

**INTRODUCTORY LOCAL LAW No. 8 OF 2016
VILLAGE OF MONROE**

**A LOCAL LAW AMENDING CHAPTER 200 (“ZONING”) OF THE CODE OF THE
VILLAGE OF MONROE**

BE IT ENACTED by the Board of Trustees of the Village of Monroe, Orange County, New York, as follows:

SECTION 1. PURPOSE.

The Board of Trustees of the Village of Monroe finds that it is reasonable and appropriate to update and amend Chapter 200 (“Zoning”) of the Village of Monroe Code from time to time. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

SECTION 2. CHAPTER 200 (“ZONING”).

Article I.

In Section 200-1, the phrase “A comprehensive” is hereby repealed and replaced with “The existing”. The term “established” is hereby repealed and replaced with “amended and restated”.

In Section 200-2, “a new” is hereby repealed and replaced with “an amended and restated”. Additionally, the phrase “text and map” is hereby repealed and replaced with “text, map, and schedules”.

Article II.

Subsection A of Section 200-4 is hereby amended to include the language “New York State Building Code, the International Building Code, the New York State Uniform Supplement, or the” between “in the” and “latest edition”. Subsection C is hereby amended to include “a limited liability company,” after the term “corporation,”.

The following definitions contained in Section 200-5 (“Definitions”) are hereby amended or repealed:

- The definition of “accessory” is hereby repealed.
- The definition of “alteration” is hereby amended to repeal “extending” and replace it with “extension of any”, and to repeal “on a” and replace it with “of a structure”.
- The definition of “animal hospital or veterinary clinic” is hereby repealed.
- The definition of “automotive equipment establishment” is hereby repealed.
- The definition of “automotive washing facilities” is hereby repealed.
- The definition of “basement” is hereby repealed and replaced with “That space of

a building that is partly (no less than 50%) or entirely below grade, which can be no greater than 10 feet measured from floor to ceiling. Only one basement shall be allowed per building. Basements located in commercial buildings shall be restricted to storage, mechanical or incidental use only; no public access shall be permitted.”

- The definition of “bed-and-breakfast” is hereby repealed and replaced with “The renting of not more than five rooms in an owner-occupied dwelling for overnight accommodations and serving of breakfast to not more than ten casual and transient roomers, provided that the renting of such rooms for such purpose is incidental and subordinate to the principal use of the dwelling. The bed-and-breakfast use shall at no time be construed as a dwelling unit.”
- The definition of “building, area of” is hereby amended to repeal the term “open”.
- The definition of “campaign sign” is hereby amended to include “, banners” after “stickers”.
- The definition of “cellar” is hereby repealed.
- The definition of “certificate of construction” is hereby amended to remove the following language: “, such as pool, shed, carport, canopy and garage.”
- The definition of “certificate of occupancy” is hereby amended to remove the following language: “, such as a dwelling, addition and a deck,” and to insert “by the Building Inspector” after “official certification”.
- The definition of “conditional use” is hereby repealed.
- The definition of “convalescent home” is hereby amended to include “or injury” after “illness”.
- The definition of “convenience store” is hereby amended to repeal the following language: “containing less than 2,000 square feet of gross floor area”.
- The definition of “customary home occupation” is hereby repealed.
- The definition of “customary nonresidential uses” is hereby repealed.
- The definition of “customary residential accessory uses” is hereby repealed.
- The definition of “dispatching center/garage for taxi, livery or limousine” is hereby repealed.
- The definition of “domestic animals” is hereby amended to repeal the term “board” and replace it with “reside”, and to repeal the following language: “As herein defined, such species of animals shall be limited to dogs, cats, cows, horses, sheep, goats and donkeys”.
- The definition of “drive-in restaurant” is hereby repealed.
- The definition of “duplex” is hereby repealed.
- The definition of “dwelling, single-family detached” is hereby amended to insert “freestanding” between “A” and “building”.
- The definition of “dwelling unit” is hereby repealed and replaced with the following language: “A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.”
- The definition of “family” is hereby amended to repeal the term “as”, located between “independently” and “a single”, and replace it with “in”.
- The definition of “fast-food restaurant” is hereby repealed.

- The definition of “garage, public” is hereby repealed.
- The definition of “height” is hereby amended to be “height – building”.
- The definition of “home professional office” is hereby repealed.
- The definition of “hotel or motel” is hereby repealed and replaced with the following language: “An establishment that provides individual lodging for transient guests for a fee, as well as associated uses such as dining, entertainment and various personal uses. A hotel/motel shall not constitute an individual’s primary residence, except for a live-in manager.”
- The definition of “industry, nonnuisance” is hereby repealed.
- The definition of “letter of credit” is hereby repealed.
- The definition of “lot, corner” is hereby amended to include the following language at the end of the existing definition: “(See “Corner Lot”).”
- The definition of “lot, interior” is hereby amended to repeal the term “An” and replace it with “Any”.
- The definition of “mobile home” is hereby amended to repeal the term “permanent”, and to insert the phrase “vehicle or structure” between “such” and “shall”.
- The definition of “motor vehicle service station” is hereby repealed.
- The definition of “office, professional and business” is hereby amended to repeal “salesmen,”.
- The definition of “permitted use” is hereby amended to repeal the following language: “Any use which is not listed as a permitted use, conditional use or accessory use shall be considered a prohibited use.”
- The definition of “personal services” is hereby repealed and replaced with the following language: “Uses which involve touching or near touching of the body, including but not limited to barber shops, beauty shops, tailor shops, tattoo establishments, masseurs and physical therapy; as well as uses involving the mind such as psychologist, social worker and counselor.”
- The definition of “recreational facilities”, subsection A (“indoor”) is hereby revised to repeal the following language: “and theater; but excluding video game arcades.”
- The definition of “recreational facilities”, subsection B (“outdoor”) is hereby revised to repeal the following language: “; but excluding the use of noise-making machines and motor-propelled vehicles.”
- The definition of “residential, two-family” is hereby repealed.
- The definition of “shopping center” is hereby amended to repeal “supermarket or full-line department” and insert “retail anchor”.
- The definition of “shopping center, neighborhood” is hereby amended to repeal “, excluding taverns” and “major supermarket or full-line department”, and to replace the latter with “retail anchor”.
- The definition of “site plan” is hereby amended to include “existing or proposed” in front of “buildings”. The existing semicolon shall be a comma.
- The definition of “site plan approval” is hereby revised to repeal the following language: “of this chapter”.
- The definition of “story” is hereby amended to repeal “A basement shall not be

counted as a story.”

- The definition of “townhouse or row house” is hereby amended to repeal “townhouse or row house”, and replace that language with “townhouse/condo”.
- The definition of “variance” is hereby repealed.
- The definition of “variance, area” is repealed and replaced with the following language: “The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.”
- The definition of “variance, use” is hereby repealed and replaced with the following language: “The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.”
- The definition of “warehouse” is hereby revised to repeal the following language: “or storage” and “A warehouse arranged to permit the general public to utilize individual units rented or leased on a periodic basis shall be subject to conditions fixing the house of operation, landscaping and screening and signage and such other conditions as the Planning Board may establish.”
- The definition of “yard, front” is hereby repealed and replaced with the following language: “Applies to that portion of the yard within and extending the full width of the lot between the front line of the principal building and the front line of the lot.”
- The definition of “yard, rear” is hereby repealed and replaced with the following language: “Applies to that portion of the yard within and extending the full width of the lot between the rear line of the principal building and the rear line of the lot.”
- The definition of “yard, side” is hereby repealed and replaced with the following language: “Applies to that portion of the yard extending from the principal building to the side lot lines and extending from the front yard to the rear yard, or where no front yard exists, from the front lot line to the rear yard.”
- The definition of “zoning law” is hereby revised to repeal the term “1990”, and replace that term with “2014, as amended from time to time.”.
- Sketch A is hereby repealed.

Section 200-5 (“Definitions”) is hereby amended to include the following new definitions:

ACCESSORY STRUCTURE

A structure subordinate to and on the same lot as a principal building, which is customarily used for purposes that are incidental and subordinate to those of the principal building or use. An accessory structure attached to the principal building is deemed to be part of such principal building in applying the bulk requirements.

ACCESSORY USE

A customary use which is clearly incidental and subordinate in both its size and impact to the principal use, and located on the same premises or lot as the principal use.

AMBULANCE SERVICES

Emergency medical services dedicated to providing out of hospital acute medical care, transportation to medical care, and other medical transport.

ANCHOR STORE

A major retail store used to drive business to smaller retailers. These larger stores or grocery stores are generally part of a retail chain and are the prominent business in a shopping mall.

BUILDING DEPARTMENT

That department and its employees as established by the Village Board of the Village of Monroe.

BUILDING INSPECTOR

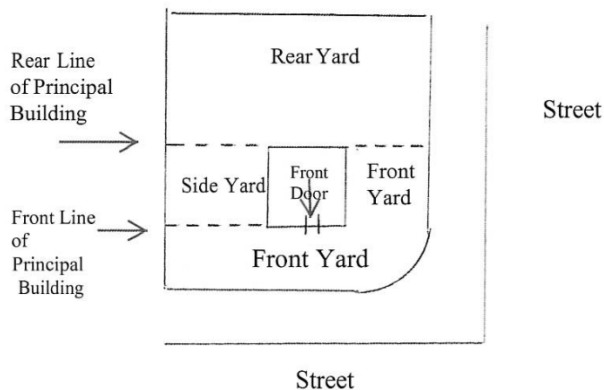
The official duly appointed by the Village Board to perform the functions of the Building Inspector for the Village. The term shall include any appointed Assistant Building Inspector.

CAR WASH

A facility for washing standard passenger vehicles. Such facility may include related services, including vending machines, pet wash facilities and vacuum and carpet shampooing kiosks.

CORNER LOT

A Corner Lot is a lot having frontage on two separate streets. Front yards are required on both street frontages. One yard other than the front yards shall be deemed to be a rear yard; and the remaining yard shall be deemed to be a side yard. See diagram below.



DRIVE THROUGH AND DRIVE UP ESTABLISHMENTS

A facility that permits customers to obtain goods and/or receive services while remaining in their motor vehicles. Includes but is not limited to banks, pharmacy, fast food restaurants.

DWELLING, TWO FAMILY

Two dwellings placed side-by-side or vertically, both of which are on a lot which is unoccupied by any other dwelling unit.

FIRE PROTECTION SERVICE

Fire stations, owned and operated by local fire districts, containing firefighting apparatus and equipment.

FOOD SERVICE/SALES – NO WAIT STAFF

A business establishment serving food or drink to be consumed either on premises or take out, but with no table service.

FUNERAL AND INTERMENT SERVICE

A licensed establishment where deceased persons are prepared for burial or cremation, where the body may be viewed or where services are held.

HOME OCCUPATION

Any gainful occupation customarily conducted within a dwelling, or in a structure accessory to the dwelling, by the owner/occupant thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence, nor have any exterior evidence of such accessory use.

LIGHT INDUSTRY

Enterprise engaged in the manufacture, predominantly from previously prepared materials or finish products or parts including processing, fabrication, assembly, treatment, packaging, incidental indoor storage, sales and distribution of such products, but excluding chemical processing. Finished products shall not exceed 40 cubic feet or weigh more than 2,000 pounds per unit. Light industry is capable of operation in such a manner as to minimize external effects such as smoke, noise, soot, dirt, vibration, odor, etc. which impacts shall meet or exceed the highest applicable standards established by federal or state agencies.

