

**LOCAL LAW NO. __ OF 2018 OF THE INCORPORATED VILLAGE OF
MONROE, NEW YORK, VILLAGE BOARD AMENDING CHAPTER 200,
ZONING, OF THE VILLAGE CODE TO ALLOW THE ADAPTIVE
REUSE OF BUILDINGS LISTED ON THE NATIONAL AND STATE
REGISTERS OF HISTORIC PLACES AS A SPECIAL USE PERMIT**

A LOCAL LAW to amend Chapter 200 of the Village Code of the Village of Monroe pursuant to New York Municipal Home Rule Law Section 10 et seq.

BE IT ENACTED AS FOLLOWS:

Section 1. Authority.

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section 2. Title and Purpose.

This law shall be known as and may be cited as “Local Law No. ___ of 2018” to Amend Chapter 200 of the Village Code of the Village of Monroe to Allow for the Adaptive Reuse of Historic Buildings.

Section 3. Legislative Findings and Amendments. The Board of Trustees of the Village of Monroe hereby finds and determines that there exist in the Village a number of buildings that are registered on or are eligible to be registered on the National Register of Historic Buildings. These buildings are historically significant to the Village and provide a visible link from the Village’s present to its past, and thus enriches the residents of the Village. The Board of Trustees determines that the Village’s Zoning Law should be amended to encourage the adaptive reuse of such buildings in order to protect and promote existing architecturally noteworthy buildings.

A. Section 200-5, Definitions, of the Code of the Village of Monroe is hereby amended to add the following definitions:

ARTS AND CRAFTS STUDIO

A studio or other space used by an artist or artisan for the development, display, and sale of art or the instruction in a personal artistic skill in fine arts, crafts, dance or music.

ART GALLERY

A retail use engaged in the sale, loan or display of art books, paintings, sculpture, or other works of art. This use does not include libraries and museums.

MUSEUM

A place or building where objects of historical, artistic, or scientific interest are exhibited, preserved, or studied and open for viewing by the general public.

SENIOR ADULT HOME - A family-type home for adults established and operated for the

purpose of providing residential housing to residents ages 62 years and older. The adult home provides temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care as provided by facilities licensed or operated pursuant to article 28 of the New York State Public Health Law or articles 19, 23, 29 and 31 of the Mental Hygiene Law, are, by reason of physical or other limitations associated with age, unable or substantially unable to live independently. The senior adult home provides housing in a community-integrated setting with supportive services, such as meals, housekeeping, social activities, transportation, and similar support services. The operation of the adult home shall require issuance of either an operating certificate from the NYS Department of Social Services or a permit from the NYS Department of Health pursuant to 18 NYCRR Part 490 and all other applicable state and county rules and regulations. This term shall not be construed to allow a nursing home, drug or alcohol rehabilitation center, homeless shelter, single room occupancy housing, or boardinghouse.

SENIOR CITIZEN

Any person 62 years of age or older.

- B. A new Section 200-61.1 entitled “Adaptive Reuse of National Register Historic Buildings shall be added to Chapter 200 Zoning, as follows:

§ 200-61.1. Adaptive reuse of National Register historic buildings.

- A. Purpose. The purpose of this special use permit is to allow for the adaptive reuse of existing historic buildings consistent with the regulations set forth herein. Adaptive reuse of a historic building shall be subject to Planning Board special use permit, architectural review, and site plan approval. This special use permit is allowed in any zoning district within the Village of Monroe, subject to Planning Board approval. The allowable adaptive uses listed below shall be in addition to those otherwise allowed within the zoning district in which the property is located.
- B. Permitted districts. Adaptive reuse of National Register historic buildings shall be permitted by special use permit in all districts.
- C. Parking. The Planning Board is authorized to determine appropriate parking requirements.
- D. Procedures. In considering an application for historic reuse, the Planning Board shall adhere to the procedures governing special use permit, site plan, and architectural review approval as set forth in the Village of Monroe Zoning Law.
- E. Certificate of Use. The owner or his agent of property that has received a special permit for adaptive reuse shall file a Certificates of Use with the Building Department every three (3) years from the date of the special permit. The Code Enforcement Officer shall determine whether the use is in compliance with the conditions of the special permit, site plan and architectural review and shall issue a Certificate of Use upon a determination of said compliance. The Code Enforcement Officer may inspect the building to ensure that the use is

not in violation of the special permit and site plan. Failure to qualify for a Certificate of Use shall constitute a violation of the special permit and shall require re-application to the Planning Board.

Senior Adult Home Certificate of Use. For properties that have been issued a special permit under this Section for use as a senior adult home, it shall be the duty of the owner or his agent to file a Certificate of Use with the Building Department indicating compliance with this section and the special permit as to its requirements relating to the number of occupants and the age of the occupants in the senior adult home. The Certificate shall be filed within 30 days after its initial occupancy and every three years thereafter on the anniversary of the issuance of the special permit. In addition, a new Certificate shall be filed within 30 days after any change of occupancy, except nothing herein shall be construed to allow a greater number of residents than allowed as per the special use permit governing the senior adult home.

