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VILLAGE OF MONTEBELLO  
LOCAL LAW NO. 7 THE YEAR 2018

A LOCAL LAW AMENDING SECTION 195-87.1 AND THE TABLES OF GENERAL USE AND BULK REQUIREMENTS OF CHAPTER 195, ZONING, TO ALLOW ASSISTED LIVING RESIDENCES AS A USE BY SPECIAL PERMIT OF THE PLANNING BOARD IN THE LO-C DISTRICT

Be it enacted by the Village Board of Trustees of the Village of Montebello by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law, as follows:

**Section 1. Legislative Intent**

The Board of Trustees of the Village of Montebello has determined that there is a need and demand for a variety of adult housing in the Village. The Comprehensive Plan recommends adding “Assisted Living Residences” as an allowed use in the Laboratory Office – Campus (LOC) Zoning District.

**Section 2. Article III, Use Regulations.** The Table of General Use Requirements: LO-C District, Attachment 1:12 to the Zoning Chapter 195, is hereby amended as follows (underlined text added and struck through text deleted):

- A. Add the following to Column C, Uses by Special Permit of the Planning Board (subject to Article XII):

“Assisted Living Residences (ALR)”

- B. Add the following to Column C-1, Use Group, to correspond to the newly added item, Assisted Living Residences:

“N”

- C. Add the following to Column F, Minimum Off-Street Parking Spaces to correspond to the newly added item, Assisted Living Residences:

“1 parking space per 2 beds + 1 loading zone.”

**Section 3. Article XII, Special Permit Standards.** Article XII, Special Permit Standards, §195-87.1 Assisted Living Residences (ALR), as amended by Local Law #4 of 2017 is hereby further amended, as follows (underlined text added and struck through text deleted):

“195-87.1 Assisted Living Residences (ALR)

The standards for an Assisted Living Residence shall be as follows:



- A. Within the ALR, certain related ancillary facilities may be permitted, either in a separate building or in combination with dwelling units, such as dining facilities, meeting rooms, multi-purpose rooms, lounges, game rooms, workshops, medical infirmaries, health and exercise facilities, convenience retail facilities, automated banking facilities, personal care facilities etc., only to the extent that they meet the needs of the occupants of the ALR and their guests. Such facilities shall be subordinate to the residential character of the development with no outside advertising. Such facilities shall be expressly approved by the Village Board, which may limit hours of operation, percent of floor area, or other elements. The applicant shall submit a floor plan of each building for review, and the Planning Board having jurisdiction over the Special Permit application shall review the overall internal layout and allocation of space for support activities.
  
- B. The gross density of the site shall be determined by the Village Board having jurisdiction over the Special Permit application, in order to preserve maximum flexibility for sound planning and environmental considerations. However, in no event shall the gross density of the site exceed twenty (20) units per acre. For purposes of determining density pursuant to this section, (i) each two beds in the ALR shall be equivalent to a unit regardless of whether they are in the same room or separate rooms and (ii) the "site" shall be either (a) the individual tax lot on which the ALR is located, or, (b) if the ALR is located on a tax lot having more than the ALR use, the area identified by the Village Board as being the area used by the ALR, which area shall include the building containing the ALR together with all parking areas, driveways, sidewalks open space and recreation areas associated with the ALR.
  
- C. The minimum distance between a building used as an ALR and any other building shall be thirty (30) feet, or a distance equal to the height of the taller of the two buildings measured on opposing faces, whichever is greater.
  
- D. There shall be provided a safe and convenient system of drives, service access roads and walks with due consideration given in planning such facilities to such items as handrails and ramps. Such facilities shall be adequately lighted, and said lighting shall not be directed on adjacent streets or properties.
  
- E. The Village Board having jurisdiction over the Special Permit application shall determine the parking requirements for the ALR, based on the requirements for parking spaces set forth in the Table of Use Requirements. This shall represent the minimum number of parking spaces which shall be provided. Notwithstanding, the Planning Board has the authority to modify the required minimum off-street parking spaces, by up to 50% upon demonstration by the applicant that that number exceeds the peak hour requirement and further provided that an area be shown on the site development plan for reserve spaces to be installed in the future should the need for the spaces arise.
  
- F. No ALR may have a total or more than a combination of 200 beds.
  
- G. An ALR shall obtain a license from any state agency authorized to license such facility.



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H. The Board having jurisdiction over the Special Permit application, at its discretion, may allow up to 10 feet of additional height in non-residential zoning districts where such additional height may not be used for habitable space, and where it is required for the sole purpose of accommodating gabled, hip or gambrel roofs, and where doing so results in a more attractive structure that does not detract from the character of the neighborhood.

**Section 4. Effective Date.** This local law shall become effective immediately upon filing with the Secretary of State.