

[Added xx-xx-2018 by L.L. No. X-2018]

## **§ 307-XX Medical Oriented District**

**A. Legislative Intent.** It is the intent and purpose of this section to create an optional “Medical Oriented District (MOD)” along Route 202/35 in the area surrounding the existing hospital facility generally bounded by the municipal boundary with the City of Peekskill to the west and Conklin Avenue to the east and as more particularly identified on the Town of Cortlandt Zoning Map. Property owners with eligible parcels in this district can apply to receive an MOD campus designation which can be affixed to a qualifying parcel of land. Once a parcel receives MOD campus designation, the parcel is governed by the use, dimensional and other provisions of the MOD zoning regulations, and MOD zoning replaces the existing zoning. The intent of the MOD is to encourage economic revitalization in the area surrounding the hospital center and to enable and implement the goals and recommendations outlined in *Envision Cortlandt*. It is further the intent of this district to provide a continuum of care and allow residents access to a wide range of health services and other complementary uses in one central area with the look, feel and function of a future "hamlet center."

**B. Definitions.** Unless defined herein the general definitions in Chapter 307 shall apply.

**ASSISTED LIVING RESIDENCE** a certified adult home or facility (age 62) approved by New York State Department of Health as an Assisted Living Residence (ALR), which provides housing and personal care services and/or home care services (either directly or indirectly) in a home-like setting to five or more adult residents unrelated to the assisted living provider. ALR's must also provide daily food service, twenty-four hour on-site monitoring, case management services, and the development of an individualized service plan for each resident. ALRs shall provide each resident their own room, a small apartment, or a shared space with a suitable roommate. Residents share common areas, such as the dining room or living room, with other people who may also require assistance with meals, personal care and/or home care services.

**INDEPENDENT SENIOR HOUSING WITH SERVICES** Apartments that include one or more of the following supportive services: meals, housekeeping, some assistance with personal care, transportation, socialization activities, laundry, resident/service coordinator who helps residents access other services and programs from community-based agencies.

**STUDIO** a studio is a single residential unit in which the bedroom, living room and kitchen are all located in the same room. For purposes of bedroom count, a studio is a one-bedroom unit.

**MEDICAL ORIENTED DISTRICT** is an optional mapped district surrounding the hospital center generally bounded by the municipal boundary with the City of Peekskill to the west and Conklin Avenue to the east and as more particularly identified on the Town of Cortlandt Zoning Map. A

MOD is a new trend in health care where patients can access a range of health services (in partnerships between hospitals, private practices, commercial entities and municipalities) and other complementary uses in one central area. The intent of the MOD is to create a healthy, mixed-use, neighborhood-scale district that benefits residents and employees who reside in of the district as well as patients and families visiting the MOD.

**MOD CAMPUS DESIGNATION** A designation granted by the Town Board to eligible projects proposed in the MOD. Once a project receives MOD campus designation from the Town Board, the uses and development standards and controls permitted in the MOD can be applied to the project.

**COVERAGE, LOT** Percentage of the lot area covered by the combined area of all impervious surfaces on a lot, including buildings or structures, paved areas (including gravel and permeable pavement), at-grade decks, patios, and swimming pools, but not including architectural landscape features or at-grade landscape features provided above underground parking deck.

**DWELLING** A building that contains one or two dwelling units, used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

**DWELLING UNIT** One or more rooms in a dwelling designed and equipped for one family to occupy separately as a housekeeping residence, reserved exclusively for the occupants of such room or rooms, with provisions for living, sleeping, eating, cooking and sanitation and having no enclosed space (other than vestibules, entrance hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. For the purposes of this definition, microwave and convection ovens, hot plates and similar movable appliances shall be considered as constituting provisions for cooking.

Every "dwelling unit" shall contain a minimum of 400 square feet of habitable space, and every room occupied for sleeping purposes shall contain a minimum of 80 square feet per occupant.

Size of Dwelling Unit	Maximum Number of Occupants	Minimum Sq. FT
Studio / Millennial	2	400
1-bedroom	2	750
2- bedroom	4	1050

**PROFESSIONAL OFFICES** Professional services such as the offices of doctor, dentist, chiropractor, osteopath, (excluding group counseling and pain clinics) lawyer, engineer, architect, chiropractor, osteopath, insurance agent or real estate broker are provided.