F. Requirements.

(1) Required listing. The historic building shall be listed on the National Register of Historic Places and the State Register of Historic Places. The Applicant shall submit documentation from the New York State (“NYS”) Office of Parks, Recreation and Historic Preservation, State Historic Preservation Office (“SHPO”), as evidence that the building is listed on the National Register and State Register of Historic Places. The Planning Board is not authorized to waive this special use permit requirement.

(2) Qualification, alterations, minimum lot size for adult senior home use not affected.

a. In order to qualify for historic reuse under this Section, the building shall not require an addition or expansion or significant alteration to the historic building façade to accommodate the use. Any exterior façade renovation shall comply with the publication “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings,” as may be updated from time to time.

b. Where an existing building is to be converted for a use allowed herein without alteration, the dimensional requirements of said historic building shall be deemed conforming, notwithstanding the requirements set forth in subsection (4).

c. Nothing contained in this subsection shall exempt senior adult home use from the minimum lot area requirement established in subsection (5)(e) herein.

(3) Historic Review. All special use permits shall be forwarded to the NYS SHPO for review and comment. The Planning Board, in its discretion, shall retain a qualified architectural historian to assist it in the review of any application under these provisions.

(4) Lot area. The minimum lot area shall be 20,000 square feet, which may be greater as per the regulations of subsection (4) below. The following dimensional standards shall apply and a variance shall be required for any application that does not meet these standards:

- (a) Minimum lot width: 100 feet
- (b) Minimum front setback: 30 feet
- (c) Minimum rear setback: 35 feet
- (d) Minimum side setback: 15 feet
- (e) Maximum lot coverage: 35 percent
- (f) Maximum Building Height/Stories: 35/2.5

(5) Uses allowed. The following uses are allowed by the adaptive reuse special use permit:

- (a) Professional office. For purposes of this section, professional office shall specifically be defined as offices where services that require specialized training, professional certification or an educational degree beyond a baccalaureate degree, are offered by a professional including but not limited to accountant, appraiser, attorney, architect, landscape architect, engineer, surveyor, physician, dentist, chiropractor, optometrist, psychologist and similar professions. No goods or merchandise shall be sold or exchanged.
- (b) Arts and crafts studio and accessory retail use expressly related to the sales of crafts made therein. The minimum lot size shall be 20,000 square feet.
- (c) Bed and breakfast. The lot size for a bed and breakfast shall be the same as may be required where the use is allowed in the underlying district, however, where the use is not specifically listed, it shall be 20,000 square feet. The provisions of 200-60 shall also apply.
- (d) Museum or art gallery. The minimum lot size shall be 20,000 square feet.
- (e) Senior adult home.
 - (i) The minimum lot size shall be 20,000 square feet, plus an additional 5,000 square feet for every senior citizen occupying the premises. The maximum occupancy shall be established by the Planning Board based on this density requirement.
 - (ii) Accessory uses that are customarily incidental and subordinate to the primary senior adult home use and which uses are limited to use by residents, their guests and employees. Accessory uses may include: senior community meeting rooms; group dining rooms; exercise rooms; outdoor active and passive recreation space,

outdoor sitting areas or patio; Art and music studios; computer room; on-site interior storage areas for residents; laundry.

(iii) Legal assurances. The senior adult home shall be accompanied by the appropriate legal assurances, in form and content satisfactory to the Village Board Attorney, as may be necessary to provide for and assure continued use of the home by senior citizens.

(iv) Occupation by owner and operator. In addition to the senior residents of the senior adult home, the record owner of the home and/or the permitted operator of the senior home may reside within the senior adult home building.

(v) Special use permit revoked. The special use permit shall be deemed revoked by operation of law upon revocation of state or local certification to operate a senior adult home.

(f) Outdoor storage of materials is prohibited.

G. There shall be no exterior alteration of the structure except where said alteration is consistent with the building or property's original historic character. Continuing maintenance of the building to protect its historic character shall be a condition of any special use permit. Continuous listing on the National Register of Historic Places and State Register of Historic Places shall be a condition of any approval, and failure to maintain same shall be deemed a violation of the special use permit.

H. The Planning Board shall render its decision on any special use permit in accordance with these standards and those set forth in Section §200-48.2.

I. No exterior illumination of parking areas or the building shall occur between the hours of 11 PM to 6 AM, except where the Planning Board finds that said illumination would not impact an adjoining use.

J. The Planning Board may impose conditions to protect the adjoining neighborhood, and the historic character of the building, including the installation of vegetative screening to screen views of the site, including parking, from any adjoining residential property.

Section 4. Repeal, Amendment, and Supersession of Other Laws.

All other Resolutions, Ordinances or Local Laws of the Village of Monroe which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect.

Section 5. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New State Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.