

<b>Topic:</b>	Zoning; Senior Housing; Affordable Housing
<b>Resource Type:</b>	Regulations
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Village of Briarcliff
<b>Year (adopted, written, etc.):</b>	Unknown
<b>Community Type – applicable to:</b>	Suburban; Rural
<b>Title:</b>	Village of Briarcliff Elder Community District Ordinance
<b>Document Last Updated in Database:</b>	April 6, 2017

### ***Abstract***

The Eldercare Community District aims at the establishment of a for-profit residential development for the elderly, designed to achieve compatibility with their surroundings and to encourage orderly and well-planned development. The eldercare communities, while not requiring many schools or municipal services or facilities, are capable of bolstering the economy and will encourage more tranquil communities since vehicular movement is minimal. Lots shall be zoned to meet the interests of the elderly and such communities will need certain protective amenities to serve community interests efficiently such as sufficient land area and less dense environments.

### ***Resource***

Village of Briarcliff NY Eldercare Community District  
Code of the Village of Briarcliff NY  
Chapter 220: Zoning  
General Code  
[http://www.e-codes.generalcode.com/codebook\\_frameset.asp?t=tc&p=1701%2D220%2Ehtm%23Section220%2D11%2E&cn=678&n=\[1\]\[132\]\[678\]](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=1701%2D220%2Ehtm%23Section220%2D11%2E&cn=678&n=[1][132][678])

#### **§ 220-11. Eldercare Community EC District.**

##### **A. Statement of purpose.**

- (1) To provide for the establishment, within residential areas, of a specialized, for-profit congregate residential development for the elderly. In such development, accommodation can be made for the range of needs of those elderly who do not want or need placement in a hospital or nursing home. Eldercare communities

shall be designed to achieve compatibility with their surroundings and to encourage orderly and well-planned development. Eligible sites shall be limited to those analyzed and found suitable in the comprehensive planning and environmental review processes undertaken at the time of creation of this zoning district. Such development shall be of a scale and location that will make it feasible to construct a comprehensive package of supporting utilities, services and facilities, so as to achieve development which is environmentally, physically, visually and economically sound. Certain accessory uses that are requisite, desirable and convenient for congregate living for the elderly will also be allowed.

- (2) Such persons form a stable part of the community. In contrast to young families which are often compelled to move as their families grow or their jobs change, the elderly set their roots fast in the community, usually for the rest of the span of their lives. They have no need for schools and related services, nor do they require, in the aggregate, as many municipal services and facilities. The taxes paid by them, directly or indirectly, help to stabilize the tax base required to provide schools and other public services in those areas and for those land uses which require them. Usually having a greater than average purchasing power, they bolster the local economy. Moreover, a minimum amount of retail trade and services, professional and otherwise, may be carried on in such a specialized development for the convenience of its inhabitants, some of whom will, by reason of age or reduced physical fitness, be unable to travel easily. Such accessory uses may also diminish the amount of vehicular movement generated by such community, thereby promoting its tranquillity. **[Amended 5-21-1998 by L.L. No. 2-1998]**

B. Locational criteria.

- (1) To encourage orderly development of sites that provide safe, efficient, adequate access and traffic circulation, eldercare communities shall have frontage on a state or county highway, and access to a major road.
- (2) The lot area shall not be less than five acres, one contiguous lot or assemblage of lots, held under common ownership as of January 1, 1994.
- (3) The site of such community shall be within 500 feet of existing retail shopping facilities via a walking route considered safe and convenient by the Planning Board as determined as part of site plan review.
- (4) Such site shall be served by public water and sanitary sewer facilities.

C. General provisions. The following standards, conditions and provisions shall be administered by the Planning Board during the course of site plan review. All site development plan applications for development in an EC zone shall, in addition to

complying with all other standards and requirements of these regulations, also satisfy the following standards and conditions:

- (1) The total density, including persons dwelling therein and all staff on-duty at any time, shall not exceed 25 persons per acre.
- (2) Uses which are normally accessory to an eldercare community may be provided, including the following: indoor and outdoor recreation for residents and their guests only; continuing education, crafts and hobbies for residents and their guests only; living, dining, laundry, security and housekeeping facilities for common use of residents only; central kitchen for food served in dining areas or distribution to individual dwelling accommodations and units; restaurant for residents and their guests only, with no cash transactions allowed; medical and dental services for residents only with no cash transactions allowed; small retail shops for the sale of goods or rendering of personal services (such as hairdresser, banking, etc.) only to residents, with no cash transactions allowed; off-street parking areas; and signs and outdoor lighting standards.
- (3) Minimum setback from property lines for buildings shall be:
  - (a) Front yard: 100 feet.
  - (b) One side yard: 20 feet.
  - (c) Two side yards combined: 40 feet.
  - (d) Rear yard: 100 feet.
- (4) Appropriate buffer screening shall be designed and installed within setback areas adjoining or facing residential properties, to the extent deemed appropriate by the Planning Board as a part of the site plan approval process.
- (5) There shall be not less than one off-street parking unit for each on-duty staff member plus one unit for each 10 persons dwelling therein to be designated as visitor parking. Notwithstanding anything to the contrary, if the Planning Board, as part of the site plan approval process, determines that less than the required number of parking spaces will satisfy the intent of this chapter, because of variations in the time of maximum use or any other reason, the Planning Board may waive the improvement of not more than 25% of the required number of parking spaces. In such case, it must be demonstrated on the site plan that sufficient usable lot area remains for the eventual provision of the total number of required parking spaces. All unimproved parking spaces shall be used and maintained as landscaped grounds until required for parking, and must be

improved for parking in accordance with the site plan within six months after written notice is given by the Village Engineer to the property owner stating that improvement of all or a portion of the parking spaces is necessary.

- (6) Outdoor lighting shall be limited to that necessary for operational reasons and shall be so designed as to not be incompatible with surrounding land uses. It shall be directed away from nearby streets and properties and shall be placed or shielded so that no direct light source (i.e., bulb, lamp, tube) shall be visible at any property line at a height of more than four feet above grade. Outdoor lights shall be mounted not more than 14 feet above adjacent finished grade.
  - (7) The entrance to all off-street parking and truck unloading spaces shall be from an internal driveway system or local street and not from a secondary street, major or business street, or state or county highway.
  - (8) Off-street parking and unloading areas shall be designed to avoid the impression of large scale paved areas. This shall include provisions for landscaping and screening and landscaped islands within the parking areas in the proportion of 10 square feet for each uncovered or unenclosed parking space.
- D. Shared usage. Notwithstanding anything herein to the contrary, a portion of the site not otherwise required for buildings or parking may be used for public recreation by the owner or operator of the principal use or by any other entity, provided that such portion of the site is in one contiguous piece and does not exceed 60% of the area of the total site.