MEMBERSHIP CLUB

An organization comprised of individuals who voluntarily meet on a regular basis for a mutual purpose other than educational, religious, charitable or financial pursuits, and which is open only to members and their guests for a membership fee.

MOTOR VEHICLE SALES

Any area of land, including any structures thereon, for which its principal use is the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers or recreational vehicles or other vehicles in condition for road use upon registration and current inspection.

MOTOR VEHICLE REPAIR AND PAINT SHOP

A facility arranged, intended, or designed for making repairs to motor vehicles and their mechanical systems, including painting and collision services.

MOTOR VEHICLE FUEL DISPENSING STATION

An area of land, including structures thereon, or any building or part thereof, that is used for the sale of motor fuel or motor vehicle accessories, and which may include food or beverage sales without wait staff.

PORCH

A roofed, open veranda attached to the exterior of a building, used as an outdoor living area. Porches may be enclosed by removable screens or storm sashes.

REPAIR SERVICE (NON MOTOR VEHICLE)

An indoor facility arranged, intended or designed for making repairs, including but not limited to machinery and/or equipment and their mechanical systems.

RETAIL STORES OR SHOPS

Business establishments that sell goods or merchandise to the general public for personal or household consumption.

RETAINING WALL

A wall that holds back earth, water, stone, rocks, and/or manufactured material and is greater than 2 feet in height.

SELF-STORAGE FACILITY

A public facility for storage of personal, household or business property which is serviced by the owner of the stored property or an agent of the owner for periods of at least 30 days or greater. The term "self-storage facility" includes all similar uses and terms but shall not be construed to mean "warehouse." The self-storage facility must be constructed on a permanent foundation. A self-storage facility is not to be used for the transfer, shipping or receiving of products or goods in conjunction with a business operation.

SPECIAL USE

A use that is not appropriate at all locations and under all circumstances throughout a district or without restriction in all districts due to potential incompatibility with some or all permitted uses and whose number, area, location and relationship shall be regulated subject to conditions established by this chapter and specifically related to individual conditions.

TAVERN

An establishment having as its principal use the on premises consumption of beer, wine or liquor.

TAXI BUSINESS

A business, new or existing on the effective date of this chapter, transporting persons for hire, including but not limited to taxi, livery, limousine and car service.

THEATER OR CULTURAL CENTER

A building or area where plays, shows, dramatic or musical performances, fine arts and/or movies are shown or performed.

Article III.

Section 200-6 (“List of districts”) is hereby amended to repeal the following language: “MFC Multifamily Conversion Overlay District” and “ES Environmentally Sensitive Overlay District”.

Section 200-7 (“Zoning Map”) is hereby amended to repeal the following language: “adopted 12-4-1990, and signed by the Village Clerk,” and shall include the following language at the end of the paragraph: “Any future, properly adopted Zoning Map amendments are also made part of this Chapter.”

Subsection C (“Parallel to streets”) of Section 200-9 is hereby repealed, and subsections D, E, F and G are hereby renumbered as C, D, E and F, respectively. The new subsection C is hereby amended to repeal “as lies within 30 feet of such zone boundary”.

Articles IV, V and VI.

Articles IV, V and VI (“General Provisions”, “Use Requirements”, and “Bulk Requirements”) are hereby repealed, and replaced the following new Article IV, entitled “Bulk and Use Requirements”:

Article IV. Bulk and Use Requirements

§ 200-11. Establishment.

The general requirements affecting the use of buildings, structures and land use, and the general requirements relating to the arrangement of buildings, structures and uses occupying a lot, for each of the Zoning districts established by Article III are hereby established and set forth in this Chapter.

§ 200-12. Table of Uses by District and Bulk Requirements.

- A. The Table of Uses by District Bulk Requirements shall be a part of this Chapter; is referred to herein as the District Uses and Bulk Requirements Table, and shall set forth

the minimum or maximum bulk and use requirements of this Chapter. The Table of District Uses and Bulk Requirements is located at the end of this Chapter.

- B. Prohibited uses. Any use not identified in the Table of District Uses and Bulk Requirements shall be deemed prohibited.
- C. Generic descriptions. Where special permit uses are identified by generic words or descriptions, the Building Inspector shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Building Inspector shall consider to what extent the proposed use is similar to the class of use indicated in the Table of District Uses and Bulk Requirements.
- D. Supplemental requirements. Other articles in this Chapter contain supplemental requirements applying to the bulk, setback and coverage of specified uses.
- E. Public utilities. All dimensional and area requirements contained within the Table of District Uses and Bulk Requirements are conditioned on connection to public sewer and water services.
- F. If, at any time, there is a restriction on connection to one or both of public water or sewer services, an application otherwise conforming in all other respects with the standards and requirements of this chapter can be submitted to the Building Inspector or Planning Board, whichever has jurisdiction, such application proposing on-site facilities for sewage treatment and/or water supply, whichever cannot be then obtained through public utilities. In such an event, as much square footage of nonresidential building and as many residential dwelling units may be approved as can be serviced by on-site facilities designed by a professional engineer and approved by the appropriate agency, but in no case more than would be allowed by the Table of District Uses and Bulk Requirements conditioned on connection to public sewer and water services.
- G. A building approved and built with one or both on-site facilities must be connected to the nearest existing sewer and/or water mains with dry lines that will allow hookup to central services when they become available, at which time on-site facilities must be abandoned. A note on the filed site plan must obligate the property owner to do so. If a lesser building size or fewer dwelling units were constructed because of limitation to on-site facilities, the difference between that which was built and that which could have been built may be applied for in a revised site plan presented to the Planning Board when connection to public sewer and/or water services again becomes possible.

§ 200-13. Prohibited uses.

No land, building or other structure shall be used for any of the following purposes:

- A. Noxious, offensive or objectionable. Any use which is noxious, offensive or objectionable by reason of the emission of smoke, dust, gas, noxious, toxic or corrosive fumes, odor or other form of air pollution; or by reason of the deposit, discharge or

dispersal of liquid or solid wastes, in any form, in a manner or amount so as to cause permanent damage to the soil and stream or to adversely affect the surrounding area; or by reason of the creation of vibration, electromagnetic or other disturbance; or by reason of illumination by artificial light or light reflection beyond the limits of the lot on or from which such light or light reflection emanates; or which involves any dangerous fire, explosive, radioactive or other hazard or which can cause injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants; and any other process or use which is unwholesome and noisome and may be dangerous or prejudicial to health, safety or the general welfare.

- B. Noise and vibration. With the exception of time signals and noise and vibrations necessarily involved with the construction or demolition of buildings and other structures, no noise or vibration which is objectionable due to volume, intermittence, beat, frequency or shrillness shall be transmitted outside the lot where it originates.
- C. Artificial lighting. Artificial lighting of any kind with light sources visible beyond the lot lines. No offensive glare from lighting shall be transmitted so as to endanger the public health and safety nor shall it be transmitted into or within any residence district so as to impair the value and enjoyment of any lot therein. No radiant heat shall be perceptible outside the lot where it originates.
- D. Amusement parks. Amusement parks, circuses, Ferris wheels or similar amusement devises and outdoor games for profit, except those sponsored by local nonprofit organizations and then only for periods of not more than seven days by license issued by the Village Board of Trustees.
- E. Motor Vehicle Storage. Except as otherwise provided for in statute or in other regulations, or in § 200-51, two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- F. Outdoor storage of automotive waste materials and automotive parts except as otherwise provided for in statute or in other regulations, or in § 200-51.
- G. Explosives. Manufacture, sale or storage of explosives and fireworks, except under license from the State of New York and in a manner and place conforming to the laws of the State of New York and the American Table of Distances, and provided that not more than 5,000 pounds is stored in any one magazine. No material which is dangerous due to its explosive nature, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes and regulations of the State of New York.

- H. Incineration. Incineration or reduction of waste materials, except in a plant owned and operated by the Village of Monroe or County of Orange.
- I. Disposal.
 - (1) Disposal of septic or sewage waste.
 - (2) Wastes. No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake or swamp.
 - (3) Junkyards, sanitary landfills or dumps, except those established as an official Village or county dump or duly licensed as a dump by the Village Board of Trustees.
- J. Stockyards; slaughtering of animals.
- K. Boardinghouses, residential hotels, lodging houses, rooming houses and tourist homes.
- L. Nuclear reaction. Atomic research or radioactive materials; the generation of power in any form from nuclear reactions.
- M. Cemetery or crematory (except that those existing on the date of enactment of this Chapter may continue as conforming uses and may be allowed to expand).
- N. Liquid petroleum gas distributing stations.
- O. Saw or planing mill.
- P. Storage containers. Trailer, truck body, overseas or any other kind of storage container, except for purposes of temporary storage, for a term of up to 48 hours, of goods, materials, inventory or supplies.
- Q. Outdoor furnaces. The construction and operation of outdoor furnaces. It is the purpose of this section to ban and prohibit the installation and use of outdoor furnaces and outdoor boilers within the limits of the Village for the purpose of securing and promoting public health, comfort, convenience, safety and welfare of Village residents by regulating the air pollution and fire hazards of open burning and outdoor burning. Any outdoor furnace in existence on the effective date of this Chapter shall be permitted to remain for a period not to exceed two years from the effective date of this Chapter. "Existing" or "in existence" shall mean that the outdoor furnace is in place on the site.
- R. Other uses. Any other use, whether specified above or not, that is of such a nature as to be detrimental to neighboring properties by reason of emission of odor, dust, refuse matter, garbage, smoke, vibration, gas radiation, noise or any other factor that is dangerous to the comfort, peace, enjoyment, health or safety of the area or the community.

Article VII.

Article VII (“Supplementary Yard and Setback Regulations”) is hereby renumbered to Article V, and shall be renamed “Supplementary Lot and Setback Regulations”.

Section 200-20 is hereby renumbered as § 200-14. The first “any” is hereby repealed, and the phrase “Table of Bulk Requirements” is hereby amended to state “Table of District Uses and Bulk Requirements”.

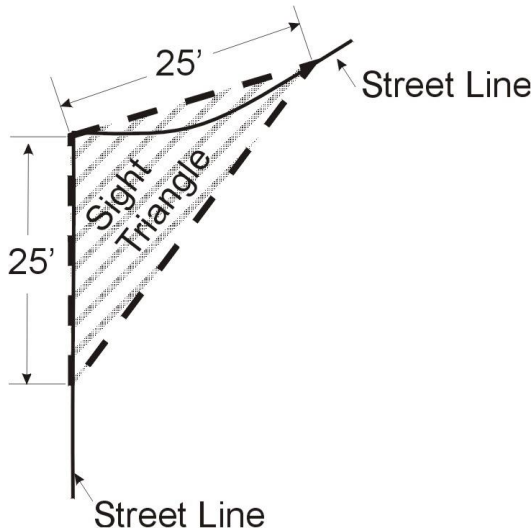
Section 200-21 is hereby renumbered (and thereby relocated) as § 200-26, and the language of this section is hereby repealed and replaced with the following language: “Accessory structures are permitted within the required rear yard setbacks only, except as specifically authorized herein.”

Section 200-22 is hereby renumbered as § 200-15, and subsection D thereof is hereby repealed.

Section 200-23 is hereby renumbered as § 200-16. In subsection B, the phrase “fifty-foot right-of-way” is hereby repealed and replaced with “fifty-foot wide street or right-of-way”, and “existing right-of-way” is hereby repealed and replaced with “existing street or right-of-way”.

