New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
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Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Monticello

Local Law No. 8 **of the year 20**19

A local law A LOCAL LAW AMENDING LOCAL LAW 3 OF 2016, AS AMENDED BY LOCAL
(Insert Title)
LAWS 5 AND 6 OF 2019, CHAPTER 280 ZONING, TO IMPLEMENT THE GROW THE
GATEWAY PLAN IN THE EAST BROADWAY AREA

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Monticello **as follows:**

See attached

FEB 18 2020

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2019 of the (County)(City)(Town)(Village) of Monticello was duly passed by the Board of Trutees on December 18th 2019, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ and was deemed duly adopted

(Elective Chief Executive Officer)*

on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____.

(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)

(Name of Legislative Body)

(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

(Seal)

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/20/2019

NP&V

Existing and Proposed Zoning Map Districts
East Broadway Gateway

Sources:
Sullivan County Real Property Tax Services
New York State GIS
ESRI Web Mapping Services

12 September 2019

Village of Monticello
Town of Thompson
Sullivan County, NY

Section 3: Add an additional "Schedule of District Regulations, East Broadway Village District" as an attachment to Chapter 280, as depicted below.

ZONING
280 Attachment
Village of Monticello
Schedule of Use, Area and Bulk Regulations

EBV East Broadway Village District

Bulk & Area Requirements	**Uses Permitted**			**Uses by Special Use Permit of the Planning Board, with Area and Bulk Regulations (must also comply with §280-12 standards)**						**Accessory Uses**
	1-family or 2 family dwellings, legally in existence, as of Jan. 1, 2020, See §280-21. Daycare Center	Place of Worship	Greenhouse and Nursery	Mixed Use Development	Gasoline Filling Station Motor Vehicle Repair Shop	Bed & Breakfast Inn Nursing Home	Retail Store Service Store Office, Business Eating & Drinking Establishment Funeral Home Veterinary Hospital Commercial Recreation-Indoor Artists Lofts	Hotel and Motel	School, College Library, Museum Commercial Recreation Public Recreational Facility Hospital Assisted Living	1. Accessory buildings §280-31 2. Activities related to principal permitted uses 3. Recreational Facilities
Lot Area (square feet)	10,000	40,000	3 acres	10 acres	20,000	20,000	10,000	7,500 square feet plus 1,500 square feet per rental unit	3 acres	
Lot Width (feet)	90	150	150	150	100	100	90	150	150	
Lot Depth (feet)	__	--	300	300	125	125	125	--	300	
Front Yard (feet) §280-20	30	40	50	50	40	40	30	30	50	
Rear Yard (feet)	20	35	50	50	50	50	20	35	50	
One Side Yard (feet)	10	20	50	35	25	25	12	25	50	
Both Side Yards (feet)	30	50	100	70	50	50	24	50	100	

Density (dwelling units per acre)	NA	NA	NA	4	NA	NA	NA	NA	NA	
Lot Coverage (percent)	40	30	30	30	50	30	75	40	30	
Building Height (feet)	35	35	35	35	35	35	35	75	35	

Section 4: Add an additional "Schedule of District Regulations, East Broadway Gateway District" as an attachment to Chapter 280, as depicted below.

ZONING
280 Attachment
Village of Monticello
Schedule of Use, Area and Bulk Regulations

EBG East Broadway Gateway District

Bulk & Area Requirements	**Permitted Uses**							**Uses by Special Use Permit of the Planning Board, with Area and Bulk Regulations (must also comply with §280-12 standards)**					**Accessory Uses**
	1-family or 2 family dwellings, legally in existence as of Jan. 1, 2020		Greenhouse and Nursery	Agriculture Operations, but not including cage-type poultry raising, provided that no animal housing or structure for the storage of odor- or dust-producing substances are within 150 feet of any lot line:				Mixed Use Development	Gasoline Filling Station Car Wash	Retail Store Wholesale Establishment Office, Business Eating & Drinking Establishment Motor Vehicle Repair Shop	Hotel and Motel	Storage Facility Manufacturing Establishment Light Manufacturing Warehouse and Distribution Center Trucking Terminal Research Facility and Laboratory Hospital Commercial Recreation Public Recreational Facility	1. Accessory buildings §280-31 2. Activities related to principal permitted uses 3. Recreational Facilities
	With Central Water and Sewer	Without Central Water and Sewer		Growing of crops, orchards;	Keeping of not more than 25 fowl, plus 1 additional farm animal per 1 additional acre in excess of 5 acres	Keeping of livestock	Harvesting of forest products and wild crops						
Lot Area (square feet)	20,000	40,000	3 acres	5 acres	5 acres	25 acres	10 acres	10 acres	20,000	40,000	7,500 square feet plus 1,500 square feet per rental unit	3 acres	

