Topic:	Affordable Housing; Incentive Zoning
Resource Type:	Regulations
State:	Delaware
Jurisdiction Type:	Municipal
Municipality:	County of North Castle
Year *(adopted, written, etc.)***:**	1997
Community Type – applicable to:	Urban; Suburban; Rural
Title:	County of North Castle Planned, Hamlet or Village Bonus for Affordable Housing Ordinance
Document Last Updated in Database:	May 8, 2017

Abstract

This law states that a developer can propose a ten percent density increase if the development meets certain requirements. Requirements include at least fifty percent of additional units be reserved as affordable housing. The ordinance provides a detailed example that carefully outlines the calculations of a mock proposal. Sec. 40.07.310 lists general standards required of all affordable housing projects.

Resource

http://www.municode.com/resources/gateway.asp?pid=11287&sid=8

Sec. 40.07.310. General standards.

All affordable housing shall adhere to the following standards:

A. *Design.* The units shall be mixed into the overall development in such a way that they blend with the character of the community.

1. The units shall be located in a random fashion throughout the development. Grouping or clustering of affordable units is prohibited. In multi-family units, the designated units shall be mixed into the buildings.

2. Exterior materials, details, style, landscaping, and other elements of the units that are visible shall be identical to those of the other units in the development.

B. *Control of units.* The units shall be regulated to ensure that they remain available as affordable units. The following are acceptable methods of regulation:

1. Sales units. These units may be sold subject to agreements that limit appreciation and that require the units to be sold to or through the New Castle County Department of Community Services (DCS) to people eligible for such units. Appreciation shall be geared to the percentage increase in assessed value in the development.

2. Nothing in subsection 1, above, shall prohibit units to be sold to DCS or a recognized nonprofit affordable housing corporation. If transferred to a nonprofit housing corporation, there shall be a binding agreement providing a right of first refusal at an appreciated value as provided in subsection 1 above.

3. Rental units may be owned by the developer, builder, a nonprofit agency, or DCS. All units shall be rented only to eligible tenants approved by DCS.

C. *Affordability.* The units shall be made affordable by the following measures as determined by the developer's pro forma:

1. The cost of the raw land, general site work, roads, and all utilities serving the development shall be zero (0).

2. For those units that qualify for persons having less than eighty (80) percent of the median County income, an agreement may be reached whereby a government, nonprofit housing corporation or grant pays all or part of the impact fees imposed by this Chapter.

3. The developer shall submit specifications for market-rate and affordable interiors which would lower the cost per square foot of the units. This can include smaller room sizes. DCS shall approve any lower standards as being suitable for long-term maintenance, however DCS may not require higher standards than those used in market-rate housing.

(Ord. No. 97-172, § 3(ch. 13, § 07.310), 12-31-1997; Ord. No. 98-080, § 1(ch. 13, § 07.310), 9-22-1998)

Sec. 40.07.330. Planned, hamlet or village bonus.

The developer shall submit the site capacity calculations to establish the base density. The developer can propose up to a ten (10) percent increase in density which shall be granted provided the requirements of this Section are met:

A. The site capacity calculation limits the development through the gross density calculation rather than the net density calculation. (Net density calculation takes effect only where on-site resources are limiting.)

B. Fifty (50) percent of the additional units shall meet the criteria of Section 40.07.310.

C. A site plan shows the additional units being accommodated by:

1. A revised mix of dwelling unit types. The developer may introduce a unit type that uses less land to partially achieve the increase in density.

2. The affordable units shall be mixed into all unit types used on the plan.

3. Reducing the amount of open space by multiplying the open space ratio (Section 40.04.110) by ninety-eight hundredths (0.98) to determine the new open space ratio, provided such open space shall not be less than the site protected land, Table 40.05.421.

Example: Site capacity in a planned development permits one hundred (100) dwelling units. The units would normally sell for one hundred eighty thousand dollars ($180,000.00). The cost of raw land and improvements would be about twenty-five (25) percent of the project cost, with impact fees being another five (5) percent of the cost. The improvements and land would be forty-five thousand dollars ($45,000.00) per lot. The impact fees would be nine thousand dollars ($9,000.00) per lot. The building cost: one hundred twenty-six thousand dollars ($126,000.00) for a one thousand five hundred seventy-five (1,575) square foot house at eighty dollars ($80.00) per square foot. The six (6) affordable units would be one thousand four hundred (1,400) square feet per unit at seventy-eight dollars ($78.00) per square foot, thus costing one hundred seven thousand two hundred dollars ($107,200.00), a reduction of forty (40) percent which makes it very affordable. The developer would have one hundred four (104) units to allocate the cost of improvements four million six hundred eighty thousand dollars ($4,680,000.00) among. The four (4) unit bonus in market units reduces the per unit cost to forty three thousand two hundred seventy dollars ($43,270.00). If the site was a suburban planned development with a one and three-tenths (1.3) density and forty-five (45) percent open space it would have the following land allocation: seventy-seven (77) acres, of which forty-five (45) percent was open space leaving forty-two and three-tenths (42.3)acres of buildable land. With about fifteen (15) percent streets, the average lot size would have been fifteen thousand nine hundred ninety-five (15,995) square feet. The affordable project would have one hundred ten (110) units for a density of one and forty-three hundredths (1.43). Open space would be reduced from forty-five (45) to forty-four and one-tenth (44.1) percent or thirty-four (34) acres, thus providing forty-three (43) acres for development resulting in one hundred ten (110) lots of about fourteen thousand four hundred eighty-eight (14,488) square feet each.

(Ord. No. 97-172, § 3(ch. 13, § 07.330), 12-31-1997)