Section 200-24 is hereby renumbered as § 200-17, and in subdivision B, the term “beltcourses” is hereby repealed and replaced with “belt courses”. Subsection D is hereby repealed, and subsections E, F, G and H are hereby renumbered as D, E, F and G, respectively. The new subsection D (“Overhanging roof”) is hereby repealed and replaced with the following language: “Overhanging roof. An overhanging roof may not project into a required setback in excess of 10% of the required yard setback.” The new subsection E (“Fire escapes and stairways”) is hereby amended to insert “are” between “yard” and “not”. The new subsection F (“Architectural features”) is hereby amended to insert “may” between “systems” and “extend”, and the phrase “, electric supply,” shall be inserted after “space heating”.

Section 200-25 is hereby renumbered as § 200-18. Subsection A is hereby repealed and replaced with the following language: “No wall, fence or other structure, and no hedge, shrubbery or other growth taller than 3 feet shall be erected, installed or maintained within a sight triangle with legs beginning at the intersection of the lots two street lines and proceeding to points along the street line 25 feet distant as shown below. Nor shall the limbs or foliage on any tree obstruct vision or be permitted to grow nearer to the ground than eight feet where such limbs or foliage overhang or are over or upon land within the triangular area as shown below.” Subsection B and Sketch B are hereby repealed and replaced with the following text and diagram: “The Code Enforcement Officer is hereby empowered to order the removal of any such structure or growth within the triangle which, in his or her opinion causes a danger to traffic or public safety.”



Section 200-26 is hereby renumbered as § 200-19, and in the title of the section, “residence” is hereby repealed and replaced with “residential”. In the text of this section, the term “lot” shall be inserted between “total” and “area”, and between “or” and “width”. Additionally, the term “residence” shall be repealed and replaced with “dwelling”.

Sections 200-27 and 200-28 are hereby renumbered as §§ 200-20 and 200-21, respectively.

Article VIII.

Article VIII (“Supplementary Building Requirements”) is hereby renumbered to Article VI.

Sections 200-29, 30, 31 and 32 are hereby renumbered as §§ 200-22, 23, 24 and 25, respectively. Subsection A of the new Section 200-22 is hereby revised as follows: “Roof projections. Bell” is hereby repealed and replaced with “Roof projections, including bell”. Subsections A and B of new Section 200-23 are hereby amended to repeal the following language in each subsection: “at the time of the passage of this chapter”. Additionally, Subsection B is hereby amended to include the following language at the end of the paragraph: “, and further provided that the same does not violate any yard requirements.”

Subsection B of the new Section 200-24 (“Spacing”) is hereby repealed, and Subsections C and D shall be renumbered accordingly. The new Section 200-25 is hereby amended to include the term “yard” between “side” and “setback”, and between “rear” and “setback”.

Article IX.

Article IX (“Supplementary Regulations for Accessory Structures and Uses”) is hereby renumbered to Article VII.

Section 200-33 is hereby renumbered as § 200-26.1. Subsection A is hereby repealed and replaced with the following language: “Any structure accessory to a use and structure that requires a special use approval or site plan approval by the Planning Board itself, shall require such approval when separately proposed.” Subdivision B is hereby amended by repealing “building and use” and “building or use”, and replacing those phrases with “structure”. A new subsection C is hereby created as follows: “All proposed accessory structures require a Building Permit.”

Section 200-34 is hereby renumbered as § 200-26.2, retitled as “Requirements for accessory structures”, and the introductory sentence is repealed and replaced with the following language: “In any district, accessory structures shall be subject to the following:”. Subsections A through F are hereby repealed and replaced with the following:

- A. Maximum height. An accessory structure shall not exceed 35 feet in height.
- B. An accessory structure shall not be located in a front yard.
- C. Lot coverage. An accessory structure, together with all other structures on the lot, shall not occupy more than the permitted lot coverage of the district in which it is located.
- D. An accessory structure cannot be larger than the principal structure on the lot.
- E. The exterior of the accessory structure must be compatible with the principal structure in appearance, design, architectural character, color and building materials.
- F. An accessory structure must meet all bulk requirements for the district in which it is located.
- G. All accessory structures must be set back 10 feet from any occupied structure or dwelling unit.
- H. In the SR-10 zoning district, the maximum square footage for an accessory structure is 720 sq. ft.
- I. In the SR-20 zoning district, the maximum square footage for an accessory structure is 1200 sq. ft.
- J. In the CB and GB zoning districts, all accessory structures shall require Planning Board site plan approval, with the exception of pre-existing residential dwellings which shall follow the SR-10 setback regulations.
- K. In the URM zoning district, all accessory structures shall follow the SR-10 setback regulations.
- L. Structures permitted in front yards. The placing of flagpoles, ornamental fountains, and gatehouses or other structures for security or traffic-control purposes of a non-habitable

type, may be permitted between the street line and the required minimum front setback line. The Building Inspector has the approval authority for such structures, provided the placement of such structures does not pose a safety hazard to the travelling public.

M. Accessory Structures Setback Regulations Per District

Size and Height of Structure	SR-10	SR-20
Less than 144 sq. ft. and less than 15ft tall	5 feet	5 feet
Less than 144 sq. ft. and greater than 15 ft. tall	10 feet	10 feet
Greater than 144 sq. ft. and less than 15 ft. tall	10 feet	10 feet
Greater than 144 sq. ft. and greater than 15 ft. tall	15 feet	15 feet

A new Section 200-27 is hereby established as follows:

§ 200-27. Accessory Use.

An Accessory Use is a use which is clearly incidental or subordinate to the principal use, and located on the same premises or lot as the principal use.

Section 200-35 is hereby renumbered to § 200-27.1, retitled as “Home Occupations”, and the introductory paragraph is hereby repealed and replaced with the following language:

“HOME OCCUPATION

Any gainful occupation conducted within a dwelling, or in a structure accessory to the dwelling, by the owner/occupant thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence, nor have any exterior evidence of such accessory use.

Home occupations are permitted accessory uses to a residential use and require a special use permit from the Planning Board. Home occupations must conform to the following conditions:”.

Subsection A is hereby amended to repeal the term “customary”. Subsection B is hereby amended to repeal the term “customary”. Subsections C, D and E are hereby repealed and replaced with the following language:

- C. Residential character. There shall be no exterior display, no exterior sign (except as permitted in Article X) no parking, no storage or standing of any commercial vehicles or construction equipment, no outdoor storage of materials or the sale of any goods or the use of any chemical, mechanical or electrical equipment which is not a customary household appliance or light office equipment and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- D. Permissible home occupations include but are not limited to an art studio, dressmaking, office for clergy, lawyer, physician, dentist, architect, engineer, real estate agent, account; and teaching of music, dancing or other instruction limited to one pupil at a time.
- E. The conducting of a clinic, hospital, kennel, barbershop, beauty parlor, pet grooming, pet boarding, photographer's salon, tearoom, tourist home, animal hospital, church or place of worship, convalescent home, funeral home or stores of any kind shall not be considered a home occupation.

Section 200-36 is hereby renumbered as § 200-27.2. Subsection A is hereby revised to repeal the language "one bitch and two other dogs", and replace it with "three canines".

Section 200-37 is hereby renumbered as § 200-26.3, and retitled "Swimming pools and hot tubs". Subsection A is hereby revised to include "or hot tub" between "pool" and "shall", and between "pool" and "is located". Subsections B, C and D are hereby repealed, and are replaced with the following language as a new Subsection B: "Setback. A private in-ground or above ground swimming pool shall not be located closer than 15 feet to any lot line or principal building; or, in the case of a corner lot, closer than 25 feet to any lot line along an abutting street. A hot tub shall not be located closer than 10 feet to any lot line, nor closer than 5 feet from the principal building on a site." Subsections E through I are hereby renumbered as C through G, respectively. The new subsection D is hereby titled "Lighting and noise". The new subsection E is hereby revised to include the following language at the end of the sentence: ", or shall remove the above ground pool structure and return the surface to its original state." The new subsection F is hereby revised to repeal "the New York Board of Fire Underwriters or other qualified inspection agency", and replace it with "a Village of Monroe approved Electrical Inspection Agency." The new subsection G is hereby revised to include the following language after the term "above": "as well as the provisions outlined in the New York State Residential Building Code."

Section 200-38 is hereby renumbered as § 200-26.4. Subsection A is hereby amended to repeal "Table of Use Requirements" and replace it with "Table of District Uses and Bulk Requirements."

Section 200-38.1 ("Day care") is hereby repealed. Section 200-38.2 ("Sidewalk and outdoor cafés") are hereby relocated to Chapter 162 as Section 162-1. The existing Chapter 162 ("Sales, Going-Out-Of-Business") is hereby repealed in its entirety, and replaced with a new Chapter, entitled "Outdoor Cafés". Section 162-1 shall be entitled the same. All references

therein to “sidewalk café” or “a sidewalk café” shall be repealed and replaced with “outdoor café” and “an outdoor café” accordingly. Subsection D(1) is hereby amended to include “because it is not in conformance with these standards” after “proposed”. Subsection D(9) is hereby amended to repeal the following language, “During hours of daylight, alcoholic beverages may be served solely in conjunction with the service of food. Subsequent to sundown,”. Subsection D(10) is hereby amended to repeal “, the Zoning Ordinance and, if located in an historic district, the Historic District’s Ordinance shall be”, and replace it with “and Zoning Code, and the application was”. Subsection D(17) is hereby amended to repeal the following language: “If a proposed café is located in an historic district, additional requirements relative to signage and other exterior elements that are set forth in the Historic District’s Ordinance are applicable.” Subsection D(18) is hereby amended to repeal “0.5 footcandle” and replace it with “0.5-foot candle”.

New Sections 200-26.5, 200-26.6 and 200-26.7 are hereby created as follows:

§ 200-26.5. Fences & Retaining Walls.

A. Definitions.

As used in this section, the following term shall have the meaning indicated:

FENCE

Any structure regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

FRONT YARD

Applies to that portion of the yard within and extending the full width of the lot between the front line of the principal building and the front line of the lot.

HEIGHT

The distance measured from the existing grade to the top of the fence.

REAR YARD

Applies to that portion of the yard within and extending the full width of the lot between the rear line of the principal building and the rear line of the lot.

SIDE YARD

Applies to that portion of the yard extending from the principal building to the side lot lines and extending from the front yard to the rear yard, or where no front yard exists, from the front lot line to the rear yard.

RETAINING WALL

A wall that holds back earth or water and is greater than 2 feet in height.

B. Approval required.

No fence, wall or other type of construction shall be erected without a building permit issued by the Building Inspector. The Building Inspector shall secure approval of the Department of Public Works Superintendent and the Bureau of Fire Prevention, where applicable.