Lot Width (feet)	100	150	150	150	150	150	No structure shall be within 200 feet of a lot line	150	100	200	200	150	
Lot Depth (feet)	125	150	300	300	300	300		300	125	200	200	300	
Front Yard (feet) §280-20	40	50	50	50	50	50		50	40	40	40	50	
Rear Yard (feet)	40	50	50	50	50	50		50	50	50	50	50	
One Side Yard (feet)	15	20	50	35	35	35		35	25	25	25	50	
Both Side Yards (feet)	40	50	100	70	70	70		70	50	50	50	100	
Density (dwelling units per acre)	NA	NA	NA	NA	NA	NA	NA	4	NA	NA	NA	NA	
Lot Coverage (percent)	20	10	30	30 (applies to bldgs. & structures)	30 (applies to bldgs. & structures)	30 (applies to bldgs. & structures)	NA	30	30	30	30	30	
Building Height (feet)	30	30	35	35	35		NA	35	35	35	35	35	

Section 5: Amend Article II, §280-5, Definitions, by adding the following new definitions, inserting them into alphabetical order with the existing definitions:

AGRICULTURAL OPERATION

The production, storage, keeping, harvesting, grading, packaging processing for sale or lease, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; fruits of all kinds, including grapes, nuts and berries, vegetables; land devoted to a soil conservation program.
See GREENHOUSE, NURSERY, FORESTRY

CHURCH

See PLACES OF WORSHIP

COLLEGE

An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.
See SCHOOL

DAYCARE CENTER

A facility licensed by the New York State Department of Social Services pursuant to § 390 of the Social Services Law. A day-care center shall not include any of the following: a day-camp; an after-school program operated for the primary purpose of religious education; or a facility operated by a public school district.

DISTRIBUTION CENTER

An area and building where trucks load and unload cargo and freight, and where the cargo and freight may be transferred to other vehicles or modes of transportation. Storage facilities such as warehouses, incidental to the principal use, may also be part of a distribution center.

FLEX SPACE:

A building providing its occupants the flexibility of utilizing the space, such as a configuration allowing a changeable amount of office or showroom space in combination with manufacturing, laboratory, warehouse distribution, etc.

FORESTRY

The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.

GASOLINE FILLING STATION:

Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline, oil and other fuel for the propulsion of motor vehicles. A Gasoline Filling Station may contain a convenience retail store as an accessory use.
See GASOLINE SERVICE STATION, MOTOR VEHICLE REPAIR

GREENHOUSE

A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

LABORATORY

A building or part of a building devoted to the testing and analysis of any products or biological samples. No manufacturing is conducted on the premises, except for experimental or testing purposes.

LIBRARY

A place containing books, newspapers, periodicals, and/or audio-visual materials for reading, viewing, study, and research.

LIGHT MANUFACTURING

Manufacturing activity where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building, utilizing materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, fashion accessories and jewelry, household items and decor, instruments, consumer electronics, medical equipment, and pharmaceutical and cosmetic products.

LIVESTOCK

Animals, including but not limited to domestic animals, such as sheep, horses, cattle and goats.

MIXED-USE DEVELOPMENT

A mixed-use development (MUD) is a unified project, with a minimum gross lot area of ten (10) acres, and is permitted as a Special Use in the East Broadway Village and Gateway Districts (EBV and EBG), and is designed in accordance with the Special Permit design standards of this Chapter, the Site Plan Review standards of Chapter 265, and the Subdivision standards of Chapter 270 of this Code. The developed portion of a MUD consists of a mix of residential uses including one-family and two-family dwellings and compatible commercial, office and service uses. Any non-residential use permitted in the EBV and EBG Districts, which is scaled to serve the day-to-day needs of the MUD residents as well as the larger community, may be included in a MUD. It is designed to encourage walking, reduce automobile trips, and prevent commercial strip development. A MUD permits flexibility of design and layout to protect environmental resources and create attractive places for people to work, live, and congregate. A minimum of thirty percent (30%) and a maximum of forty-five percent (45%) of the total floor area of all buildings in any MUD shall be devoted to non-residential uses.

MUSEUM

A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

NURSERY

The growing, cultivation, storage and sale of garden plants, flowers, trees, shrubs and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

PLACE OF WORSHIP

A building or structure intended primarily for the conduct of organized or regularly scheduled religious assembly.

POULTRY

Includes, but is not limited to, domesticated fowls, such as chickens, ducks, geese, turkeys, pigeons, guinea hens and pheasants, raised in confinement.

RECREATIONAL FACILITY:

See PUBLIC RECREATIONAL FACILITY

SCHOOL

A place for systematic instruction in any branch or branches of knowledge.