**C. Authority.**

The Town Board has the authority to grant eligible parcel(s) a MOD campus designation as set forth below in **§307-XX D. Eligibility**. A parcel located within the mapped MOD must receive a MOD campus designation by the Town Board to apply the uses permitted below in **§307-XX E. Use Regulations** to any new development, renovations, redevelopment, change of use, subdivision, and site plan approvals within the MOD. Once a parcel receives a MOD campus designation, any future proposed site plan amendments, subdivisions, or changes in use on the MOD campus parcel must be re-approved by the Town Board following the procedures set forth in this section.

Due to the district's importance to the long-term economic health of the Town of Cortlandt, the significance of the public services provided by the hospital facility, and its location directly abutting a neighboring municipality, it is also the intent of this section to designate the Town Board as Lead Agency for the environmental review of any parcel receiving a MOD campus designation. All applications for a MOD campus designation shall be referred to the Planning Board for site plan review and approval. The Planning Board shall have the authority to grant site plan approval for all parcels receiving a MOD campus designation.

**D. Eligibility.**

This section sets forth standards under which parcels would be eligible for MOD campus designation. The criteria in this section are separate and distinct from site plan and subdivision requirements which address more specific site layout and design requirements.

1. The parcel is located within the MOD designated area as identified on the Town Zoning Map.
2. The lands proposed for consideration of MOD campus designation must consist of one or more parcels totaling (in the aggregate) 1.5 or more contiguous acres.
3. The lands proposed for consideration of MOD campus designation must have access to municipal water and sewer.
4. The decision to approve a parcel for MOD campus designation, or to decline a parcel for MOD campus designation, is a purely legislative determination entirely within the legislative discretion of the Town Board. The Town Board shall have the right to reject any petition for MOD campus designation at any stage of the proceedings. As part of its decision whether or not to approve a parcel for MOD campus designation, the Town Board shall determine that the proposed site development plan is consistent with the following MOD objectives:
  - a. Economic development. Provides opportunities for a continuum of care and a range of health services and other complementary uses in one central area.
  - b. Redevelopment opportunities. Supports property reinvestment through renovations, expansions, redevelopment, and new construction to strengthen the private sector position and tax base.
  - c. Mixed-Use Center. Supports the creation of a more-vibrant center of activity throughout the day and night with a mix of medical, commercial and residential uses supporting one another that benefits residents and employees of the district as well as patients and families visiting the MOD.

- d. Streetscape Improvements. Replaces the visual prominence of large parking lots with attractive streetscape, landscaping, sidewalks, public spaces, activity areas (such as outdoor seating) along Route 202/35 to encourage walkability, connectivity between MOD uses and to provide a more bicycle and pedestrian friendly commercial center with connections to adjacent residential neighborhoods.
  - e. Housing. Provides additional housing types to address the needs of residents of all ages and abilities, including but not limited to multigenerational, millennials, empty nesters and seniors.
  - f. Assisted living/Independent Senior Housing with Services/skilled nursing. Provide housing that addresses an identified need to accommodate less-independent individuals and allows for aging in place.
  - g. Service and utilities. Provides orderly and well-planned development of a scale and location that will make it feasible to construct a comprehensive package of supporting utilities, services and facilities, active and passive recreation facilities to achieve developments which are environmentally, physically, visually and economically superior with shared infrastructure including parking, and improved stormwater management such as reduced impervious surface, raingardens, shared stormwater retention areas and other latest industry best practices. All onsite utilities shall be buried underground.
  - h. Microgrid. Encourage developers to create a community-minded “microgrid” with co-generation capabilities in order to meet the power load of connected facilities in the event of an emergency or other grid outage. This may include pursuit of standalone distributive energy resources, including but not limited to generators and solar energy systems for future connection.
  - i. Compatible Design. Provide buildings and amenities including lighting, streetscape, landscaping, and signage that are compatible and consistent with the architecture, streetscape, and signage of other properties located within the MOD. .
  - j. Inter-municipal cooperation. Provide opportunities for inter-municipal cooperation between the City of Peekskill and the Town of Cortlandt that encourage economic, transportation, and pedestrian connections between the adjacent municipalities.
  - k. Comprehensive Plan. Promote a development pattern in harmony with the objectives of the Town's Comprehensive Plan.
5. Once a parcel receives a MOD campus designation from the Town Board, any future proposed amendments to a MOD campus designated parcel including any future modifications to existing buildings or uses must also follow the procedures for MOD campus designation set forth in this section.