C. Application for permit; issuance.

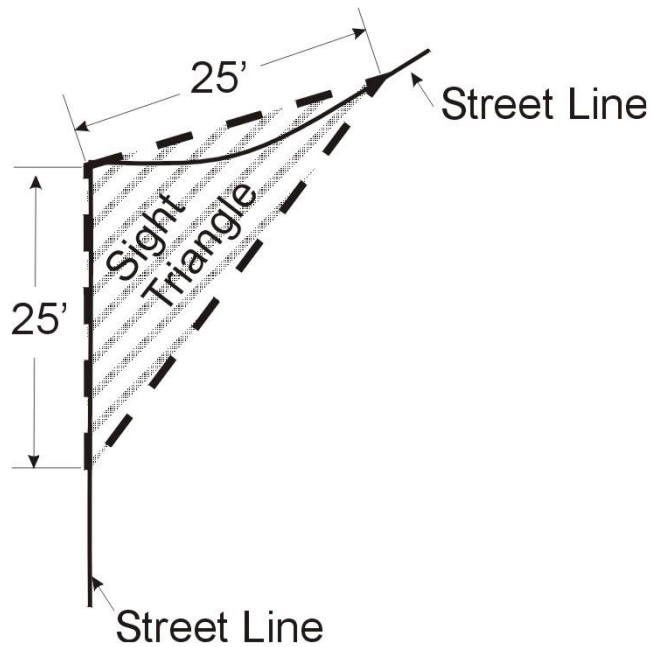
Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Building Inspector on a form provided by the Building Inspector. Said application shall be accompanied by a survey showing the proposed location of any fence, location of easements, if any, the materials proposed to be used therein, which must be in accordance with this Chapter and any other pertinent local law regulating construction within the Village, and be accompanied by an appropriate fee. Upon approval by the Building Inspector, a permit shall be issued which will be in effect for a period of one year from the date thereon. Said permit shall be available on the job during the progress of the work so that it may be inspected by proper Village officials.

Notwithstanding the provisions of this section, the Building Inspector may issue a permit for the construction of a security fence for commercial and industrial properties, upon due application to and approval by the Building Inspector of the Village of Monroe. The Building Inspector may deny such application if it is found that the application for such fence is not appropriate and unnecessary. Upon such denial, the applicant may appeal the Building Inspector's decision to the Zoning Board of Appeals of the Village of Monroe by notice to the same within 30 days of such denial. In the event that the Zoning Board of Appeals substantiates the denial of the Building Inspector, the applicant may resort to proper legal proceedings according to the statutes of the State of New York.

D. Height limitations and Restrictions.

All fences or walls must be erected within the property line, and none shall be erected so as to encroach upon a public right-of-way or interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on private or public property.

On any corner lot, no wall, fence or other structure, and no hedge, shrubbery or other growth taller than 3 feet shall be erected, installed or maintained within a sight triangle with legs beginning at the intersection of the lots two street lines and proceeding to points along the street line 25 feet distant as shown below. The Code Enforcement Officer is hereby empowered to order the removal of any such structure or growth within the triangle which, in his or her opinion causes a danger to traffic or public safety.



1. Residential Height Limitations and Restrictions:

Rear Yard: No fence shall be more than 8 feet in height.

Side Yard: No fence shall be more than 6 feet in height.

Front Yard: No fence shall be more than 4 feet in height. Any fence erected in a front yard shall be placed at least one foot back from the sidewalk, but in no event may it be less than one foot back from the front line and/or property line. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than 50% solid.

2. Commercial Height Limitations and Restrictions:

Fences around industrial, manufacturing and commercial uses for security purposes, screening or containing hazardous materials are permitted up to 8 feet in height and may be located along any side or rear lot line or within any side or rear required yard or setback, but may not be located along the front line or within any front required yard or setback.

In any commercial or industrial district, a fence wall or evergreen hedge of a height not less than six feet nor more than 10 feet may be required by the Planning Board to screen the view of an adjoining or neighborhood residence property. The design and location of such screening shall be approved by the Planning Board.

E. Prohibited Fences

(1) Barbed wire.

- (2) Short, pointed fences.
- (3) Canvas fences.
- (4) Cloth fences.
- (5) Electrically charged fences.
- (6) Poultry fences.
- (7) Turkey wire.
- (8) Temporary fences such as snow fences.
- (9) Expandable fences and collapsible fences, except during construction of a building.
- (10) Any fence, wall or similar structure, as well as shrubbery which unduly cuts off light or air which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction to combating fires or an obstruction to men and equipment for combating fires which may affect public safety is hereby expressly prohibited.

F. Materials and composition.

1. All chain link fences erected shall be erected with the closed loop at the top of the fence.
2. All entrances or gates shall open into the property, except for fencing around pools.
3. Fences shall be substantially constructed, presenting their fronts (side of the fence without visible supports and cross members) to the street and surrounding properties.
4. All fences shall be properly constructed and erected and maintained in a manner so as not to fall into disrepair, and if not so maintained, may be declared a nuisance and shall be abated in conformance with this chapter.

G. Requirements for retaining walls.

1. Minimum setback for retaining walls which rise above the grade of the public right-of-way or adjacent property: one foot for each one foot of height.
2. Minimum setback for retaining walls below grade of public right-of-way or adjacent property: 10 feet or one foot for each one foot of height, whichever is greater.
3. Maximum height of retaining wall: 12 feet, provided that no retaining wall shall have a top of wall elevation that is higher than the elevation of the principal structure located on the same lot.
4. For retaining walls over three feet in height visible from the road or adjacent property, the use of a smooth concrete wall shall not be permitted. The exterior of all such walls shall be natural materials or textured concrete, so as to minimize the negative visual impact of the wall.

5. Retaining walls over five feet in height shall have a fence at least four feet in height at the top of the wall to ensure safety.
6. The design of any retaining wall structure must address the aspects of foundation bearing capacity, sliding, overturning, drainage and loading systems. All retaining walls 3 feet in height or greater, having a driveway, structure or a slope of 1/3 or higher located above it, shall be designed by a licensed engineer and shall be approved by the Building Department.

§ 200-26.6. Powers and duties of enforcing officials and agencies.

The Building Inspector, Code Enforcement Officer, or Department of Public Works Superintendent shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply with the written direction of the Building Inspector, Code Enforcement Officer, or Department of Public Works Superintendent shall be guilty of a violation of this Article and shall be subject to its penalties.

§ 200-26.7. Penalties for offenses.

Any person, firm or corporation or his or her or its agent, servant, workman or employee violating any of the provisions of this Article shall be punishable by a fine as set forth in Chapter 1, Article II, General Penalty, § 1-14. Each day's continuance of a violation after notice to cease shall be deemed a separate and distinct offense and shall be punishable accordingly.

Article X.

Article X (“Supplementary Environmental Regulations”) is hereby renumbered to Article VIII.

Sections 200-39 through 200-43 are hereby renumbered to Sections 200-28 through 200-32.

The title of new Section 200-28 is hereby revised to add “Act (SEQRA)”. This section is hereby amended to repeal “, § 8-0113 and § 617”, and the phrase “positive declaration of”, which shall be replaced with “significant adverse”. Additionally, the phrase “be used by the Board” is hereby repealed and replaced with “be used by any reviewing board”, and “on behalf of the Board” is hereby repealed and replaced with “on behalf of such board”. The sentence beginning “Any excess money...” through the end of the paragraph is hereby repealed and replaced with the following language: “Any excess money at the end of the SEQRA process will be returned to the applicant. During the SEQRA process any deficiency must be made up by the applicant within 30 days notice of the deficiency which notice shall include a copy of the billing

charged against the deposit. Failure to make up such deficiency will result in review of the application being suspended.”

The new Section 200-29 is hereby amended to repeal the first sentence of the paragraph: “The floodway/floodway fringe is incorporated, along with other environmentally sensitive areas, within an overlay district superimposed on the Zoning Map.”

The new Section 200-30 is hereby amended to include the following language at the end of the paragraph: “Erosion and sedimentation controls shall be designed and implemented in accordance with Chapter 168, Article I. This requirement shall not relieve any project of the obligation to obtain such permits as may be required by State or Federal agencies.”

Subsection A of the new Section 200-31 is hereby amended as follows: (i) “partnership, corporation, Village department or other public agency” is hereby repealed and replaced with “entity, or a public agency other than the Village”; (ii) the reference to § 200-81D shall be revised to § 200-68, and (iii) the sentence immediately following this reference is hereby repealed and replaced as follows: “If such work covered by the application is also subject to Planning Board approval, this process may be accomplished simultaneously with conditional use authorization, site plan approval or subdivision review. A SPDES General Permit for Construction Activities must also be obtained from the NYSDEC prior to soil disturbance activities as necessary (Chapter 168, Article I).” Subsection A(2) is hereby amended to repeal the word “single” and replace it with “one”.

Subsection C of the new § 200-32 is hereby amended to repeal the language “/duplex”, remove the parenthesis around the phrase beginning “in the same manner as...”, and to repeal the reference to “§ 200-86H” and replace it with “Article XV”. Subsection C(2) is hereby amended to repeal “this section” and replace it with “Subsection F(2)”. Subsection E(2) is hereby amended to repeal “Identify” and replace it with the following language: “For all areas of disturbance, plus 100 feet of the adjacent proposed undisturbed area, identify”. Subsection G(1) shall be revised to repeal “2 1/2” and replace it with “2 ½”. Subsection G(6) shall be revised to insert “shade” between “plant” and “trees”, and to insert “street” before “right-of-way”, and repeal “line”. Subsection G(11) is hereby amended to insert “by the developer” after “replaced”. Subsection H is hereby amended to insert “(if one exists)” after “Shade Tree Commission”. Subsection I is hereby amended to repeal the term “Building Inspector” and replace it with “Building Department”.

Article XI.

Article XI (“Supplementary Regulations for One or More Districts”) is hereby renumbered to Article IX, and shall be retitled “Supplementary Regulations”.

Sections 200-44 through 200-47 are hereby renumbered to Sections 200-33 through 200-36.

Subsections A, B, C, D, F and G of the new Section 200-33 are hereby repealed, and Subsection E is hereby renumbered to A.

Subsections D(1) and D(2) of the new Section 200-34 are hereby amended to repeal the term “thoroughly” from each. Subsection D(2) is hereby amended to repeal the term “signals” and replace it with “signs”. Subsection F(2)(a)[1][a] is hereby amended to repeal “ROW” and replace it with “right-of-way”. Subsection F(3) is hereby amended to repeal the following language: “The requirements of this section are not intended to apply to dumpsters that were placed within the Village prior to the effective date of this local law and enclosed in a manner that meets the general intent of this section.” Subsection F(3)(b) shall be revised to repeal the term “building department” and replace it with “Building Inspector”. Subsection F(3)(h) is hereby amended to include “, setbacks” after “buffers,”. Subsection F(3)(j) shall be amended to insert “the Department of” before “Public Works”.

In Subsection A(1) of the new § 200-35, the semicolon after “clients/customers” is hereby repealed and replaced with a comma. Subsection B is hereby amended to repeal the term “conditional” and replace it with “special”. Subsection B(2)(d) shall be revised to repeal “and common lounge/recreation area (interior) to be provided for all structures containing three or more dwelling units”, and insert “if possible”. Subsection B(2)(f) is hereby repealed and replaced with “Prohibit external clothes drying.” Subsection B(2)(g) is hereby amended to repeal the language “openable windows” and replace it with “windows capable of being opened”. Subsection B(4) is hereby amended to repeal “§§ 200-55, 200-56 and 200-57” and replace the reference with “Article XI”.

Subsection A(2) of the new Section 200-36 is hereby repealed. Subsection B(2) is hereby repealed. Subsection D is hereby repealed.

Article XII.

Article XII (“Signs”) is hereby renumbered to Article X; it is hereby repealed in its entirety and replaced with the following language:

ARTICLE X. SIGNS

§ 200-37. Statement of purpose, intent and jurisdiction.

Signs constitute a separate and distinct use of the premises upon which they are placed and also affect the use of adjacent roads, streets, walkways and other properties. The provisions of this section are made to establish reasonable and objective regulations for all signs in this municipality, in order to protect the general public health, safety, welfare, convenience and aesthetics. The section is also intended to serve the public's need to be given helpful directions, and to be informed of available products, businesses, and services. All signs in the Village of Monroe shall be subject to this Article.

