

PROPOSED LOCAL LAW NO.XX OF 2018

SENIOR LIVING DISTRICT (SLD)

A LOCAL LAW to provide for the establishment of a Senior Living District, amending Chapter 270 of the Code of the Town of Rotterdam.

Section 1

- (A) **BE IT ENACTED by the Town Board of the Town of Rotterdam as follows.** This local law shall be known as "No. XX of 2018 of the Town of Rotterdam" or "Senior Living District" (hereinafter the "District" or the "SLD"). Chapter 270 of the Code of the Town of Rotterdam is hereby amended by adding thereto Article XXXI, Senior Living District (SLD) as follows:
- (B) The Zoning Code of the Town of Rotterdam as adopted July 11, 2001, codified by Local Law No. 5 of 2001, and the Zoning Map of the Town of Rotterdam as set forth therein and made a part thereof, are amended by changing from the existing zoning of Agricultural District (shown on the Town Zoning Map as A-1) and establishing the aforesaid Senior Living District as shown in **Exhibit A**, which District is designed to contain a Senior Living Complex with a combination of assisted living facilities, memory care facilities, independent living facilities involving apartments, town homes and single family residences, and senior services, including, health care and recreational services all only available to those who reside in the District. The uses are further defined as set forth below in **Subsection B - Definitions**.
- (C) The area of the District consists of approximately 90 acres in the Town of Rotterdam and is identified by the metes and bounds description set forth herein in **Exhibit B**.
- i. All land uses, development, construction and operation of the facilities within the District shall be conducted in accordance with this legislation and the SEQR determinations adopted with this legislation.
- (D) In any instances where specific permitted uses, area or height standards, development guidelines and/or review procedures specifically set forth in this SLD, as the same are specifically applicable to the District, conflict with other general provisions or requirements of the Town of Rotterdam Zoning Code, the particular provisions set forth herein shall take precedence.
- (E) **Definitions.** Where terms are defined in this SLD and are also defined in the Town Code of the Town of Rotterdam, the definition contained herein shall apply to the SLD. In the event a term in this SLD is not defined below, but is defined in the Town Code of the Town of Rotterdam, then that Town Code definition shall apply. This SLD also incorporates by reference the laws and rules of the State of New York that license, regulate and/or govern the uses defined herein when interpreting any proposed

application to the Town of Rotterdam for the establishment of such use, with reference to the Education Law and the Public Health Law of the State of New York.

A. Legislative intent; objectives.

- (1) It is the intent of these provisions establishing a Senior Living District to provide flexible use and design regulations to facilitate the development of an integrated senior living community. The Town of Rotterdam Comprehensive Plan recognizes the importance of providing safe, affordable, and accessible facilities and residences for the Town's senior population. This Article specifically encourage comprehensive developments incorporating multi-family residential units, single family homes, assisted living facilities, and recreational facilities, including but not limited to the continued operation and use of a portion of the golfing facilities.
- (2) This Article recognizes that, while the standard zoning functions are appropriate for the regulation of traditional neighborhoods and land uses, the Senior Living District provides comprehensive planning for an integrated senior neighborhood. Senior citizens require unique services and specialized living quarters for elderly and retired citizens who wish to live independently, but prefer to live in a community designed to support their needs.
- (3) **Objectives.** To carry out the intent of this Article, a senior living development shall achieve the following objectives:
 - (a) Provide a varied choice of the types of environment, residential units, assisted living needs, recreational facilities, including continuation of a portion of the golfing facilities and creation of new recreational opportunities, and open space available to residents the age of 55 and over;
 - (b) Create integrated senior living arrangements that allow for fulfillment of the varied needs of senior citizens in a central location without extended commuting;
 - (c) Enhance the quality of living for senior citizen populations;
 - (d) Increase opportunities for social interaction among senior citizen populations;
 - (e) Create an efficient use of land and services resulting in smaller networks of utilities and streets and thereby lowering housing and assisted living costs for seniors;
 - (f) Create a development pattern in harmony with the objectives of the Comprehensive Plan; and
 - (g) Create a more desirable environment for senior living than would be possible through the strict application of other articles of this chapter.

B. Definitions:

APARTMENT

A residential living unit, including independent, assisted, and memory care units, consisting of one or more separate living spaces contained within a large building or facility that provides common amenities to the apartment unit(s) contained therein.

ASSISTED LIVING

Any entity which provides housing, meals, on-site monitoring, and personal care services in a home-like setting to adult residents.

