

LOCAL LAW #3 OF 2020

A LOCAL AMENDING CHAPTER 305 OF THE CODE OF THE VILLAGE OF WALDEN ENTITLED “ZONING” BY AMENDING THE DEFINITION OF “SENIOR CITIZEN DWELLING UNIT” SET FORTH IN CODE SECTION 305-3; AMENDING SECTION 305-52 ENTITLED “SPECIAL EXCEPTION USES” AT SECTION (C)(24)(j) BY ADDING CERTAIN ANCILLARY FACILITIES WHICH MAY RESULT IN AN INCREASE IN THE ALLOWABLE NUMBER OF UNITS PERMITTED AND AN AMENDMENT TO SECTION 305-52 (C)(24)(k) BY INCREASING THE BONUS DENSITY CREDIT AVAILABLE FOR THE INCLUSION OF ANCILLARY FACILITIES AS SET FORTH IN CODE SECTION 305-52 (C)(24)(j)

BE IT ENACTED by the Village Board of the Village of Walden as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law amending Chapter 305 of the Code of the Village of Walden entitled “Zoning” by amending the definition of “Senior Citizen Dwelling Unit”; Amending Section 305-52 entitled “Special Exception uses” at Section 305-52(C)(24)(j) by adding certain ancillary facilities which may result in an increase of the allowable number of units permitted and an amendment to Code section 305-52 (C)(24)(k) by increasing the bonus density credit available for the inclusion of ancillary facilities as set forth in Code section 305-52 (C)(24)(j).

SECTION 2 – PURPOSE & INTENT

The Village of Walden is committed through the implementation of its zoning ordinance to provide and allow for quality housing opportunities for people of all ages and socio-economic backgrounds. In particular, the Village seeks to ensure that its zoning ordinance specifically allows, and encourages, quality housing for the Village’s aging population. While the existing zoning ordinance in the Village does seek to accommodate and provide this stated objective, the Village Board believes that the existing zoning ordinance can and should be improved to provide incentives for the construction of quality residential living facilities for those who are age 55 years or older. The purpose of this local law is to amend the existing zoning ordinance to provide an increase in density commensurate with certain amenities provided to increase the quality of life of the residents who will occupy this housing will enjoy as well as to decrease the minimum age from 60 to 55 to expand the demographic having access to this type of quality living arrangement.

SECTION 3 – AMENDMENT TO TEXT OF CHAPTER 305.

Section 305-3, entitled “Definitions” is hereby amended to the extent of deleting the current definition of Senior Citizen Dwelling Unit and replacing it with the following language:

SENIOR CITIZEN DWELLING UNIT - A dwelling unit occupied exclusively by one or more persons who is/are at least 55 years of age.

Section 305-52(C)(24)(j) is amended by adding the following items to the list of ancillary facilities currently set forth in the Code:

- [11] Elevators in all buildings;
- [12] Community room/social hall;
- [13] Pedestrian connection to downtown;
- [14] Landscape buffers from adjacent properties;
- [15] Garages for at least half of the units;
- [16] Onsite walking paths, trails and/or gardens.

Section 305-52(C)(k) is amended by deleting the second sentence thereof and replacing it with the following language:

In addition to the foregoing, the planning board may, in its discretion, extend an additional one unit per acre credit to a development which includes one of the ancillary facilities set forth in Section 305-52(C)(j)1-16; an additional two units per acre credit to a development which includes two of the ancillary facilities set forth in Section 305-52(C)(24)(j)1-16; an additional three units per acre credit to a development which includes three to four of the ancillary facilities set forth in Section 305-52(C)(24)(j)1-16; an additional four units per acre credit to a development which includes five to six of the ancillary facilities set forth in Section 305-52(C)(24)(j)1-16; an additional five units per acre credit to a development which includes seven to eight of the ancillary facilities set forth in Section 305-52(C)(24)(j)1-16; an additional six units per acre credit to a development which includes nine to ten of the ancillary facilities set forth in Section 305-52(C)(24)(j)1-16 and seven units per acre credit to a development which includes more than ten of the ancillary facilities set forth in Section 305-52(C)(24)(j)1-16.

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.