§ 200-37.1. Definitions.

1. Facade - Any structure or part of a structure attached; or otherwise mounted parallel, to a wall or other vertical part of the structure.

2. Gross Sign Area - The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentation or other figures, together with any other material, design or color forming an integral part of the display including the frame.
3. Roof- The roof slab or deck with its supporting members, not including vertical supports.
4. Roofline - The top edge of a roof or building parapet, whichever is higher, but excluding any mansards, cupolas, pylons, chimneys or any minor projections.
5. Roof Ridge - The upper and lower roof ridges are the horizontal lines formed by the juncture of two sloping planes formed by the surfaces of a roof.
6. Roof Eaves - The projecting overhang at the lower edge of a roof.
7. Roof Structure - An enclosed structure on or above the roof of any part of a building.
8. Sign - A name, identification, description, emblem, display or device which is affixed to, printed on, or represented directly or indirectly upon a building, structure, or parcel of land, which is illuminated or non-illuminated, and which directs or calls attention to a person, place, product, institution, business, organization, activity or service. Signs shall also include any permanently installed or situated merchandise, including any banner, pennant, placard, statue, vehicle or temporary sign. Certain categories of signs are defined as follows. Other categories of signs are defined elsewhere in this ordinance.
 - (1) Abandoned Sign - A sign located on a property which is vacant and/or unoccupied for a period of ninety (90) days; a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days; a sign which contains an outdated message for a period exceeding thirty (30) days.
 - (2) Animated and Moving Signs - A sign or other display with either kinetic or illusionary motion powered by natural, manual, mechanical, electrical or other means, including but not limited to flags having commercial messages, and all pennants, banners, streamers, propellers, and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, and searchlights.
 - (3) Awning Sign - A sign with its copy on a shelter made of any non-rigid material, such as fabric or flexible plastic, that is supported by, or stretched over a frame and attached to an exterior wall of a building or other structure.
 - (4) Banner Sign - A sign with its copy on non-rigid material such as cloth, plastic, fabric or paper with no supporting framework.
 - (5) Billboard - A structure or free standing sign board which advertises goods or services not connected or available on the premises on which the sign is located.
 - (6) Bulletin Board - A particular type of changeable copy sign that displays copy in a casement made of glass, Plexiglas or other materials.
 - (7) Canopy Sign - A sign on a rigid multi-sided structure attached to a building or on any other freestanding structure that may have a roof with support but no walls.
 - (8) Changeable Sign - A sign that is designed so that its characters, letters, illustrations or other content can be changed, altered or rearranged without physically altering the permanent physical face or surface of the sign. This includes manual, electrical, electronic, or other variable message signs.
 - (9) Construction Sign - A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing or development work when placed upon the premises where that work is under way, but only for the duration

of the work.

- (10) Directional/Informational Sign - An on-premises sign for the convenience of the public giving directions, instructions, facility information or other assistance around a site, such as location of exits, entrances, parking lots, amenities, and housing units, to encourage proper circulation. It may contain the logo of an enterprise but no other advertising copy.
- (11) Directory Sign - A sign which displays the names and/or addresses of the establishments, housing units, amenities, or uses of a building or group of buildings.
- (12) Flashing Sign - Any sign which has intermittent or changing lighting or illumination of a duration less than sixty (60) seconds shall be deemed a flashing sign.
- (13) Free-standing Sign - The general term for any sign which is permanently affixed to the ground and on a foundation. It is supported on a foundation by one or more upright poles or braces, and is not attached to a building or any other structure.
- (14) Glaring Signs - Signs with light sources or which reflect brightness in a manner which constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs.
- (15) Housing and Community Unit Identification Sign - A sign within a commercial resort community or common interest community (condo, co-op or planned community) identifying individual units, as well as groupings of units within the community.
- (16) Illegal Sign - A sign which does not meet the requirements of this Chapter. This specifically includes a sign that remains standing when the time limits set by the permit are exceeded and any sign not removed after notification from the Code Enforcement Officer to remove the sign.
- (17) Illuminated Sign - A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including but not limited to neon signs and any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting.
- (18) Inflatable Signs and Other Objects - Signs and other objects which are inflated, including, but not limited to, balloons. One bouquet of balloons shall be allowed on premises that sell balloons. Balloons shall also be permitted in temporary situations or on special occasions at a residence.
- (19) Informational Sign - Public or private directional, street or traffic signs, address numbers, names of buildings, rooms, etc. and other signs of a similar nature.
- (20) Instructional Sign - A sign which provides direction or instruction to guide persons to facilities intended to serve the public (e.g., restrooms, public telephones, public walkways, parking areas, and commercial resort-community amenities, maps, housing units, or transportation schedules).
- (21) Marquee Sign - Any sign attached to a covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather.
- (22) Monument Sign - A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the monument.
- (23) Multiple Signs - Multiple signs, logos or insignia on a canopy or canopies

- attached to a building or other structure are prohibited.
- (24) Nonconforming Sign - A sign that met all legal requirements when constructed but is not in compliance with current sign regulations. A preexisting nonconforming sign is not an illegal sign.
 - (25) Obstructive Signs - A sign or other advertising device erected or maintained at any road intersection in such a manner as to obstruct free and clear vision of the intersection.
 - (26) Off-Premises Sign - Sign, graphics or a display for commercial, industrial, institutional, service or entertainment purposes, promoting products, or services conducted, sold or offered somewhere other than upon the same premises where the sign is located, and whose purpose is to sell or identify a product, service or activity. In the context of this section the word premises shall be interpreted as being a separate tract or parcel of land that has been or may be conveyed by deed or has otherwise been specified as a separate lot on an approved land development plan.
 - (27) On-Premises Sign - Sign, graphics or a display for commercial, industrial, institutional, service or entertainment purposes, promoting products, uses or services conducted, sold or offered upon the same premises where the sign is located, and whose purpose is to sell or identify a product, service or activity
 - (28) Personal Sign - A sign including nameplates, home-occupation signs, and other signs of a similar nature.
 - (29) Plaza Sign - A one or two-sided structure displaying smaller signs, each of equal size.
 - (30) Pole Sign - A freestanding sign with a base supported from the ground by a pole or a similar support structure of narrow width.
 - (31) Political Sign - A temporary sign identifying, either singly or combined, a political candidate, slate of candidates, issue, or party. These signs are used or intended to be used for the display of any announcement, advertisement or notice of any individual candidate or slate of candidates for any public office or similar political purposes.
 - (32) Portable Sign - Sign, graphic or display for commercial, industrial, institutional, service, entertainment or informational purposes which can be readily moved from place to place and which is not affixed to a building, to another permanent structure or to the ground.
 - (33) Posters and Handbills - Any signs affixed to, painted or drawn on any structures, trees or other natural vegetation, rocks or poles.
 - (34) Projecting Sign - A sign which is supported by an exterior wall of a building or other structure and which is constructed and displayed perpendicular to the face of the building or other structure so that both sides of the sign are visible.
 - (35) Real Estate Sign - A temporary sign which is used to offer for sale, lease or rent the premises upon which the sign is placed.
 - (36) Roof Sign - A sign which is erected, constructed, and maintained on or above the roof of a building.
 - (37) Signs Adversely Affecting Safety - Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of the roof to any other part. No sign of any kind shall be attached to a standpipe or

fire escape. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.

- (38) Sign Emissions- No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted.
- (39) Simulated Traffic Signs and Obstructions - Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
- (40) Strings of Light - Any devices including lights that outline property lines, sales areas or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity, except as follows.
 - A. Lights used temporarily as holiday decorations.
 - B. Lights or other devices used on a temporary basis on parcels on which carnivals, fairs or other similar temporary activities are held.
- (41) Temporary Sign - A sign displayed for a fixed, terminable length of time. Temporary signs are intended to be removed after the temporary purpose has been served. Included are for sale, lease or rent signs, political signs, service signs, special-event signs, construction signs, directional signs to special or temporary events, A-Frame type signs and signs of a similar nature.
- (42) Vehicle Signs - Any sign displayed on a parked trailer or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on registered vehicles primarily and actively used and driven for business purposes.
- (43) Wall Sign - A sign painted on, or attached to, a wall or window of a building or other structure and which is mounted parallel to the surface so that only one side is visible to the public.
- (44) Warning Sign - A sign containing no advertising material but which warns the public of the existence of danger.

§ 200-38. Administration.

The Building Inspector or Code Enforcement Officer shall have the responsibility and authority to administer and enforce all provisions of this Article.

§ 200-38.1. Permit procedures.

No sign, except for Exempt Signs shall be erected, displayed, altered, relocated or replaced until the municipality issues a sign permit.

1. Permit Application. Applications for sign permits shall be submitted on forms provided by the Village of Monroe, completed as required; at a minimum, they shall have attached the following information, in either written or graphic form.
 - A. Location of the sign on the premises in relation to lot lines, buildings, sidewalks, streets, public rights-of-way and street intersections within three hundred (300) feet of the proposed sign.

- B. Type of sign (e.g., freestanding, pole, monument, wall) and general description of structural design and construction materials.
- C. Drawings of the proposed sign containing specifications indicating height, perimeter, area, dimensions, type of lettering proposed, means of support, method of illumination, and any other significant characteristics.
- D. Any other information requested by the Building Inspector or Code Enforcement Officer in order to carry out the purpose and intent of this Article.
- E. The required sign permit fee as established by resolution of the Village Board. Permit fees will cover the cost for administering this Article for compliance with its purpose.
- F. The landscaping plan for any freestanding signs shall be created, as follows:
 - 1. A landscaped island containing shrubs or flowers with a minimum of thirty two (32) square feet in area and a minimum of one foot in height is required around all off-premises pole and monument signs.
 - 2. The island shall be formed from materials such as, but not limited to, stone, brick, or landscape timbers. The island shall be maintained to keep it free of weeds, debris and brush.
 - 3. A sketch of the sign and island shall be submitted with the sign permit application.

§ 200-38.2. Permit review and action.

The Building Inspector or Code Enforcement Officer shall review the sign permit application in conformance with the following standards.

- A. Official Date. The official date of submission shall be the day the Building Inspector or Code Enforcement Officer determines that the completed application, with all required or necessary data, has been properly prepared and submitted.
- B. Time to Decide. The Building Inspector or Code Enforcement Officer shall determine whether the proposed sign will or will not be in compliance with the requirements of this Article, and shall, within thirty (30) days of the official date of submission, issue, deny or refer the sign permit application to the Planning Board.
- C. Photograph. When the sign has been completed, the Applicant shall photograph the completed sign and forward the photograph to the Building Inspector or Code Enforcement Officer.
- D. Inspection for Compliance. The Building Inspector or Code Enforcement Officer, or a designee, shall perform a final inspection after installation of any approved sign.
- E. Discrepancies. Any discrepancies between any sign as approved and the sign as constructed shall be identified in writing by the Building Inspector or Code Enforcement Officer and may result in the halt of construction and correction of the discrepancy. If the discrepancy is not corrected within twenty (20) days after written notice, the sign may be ordered removed by the Building Inspector or Code Enforcement Officer.
- F. Complaints. The Building Inspector or Code Enforcement Officer shall

investigate any written complaints of violations of these regulations and may revoke any permit if there is any violation of these regulations or if there was any misrepresentation of any material fact, in either the sign permit application or the plans.