CAFETERIA/ Food Service/Dining Rooms

An eating establishment located wholly within a common building of the independent living facilities, assisted living facilities or memory care facilities, or any senior services center designed to service the needs of on-site employees, patients, guests, and residents of the SLD. This eating establishment is not considered a retail use.

CLUBHOUSE

A building located on the golf course that may contain a locker room, pro shop, and cafe located wholly within in a common building designed to service the needs of SLD residents, on-site employees, guests and members of the public using the golf course.

ENTRANCE/GATEWAY

An area of greenspace which marks the entrance to a site and is comprised of signage, landscaping and plantings.

FITNESS CENTER

An area located in any of the facilities and/or the senior services center with the primary purpose of facilitating recreation and exercise for residents of the SLD and their guests.

GOLF COURSE

A recreational facility primarily used for the purpose of playing golf, including associated food service and staff offices. The golf course will be open to the public.

INDEPENDENT LIVING UNITS

Senior housing units that are designed for residency by seniors who are capable of living independently, in apartments, townhomes or single-family houses without the need for in-home medical, memory, or other assistive care.

MEDICAL PROFESSIONAL OFFICES AND SERVICES

An office or offices located in a common building of the senior services center of a physician, dentist, or any other licensed professional in the field of medically related services or health and wellness, such as acupuncturist, audiologist, dietician or nutritional counselor, mental health practitioners, licensed clinical social worker, therapist, chiropractor, massage therapist, medical physicist, naturopath, nurse practitioner, occupational therapist, physical therapist, ophthalmologist, optometrist, podiatrist, respiratory therapist, speech or language pathologist, osteopath, and physician assistant. Such services are provided to residents only.

MEMORY CARE

A distinct form of care that specifically caters to patients with Alzheimer's disease, dementia and other types of memory problems. Memory care units provide 24-hour supervised care within the residential facility.

OPEN SPACE

An unoccupied space open to the sky.

RECREATIONAL USES

A golf course, a network of trails, fitness center and other accessory recreational and fitness uses. All such uses will be provided solely to residents of the SLD and their invited guests with the exception of the golf course which will remain open to the public.

SENIOR HOUSING

Buildings and/or facilities which provide housing which is intended for seniors 55 years of age and over, including dormitory housing.

SENIOR SERVICES

Services available to residents and their guests including, but not limited to residential dining and full service kitchen; a fitness center; a swimming pool/spa; a therapy room; a salon; and conference/meeting rooms.

C. Permitted Uses. The following principal uses are permitted as of right, subject to site plan approval by the Planning Board, in the Senior Living District.

(1) Principal use.

(a) The principal use permitted in the Senior Living District shall be a Senior Living Development for residents of at least 55 years of age. A Senior Living Development may consist of the following uses:

- (i) The following residential facilities, provided that the residents are at least 55 years old;
 - a. Independent living units, including multi-family or apartment units;
 - b. Single family homes, including townhomes and condominiums, which shall allow for residents' children who are at least 21 years old to reside with the parent if the resident(s) requires such child's care and the arrangement is approved by the homeowners' association;
 - c. Assisted living units, including studios and apartments;
 - d. Memory care units, including studios and apartments;
- (iii) Independent living common areas;
- (iv) Senior services within the residential buildings; and
- (v) Recreational Uses, including but not limited to the Golf course and clubhouse, fitness center, trails and other recreational facilities;

- (2) Accessory uses. The following uses shall be permitted as accessory to a Senior Living District and, where applicable, shall be provided only to residents of the District and their guests:
- (a) Utility structures and facilities;
 - (b) Entrance/Gateway
 - (c) Cafeterias/Food Service/Dining Rooms
 - (d) Permitted signs; and
 - (e) Structures and uses customarily accessory to residential and/or senior living facilities, subject to site plan approval by the Planning Board.

D. Development regulations. Projects in a Senior Living District shall be developed according to the following regulations:

(1) Bulk regulations:

- (a) Maximum number of senior living units: 496.
- (b) Maximum building height: The maximum building height shall be 60 feet. The maximum building height shall not include chimney heights, not to exceed 3 feet over a building's highest ridge line or roof top mechanical units.
- (c) Lot area: to promote the goal of common ownership of shared open space, all single-family homes and townhomes shall be a part of an established homeowner association that shall be responsible for the operation and maintenance of all open space, utilities, and roadways. Lot area requirements in the Senior Living District are as follows:
 - (i) for single family homes, the lot area may be as small as the foundation of the home;
 - (ii) for townhomes, the lot area may be as small as the individual portion of such home comprising a single unit;
 - (iii) for all other uses, no minimum lot area requirements shall apply.
- (d) Common open space. Not less than 40 percent of the acreage of the property shall be open space. Areas used for recreational purposes including, but not limited to, golf courses, skiing, walking trails and the like, exclusive of any areas covered by structures associated with such uses shall be considered open space. The open space lands may include significant ecological, aesthetic and recreational characteristics. Such open space may consist of wetlands and steep slopes, as well as other resources subject to local, State or federal regulations, including stormwater management areas.

