

Appendix E

City of Glen Cove Inclusionary Housing Legislation

GENERAL CODE



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Article XVII. Inclusionary Housing

[Added 8-24-2010]

§ 280-75. Inclusionary housing requirement.

- A. Purpose. It is the finding of the Glen Cove City Council that the evolution of residential construction in the City of Glen Cove has overwhelmingly been toward premium housing or toward the conversion of aged housing into one- and two-family rental units of questionable quality. This has evolved into an overwhelming demand for next-generation and work-force housing; quality housing available to lower- and moderate-income residents of the City. In order to provide for this type of housing, the City Council has determined that all new residential construction in the City must contribute its fair share to the provision of affordable housing.
- B. Exemptions. The following types of residential site plans are exempt from the requirements of this section:
 - (1) Any proposal for housing exclusively available to income-qualified persons. Such housing will include covenants or deed restrictions limiting occupancy, sale and resale to eligible persons with incomes of no more than 130% of the area median income (AMI) as described by the United States Department of Housing and Urban Development (HUD).
 - (2) Any proposed development that provides a minimum number of units restricted to persons meeting income-eligibility requirements as required by any other provision of the Glen Cove Zoning Ordinance or by contract with the City of Glen Cove Industrial Development Agency, the City of Glen Cove or its other authorized agencies.
 - (3) Any proposal for which at least 10% of units are receiving funding through the New York State Department of Housing and Community Renewal, the United States Department of Housing and Urban Development, or any other federal, state or local department charged with funding affordable housing.
 - (4) Any proposal for less than 75% of the maximum achievable density as demonstrated by submission of an as-of-right plan demonstrating compliance with all relevant zoning requirements.
- C. Applicability. The provisions of this section are applicable to site plans for any structure with more than four residential units, not otherwise exempted by Subsection B.
- D. Requirements.
 - (1) Any site plan for applicable residential structures must provide adequate covenants and restrictions

limiting occupancy, sale and resale of residential units as follows:

- (a) Ten percent of units (but no fewer than one unit) to families with incomes no greater than 80% of area median income (AMI); or
 - (b) Fifteen percent of units (but no fewer than one unit) to families with incomes no greater than 100% of area median income (AMI); or
 - (c) Twenty percent of units (but no fewer than one unit) to families with incomes no greater than 130% of area median income (AMI).
- (2) The sale and resale of restricted units shall be at prices affordable to the targeted income groups and managed through the City of Glen Cove Housing Authority or a qualified not-for-profit institution whose mission includes the management of affordable housing and which is deemed acceptable to the City Council of the City of Glen Cove.
- E. Density bonus.** In exchange for provision of affordable units as described above, the applicant shall be entitled to a density bonus of 10%, or such other incentive pursuant to a written agreement between the applicant and the City of Glen Cove.
- F. Money in lieu of inclusionary housing.** In lieu of providing affordable units within the proposed residential or mixed-use development, a monetary contribution equal to two times the median income for a family of four for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development or each additional unit which results, or would have resulted, from the density bonus or, when such fee exceeds the appraised value of each lot resulting from such density bonus, then such fee shall be equal to the appraised value of the lot or lots, or the equivalent thereof, for each additional unit created by the density bonus. Such payment shall be made to the City of Glen Cove and placed in a separate and single trust for the exclusive purpose of constructing affordable work-force housing, acquiring land for the purpose of providing affordable work-force housing or rehabilitating structures for the purpose of providing affordable work-force housing targeted to families with incomes no greater than 130% of the median income, subject to the following requirements.
- (1) Up to two units of the inclusionary housing requirement may be satisfied by money in lieu of inclusionary housing.
 - (2) At the discretion of the City Council, additional units may be satisfied in this manner if it finds that the following conditions are met:
 - (a) The proposed development is located in an area of the City which provides adequate opportunities for quality affordable housing managed by the public or by not-for-profit institutions; and
 - (b) There exists a need for monetary funds for the provision, maintenance or capital improvement of affordable housing in another location; and
 - (c) The proposed site plan is not located in an R-1A, R-1, R-2, or R-3 zoning district.
- G. Homeowners' association and other fees.** Where inclusionary units are being provided at sites that will require association or other similar fees, the monthly fee for affordable units shall be no greater than 20% of median gross rent for Nassau County. Further, regardless of the fees paid by inclusionary units, the occupants of such units shall be afforded the same homeowners association voting and participation rights as are afforded to occupants of noninclusionary units.

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