- G. Revocation of Permit. All rights and privileges acquired under the provisions of this Article are mere licenses and, as such, are revocable for cause by the Village of Monroe. All permits issued pursuant to this Article are hereby subject to this provision.
- H. Information to be affixed on signs. All signs erected after the effective date of this section shall have the following information permanently affixed in a conspicuous place.
 - 1. Date of the Approval
 - 2. The sign permit number
 - 3. The voltage of any electrical apparatus used in connection with the sign.
- I. Violations. Any sign which has not been certified and registered as nonconforming or that has not received a permit from the Building Inspector or Code Enforcement Officer within one (1) year of the effective date of this Ordinance shall be deemed to be in violation of these regulations and shall be ordered removed by the Building Inspector or Code Enforcement Officer with the costs of removal to be at the expense of the sign owner or the land owner.

§ 200-38.3. Expiration of sign permit.

- A. If the sign authorized by any sign permit has not been erected or completed within one hundred twenty (120) days from the date of issuance of that permit, the sign permit shall be deemed expired.
- B. An expired sign permit may be renewed within thirty (30) days from the expiration date for good cause shown and upon payment of a permit extension fee, as established by resolution of the Village Board.

§ 200-38.4. Revocation of a sign permit.

The Building Inspector or Code Enforcement Officer shall revoke any sign permit if the sign, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the sign not to be in conformity with this Article. Signs must be properly maintained, properly painted and kept free from all hazards, including but not limited to, faulty construction or wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Building Inspector or Code Enforcement Officer shall give written notice specifying the violation to the current owner of the sign and the current owner of the land upon which the sign is erected to conform or to remove the sign. The sign shall be made to conform to the permit requirements within thirty (30) days from the date of the notice or the Building Inspector or Code Enforcement Officer shall revoke the sign permit and the subject sign shall be removed by the owner of the sign or the owner of the premises.

§ 200-38.5. Removal of the violating sign.

After issuing an enforcement notice the Building Inspector or Code Enforcement Officer shall have the power to, and may remove, cause to be removed, or order the removal of signs that are in violation of this Article. The removal will be completed at the expense of the owner of the sign or the owner of the premises, or both. Removal shall take place in the following instances.

- A. When any sign constructed after the adoption of this Article or any amendment to it is not in conformance with the provisions of this Article.
- B. If the Building Inspector or Code Enforcement Officer finds a sign which presents immediate peril to persons or property, the sign shall be removed.
- C. When any sign, whether existing on, or erected on or after the effective date of this Article, is declared obsolete for any of the following reasons:
 - 1. Any directional or off-premises sign which refers or pertains to a business or facility, the affairs of which are discontinued for a period of six (6) months or more.
 - 2. Any sign which pertains to a time, event or purpose which no longer exists or applies.
 - 3. On premises signs for any businesses or facilities which have been vacant, unoccupied or not actively being *offered* for sale for a period of six (6) months or more.

§ 200-39. Exempt signs.

Sign permits shall not be required for the following.

- 1. Name and Address - Up to two signs indicating address, number and/or name of occupants of the premises that do not exceed two (2) square feet in area per side, and do not include any commercial advertising or other identification.
- 2. Decals - Decals affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
- 3. Flags, Emblems and Insignia of Government Agencies, Religious, Charitable, Public or Non-Profit Organizations - These types of signs are exempt from permit requirements but are subject to the following requirements.
 - A. No single flag that is flown shall exceed forty (40) square feet in area and no single parcel shall fly more than three (3) flags.
 - B. If the total area of flags exceeds seventy two (72) square feet, the excess area shall be included in the on-premises, freestanding sign area calculations for the parcel.
 - C. Flagpoles shall not exceed forty (40) feet in height.
 - D. Wall-mounted flags, emblems, insignias or logos shall be limited to one per parcel and shall not exceed forty (40) square feet in area.

4. Handicapped Parking Space - Signs not exceeding two (2) square feet in areas reserving parking for handicapped individuals.
5. Private Drive Signs - On-premises private drive signs are limited to one per driveway entrance, not exceeding two (2) square feet in area, with language limited to the words "private drive" and the addresses of any residences using the private driveway.
6. Public Signs - Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the Village under direction of the Board of Trustees.
7. Security and Warning Signs - On-premises signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed one (1) sign two (2) square feet in area in residential areas and one (1) sign five (5) square feet in area in commercial and industrial zones. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.
8. Temporary Real Estate Signs and Temporary Political Signs - Display of temporary real estate signs shall be limited to one (1) per property and six (6) square feet in area in residential zones and thirty two (32) square feet in all other zones. These signs shall be removed within thirty (30) days of settlement or lease of the property. Display of temporary political signs shall be no larger than 15 square feet in residential zones and shall be removed within two weeks of said election.
9. Garage or Yard Sale Signs - Signs advertising garage sales or yard sales are permitted, provided that no sign shall exceed four (4) square feet in area and is not erected more than 4 days prior to the event. One (1) yard sale sign shall be allowed on premises. All signs shall be removed one (1) day after the close of the garage or yard sale.

§ 200-39.1. Prohibited signs.

The following signs are expressly prohibited, unless otherwise stated in these regulations:

1. Animated and Moving Signs
2. Flashing Signs
3. Glaring Signs
4. Obstructive Signs
5. Inflatable Signs and Other Objects
6. Posters and Handbills
7. Roof Signs
8. Simulated Traffic Signs and Obstructions

9. Strings of Light
10. Vehicle Signs
11. Multiple Signs
12. Signs Adversely Affecting Safety.
13. Sign Emissions
14. Mirrors
15. Billboards
16. Abandoned Signs

§ 200-40. General standards and criteria for signs.

The regulations in this section specify the area and heights of signs that are allowed within the Village of Monroe and which require a permit.

- A. No sign shall be erected, replaced, constructed, displayed, moved, reconstructed, extended, enlarged or altered except in conformity with and as expressly authorized by the provisions of this chapter, and all sign erections and modifications are subject to the review and approval of the Building Inspector or Code Enforcement Officer. All signs, except as hereinafter provided, shall be deemed structures for the purpose of this chapter.
- B. The Building Inspector or Code Enforcement Officer shall review completed applications and refer all applicants for new and modified signs to the Planning Board for its review and approval prior to issuing a sign permit. The Planning Board shall maintain a stylebook of photographs and drawings of signs representing the types of signs preferred in the Village. Temporary signs as regulated in § 200-40.8 herein shall not be subject to the review and approval of the Planning Board but shall be subject to the issuance of a permit by the Building Inspector Code Enforcement Officer where so specified in § 200-40.8.
- C. Property owners shall have full responsibility for all signs placed or erected on the property owner's premises. It shall be the duty of the owner of the premises to have all tenant signs erected, displayed or altered only in conformity with the Village sign laws. Both the property owner and the tenant (whose sign is in violation) shall be served with all notices of violation and/or appearance tickets for violation of the sign laws of the Village of Monroe. The property owner shall be named as a codefendant or correspondent in any action or proceeding brought by the Building Inspector or Code Enforcement Officer to enforce the provisions against a tenant of the sign code herein.

§ 200-40.1. Relationship to ongoing uses.

All signs must pertain to an ongoing use conducted on the same property on which the sign is located.

§ 200-40.2. Illumination.

Signs may be illuminated, as provided in § 200-42(C), provided that such illumination shall not be twinkling, flashing, intermittent (except for time/temperature signs) or of changing degrees of intensity, and provided that the source of such illumination shall not create unreasonable glare beyond the boundaries of the lot on which it is located.

§ 200-40.3. Placement.

No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance. Further, no sign shall be erected upon a right-of-way, or interfere with pedestrian or vehicular traffic flow, nor shall any sign interfere with any door, window, ventilation system, fire escape or other emergency exit, nor shall any sign be placed on a public sidewalk or at curb side.

§ 200-40.4. Regulations for all districts.

The regulations contained in this section shall apply to all signs and all zoning districts, regardless of designation, of the Village of Monroe. Nothing herein shall be construed so as to allow the placement or installation of a sign on property other than the parcel or lot associated with the sign or the notice provided on the sign.

- A. All freestanding signs shall require site plan approval by the Planning Board prior to installation. Any freestanding sign which is over 10 feet in height shall be constructed to withstand winds of 100 mph, and such shall be certified by a professional engineer or architect.
- B. Any modification or alteration (except repairs and identical replacement) to a freestanding sign, a wall sign, or a projecting sign shall be approved by the Planning Board prior to issuance of a permit by the Building Inspector or Code Enforcement Officer.
- C. The use of a dark background with lighter color(s) for lettering is preferred over the use of a white or light-colored background and dark lettering.
- D. All sign lighting shall be shielded and directed in such a manner that the light source is fixed and is not directly visible from, and does not cast glare or direct light from artificial illumination upon, any adjacent public right-of-way, surrounding property, residential property or motorist's vision. Ground-mounted spotlights used to illuminate a sign shall be fully shielded. Any device lighting a sign shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent or moving light or lights. A string of lights consisting of more than three bulbs shall not be permitted as part of a sign or separate from a sign.
- E. Wall signs shall be affixed flat against the building facade.
- F. No sign shall have more than two sides.

- G. All signs shall be measured in accordance with the following methods:
- (1) Sign measurement shall be based upon the entire area of the sign, with a single rectangular perimeter enclosing the extreme limits of the actual sign surface.
 - (2) For a sign fixed to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a color different from the natural color of the finish material of the building.
 - (3) For a sign consisting of individual letters or symbols attached to a surface, canopy, awning, building, wall or window, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.
 - (4) Essential supporting framework (brackets, posts, standards) shall not be included in sign area calculations. However, illuminated embellishments on such essential supporting framework shall be included in the calculation of sign size.
 - (5) For signs with two faces or sides, the area shall be taken as the area of either face, provided that the faces are back-to-back.
- H. All illuminated signs shall bear the Underwriters Laboratories, Inc. seal in conformance with U.S. 48 or shall be inspected and certified by a state-authorized electrical inspection company.
- I. All signs, including wall signs and projecting signs, shall be securely anchored.
- J. All signs shall be constructed of durable materials and shall be maintained in good condition.
- K. Projecting signs shall have no more than two faces. The exterior edge of a projecting sign shall extend not more than 36 inches from the building face or 1/3 the width of the sidewalk over which it is suspended, whichever is less. No part of a projecting sign shall extend into a vehicular traffic area. A projecting sign suspended over a sidewalk or pedestrian traffic area shall have a vertical clearance of not less than eight feet. No sign shall project from an awning.
- L. On multistory buildings, projecting signs shall be attached to the building above first-story windows and below second-story windowsills. On one-story buildings, projecting signs shall be attached above first-story windows and below the roofline. The size and location of a projecting sign shall complement neighboring signs.
- M. No wall sign shall be higher than the building to which it is attached.
- N. All wiring to a freestanding sign shall be underground and/or concealed within the sign structure.

§ 200-40.5. Animation and strings of lights.

No permanent sign or sign component shall be animated, such as moving, rotating or revolving. Further, no permanent sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, balloons, streamers, spinners or other similar moving, fluttering or revolving devices. In addition, strings of lights and contiguous or noncontiguous light strips, whether they be neon, fluorescent or otherwise, shall not be used for advertising or attracting attention when not part of a sign. For the purpose of conducting a grand opening or special sale, pennants, balloons, ribbons and streamers may be allowed by obtaining a temporary sign permit as outlined in § 200-40.8(F).

§ 200-40.6. Maintenance and quality of signs.

