

TOWN OF NORTH CASTLE

Local Law No. 6 For the Year 2011 (Adopted July 13, 2011)

A local law to amend Chapter 213 of the Town of North Castle Town Code with respect to permitted uses within the PLI Zoning District.

Section 1. Amend Section 213-21 of the Town of North Castle Town Code, Schedule of Office and Industrial District Regulations, Part 2, to add the following permitted principal use to the PLI Zoning District:

*10. Assisted Living Community, subject to the requirements of Section 213-33(U).

Section 2. Amend Section 213-33 by adding a new subsection, to be designated as Section 213-33(U) as follows:

213-33(U) Assisted Living Communities. In the PLI Zoning District, assisted living communities shall be subject to the following requirements, notwithstanding any other provisions of this Chapter:

- (1) Purpose. This use is established for the purpose of furthering the goals of the North Castle Comprehensive Plan by permitting the establishment of a specialized, for-profit assisted living development for the elderly, including a density bonus for this type of development. In such development, accommodation can be made for the range of needs of those elderly who neither want nor need placement in a hospital or nursing home. Assisted living communities shall be designed to achieve compatibility with their surroundings and to encourage orderly and well planned development. Assisted living developments shall be of a scale and location that will make it feasible to construct a comprehensive package of supporting utilities, services, and facilities, so as to achieve development which is environmentally, physically, visually, and economically sound. Certain accessory uses that are requisite, desirable, and convenient for assisted living for the elderly will also be allowed. Residents of an assisted living community have no need for schools and related services, nor do they require, in the aggregate, as many municipal services and facilities as compared to typical single-family housing or other types of senior housing.
- (2) Permitted Accessory Uses. The following accessory uses shall be permitted in conjunction with an assisted living community:
 - (a) Indoor and outdoor recreation for residents and their guests.
 - (b) Continuing education, crafts and hobbies for residents and their guests.
 - (c) Living, dining, laundry, security and housekeeping facilities for common use of residents.

- (d) Central kitchen for food served in dining areas or distribution to individual dwelling accommodations and units.
 - (e) Restaurant and/or dining room for residents and their guests.
 - (f) Medical and dental services for residents only with no cash transactions allowed.
 - (g) Small interior shops for the sale of goods or rendering of personal services (such as hairdresser, banking) only to residents, with no cash transactions allowed.
 - (h) Off-street parking areas.
 - (i) Signs and outdoor lighting.
 - (j) Kitchenettes in dwelling units.
 - (k) Other typical accessory uses associated with an assisted living community.
- (3) Physical Dimensional Requirements. Notwithstanding any other provisions of this Chapter, and provided that the original lot proposed for development of an assisted living community is located within 500 feet of a state road, not including an interstate highway, the following dimensional requirements shall apply:
- [w] Maximum floor area ratio for the assisted living facility shall be 0.60;
 - [x] Minimum front, rear, and side yards shall be 20 feet;
 - [y] Minimum building setback from a town road shall be 200 feet;
 - [z] Minimum lot size shall be 3.0 acres, provided that on a lot of more than 6 acres where an assisted living facility has been approved:
 - [1] the original lot may be subdivided and the resultant lot of no less than 1.5 acres may be developed for any permitted use in the PLI district;
 - [2] the minimum front, rear, and side yards for the resultant lot shall be 20 feet provided that building coverage is not greater than 30%;
 - [3] no building on the assisted living community lot or the resultant lot may be closer than 100 feet from one another nor less than 150 feet from an existing building on an adjacent lot;
 - [4] notwithstanding paragraph (3) immediately above, the resultant lot must have frontage on a state highway, and the original lot must have a minimum frontage of 25 feet;
 - [5] the minimum lot depth of the resultant lot shall be 100 feet.
- (4) Other Requirements. Where permitted, assisted living communities shall be subject to the following additional requirements:
- (a) Traffic access to any assisted living community shall be from a public street of adequate capacity and design to safely and conveniently accommodate the expected traffic from such use.
 - (b) The provision of vehicular and pedestrian improvements on and around the assisted living property necessary to mitigate any vehicular and pedestrian impacts associated with the operation of the assisted living community.
 - (c) All assisted living communities shall be connected to public water and sewer.

Section 3. Amend Section 213-45(A) to provide a parking requirement for assisted living communities as follows:

Use: Assisted living communities

Minimum Off-Street Parking (spaces): Not less than 0.3 off-street parking spaces for each assisted living unit therein, plus one space for each employee on the maximum shift.

Section 4. Amend Section 213-34 by amending the first sentence thereof to read as follows:

“No building permit shall be issued, and no structure or use shall be established or changed, other than for one single-family dwelling approved in accordance with the procedures specified in Article VII of this chapter, except in conformity with a site development plan approved and endorsed by the Planning Board with its date of approval, and no certificate of occupancy for such structure or use shall be issued until all the requirements of such site plan and any conditions attached thereto have been met.”

Section 5. Conflicting Standards.

Where the requirements of the 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 other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 6. 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 that can be given effect without such invalid part or parts.

Section 7. Effective Date.

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

Dated: July 13, 2011