



# How Zoning Drives Educational Inequality: The Case of Westchester County (Appendix 2)

JULY 17, 2023 – THIS APPENDIX WAS PREPARED BY VICKI BEEN AND COLLEAGUES AT THE NYU FURMAN CENTER.

## Appendix 2. Comparing the Land Use Systems of Scarsdale and Port Chester

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The Town and Village of Scarsdale, founded in 1788, has been ranked as the “richest town on the East Coast—and the second-richest in the US” by Bloomberg. It is known for “its Tudor-style homes and storefronts, many of which were built in the 1920s,” and for its excellent public schools.<sup>1</sup> The town’s zoning ordinance divides the village into seven single-family detached home districts, ranging from AA-1, requiring a minimum lot size of two acres, to A5 requiring a minimum lot of 5,000 square feet; with all single-family homes limited to two stories, or thirty-two feet, in height.<sup>2</sup> A few parcels are zoned for hotels, lodging houses, or apartments in the Residence C zone, but apartment buildings cannot exceed four stories, must contain one square foot of open space per two square feet of residential floor area, provide one off-street parking space per 750 feet of gross residential floor area, and must not accommodate more than one family for each 2,000 square feet of the area of the property occupied by the building.<sup>3</sup> In addition, a few parcels are zoned for Planned Unit Development, which allows apartment buildings of up to a maximum floor area ratio<sup>4</sup> of 0.8, which may be increased up to 1.4, if the Village Board of Trustees grants a special permit after planning board review and a public hearing, in exchange for various developer-provided amenities, including housing for senior citizens, parking and street improvements, or special design features.<sup>5</sup> The vast majority of the village is zoned for single family use on lots of at least 10,000 square feet.<sup>6</sup> Scarsdale has no land zoned for manufacturing or industrial use.

The Village of Port Chester, a 2.4-square-mile part of the Town of Rye, had an industrial past that included a major textile manufacturer and the Life Savers Candy Company. Those industrial buildings have largely been converted to condominiums, but the village still hosts two major commercial bakeries, along with retail, entertainment, and arts facilities. Its “sizable Hispanic and Latino population has been growing for decades, ever since Cuban refugees fleeing Fidel Castro’s rule settled in Port Chester to work in the factories in the 1960s.” Residents of its

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<sup>1</sup> Katie Warren, “The richest town on the East Coast is a scenic village 35 minutes from NYC, where the average household income is \$452,000. I spent a morning there—here’s what it looks like,” *Business Insider*, March 3, 2020, <https://www.businessinsider.com/scarsdale-new-york-east-coast-richest-town-photo-tour-2019-3>.

<sup>2</sup> Scarsdale’s zoning code is available at <https://ecode360.com/6440086>; see section 310-25.

<sup>3</sup> *Ibid.*, see sections 310-14, 310-27, 310-32, 310-70A(1).

<sup>4</sup> Floor area ratio (FAR) is defined in the Scarsdale zoning code, section 310-2, as “the gross floor area on a lot divided by the gross lot area,” so a FAR of 0.8, would mean that the floor area of the building could be only 80 percent of the lot area.

<sup>5</sup> *Ibid.*, sections 310-28.1(A-6 – A-7) and (B).

<sup>6</sup> Scarsdale’s zoning map is available at <https://www.scarsdale.com/DocumentCenter/View/139/Scarsdale-Zoning-Map-with-Addresses-PDF>.

working class neighborhoods often serve as “landscapers, day laborers, house cleaners and child-care providers” for the surrounding affluent suburbs.<sup>7</sup>

**[Vicki short addition about pre-2020 code TK]** The Village of Port Chester changed its zoning regulations in 2020, adopting a “character-based” zoning code in order to “create a vibrant Village that is welcoming to all.”<sup>8</sup> The well-organized and clear interactive zoning map<sup>9</sup> places about half of the village in a single family residential “character district”—CD-3, which allows two story homes on lots of at least 5,000 or 7,000 square feet. The other approximately half of the village is divided into urban core districts, with most of that land designated CD-4, which allows single-family, duplex, live-work, and multifamily dwellings of up to three stories. The remainder of the village is in CD-5 and CD-6 mixed use districts, which allow multifamily buildings of up to six or twelve stories, respectively, or up to fifteen stories in the CD-6 Transit-Oriented Development district. Less than 1 percent of Port Chester is zoned for industrial use. The east waterfront area has places for iron works, welding, and glass. The closest school to the industrial areas is Thomas A. Edison School, which serves elementary students.

While the Wharton Land Use Regulatory Index<sup>10</sup> gives Scarsdale and Port Chester composite scores that qualify both as “highly regulated,”<sup>11</sup> the index is based upon a zoning ordinance that Port Chester completely revised after the Wharton survey was completed. Scarsdale allows hardly any residential uses other than single family detached homes, while Port Chester allows duplexes, townhouses, and multifamily buildings of between three to fifteen stories on approximately half its land, so the two jurisdictions impose very different levels of regulatory restrictiveness.

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<sup>7</sup> Lisa Prevost, “Living In: Port Chester, N.Y.: A ‘Tiny Little Village’ With a Lot of Development,” *New York Times*, March 1, 2023, <https://www.nytimes.com/2023/03/01/realestate/port-chester-ny-housing.html>.

<sup>8</sup> Port Chester’s zoning code is available at <https://ecode360.com/PO0100/laws/LF1159817.pdf>.

Quote is from the Preamble, page 2.

<sup>9</sup> The Village of Port Chester zoning map is available at <https://po0100.zoninghub.com/zoningmap.aspx?district=CD-3.R7>.

<sup>10</sup> For a description of the survey upon which the index is based, and an explanation of how the index is constructed, see Joseph Gyourko, Albert Saiz, and Anita Summers, “A New Measure of the Local Regulatory Environment for Housing Markets: The Wharton Residential Land Use Regulatory Index,” *Urban Studies* 45, no. 3 (March 2008): 693–729, <https://doi.org/10.1177/0042098007087341>.

<sup>11</sup> See Joseph Gyourko, Jonathan S. Hartley, and Jacob Krimmel, “The local residential land use regulatory environment across U.S. housing markets: Evidence from a new Wharton index,” *Journal of Urban Economics* 124 (July 2021), <https://www.sciencedirect.com/science/article/abs/pii/S009411902100019X>.