- A. All signs and sign components shall be kept in good repair and in safe, neat, clean and attractive condition. All signs shall be of a professional quality with respect to such matters as design, painting, lettering, materials and construction.
- B. All permanent signs shall be constructed using materials and methods such that the sign can be expected to withstand normal weathering and use with routine maintenance and cleaning. The determination of the adequacy of the construction of all permanent signs shall be the responsibility of the Code Enforcement Officer.

§ 200-40.7. Projecting or hanging signs.

No sign shall project or hang over a pedestrian or vehicular right-of-way, whether public or private, except that signs attached to the wall or fascia of a building may project up to 36 inches from the building, provided that there is a least an eight-foot clearance above a pedestrian right-of-way and a thirteen-foot clearance above a vehicular right-of-way. No sign shall project above the eave line of the building on which it is mounted, painted or otherwise attached. If the building is flat-roofed, the roofline shall be deemed the eave line for the purpose hereof, except that if a parapet extends across the entire front of the building, the sign may extend to the top of the parapet. For projecting and hanging signs, the Village of Monroe shall be named on the property owner's insurance policy and proof of such insurance shall be required to be produced for review by the Village at any time. Such liability insurance policy shall name the Village as an additional insured and shall contain policy limits with a minimum of \$1,000,000. Projecting and hanging signs will require yearly inspections by the Building Inspector or Code Enforcement Officer and may be required to be removed upon notification by the Building Inspector or Code Enforcement Officer.

§ 200-40.8. Temporary signs.

In addition to permitted permanent signs, the following temporary signs are also permitted. Said temporary signs shall require a permit unless specifically exempted below.

- A. One "for sale" or one "to let" sign not exceeding four square feet in area for a single lot or 16 square feet in area for a real estate subdivision and set back at least 15 feet from the

street upon which the property is located. A "sold" sign shall not be displayed for more than 10 days. No permit shall be required for a "for sale," "to let" or "sold" sign.

- B. Not more than one temporary construction sign for each street frontage of the lot, identifying the architect, engineer and/or contractor and not exceeding four square feet in area, shall be permitted during the course of construction only.
- C. Not more than one temporary sign up to 15 square feet in size appertaining to and displayed only during election campaigns, drives or events of civic, philanthropic, educational or religious institutions shall be allowed per business and shall require a permit from the Building Inspector or Code Enforcement Officer. Signs shall be allowed in any zoning district and must be removed within five calendar days after the completion of the occasion for which the signs were installed. In addition, the applicant shall agree at the time the permit is issued to reimburse the Village for all expenses incurred should it become necessary for the Village to remove the signs. Furthermore, signs may not be installed earlier than 30 days prior to the first date of the event, drive or election being publicized. Signs placed on private property for Village-sponsored events are exempt from these provisions.
- D. Temporary signs pertaining to sales or other business activities which have a duration of five calendar days or less shall not be subject to the issuance of a permit by the Building Inspector or Code Enforcement Officer, but such signs shall require the filing with the Village Zoning Office of a temporary sign information form, showing conformity to this code provision, including the dates of installation and removal of the signs. All such signs may not exceed 15 square feet in total cumulative area and must also conform to the provisions of this chapter with respect to placement and professional quality. Such temporary signs shall be allowed no more than twice per calendar year, per business.
- E. For events, conditions or circumstances not covered elsewhere in § 200-51.9 herein, the Building Inspector or Code Enforcement Officer may issue a permit for a period of not more than 30 days for the erection of a temporary sign not exceeding 30 square feet in area in any business district. Such temporary permits may be renewed for not more than one additional thirty-day period and shall be subject to the reimbursement provisions of § 200-40.8(C) above.
- F. For grand openings, special sales and anniversaries, pennants, balloons, ribbons and streamers may be allowed and are subject to a permit by the Building Inspector or Code Enforcement Officer, for a period of no longer than seven days, and cannot exceed the height of the building upon which they are attached.
- G. There shall only be two issuances of a temporary permit under the provisions of § 200-40.8 C, D, E and F per calendar year. Extensions of permits where allowed will constitute a separate issuance of permit.

§ 200-41. Signs on State highways.

Any and all signs shall conform to the State Code if on a State highway.

§ 200-42. Signs in non-residence zoning districts.

- A. Signage districts. In recognition of the nature of the different portions of the Village (that is, for example, the central business area, general business district and the Routes 17M and 208 GB corridors, the lands located in the nonresidence zoning districts in the Village are hereby divided into the following classes of signage districts:
 - (1) SD-1, Signage District - 1
 - (2) SD-2, Signage District - 2
 - (3) SD-3, Signage District - 3

- B. Signage district map. The respective signage districts are bounded and defined as shown on the map entitled "Signage District Map of the Village of Monroe, New York," which map, with all explanatory matter thereon, is hereby made a part of this Chapter.

- C. Signage district regulations. Illumination and size/dimensional regulations pertaining to the respective signage districts are as shown on the following schedule entitled "Signage District Regulations of the Village of Monroe, New York," which schedule, with all explanatory matter thereon, is hereby made a part of this Chapter.

Signage District Regulations of the Village of Monroe, New York			
	Signage District 1	Signage District 2	Signage District 3
Illumination			
Internal	Prohibited	Permitted	Permitted
External	Permitted	Permitted	Permitted
Size/Dimensions			
Building-mounted signs			
Maximum area of sign for each linear foot of building facing the street	1 square foot of sign per linear foot of tenant space in building	1 square foot of sign per linear foot of tenant space in building	2 square feet of sign per linear foot of tenant space in building
Building-mounted signs hung parallel to building			
Maximum vertical dimension	2 feet	2 feet	Not to exceed 25% of the total height of the building
Building-mounted signs hung perpendicular to building			
Maximum area for each	9 square feet ¹	9 square feet ¹	9 square feet ¹
Maximum vertical dimension	3 feet	3 feet	3 feet
Freestanding signs			
Maximum gross sign area per lot	30 square feet ^{1,2}	30 square feet ^{1,2}	36 square feet plus 1 square foot for every 10 parking spaces up to 1,000 spaces in project; not to exceed 50 square feet ^{1,2}
Maximum vertical dimension	8 feet	8 feet	--
Maximum height above highway level	12 feet	12 feet	15 feet
Maximum dimensions per sign on a directory sign	3 feet by 6 feet	3 feet by 6 feet	--

NOTES:

- ¹ If a freestanding sign or a building-mounted sign hung perpendicular to the building is substantially two-dimensional and has parallel faces, each face may contain this number of square feet.
- ² No sign may be located closer than 10 feet to any property line, designated street line, or existing street line, whichever is a greater distance from the center line on the public street abutting the lot in question, plus an additional one foot for each two square feet of sign area in excess of 36 square feet. Also refer to § 200-40.3, Placement, of this chapter.

D. In nonresidence GB and Corridor districts, the following signs are hereby authorized:

- (1) Building-mounted signs. Not more than one sign affixed and parallel to the outer wall of the structure within which the permitted use is situated, facing the principal street giving access to such structure, and not more than one sign affixed and perpendicular to the outer wall of the structure within which the permitted use is situated, provided that:
- (a) No sign shall project above the roof or extend beyond the limits of the building.
 - (b) No sign shall face an abutting residential zoning district if located within 50 feet of such district.
 - (c) All such signs shall comply with the illumination and size/dimensional regulations in the schedule in § 200-42(C) herein for the signage district in which they are located.
 - (d) The sum of the sign area for all building-mounted signs (*i.e.*, any sign hung parallel to the building and any sign hung perpendicular to the building) shall not exceed the maximum sign area indicated in the schedule above for building-mounted signs.
- (2) Freestanding signs. Not more than one freestanding sign is permitted, provided that:
- (a) No sign shall face an abutting residential zoning district if located within 50 feet of such district.
 - (b) All such signs shall comply with the illumination and size/dimensional requirements in the schedule in § 200-42(C) herein for the signage district in which they are located.
- (3) In addition to other permitted signs, one address identification sign, not exceeding two square feet in area, affixed and parallel to the outer wall of the structure

facing upon a street or parking lot not faced by a sign as permitted in Subsection A above is also permitted.

- (4) In addition to other permitted signs, necessary small directional signs are permitted on access roads and parking areas, provided that the area of each sign shall not exceed two square feet. Directional signs shall not contain any advertising or any other information which is nonessential to their directional purpose.
 - (5) Indoor signs displayed in a window or door whose primary purpose is to communicate information to passersby out of doors shall be included in the total building-mounted sign area calculations in the schedule in § 200-42(C) herein and shall be subject to all other provisions of this chapter, including the illumination provisions contained in the schedule in § 200-42(C) herein.
 - (6) Individual signs on a directory sign shall be compatible with each other in terms of background color, material, size and shape.
 - (7) Directory listing signs, customary to office complexes, doctors' offices or other multi-tenant buildings where such signs are located in the vestibule or within the doorway of a building, are permitted.
 - (8) One nonilluminated, wall-mounted or A-Frame-style chalkboard sign is permitted to advertise daily specials. Such sign may not exceed six square feet and is permitted subject to a permit from the Code Enforcement Officer.
 - (9) Limitation on Number of Signs. Any business shall be limited to two on-premises exterior signs advertising that business, to include freestanding and signs attached to a building (excluding window decals and on-premises directional signage). A third sign may be permitted as follows:
 - a. If multiple businesses are located within the same building, and that building fronts both a roadway and parking lot, or two roadways, the corner units may be allowed a third sign facing that roadway or parking lot.
 - b. If a business occupies a building which fronts both a roadway and parking lot, or two roadways, the business may be allowed a third sign facing that roadway or parking lot.
- E. In nonresidence zoning districts located within the CB Zone, the following signs are hereby authorized:
- (1) Either one building-mounted sign (parallel or perpendicular to the building, but not both) and one freestanding sign, as permitted in § 200-42(D).
 - (2) Supplementary signs as permitted in § 200-42(D)(3), (4), (5), (6) and (7).

- (3) One nonilluminated, wall-mounted or A-Frame-style chalkboard sign is permitted to advertise daily specials. Such sign may not exceed six square feet and is permitted subject to a permit from the Building Inspector or Code Enforcement Officer.

§ 200-43. Signs in residence zoning districts.

In residence districts, the following signs are hereby authorized and may be illuminated, provided that a nonflashing external light source is used:

- A. One identification sign stating the name and address of each resident or property or the number of the lot, not exceeding two square feet in area.
- B. One identification sign announcing any profession or occupation permitted as an accessory use on the lot, not exceeding 6 x 18 inches in dimensions.
- C. For other permitted uses, one sign at each street frontage where the use has an access drive, provided that the sign does not exceed eight square feet in total area and does not exceed two feet in any one dimension.
- D. Only externally illuminated signs shall be permitted and comply with the provisions of § 200-40.2 herein.
- E. No sign shall be located closer than 10 feet to any property line. Also refer to § 200-40.3, Placement, of this Article.

Article XIII.

Article XIII (“Parking and Loading”) is hereby renumbered to Article XI. Sections 200-55 through 200-58 shall be renumbered as Sections 200-44 through 200-47.

The introductory paragraph of the new Section 200-44 is hereby amended to include “as” between “permitted” and “accessory”. Subsection C is hereby amended to repeal “parking space is” and replace it with “parking spaces are”. Subsection E is hereby amended to include the following sentence at the end of the paragraph: “Under no circumstances shall taxis, cars for hire, livery, limousines or the like, be parked or stored overnight at any location in any district other than at an approved taxi business pursuant to § 200-51.2.” Subsection J is hereby amended to repeal “an adjoining property” and replace it with “adjoining properties”. Subsection K is hereby amended to include “of the structure” between “area” and “by”.