Section 6: Amend these definitions, already appearing in Article II, §280-5, as follows:

PUBLIC RECREATIONAL FACILITY:

A protected area in ~~private~~ public ownership that is set aside for ~~human~~ recreation and enjoyment. It may or may not have developed recreational facilities such as playgrounds, tennis courts, baseball fields, picnic areas and/ or bath facilities. Recreational Facilities shall not include Commercial Recreation Facilities.

Section 7: Amend §280-10, by making the existing text subpart A, and adding the following subsection B, to allow an interpretation appeal for dealing with uses not listed, but which are similar to permitted uses.

B. Determination of Permitted Use. When a use is not specifically permitted in this Chapter as either a use permitted by right or by special permit, it shall be understood that the use may be allowed by special use permit of the Planning Board if upon an interpretation appeal it is determined by the Zoning Board of Appeals that the use is similar to other uses listed in the district and is consistent with the stated purpose of the district. It is further recognized that every conceivable use cannot be identified in this zoning ordinance, and anticipating that new uses will evolve over time, so therefore this section establishes the Zoning Board of Appeals' authority to review and decide, upon an interpretation appeal, to compare a proposed use and measure it against those listed in the applicable zoning district for determining similarity. In determining similarity, the Zoning Board of Appeals shall make all the following findings prior to approval:

1. The proposed use shall meet the intent of, and be consistent with, the goals, objectives and policies of the Village's comprehensive plan.
2. The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located.
3. The proposed use shall not adversely impact the public health, safety and general welfare of the Village's residents.
4. The proposed use shall share characteristics in common with, and not be of greater intensity, density, or generate more environmental impact, than those uses listed in the zoning district in which it is to be located.

Section 8: Add and additional Article VB, entitled "East Broadway Village and East Broadway Gateway Districts, Standard for Uses Requiring a Special Use Permit," §§ 280-14.7 to 280-14.11, as follows:

Article VB. Standards for Uses Located in the EBV and EBG Districts, Requiring a Special Use Permit of the Planning Board.

280-14.7 Applicable to All Uses Requiring a Special Use Permit.
All uses in the EBG District that require a Special Use Permit of the Planning Board shall be subject to the requirements of this section, unless expressly exempted in section 280-14.8 below.

280-14.8 SEQRA Type II Actions Exempt.
Upon determination of the Planning Board, acting as Lead Agency pursuant to the SEQRA, that the proposed action is categorized as "Type II," the application shall be referred to the Building Department for subsequent review and processing, and will be exempt from the Special Permit review process and requirements. Actions categorized as "Type 1" or "Unlisted" will require review and approval pursuant to section 1 above.

280-14.9 Design Standards Required

A. If practicable, the site should provide driveway connections to adjacent sites to the side and rear to allow travel between adjacent sites for users, without the need to exit to East Broadway. See Grow the Gateways Corridor Design Guidelines, section 1, Access Management and Parking, for guidance.

B. Access to the site from East Broadway should be controlled, with a maximum of two curb cuts or access points. On existing, nonconforming developed sites, access points and curb cuts along East Broadway shall be reduced to meet this standard, as part of any new application for a Special Permit or amendment to a Special Permit for Type I and Unlisted actions under SEQRA.

C. A maximum of 25% of the required number of parking spaces to meet parking standards shall be located in front of the principal use, between the principal use and East Broadway. It is preferred that all parking be kept to the rear of the principal use.

D. A minimum 10-foot landscaped buffer shall be installed in the required front yard along the East Broadway ROW. A minimum 6-foot landscaped buffer shall be installed in required side and rear yards. No parking spaces or drives shall be permitted in required front yards except

for permitted direct site access, pursuant to section *2* above. An easement for a frontage sidewalk along East Broadway may be required within the required front yard, if practicable.

E. A landscaped buffer with a minimum width of 6 feet shall be installed around the perimeter of parking lots, other than in front yard areas in section *3* above, and around the foundations of principal buildings. One landscaped island for every 12 parking spaces shall be installed within the interior of any parking lot, in order to break up the parking lot into bays separated by landscaping. Landscape islands that are surrounded by pavement should have no dimensions less than nine (9) feet. Plant types and sizes shall comply with Grow the Gateways Corridor Design Guidelines, section 5.

F. An entrance to the principal building shall be designed in the front façade, facing the East Broadway. Additional entrances may be provided to allow building access from side or rear parking areas. A pathway shall be provided to connect the front door to parking areas and to the frontage road areas, and should connect to any existing or planned sidewalk network off-site.