## E. Use Regulations.

### 1. Pre-existing Uses and Buildings.

- a. Any building permit or site plan approval issued before the date of adoption of this Section shall remain in effect for the underlying zone that the parcel is located within until a project is granted a MOD campus designation by the Town Board as set forth in **§307-XX D. Eligibility**. Buildings existing before the date of adoption, or subsequent amendment, of this

Section are allowed to expand and modify as permitted under the underlying zoning unless they have previously received a MOD designation.

b. Any single-family home that exists at the time of the adoption of this Section can continue to exist as a single-family home. Single family homes can be reconstructed on lots that contained a single family home at the time of the adoption of this Section. No new single family homes can be constructed on MOD campus designated lots.

## 2. MOD Campus Designation Allowed Uses.

a. **Medical Uses.** medical uses, including hospitals; specialty hospitals/clinics; rehabilitation centers; primary care facilities; walk-in/urgent care facilities; medical office space; hospice; alternative and complementary medicine; laboratories; research facilities; pharmacies; cafeterias; medical educational uses; birthing centers; ambulatory surgery; assisted living residences (ALR); independent senior living with services; skilled nursing facilities (SNF); memory care facilities or units as part of ALR or SNF.

b. **Residential uses.** multigenerational, millennial, and empty nest or a combination of these residential types.

c. **Commercial uses (non-medical uses).** Professional office space; pharmacies; cafes; bakeries; retail; restaurants (except drive thru) and other food services; banks.

d. **Hotels/Inns/Bed and Breakfasts.** hotels, inns, bed and breakfasts.

e. **Ancillary uses.** Structured parking; farmer's markets; drive-thrus, public open space; religious facilities; plazas and courtyards; bikeways and nature trails.

F. **Density:** At the time of any MOD campus designation the Town Board shall allocate the density in accordance with this section.

### 1. Density.

a. **Medical Uses.** In no case shall the total gross floor area of all new medical uses allowed in the MOD exceed 200,000 square feet (sf) not including assisted living residences or skilled nursing facilities.

b. **Residential Uses.** In no case shall the total number of new bedrooms in the MOD exceed 400 bedrooms exclusive of assisted living and skilled nursing facilities.

1) No more than 2 bedrooms per dwelling unit. No more than 15 percent of the total number of dwelling units may have more than one (1) bedroom.

2) Additional bedrooms may be permitted, with Town Board approval, provided the applicant provides for the design and/or construction of additional amenities within the MOD for the use and enjoyment of the general public. The amenities

shall include provisions for on-site and/or off-site improvements beyond those required to service the needs of the subject project. Examples of such public good that would be considered by the Town Board include:

- i. structured parking (where not less than 50% of the parking spaces provided are available to the public);
  - ii. provision or facilitation of availability of municipal or central water and sewer facilities to serve an extended area;
  - iii. provision for a transportation enhancement, such as sidewalk and streetscape improvements;
  - iv. recreational areas such as a public plaza, park or playground, maintained by the applicant, which is designed as an integral part of the development, readily visible and accessible from the public way, not less than 1/4 acre in size;
  - v. pedestrian bridge over road/pedestrian tunnel;
  - vi. a bypass road or traffic intersection improvements or other such improvements, which would directly improve traffic conditions;
  - vii. Affordable Residential housing facilities;
  - viii. Payment of funds for a proportionate share of any required off-site improvements provided to the Town in lieu of or in combination with proposed amenities of a sum to be determined by the Town Board, which shall be deposited in a fund exclusively for community benefits or improvements within the MOD Campus.
  - ix. The public amenities proposed must be commensurate, in the judgment of the Town Board, with the requested density increase before they may be approved.
- c. **Commercial Uses.** In no case shall the total gross floor area of all new commercial uses in the MOD exceed 60,000 sf. No single retail tenant space shall exceed 15,000 sf.
  - d. **Assisted Living/Skilled Nursing Units.** The total number of assisted living bedrooms permitted in the MOD shall not exceed 130 bedrooms.
  - e. **Hotels/Inns/Bed and Breakfasts.** The total number of hotel units permitted in the MOD shall not exceed 100 units.