E. Development Criteria.

- (1) Generally. The maximum build-out of the site is set forth in the Development Plan attached hereto as Exhibit C.

(2) **Development Areas.** The Development Areas are shown generally on exhibit C. Area A consists of the assisted living/memory care facilities. Area B consists of the Independent Living facilities/apartments. Area C consists of the golf course and clubhouse. Area D contains the detached (cottages) and attached (townhome) single family units. These are the primary uses in the areas, accessory uses and other uses permitted by this Legislation are allowed in the Areas as well.

(3) Bulk requirements for the proposed uses in the SLD are set forth as follows:

A) Senior Services Facilities:

1) Setbacks and Height Requirements

- a. Front: 290 feet (as measured to overall parcel boundary(s))
- b. Side: 50 feet (as measured to overall parcel boundary(s))
- c. Rear: 50 feet (as measured to overall parcel boundary(s))
- d. Building Height: 60 feet (no more than three stories)

2) Density

- a. Assisted Living: No more than 144 units total containing a mixture of studio, 1 bedroom, 1 bedroom and den and two bedroom units.
- b. Memory Care: No more than 108 units total containing a mixture of 1 bed semiprivate and private units.
- c. Independent Living: No more than 119 total units containing a mixture of 1 bedroom, 1 bedroom with den, 2 bedroom, and 2 bedroom with den units.

B) Single Family – Townhome:

1) Setbacks and Height Requirements

- a. Front: 30 feet (as measured to the pavement edge of primary roads)
- b. Side: 20 feet between structures & 0 feet between walls of attached townhomes
- c. Rear: 40 feet (as measured to overall parcel boundary(s))
- d. Building Height: 35 feet

2) Density

- a. Townhomes No more than 125 units total (either single family attached—townhome or in single family detached). Units shall be 1,000 to 1,500 square feet in size and may contain a mixture 1 bedroom, 1 bedroom and den, and 2 bedroom units with garages.

C) Single Family – Detached:

1) Setbacks and Height Requirements

- a. Front: 30 feet (as measured to the pavement edge of primary roads)

- b. Side: 20 feet (as measured to the adjacent home or structure)
- c. Rear: 100 feet (as measured to overall parcel boundary(s))
50 feet (as measured to other single family detached homes)
- d. Building Height: 35 feet

2) **Density**

- a. Single Family No more than 125 units total (either single family attached—Townhome or in single family detached). Units shall be 1,000 to 1,500 square feet in size and may contain a mixture 1 bedroom, 1 bedroom and den, 2 bedroom units, and 2 bedroom with den, with or without garages.

D) Golf Course and Clubhouse:

1) **Setbacks and Height Requirements for Clubhouse and accessory structures**

- a. Front, side and rear: 50 feet (as measured to overall parcel boundary(s))
- b. Building Height: 40 feet

2) **Density**

- a. Clubhouse No more than 2,500 square feet total.

F. Parking. Parking may be at grade or in structures.

- (a) Residential uses:
 - (i) Single family detached/attached: 2 spaces per unit, which may include driveways and garage spaces.
 - (ii) Independent living: 1.5 spaces per unit, inclusive of employees and visitors.
 - (iii) Assisted living and memory care: 0.5 spaces per unit, inclusive of employees and visitors.
 - (iii) Recreational uses:
 - (1) Golf course: 5 spaces for each golf hole and 1 for each employee on shift of greatest employment.
 - (2) Other recreational uses: For other recreational/open space uses, the Planning Board shall assign the required number of spaces, giving consideration to the proposed recreational/open space use and the feasibility to share parking capacity with that required for the golf course.
 - (iv) Other uses: For any other use not listed herein, the Planning Board shall assign the required number of spaces, giving consideration to the proposed use, its similarity to other uses contained herein, and the feasibility of providing shared parking spaces with other uses.
- (b) Shared parking: When and where it may be achieved, shared parking may be considered to meet the overall parking demands.
- (c) Dimensions for off-street automobile parking spaces. Every such space provided shall be at least nine feet wide and 18 feet long, with the

exception of accessible spaces which shall meet the minimum standards of the most current version of the Building Code of New York State.