G. Light poles in parking areas shall not exceed eighteen (18) feet or the height of the primary structure, whichever is less. Pedestrian-scaled lighting should be featured in public spaces and sidewalks outside of parking areas. Poles for pedestrian lighting shall be no higher than twelve (12) feet. To minimize off-site or upward light spillage, full cut-off or cut-off style luminaries shall be used, meeting the Grow the Gateways Corridor Design Guidelines, section 4.

280-14.10 Bonus Provided for Meeting Additional Optional Design Standards

A. An additional 10% development coverage may be permitted to be added to the applicable bulk standard listed in the EBG table, for projects meeting the Architectural Standards of the Grow the Gateways Corridor Design Guidelines section 6. To be eligible for the development coverage bonus, architecture of the proposed building to be constructed by Special Permit shall be consistent with the architectural style of buildings in the downtown Village of Monticello, without visible concrete masonry units, or vinyl or metal siding. Brick, stone or wood siding and trim are required. Formulaic or corporate chain styles not customized for construction in the Monticello region will not be eligible for the development coverage bonus.

B. An additional 10% development coverage may be permitted to be added to the bulk standard listed in the EBG table, for projects providing two of more of the following green infrastructure features, meeting the Grow the Gateways Corridor Design Guidelines section 5.

1. Green roof for principal building.
2. Rain garden bioretention for stormwater treatment.
3. Solar photovoltaic panels to supply on-site electrical power.
4. Complete Streets elements, pursuant to the "Complete Streets" manual by Lois Chaplin, Cornell Local Roads Program, CLRP No. 07-03, revised February 2012, as may be amended.
5. Geothermal heating and/or cooling.
6. No parking spaces drives or asphalt paving in front of buildings, between any principal or accessory buildings and East Broadway.

C. Any application requiring an area or bulk variance from the Zoning Board of Appeals shall not be eligible for any bonuses set forth in this subsection above.

§280-14.11 Waiving of provisions

The Village of Monticello Planning Board shall, pursuant to §7-725-A, Subpart 5, of the Village Law, has the right to waive, when reasonable, any of the requirements of §§ **280-14.7** through **280-14.10** of this article, for the approval, approval with modifications or disapproval of site plans for uses requiring a Special Use Permit submitted to the Planning Board. This waiver authority may be exercised in the event that any such requirements are found not to be essential for the public health, safety or general welfare or are found to be inappropriate to a particular site plan. Any such waiver shall be subject to the following conditions:

A. No waiver shall result in allowing a use not permitted within the applicable zoning district.

B. Waivers shall be limited to those situations where the full application of the requirements contained in the above-referenced sections would generate unnecessary data requirements and create unnecessary costs regarding the decision.

C. Nothing herein shall authorize the Planning Board to waive state environmental quality review requirements.

E. The Planning Board must set forth in its record of proceedings the precise grounds upon which it has determined to exercise its waiver authority hereunder, which shall include a clear statement of what requirements of §§ **280-14.7** through **280-14.10** of this article have been waived and the reason for the waiver of each and every such requirement.

Section 9: Amend Article VII, Nonconforming Uses, §280-42, Continuation, by making the existing text subpart A, and adding the following subsection B, as follows:

B. Nonconforming Single and Two-family Dwellings in the East Broadway Gateway and East Broadway Village Districts. Single family dwellings and two-family dwellings, located in the EBG and EBV districts, and legally in existence as of January 1, 2020, or under construction pursuant to a building permit issued prior to January 1, 2020, shall be considered a permitted use, but shall be subject to the following limitation on future expansions:

1. The single-family dwelling or two-family dwelling may not be rebuilt, enlarged or extended in any manner which increases its floor area or volume of enclosed space by more than 50% over the floor area or volume of the existing structure, or over the floor area or volume of the structure under construction for which a building permit has been issued, as of January 1, 2020. The limitation shall apply to all permits for construction cumulatively over the lifetime of the structure, subsequent to January 1, 2020. For the purposes of this measuring permit applications against this standard, the Building Inspector shall consider the base floor area and volume of the structure as it is existed on January 1, 2020, according to the records of the Building Department of the Village. In the absence of such records, the applicant shall provide documentation on the size and configuration of the structure as of January 1, 2020.

2. New construction of single family or two-family dwellings is prohibited in the East Broadway Gateway and East Broadway Village Districts, and shall be considered a nonconforming use, unless such uses are part of a Mixed-Use Development as defined by this Chapter.

Section 10: Upon adoption and codification, the publication entitled "Gateway Corridor Design Guidelines," dated September 2017 (32 pp.), produced as part of the "Grow the Gateways" Thompson-Monticello Strategic Plan for the Gateway Corridor," shall be posted on the electronic Code website for reference by the public, as an additional attachment.

Section 11: This local law shall take effect immediately.