2. On parcels previously designated MOD, the Town Board cannot approve any modifications, additional development or density without a reapplication for MOD campus designation.
3. The Town Board will require additional SEQRA review for any MOD designated campus parcels requesting modifications including those parcels previously designated MOD campus.

- 4. Parking, structured above-grade.** Above-grade parking structures shall be screened from view behind primary buildings, false facades or otherwise concealed in appearance through design measures as follows:
- A minimum of 40% of the exterior surface area of the garage facades facing a public way or sidewalk shall be clad in materials such as brick, stone, green-wall (e.g., ivy), decorative metalwork, wood trim or other materials as approved by the Architectural Advisory Council (AAC) in lieu of bare structural concrete or masonry, to present an attractive appearance.
  - In addition to any other perimeter landscaping used or required, trees shall be planted at regular intervals to align with openings in the structures along facades facing a public street or highway.
  - All parking and security lighting shall be consistent with Town site lighting requirements and be provided with appropriately shielded, downward-facing lamps which direct the light only into the immediate parking areas as required for use.
  - Each application shall submit a parking management plan. If valet parking is proposed, the feasibility of valet parking must be evaluated.
- 5. Surface Parking.** When practicable, surface parking shall be located to the side and/or rear and not to the front of buildings facing Route 202. If valet parking is proposed, the feasibility of valet parking must be evaluated. The following parking standards will be applied in the MOD:

<u>Use</u>	<u>Parking Requirement</u>
<b>Assisted Living/Independent Senior Living with Services/Skilled Nursing</b>	0.5 spaces per bed
<b>Bar, tavern, and similar uses</b>	1 space for every 2 customer seats.
<b>Birthing Center</b>	1 space per bed plus 1 space for every employee
<b>General Retail</b>	1 space for every 250 square feet of gross floor area
<b>Hospital</b>	1 per bed, plus 1 per employee in largest shift or as needed
<b>Hotels/Motels/Inns/Bed &amp; Breakfasts</b>	one parking space per room plus one space for every 3 employees of the largest working shift  1 space for every 3 customer seats.
<b>Restaurant Accessory to Hotel/Motel/Inn/Bed &amp; Breakfast</b>	

<b>Medical or dental laboratory</b>	1 per 400 square feet of gross floor area
<b>Multifamily Housing</b>	1.2 spaces/ studio, 1.3 spaces/1-bedroom 1.6 spaces/2-bedroom 1.8 spaces/3-bedroom  Plus an additional 10% of the total required parking as guest parking.
<b>Nursing home</b>	1 per 2.5 beds, plus 1 per employee on maximum shift
<b>Office, medical</b>	1 space for every 150 square feet
<b>Office, Professional</b>	1 per 300 square feet of habitable floor space
<b>Pharmacy (not accessory to hospital)</b>	1 per every 250 square feet
<b>Restaurant/Café/bakery</b>	1 space per 50 square feet of dining area and such employee parking area as determined by the Planning Board to be appropriate.
<b>Specialty Hospitals and Clinics</b>	4 per physician, plus 1 per employee
<b>Walk-In Urgent Care</b>	4 per physician, plus 1 per employee

6. **Bulk and area requirements.** Bulk and area requirements not addressed in the MOD regulations will be established by the Town Board for each project as part of MOD Campus Designation.

a. **Strict Compliance.** It is anticipated that that strict compliance with every dimensional standard may not always be practical or necessary to meet the purposes of this chapter. In such cases, the Town Board is authorized to modify the dimensional standards set forth to the extent necessary and appropriate to accommodate existing limitations, provided all of the following findings are made by the Town Board in rendering its decision that such modification:

- 1) Is necessary to reasonably accommodate existing site constraints or development limitations; and
- 2) Does not create an undue adverse effect on abutting properties or uses; and
- 3) Does not increase the maximum number of stories of a building or maximum height of a building as noted in Section 5. b.; and



- 4) Does not conflict with the intent of the standard being waived or modified; and
- 5) Allows for an improvement that will add to the overall vitality of the MOD and advances the purposes of this chapter of the Town Code.

b. **Building height.**

The maximum permitted building height within the MOD shall be 60 feet including occupied roof.

c. **Maximum Lot coverage.**

The maximum permitted lot coverage within the MOD shall be 60 percent of the gross lot area.

d. **Setbacks.** Must be proposed and approved by the Town Board at the time the parcel receives approval for MOD campus designation.

