PROPOSED LOCAL LAW M OF 2019

A LOCAL LAW
TO AMEND CHAPTER 295, ZONING CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON TO UPDATE AND REVISE PROVISIONS REGARDING NURSING HOMES, ASSISTED LIVING FACILITIES AND SENIOR HOUSING PROVISIONS

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

SECTION 1: Section 295-5 Definitions of the Zoning Code is hereby amended delete the existing definitions of **SENIOR ASSISTED-LIVING HOUSING** and **SENIOR ENRICHED/INDEPENDENT LIVING HOUSING**.

SECTION 2: Section 295-5 Definitions of the Zoning Code is hereby amended by inserting the following new definitions:

ACTIVE ADULT/INDEPENDENT LIVING HOUSING
Handicapped-adaptable individual or multifamily dwelling units with individual kitchens and bathrooms where, because of age and either disability or infirmity of the residents, the following services are provided to residents within the dwelling unit or in common facilities on site: dining, laundry, security and housekeeping. Residents may have the option of cooking for themselves, being provided with meals in their rooms, or eating in a common dining facility on-site. An Active Adult/Independent Living Facility does not require licensure or oversight by the New York State Health Department. Any in-home care, doctors' visits, or other health-related services are arranged for privately by the resident.

ASSISTED LIVING HOUSING
A residential facility for individuals who require some assistance with daily living, with units that may contain kitchenettes, that is operated by an entity licensed by the State of New York Department of Health to operate an adult home (as defined in 18 NYCRR 487), enriched housing program (as defined in 18 NYCRR 488), or residence for adults (as defined in 18 NYCRR 490), including any such adult care facility offering services through an assisted living program (as defined in 18 NCRR 494) or licensed as an assisted living residence, enhanced assisted living residence and/or special needs assisted living residence pursuant to 10 NYCRR 1001. The facility will combine dwelling units with provision of services, including, but not limited to, communal dining, medication supervision, personal care, physical therapy, and assistance with the activities of daily living such as bathing, dressing, grooming, eating and/or ambulation for persons who do not need the skilled medical care provided by a nursing home or convalescent care facility.

CONTINUUM OF CARE FACILITY
A residential facility that provides a combination of the features and amenities of Active Adult/Independent Living Housing, Assisted Living Housing and/or a Nursing Home and provides residential units or beds for more than one of those levels of care within the same building or buildings on a single development site.

NURSING HOME OR CONVALESCENT HOME
Any establishment where three or more persons suffering from or afflicted with or convalescing from any infirmity, disease or ailment are habitually kept or boarded or housed for remuneration, constructed overseen and operated pursuant to Article 28 of New York State Public Health Law, NYCRR Title 10, Section 86.2.

SECTION 3: Section 295-36 of the Zoning Code, table of parking requirements is hereby amended to replace the requirement for "Hospital, nursing home, sanitarium, convalescent home, home for the aged or philanthropic institutions providing overnight facilities" as follows:

Use	Minimum Off-Street Parking
Hospital, nursing home, active adult/ independent living housing, assisted living housing, continuum of care facility	1 space for each 2 beds, plus 1 space for each employee, plus one space for or each nonemployee medical practitioner or technician regularly practicing in the facility

SECTION 4: Section 295-67(B)(3) of the Zoning Code is hereby amended to reflect updated definitions as follows:

(3) Hospitals; nursing homes or convalescent homes provided that:

(a) They shall occupy a lot of not less than 20 acres that has not less than 1,500 feet of frontage on a state highway; and
(b) They shall comply with the requirements set forth in Subsection A(3)(b) through (e) above.

SECTION 4: Section 295-67(B)(4) of the Zoning Code is hereby amended to reflect updated definitions as follows:

(4) Assisted living housing, active adult/independent living housing, continuum of care facility provided that:

(a) They shall occupy a lot of not less than five acres;
(b) They shall be located at least 75 feet from any street or lot line and contain accommodations for not more than five beds per acre; and
(c) They shall comply with the requirements set forth in Subsection A(3)(b) through (c) and (e).

SECTION 5: Section 295-68(B) and (C) of the Zoning Code is hereby amended to reflect updated definitions as follows:

B. Principal uses requiring a special use permit. The following uses are permitted principal uses in an R-10 District but require a special use permit issued pursuant to Article X of this chapter: any use in an R-20 District requiring a special use permit as set forth in § 295-67B above, except hospitals and nursing homes or convalescent homes.

C. Accessory uses. The following uses are permitted accessory uses in an R-10 District but only in conjunction with a principal use that is permitted in an R-10 District: any accessory use permitted in an R-20 District as set forth in § 295-67C above, except uses accessory to hospitals and nursing homes or convalescent homes.

SECTION 6: Section 295-72.3(B)(1) of the Zoning Code is hereby amended to reflect updated definitions as follows:

B. Principal uses. The following uses are permitted principal uses in a MUPDD District:
(1) Dwellings for three or more families, including active adult/independent living housing and assisted living housing, provided that:

(a) The maximum number of dwelling units per acre shall be six and the maximum number of bedrooms per acre shall be 12.

[1] The maximum number of dwelling units and bedrooms per acre may be increased by not more than 33 1/3% beyond the basic permitted density if the applicant agrees to dedicate to the Village, or an entity designated by the Board of Trustees, land for open space or recreation purposes, and if the Board of Trustees determines that such dedication of land is of sufficient size and suitability to permit the increased density, which determination shall lie within the absolute discretion of the Board of Trustees.

[2] Any such land dedicated in exchange for increased density shall not be included in lot area for purposes of calculating maximum building coverage and maximum development coverage under Subsection E of this section, nor shall it reduce the applicant's open space requirement under the following subsection.

(b) For each dwelling unit, there shall be provided suitably improved and usable recreation area and open space in the following amounts:

[1] One hundred square feet for each studio (efficiency) dwelling unit; and

[2] Two hundred square feet for each bedroom.

SECTION 7: SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 8: 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.