

LOCAL LAW __ - 2021

A local law to amend Chapter 305 of the Code of the Village of Tarrytown entitled “Zoning”, to add additional requirements to Chapter 305

Section 1. Be it enacted by the Board of Trustees of the Village of Tarrytown as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

Section 2. Amending Existing Provision. Amending Chapter 305, Section 5 entitled “Word Usage, terms defined” to add the following new definition to subsection B:

SERVICE ENRICHED ASSISTED LIVING HOUSING (SEAL) – A housing facility containing a combination of an Assisted-Living Facility and Alzheimer’s/Dementia Care Housing as those terms are defined herein, together with related uses and services.

Section 3. Amending Existing Provision. Amending Chapter 305, Section 401.1 entitled “A/D Floating/Overlay Zone 5” as follows:

§ 305-40.1A/D **and SEAL** Floating/Overlay Zone.

[Added 11-18-2019 by L.L. No. 11-2019]

A. Introduction. By action of the Board of Trustees, a qualifying parcel of land may be rezoned to the A/D **and SEAL** Floating/Overlay Zone, either upon application of the parcel's owner or upon the initiative of the Board of Trustees. Upon approval, this district shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the A/D **and SEAL** Floating/Overlay Zone shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlay district. Its development under the A/D **and SEAL** Floating/Overlay Zone is governed by the use, dimensional and other provisions of the following regulations.

B. Qualifying conditions.

(1) The lot must be currently zoned OB, LB or MU and have frontage on or be wholly or partially within 350 feet of State Route 119.

(2) The lot upon which it is located shall have both been in existence and of the same size, as shown on a plat duly filed in the Office of the Westchester County Clerk, **or on the Tax Map of the Town of Greenburgh**, as of January 1, 2017.

C. Permitted accessory uses.

(1) Parking lots and garage spaces.

(2) Personal service establishments such as restaurants, barbershops, beauty parlors, newsstands, and the like if within the principal structure and only for the use of staff and residents of the principal structure.

D. Additional requirements.

(1) Maximum practicable efforts shall be made to include sustainability measures such as a stormwater pollution prevention plan that includes implementation of green infrastructure practices, energy efficient construction, and similar measures that will achieve significant increases in efficiency and sustainability. Green infrastructure practices maintain or restore stormwater's natural flow pattern by allowing the water to slowly permeate into the ground and be used by plants. These practices include rain gardens, vegetated swales, green roofs and porous pavements, along with bioretention areas, vegetated swales, dry swales, and green roofs. **The sustainability requirements under this subsection may also be achieved by demonstrating that a facility would be considered sustainable by an industry standard as determined appropriate by the Planning Board, such as LEED.**

(2) A facility for Alzheimer's/dementia care housing shall have no more than 100 beds. **A facility for SEAL housing shall have no more than 25 units per acre, and no more than 115 beds.**

(3) Notwithstanding any other provisions of Village Code, a facility for Alzheimer's/dementia care **or SEAL** housing is not residential within the meaning of § 305-130, Affordable housing.

(4) The maximum coverage of all buildings shall be **18%**, and the maximum coverage of all buildings, structures and paved areas shall be 45% of the total site area.

(5) The minimum setback of all permitted buildings, structures and paved areas from the right-of-way of any public street shall be 35 feet, from any residential zoning district, shall be 175 feet, and from any nonresidential zoning district shall be zero feet.

(6) Off-street parking shall be provided at the rate of 0.50 space per bed.

(7) The height of any Alzheimer's/dementia care or SEAL housing facility shall comply with the maximum height requirement of the underlying district, except that the maximum height for any facility that adaptively re-uses an existing historic structure shall be 3 stories or as otherwise determined as appropriate by the Planning Board.

Section 4: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 5: Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.