%	0%

(c) All money received by the Village pursuant to the provisions of the preceding Subsection H (2)(b) shall be deposited in separate accounts and shall be expended only for the purposes of this Chapter in such manner as shall be determined by the Village.

I. Unless otherwise restricted by the Planning Board, all restrictions on occupancy and resale of non-senior citizen housing dwelling units under this chapter shall expire twenty (20) years after the issuance of the original certificate of occupancy.

J. Where a unit reserved for moderate-income housing is restricted pursuant to a grant or subsidy from the federal government, State of New York or other municipal agency to provide moderate-income housing consistent with the intent of this chapter, the Director may accept such restrictions in lieu of the restrictions set forth in this Chapter.

**Senior Citizen Housing.**

A. The Director shall enforce and administer any agreements and covenants entered into between the *Town of Southampton* and the owner of a senior citizens housing project under Chapter this Code and shall ensure that the occupancy restrictions under Chapter 197 are complied with.

B. Where an owner has improved the lot with a dwelling unit(s), the resale and rental prices shall be governed by the provisions of sub-section \_\_\_\_\_ (Procedure) of this chapter.

**Distribution.**

Moderate-income and senior citizens housing shall be physically integrated into the design of the development in a manner satisfactory to the Planning Board and shall be distributed among one-, two-, and three-bedroom dwelling units in the same proportion as all other dwelling units in the development, unless a different proportion is approved by

the Planning Board as being better related to the housing needs, current or projected, of the Village.

**Assessment.**

The encumbrance of the moderate-income or senior citizens housing shall be taken into consideration by the Town Assessor in determining the assessments on such units.

**Certificates of Occupancy.**

All certificates of occupancy issued for dwelling units which have been designated as housing for moderate-income families or senior citizens housing shall be endorsed with a notation that occupancy of such units is conditioned upon continued compliance with the provisions of this Chapter, Chapter 197, and all regulations issued there under.”

**C. Proposed Zoning Map Amendment**

The overview of the residential districts contained a discussion recommending the area at the southerly end of Moniebogue Lane to be rezoned from B-1 to MF-20. This area contains six parcels of land totaling about 1.9 acres of land. There are five dwellings in this area, and one vacant lot until recently containing a fire damaged dwelling. The future recommended land use of this area is residential, and the map on the next page shows the area proposed for the rezoning.