7. **Internal Property Subdivision.** The creation of internal property subdivisions within a mixed-use development is permitted to allow for multiple ownership of properties/uses. Any eligible site hereunder may, for purposes of dedication, the creation of rights-of-way, sale, lease, mortgage, or other disposition or financing, be subdivided or re-subdivided, converted to condominium or cooperative ownership, or otherwise divided into lots, parcels or tracts, which may be sold, leased, mortgaged, or otherwise alienated or encumbered, without regard to minimum lot area. If a site meets the eligibility requirements above, then all determinations relating to lot coverage and building coverage for any lot or lots subject to internal property subdivision hereunder shall be made treating the entire site as a single unit; provided, however, that access and infrastructure shall be shared by any lot approved under this section. The Town Board, based on consideration of achieving superior site design and efficiency and protecting surrounding uses, has the discretion to apply alternative bulk standards, where appropriate.

Reciprocal easements and/or agreements that address common access, shared parking, stormwater systems, and utilities shall be developed to ensure the future operation and maintenance of the infrastructure servicing any lot or lots approved hereunder.

8. **Screening and buffering.** A minimum buffer area of 25 feet shall be required between any MOD Campus designated parcel boundary and any existing residential unit. In reviewing the development plan, the Planning Board shall consider the setback and proposed screening of all parking, buildings, and active recreation areas and may require buffer areas of up to 150 feet. Buffer and screening areas shall be landscaped or left in their natural state, where appropriate. The Planning Board may require additional landscaping to screen utility buildings, refuse-collection areas, cooling systems and other similar installations and

features. The Planning Board, as part of site development plan approval, may modify the requirements of this subsection when it determines that the specific circumstances of a particular site make adherence to the requirements of this subsection unwarranted or impractical and require alternative buffering to achieve the purposes of this subsection. The reasons for any such recommended modifications must be expressed and placed into the official record of the Planning Board.

9. **Layout design considerations.** The Planning Board shall consider walkability and connectivity within the MOD as well as streetscape and public space as integral elements of all MOD campus site plans.
10. **Design Guidelines.**
  - A. **Architectural Design Guidelines for Buildings.** Architectural design should be compatible in nature and type to other projects approved or simultaneously under consideration for MOD campus designation and shall be subject to review by the Architectural Advisory Council.
  - B. **Signs (including wayfinding signage).** Signs shall be designed in harmony with the building and established development.
  - C. **Lighting.** As per Town designated standards.
11. **Vehicular circulation system and traffic access.** All streets and driveways within the MOD shall be designed to adequately accommodate fire and emergency apparatus as well as serve their intended traffic function and the anticipated volume of traffic from the proposed use.
12. **Pedestrian circulation system.** Within MOD designated sites, a pedestrian circulation system shall be designed and installed in addition to the vehicular circulation system, which is sufficient for the needs of MOD residents, workers and visitors. Such a system might be composed of paved and unpaved walkways, lighting, streetscape amenities, and bikeways of appropriate width, design and location to serve their intended function.
13. **Add to the recreational inventory of the Town.** MOD projects will be required to either propose new public recreation areas or pay a recreation fee as required under § 265-11 of the Subdivision Ordinance. The applicant may request a waiver or reduction in recreation fees from the Town Board for assisted living and/or skilled nursing units.
14. **Utilities and services.**
  - a. **Underground lines.** All power and communication lines shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. The applicant may request a waiver if it would cause unnecessary hardship and by waiving such requirement will have not detrimental effect on the public health, safety or general welfare as determined by the Director of Technical Services.
  - b. **Sewer and Water.** All buildings within MOD designated sites shall be served by a public central water and sewage treatment systems as approved by the appropriate government agency or agencies having jurisdiction thereof.
  - c. **Firematic Protection.** All buildings within the MOD shall provide adequate water for firematic protection in the form of onsite storage tanks as may be required by the Director of DOTS or their designee.