- (d) Parking reduction: If, in the judgment of the Planning Board, the required parking would be excessive, the Planning Board may allow up to 25% reduction in the total number of parking spaces constructed. Any development plan shall still set aside the required area for the total parking demand should it be deemed necessary in the future.
- (e) All parking shall be located at least ten feet from the boundary of the Senior Living District and appropriately screened as determined by the Planning Board during site plan review.

G. Lighting:

All parking areas shall be adequately lighted. All such lighting shall be shielded and so arranged as to direct the light away from adjoining residences and prevent to the maximum extent possible off-site illumination.

H. Street and sidewalk design.

- (a) All streets and sidewalks shall conform to the Town's design standards with respect to paving specifications, horizontal and vertical alignment, site distances and drainage provisions, except when modified or waived by the Planning Board during the site plan review process.
- (b) Pedestrian, bicycle and cart circulation systems shall be provided as convenient, safe and attractive links between residential groupings, open space areas, recreation areas and other senior facilities. Widths may vary from 4 feet to 8 feet based upon location and use. Materials of construction may vary based upon location and use.

I. Utilities.

- (a) The Senior Living Development shall be capable of being serviced by a municipal water and sewer district, and may be approved conditioned upon the necessary creation or extension of such districts or by way of "out of district" user agreements. For purposes of this section, a municipal water and/or sewer district shall include such district of any municipality, not limited to that of the Town of Rotterdam.
- (b) To the extent that additional water and sewer infrastructure is required for the Senior Living Development, such infrastructure shall be designed and constructed in accordance with the standards of the authorities having jurisdiction over such infrastructure (municipal and/or State).
- (c) All water distribution and sewer facilities not dedicated to the relevant municipality shall be owned and maintained by the homeowners' association or the owner of any facilities within the Senior Living Development. Easements shall be granted to the Town to allow for access and maintenance to these facilities in case the need arises.

J. Stormwater Management.

- (a) All stormwater management facilities shall be designed and constructed in accordance with the Town and New York Department of Environmental Conservation (“DEC”) standards.
- (b) All stormwater management facilities not dedicated to the Town shall be the responsibility of the homeowners’ association.
- (c) Pursuant to New York DEC regulations, the homeowners’ association shall execute a long-term operation and maintenance agreement with the Town for operation and maintenance of the stormwater management facilities.

K. Establishment of homeowners’ association.

- (1) Any development in the Senior Living District shall provide for and establish a homeowners’ association for the maintenance, preservation and ownership of the common open space, including private streets, drives, service and parking areas and recreational areas.
- (2) The applicant shall set forth the terms and requirements of ownership and maintenance of the common space in a homeowners’ association agreement. The homeowners’ association agreement shall be submitted to the Town when it is provided to the New York State Office of the Attorney General.

L. Site Plan Approval. Review of proposed development in the Senior Living District zoning district shall be accomplished in accordance with the existing site plan provisions of the Town Zoning Code, found in Article XVII of this chapter.

M. Subdivision approval. All or any portion of the land area may be subdivided upon compliance with and in accordance with the requirements of Chapter 249 of the Code of the Town of Rotterdam. Such subdivision approval shall allow the lot lines of units in the Senior Living District to be drawn in accordance with the provisions of this Article.

N. Open development area. The Town Board hereby declares that the Senior Living District will also be an Open Development Area in accordance with New York Town Law § 280-a allowing for building permits to be granted for structures that do not have frontage on a Town, County or State roadway so long as such structures are shown on an approved site plan for a Senior Living Development. The Senior Living District contemplates that there will be numerous structures that comprise the shared senior facilities on common parcels of land.

O. Access ways and Utilities. Access ways (and emergency access ways) to access the Senior Living District from Helderberg Avenue and/or from Keator Drive to serve the uses in the Senior Living District will be allowed on land zoned other than Senior Living District. Utilities may also be installed to serve the Senior Living District and uses in the Senior Living District over land that is zoned other than Senior Living District. The Town Board determines that such access ways and utilities will continue to serve the existing golf course as well as the proposed new uses in the Senior Living District to provide ingress and egress as well as utilities for these Senior Living District uses. No rezoning of the land

crossed by and containing the access ways (and emergency access ways) or utilities are required to support these Senior Living District uses.

Section 2

This law is adopted pursuant to the authority provided by section 265 of the Town Law and section 10 of the Municipal Home Rule Law. If provisions of this local law are inconsistent with any Law, then this local law shall, pursuant to the Municipal Home Rule Law, be deemed to supersede any such inconsistent provision.

Section 3

This local law shall be filed in the office of the Secretary of State of the State of New York within five days of its adoption and shall take effect immediately upon such filing.