

PROPOSED ZONING TEXT AMENDMENT

Article IV of the Village of Irvington Zoning Code shall be amended as follows:

Add a new Subsection “(D)(7)” to Section 224-8 (One-Family Residence Districts):

- (7) Special Permit allowing Assisted Living Facilities in 1F-40 Zones.
- (a) Purpose. The Village Board of Trustees recognizes that there is an increasing societal need within the Village of Irvington and its surrounding communities to provide specialized housing for senior citizens seeking to age in place in the community, as well as those requiring some assistance with daily living. Such population forms a stable part of the community, generates limited traffic on area roadways, does not utilize schools, and can serve as a source of sustained patronage of local businesses on Main Street, and the associated “downtown,” if located within a reasonable distance of this area. The Village Board recognizes that the Village Zoning Code does not currently support such use, but also does not seek to modify its regulations to such an extent as to undermine the protections in place to preserve the character and pattern of development in the Village. The Village Board has undertaken an extensive review of the Village’s comprehensive planning goals, culminating in a Report setting forth the documented need for this use, as well as how best to modify the regulations in this Chapter to achieve this balance. The mechanism for achieving this balance is to permit an increase in several of the Village’s bulk and density requirements, as well as waive the Village’s site capacity requirements (see Article XV), provided that the subject site is large enough to accommodate such use, will foster safe and convenient access to local business, and can be developed in an orderly and well-planned manner consistent with surrounding uses. If an applicant meets the requirements below, the Village Board of Trustees shall grant a special permit allowing an Assisted Living Facility to be developed and operated at the subject site. The special permit would remain in effect until the use of the land and improvement changes.
- (b) Definitions. For the purposes of this Section, the following terms shall apply:

ASSISTED LIVING FACILITY - A residential facility containing Independent Living, Assisted Living and/or Memory Care Units.

ASSISTED LIVING UNIT - A unit specifically designed for use and occupancy by individuals who benefit from daily monitoring and assistance with activities of daily living, and may be provided, whether by the facility operator or an appropriate third party, medication supervision, personal care services and assistance with other activities of daily living, such as bathing, dressing, grooming, eating and/or ambulation.

MEMORY CARE UNIT - A unit specifically designed for the use and occupancy by individuals suffering from dementia.

INDEPENDENT LIVING UNIT - A unit specifically designed to accommodate individuals with increasing frailty, which unit shall contain a kitchen, and for which there are also common amenities available for the residents thereof outside of the unit, including dining facilities, laundry, security and housekeeping services.

(c) Siting Requirements.

[1] The eligible site must be held in single ownership at the time of the enactment of this Subsection, and consist of at least 6 contiguous acres with at least 400 feet of frontage along the east side of North Broadway.

(d) Lot and area requirements. The following requirements shall apply to all Assisted Living Facilities permitted hereunder:

[1] Minimum lot area: 6 acres

[2] Minimum lot width: 400 feet

[3] Minimum lot depth: 600 feet

[4] Maximum building coverage: 25%

[5] Minimum front yard: 150 feet

[6] Minimum rear yard: 100 feet

[7] Minimum side yard: 30 feet (60 feet combined)

[8] Minimum distance between buildings: 25 feet

[9] Retaining walls in regulated setbacks: retaining walls over 6 feet in height shall not be located in the required front yard setback. Where the Village Board determines that topographic conditions require retaining walls higher than 6 feet, and there is sufficient screening and/or landscaping between said retaining wall(s) and adjacent properties, said retaining wall(s) may be located in the required rear and side yard setbacks.

(e) Density. No more than 20 Units per acre (based on the gross lot area) shall be permitted. For purposes of this Subsection, "Units" shall include any mix of Independent Living, Assisted Living and/or Memory Care Units.

(f) Height. The maximum height of any Assisted Living Facility building shall be 35 feet, except that, for every 50 feet said building is located beyond the minimum front yard setback (i.e., 150 feet) an additional 5 feet may be added to the height of the building. In no event shall any building subject to this height bonus exceed 48 feet.

[1] For the purposes of this Section, the height of an Assisted Living Facility building shall be measured from the finished grade of the first floor to the highest point of the building, however the following elements shall be excluded from the phrase "highest point of the building:" chimneys, sanitary sewer vent pipes, antennas, elevator

housing, and/or heating, ventilating or air conditioning equipment. Such excluded elements shall be no higher than 10 feet, and may occupy no more than a total of 20% of the roof area.

- (g) Off-street parking. At least 1 parking space for every 2 Units shall be provided on-site. Parking spaces may be located within required rear and side yards, provided that such spaces are set back at least 10 feet from any property line. Parking spaces may not be located within 150 feet of the front yard property line.
- (h) Conflicting standards. All other regulations pertaining to area, bulk, height, density and parking contained in this Chapter, including the Village's Site Capacity regulations (Article XV) and Residential Floor Area Ratio Law (Article XXII), shall not apply to Assisted Living Facilities or Fair and Affordable Housing Units permitted hereunder.
- (i) Principal uses.
 - [1] Assisted Living Facilities.
 - [2] Fair and Affordable Housing Units, including multifamily housing, for any age group meeting the requirements set forth in Article XXVIII of this Chapter, provided that the housing is located within an existing building on the subject site separate from the Assisted Living Facility, and no more than 6 non-age restricted Fair and Affordable Housing Units are developed. For the purposes of this use, a preference for occupancy may be reserved for employees of the Assisted Living Facility, provided that permitting such employees to reside in these Units furthers the goals for occupancy pursuant to the Westchester County Fair and Affordable Housing Implementation Plan.
- (j) Accessory uses.
 - [1] Living area(s) for the common use of the residents, adequate in location, number, size, variety and amenities to satisfactorily serve the needs of such residents. Such living areas may include but not be limited to living rooms, TV rooms, libraries, music rooms, activity rooms and multipurpose rooms.
 - [2] Dining area(s) for the common use of the residents, adequate in location, number, size and amenities to satisfactorily serve the needs of such residents, and in which all meals shall be served to all residents on a daily basis.
 - [3] Central commercial kitchen adjacent to the common dining area(s), and from which food service is provided to the common dining area(s).
 - [4] Indoor and outdoor passive recreational areas for the common use of the residents.
 - [5] Laundry facilities for the residents' personal use.
 - [6] Linen and housekeeping services.

- [7] Personal-care services for residents only, including, but not limited to, medical and dental care (outpatient services only), physical therapy, assistance with dressing, bathing, eating, ambulation and general supervision.
 - [8] Twenty-four-hour occupancy by on-site responsible staff person(s).
- (k) Fair and Affordable Occupancy Requirements for Assisted Living Facilities. The number of affordable occupancies in an Assisted Living Facility shall equal no less than 10% of the total number of Independent Living Units approved for said Facility by the Village Board. This affordable requirement may be satisfied by providing any combination of affordable occupancies in: (i) Independent Living Units; (ii) non-age restricted Fair and Affordable Housing Units permitted under Subsection (D)(7)(i)[2] above; and/or (iii) Assisted Living Units. Assisted Living Units housing two residents both paying affordable monthly rent (i.e., “Companion Suites”), shall qualify as two occupancies for the purpose of satisfying the 10% requirement imposed in this Subsection.
- [1] This Subsection (D)(7)(k) shall supersede the Village’s Fair and Affordable Housing regulation (Article XXVIII) to the extent that any provision in Article XXVIII could be interpreted to apply to an Assisted Living Facility.