

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

XXXXXX

XXXX

of _____ North Castle _____

Town

XXXXXXXX

Local Law No. 26 of the year 2006

A Local Law amending Chapter 213, Zoning, of the Code of the Town of North Castle, New York, so as to establish a new senior citizen housing district as a "floating zone," with standards, procedures and requirements related to the development of housing for persons 62 years and older. This zone is not proposed to be mapped at the present time but may be mapped by the Town Board on qualifying sites as a part of separate legislative determinations at some future date.

Be it enacted by the _____ Town Board _____ of the
(Name of Legislative Body)

XXXXXX

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of _____ North Castle _____ as follows:

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Section 1. Amend Article III, Section 213-4 "Enumeration of districts" of the Code of the Town of North Castle, New York so as to add a proposed new R-MF-SCH Multi-Family Senior Citizen Housing District to the current list of districts, as follows:

"R-4A One-family Residence District (four acres)
R-2A One-family Residence District (two acres)
R-1.5A One-family Residence District (1 ½ acres)
R-1A One-family Residence District (one acre)
R-3/4A One-family Residence District (3/4 acre)

R-1/2A	One-family Residence District (½ acre)
R-10	One-family Residence District (10,000 square feet)
R-5	One-family Residence District (5,000 square feet)
R-2F	Two-family Residence District (5,000 square feet)
R-MF	Multifamily Residence District
R-MF-A	Multifamily-A Residence District
R-MF-SCH	Multifamily-Senior Citizen Housing District
DOB-20A	Designed Office Business 20A District
OB	Office Business District
RO	Residence Office District
PLI	Planned Light Industry District
RELIP	Research, Electronic and Light Industrial Park District
PBO	Professional Business Office District
PBO-2A	Professional Business Office 2A District
IND AA	Industrial AA District
IND A	Industrial A District
NB	Nursery Business District
SC	Shopping Center District
RB	Roadside Business District
CB-A	Central Business A District
CB-B	Central Business B District
CB	Central Business District
GB	General Business District"

Section 2. Amend Article II, Section 213-3 "Definitions" of the Code of the Town of North Castle, New York so as to add the following new definition in its proper alphabetical order:

"SENIOR CITIZEN HOUSING – Housing limited in occupancy to households in which at least one resident member has attained the age of sixty two (62) years or more on the date that such household initially occupies the dwelling unit."

Section 3. Add a new Section 213-22.3, "Additional R-MF-SCH Residence District Regulations" to the Code of the Town of North Castle, New York, as follows:

"§ 213-22.3. Additional R-MF-SCH Residence District regulations. In an R-MF-SCH District, all uses shall be subject to site plan approval in accordance with Article VIII of this Chapter.

"A. Legislative intent. This District is established for the purpose of furthering the goals of the North Castle Comprehensive Plan by providing a multi-family residence district specifically designed for, and limited in occupancy to, senior citizens. It is intended that this new zoning district will be a "floating zone" whose

implementation will require a legislative determination and rezoning by the Town Board on a case-by-case basis after consideration of the specific site, the specific development plan and the specific housing program.

"B Standards and requirements. The following specific standards and requirements shall be applicable to all proposed development in the R-MF-SCH District:

- (1) An application for the establishment of an R-MF-SCH District shall only be accepted for property served by public water supply and sewage treatment facilities. No certificate of occupancy shall be issued until all dwelling units are connected to such approved and functioning public water supply and sewage treatment systems.
- (2) The maximum permitted amount of development on a site in an R-MF-SCH District shall be in the range of 0.15 to 0.4 FAR, which specific amount shall be determined by the Town Board at the time of each zoning approval. FAR shall be based upon "net lot area," as defined herein. The determination of maximum permitted FAR, as well as other dimensional standards for each individual zone, shall be based upon the Town Board's consideration of the character of the neighborhood in which the zone will be located; the zone's relationship to adjoining zones, properties and land uses; the zone's topography; the zone's proximity to shopping and transportation services; and other such factors which said Board may determine to be appropriate.
- (3) Each senior citizen dwelling unit shall contain not less than one (1) nor more than two (2) bedrooms. The Planning Board shall be responsible for determining the number of bedrooms in each dwelling unit in connection with its review of the site development plan.
- (4) The minimum floor area requirement shall be 800 square feet per one-bedroom unit and 1,000 square feet per two-bedroom unit, except that for middle income units the minimum floor areas shall be as set forth in Section 213-22.I of this Chapter.
- (5) Not less than fifteen (15) percent of the permitted FAR on any site in an R-MF-SCH District shall be developed as middle income units for senior citizens. In each such case, the maximum size of household (family) for the purpose of determining maximum rent and/or sales price as set forth in Section 213-22 of this Chapter, shall be two (2) persons for each two (2) bedroom unit and one (1) person for each one (1) bedroom unit.

- (6) All dwelling units shall be designed to be conducive to, and attractive for, occupancy by senior citizens.
- (7) All "design considerations", as required in multi-family residence districts pursuant to Section 213-22G of this Chapter, shall be applicable within the R-MF-SCH District, except for the enclosed parking requirement."

Section 4. Amend Section 213-19 "Schedule of Residence District Regulations" of the Code of the Town of North Castle, New York so as to add a new R-MF-SCH District to the bottom of the schedule, as follows: (see next page)

Section 5. Amend Section 213-45 "Schedule of Off Street Parking Requirements" of the Code of the Town of North Castle, New York by substituting the following three new off-street parking requirements for the existing off-street parking requirement for "Multifamily dwellings:"

Use	Minimum Off-Street Parking (spaces)
Middle-income dwelling units	1 for each dwelling unit, plus ½ for each bedroom
Senior citizen dwelling units	1 for each dwelling unit, plus ½ for each bedroom, plus 10% visitor parking
Other multi-family dwelling units	2 for each dwelling unit, plus ½ for each bedroom in excess of 2, plus 10% visitor parking

Section 6. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or of other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 7. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part of parts.

Section 8. Effective Date.

Town of North Castle

§ 213-19. Schedule of Residence District Regulations

[Amended 12-6-1978; 3-24-1994 by L.L. No. 4-1994; 8-14-2002 by L.L. No. 7-2002; 10-23-2002 by L.L. No. 10-2002; 12-3-2002 by L.L. No. 11-2002]

District	Permitted Principal Uses	Permitted Accessory Uses Only in conjunction with a permitted principal use	Minimum Lot Size				Minimum Yards (c) (l) (m)			Maximum Building Height (f)		Maximum Building Coverage (r)	Minimum Dwelling Unit Size	Reference: also to these pertinent sections
			Area	Front- age (feet) (a)	Width (feet) (b)	Depth (feet) (7)	Front (feet) (d, e)	Side (feet) (f, g)	Rear (feet) (g)	Stories	Feet	Lot Area (percent)	In Square Feet (Refer also to § 213-57)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
R-MF-SCH	1. Senior citizen housing, subject to the requirements of Section 213-22.3.	1. Any use customarily incidental and accessory to a senior citizen dwelling unit, provided there is no external evidence of such use, no non-resident employees, no patients or clients visiting the premises and no keeping of a stock-in-trade. 2. Off-street parking, as regulated in Article IX. 3. Solar energy collectors. 4. Dish antennas, subject to the requirements of Section 213-14.	To be determined by the Town Board at the time of zoning approval							2 stories	30	To be determined by the Town Board at the time of zoning approval		Articles IV through X

This Local Law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

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Revised 9/13/06