- d. Future Utility needs.** Where facilities are provided, they shall be planned in such a way as to anticipate future utility needs, and wherever reasonably feasible, shall be sited to reduce the capital costs associated with any future central utility construction.
  - e. Refuse collection.** All MOD designated parcels shall provide private carting with an adequate means of collection and storing refuse, including the agreement to provide compactors and a centrally located refuse-collection site on premises. Any outside storage and garbage shall be in centrally located containers designed to prevent rodent infestations and shall provide sufficient screening as determined by the Planning Board.
  - f. HVAC Systems.** HVAC systems shall be designed so as to minimize adverse aesthetic impact and noise.
  - g. Stormwater Runoff.** A stormwater pollution prevention plan is required in accordance with all Federal, State Local rules and regulations shall be provided for both water quality and water quantity controls.
  - h. Placement of utilities.** Where possible, all utilities shall be placed within the right-of-way or utility easement.
  - i. Energy efficiency.** The plan for development of any site designated MOD campus shall consider the design, construction, and arrangement of buildings in such a way as to promote energy efficiency and encourage the use of alternative energy sources, such as geo-thermal and active or passive solar systems. All applicants shall be required to complete an energy analysis that quantifies the estimated reduction in electric, gas, and water usage measured against a baseline scenario of standards consumption patterns that the proposed conservation measures are anticipated to achieve.
- H. Application Process for MOD campus designation.** A MOD campus designation can only be granted by the Town Board subject to the following procedure. In addition to the required hard copies, all documents must be submitted in electronic form as a PDF in compliance with the MOD Campus Designation Application Form.
- 1. Pre-application conference.** The applicant must, prior to formal submission of their MOD campus designation application, meet in a pre-application conference with Town staff to review the requirements and procedures defined herein and discuss the general planning concepts for the proposed development.
  - 2. Submission of an application package for a MOD campus designation to the Town Clerk.** The application package shall contain the following required documents and fees:
    - a. MOD Campus Designation Application Form and conceptual plan.**
    - b. Environmental Documents.** The application must contain all the required SEQR documents.
    - c. Application fee.** The applicant shall submit an application fee as set by the Town Board for formal designation of MOD.
    - d. Public notice requirement.** The applicant shall follow all required public notice requirements.

**3. Preliminary Town Board action.** The Town Board will make a determination of the completeness of the application package and initiate an environmental review under SEQR after a review with appropriate departments.

**4. Town Board Referral to Planning Board.** Once the application and site development plan is declared complete by the Town Board, the Town Board will refer the application to the Planning Board for preliminary site development plan review. At this step, the applicant is required to pay the standard Planning Board application and escrow fees as established by the Town Board.

**5. Review of the site development plan by the Planning Board.** The Planning Board will review the site development plan. During this step, the Town Board will receive periodic updates from the Planning Board as part of the coordinated site development plan. If the Town Board deems it necessary, it may schedule additional Joint Planning Board/Town Board meetings.

- a. Upon completion by the Planning Board of the site plan review but prior to approving the site plan, the Planning Board will send a report with a recommendation to the Town Board that the MOD campus site development plan be granted with or without conditions or denied.
- b. Compliance with standards. In arriving at a recommendation to the Town Board to approve or disapprove the MOD campus site development plan, the Planning Board shall rely on the zoning and SEQRA review conducted by the Town Board to determine whether the proposed uses meet the standards set forth in this section.

**6. Decision of Town Board.** Upon receipt of the Planning Board's report which will recommend action to the Town Board and state appropriate conditions, including items such as posting of a performance bond, erosion control security, inspection fees, etc., if the Town Board elects to proceed, the Town Board shall conclude SEQR determination, schedule a public hearing on the MOD campus designation and following said hearing, may by resolution, act either to approve, approve with modification or disapprove the MOD campus designation application.

- a. If approved, the Planning Board will complete site development plan and/or preliminary and final subdivision review. There will be no additional application fees at this step.

**7. MOD campus site development plan approval.** Upon receipt of the Town Board's approval of the MOD campus designation, the Planning Board shall grant final site development plan approval consistent with the Town Board's approval.