Subsection C of the new 200-45 is hereby amended to insert “, other than required handicap spaces,” after “required parking spaces” in the first sentence, and to insert the following sentence after the end of the second sentence: “For parallel parking spaces, the minimum width per space shall be ten feet, and the minimum depth shall be 22 feet.” Subsection G is hereby amended to include the following language after “all-weather surface”: “excluding gravel, and

shall be delineated with curbing. The use of porous pavement is permissible where the subgrade conditions are acceptable for infiltration. Porous pavement must be designed and installed in accordance with the Design Manual described in Chapter 168, Article II.” Subsection J is hereby amended to repeal the reference to “Article X, § 200-43” and replaced with “§ 200-32”.

Chart No. 2 of the new Section 200-46 is hereby amended to change the average parking generation rate for “medical/dental clinic/office” from “4.11” to “5.00”.

Subsection H(2) of the new Section 200-47 is hereby amended to repeal the reference to “Subsection H” and replace it with “Subsection (H)(1)”.

Article XIV.

Article XIV (“Conditional Use Regulations”) is hereby renumbered to Article XII, and retitled to “Special Use Permit Procedures and Regulations”.

Sections 200-59 and 200-60 are repealed in their entirety, and are hereby replaced with the following new Sections 200-48 through 200-48.4:

§ 200-48. Uses requiring special permits.

All uses listed in the Table of District Uses and Bulk Requirements or elsewhere in this Chapter as subject to additional standards are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case, and they shall conform but not be limited to the following general requirements as well as the pertinent specific requirements.

§ 200-48.1. Special uses deemed permitted.

Upon issuance of a special permit, the special uses for which conformance to additional standards is required by this chapter shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein in addition to all other requirements as set forth in this Chapter.

§ 200-48.2. Required findings for special permits.

The Planning Board may approve the special use permit application, provided that it finds that all of the following conditions and standards have been met:

- (1) The location and size of the use, the nature and intensity of the operations and traffic involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

(2) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

(3) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use not requiring a special use permit.

(4) Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

(5) Existing municipal facilities are adequate for the proposed use, or plans for the immediate or reasonably near-term expansion of such facilities are adequate to provide for such use.

(6) The property will be suitably landscaped to protect the neighborhood and adjacent property.

§ 200-48.3. Conditions and safeguards; temporary permits.

The Planning Board shall attach such conditions and safeguards to the special use permit as are necessary to assure continual conformance to all applicable standards and requirements, and the Planning Board may attach such other conditions and safeguards as it believes to be required or considers appropriate. When the circumstances warrant, the Planning Board may issue temporary permits for a period not to exceed five years, subject to adequate guaranties that such use shall be terminated at the end of the term specified or such extension thereof as may be granted by the Planning Board.

§ 200-48.4. Expiration of special permits.

A. Term of permit; extensions.

(1) A special use permit shall be deemed to authorize only the particular use or uses specified in the permit and, unless other provisions are set forth by the Planning Board in connection with its issuance of that permit. A special use permit shall expire if work is not initiated pursuant thereto within one year of issuance.

(2) The Planning Board may, upon a finding that the applicant is proceeding with the project with due diligence and has offered a reasonable explanation of its inability to commence and/or complete the project, grant one or more six-month extensions of the special use permit approval subject to such conditions as the Planning Board determines are appropriate. The granting of extensions under this section shall not require a public hearing, but may require updates of any material previously submitted. Prior to the grant of any extensions pursuant to this section,

the applicant shall deposit with the Village such additional escrow monies for professional consultation services as may be deemed necessary by the Planning Board.

- B. Any special use permit issued hereunder shall be to the applicant and shall be terminated upon the sale, expiration of a leasehold interest of the applicant, a change to a permitted use that does not require a special permit, or abandonment of the site, unless otherwise authorized by the Planning Board. If there is noncompliance with the conditions of the resolution of special use permit, the certificate of occupancy shall be revoked.

Section 200-61 is hereby renumbered to § 200-49. Section 200-62 is hereby renumbered to § 200-49.1, and retitled to “Townhouses or row houses”. Subsection A of the new § 200-49.1 is hereby amended to repeal the reference to “Article XVII, § 200-86H” and replace it with “Article XV”. Subdivision B is hereby amended to repeal the reference to “Article XIII, Parking and Loading, §§ 200-55, 200-56 and 200-57” and replace it with “Article XI, Parking and Loading”. Subsection F is hereby amended to repeal the reference to “Article X, § 200-43” and replace it with “Article VIII, § 200-32”. Subsection G(1) is hereby amended to insert “closest wall of the” in between “the” and “adjacent”. Subsection J is hereby amended to repeal the reference to “Article XII, Signs, § 200-51” and replace it with “Article X, Signs”. Subsection M(6) is hereby amended to repeal the term “one” and replace it with “single”, and to repeal the reference to “§ 200-86H”, and replace it with “Article XV”. Subsection M(8) shall be amended to remove the second “shall” in the first sentence. Subsection M(13)(b) shall be revised to remove the reference to “§ 200-86H” and replace it with “Article XV”.

Section 200-63 is hereby renumbered to § 200-49.2. Subdivision A is hereby amended to repeal the reference to “Article VXII, § 200-86H” and replace it with “Article XV”. Subdivision B is hereby amended to repeal the reference to “Article XIII” and replace it with “Article XI”. Subsection C(2) is hereby amended to repeal all language, including the chart, after “derived”, and replace it with “from the Table of District Uses and Bulk Requirements.” Subsection F is hereby amended to repeal the reference to “Article X, § 200-43” and replace it with “Article VIII, § 200-32”. Subsection K is hereby repealed and subsections L through N are hereby renumbered accordingly. The new Subsection M is hereby amended to repeal the reference to “Article XII, Signs, § 200-51”, and replace it with “Article X, Signs”. Subsection P is hereby renumbered as Subsection N.

Subsection O of the new § 200-49.2 shall be retitled “Senior citizen affordable housing – existing development”. Subsections O(5) and O(14) are hereby repealed, and Subsection O(15) is renumbered as O(5) accordingly.

Section 200-63.1 is hereby renumbered as § 200-49.3. Subsection B shall be amended to repeal the reference to “§ 200-63” and replace it with “§ 200-49.2”. Subsection C(2)(a) shall be amended to repeal the phrase “efficiency units and or”, and shall repeal “24” and replace it with “20”. Subsection C(2)(b) shall be amended to repeal “20” and replace it with “15”. Subsection C(3)(a) shall be amended to repeal the phrase “Efficiency and”, and shall repeal “700/900” and replace it with “800/1000”. Subsection C(3)(b) is hereby amended to repeal “900/1500” and

replace it with “1000/1500”. Subsection E(6) is hereby amended to include “the” between “under” and “same”, and “Law” between “Zoning” and “as”. Subsection E(7)(f) is hereby amended to repeal the reference to “§ 200-86J” and replace it with “§ 200-72(E)(4)(b)”. Subsection F shall be retitled “Assurances for senior citizen housing projects.” A period shall be added at the end of Subsection F(3). Subsection F(6) shall be amended to include “a” between “in” and “form”. Subsection G is hereby repealed.

Section 200-64 is hereby renumbered as § 200-49.4. Subsection A(2) is hereby amended to repeal the language “paid upon application in an amount as determined by the fee schedule” and replaced with “set by the Village Board”. Subsection B(4) is hereby amended to repeal the reference to “§ 200-86H” and is replaced with “Article XV”, and to add the following sentence at the end of the paragraph: “The permit shall be for the authorization to operate the mobile home court for a period of one year with renewal provisions as set forth in Paragraph H of this section.”. Subsection C(6) is hereby amended to include “of” between “feet” and “frontage”.

Section 200-65 is hereby renumbered as § 200-50. Subsection B is hereby amended to repeal the reference to “Article XIII, §§ 200-56, 200-57 and 200-58” and replace it with “Article XI”. Subsection C is hereby amended to repeal the reference to “Article X, § 200-43” and “Article XII, Signs, § 200-50” and replace them with “Article VIII” and “Article X, Signs”, respectively. Subsection E(1) shall be merged with Subsection E. Subsection G is hereby amended to include the following language in between the first and second sentences: “Landscaping shall be maintained in perpetuity in accordance with the approved landscaping plan submitted to and approved by the Planning Board. Snow shall be removed to an off-site location, or to a location as approved by the Planning Board. No snow shall be piled to obstruct site distances, or eliminate parking spaces.”

Section 200-66 shall be renumbered as § 200-51, and retitled “Motor vehicle/car wash regulations.” The following shall be included after the introductory paragraph of the new § 200-51:

MOTOR VEHICLE SALES

Any area of land, including any structures thereon, for which its principal use is the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers or recreational vehicles or other vehicles in condition for road use upon registration and current inspection

MOTOR VEHICLE REPAIR AND PAINT SHOP

A facility arranged, intended, or designed for making repairs to motor vehicles and their mechanical systems, including painting and collision services.

MOTOR VEHICLE FUEL DISPENSING STATION

An area of land, including structures thereon, or any building or part thereof, that is used for the sale of motor fuel or motor vehicle accessories, and which may include food or beverage sales without wait staff.

CAR WASH

A facility for washing standard passenger vehicles. Such facility may include related services, including vending machines, pet wash facilities and vacuum and carpet shampooing kiosks.

The following shall be permitted by special use permit in the GB district:

GB District – Special Use Permit	Permitted Accessory Uses
Motor Vehicle Sales	Rental, Repair, Service, Towing, Car Wash
Motor Vehicle Repair and Paint Shop	Gasoline Sales, Convenience Store, Towing, Rental, Motor Vehicle Sales, Car Wash
Motor Vehicle Fuel Dispensing Station	Convenience Store, Car Wash
Car Wash	Convenience Store

Subsection C is hereby amended to repeal the following language: “a living screen composed of”. Subsection D is hereby repealed and replaced with the following language: “Dumpster enclosure. A dumpster enclosure must be provided in accordance with the specifications contained in § 200-34(F). Discarded oil cans, tires, parts, etc., shall not be stored on any section of the site, except within the enclosed building. Additional enclosures for discarded tires, scrap parts, etc. may be required at the discretion of the Planning Board.” Subsection H is hereby revised to repeal both phrases “display and”, and the following language shall be included at the end of the subsection “, and should be in compliance with all regulations and requirements under this chapter.” Subsection I is hereby amended to repeal “at least 10% of the total area of the size of any such use shall be landscaped and”, which shall be replaced with “Landscaping”. Additionally, the reference to “Article X, § 200-43” is hereby repealed and replaced with “Article VIII, § 200-32”. Subsection J is hereby amended to repeal the reference to “Article XIII, §§ 200-56, 200-57 and 200-58”, and replace it with “Article XI”. Subsection K is hereby amended to repeal the reference to “Article XII, § 200-50”, and replace it with “Article X”. Subsections M and N are hereby repealed, and new Subsections M and N are hereby created as follows:

- M. Proximity requirements for Motor Vehicle Repair and Paint Shop. No stations shall be located closer than 200 feet from a school, public recreation area, church, hospital or any other place of public assembly designed for the simultaneous use and occupancy by more than 100 persons. Said distance is to be measured in a straight line between the nearest points of each of the lots or premises, regardless of the district where either premises are located.
- N. Supplementary requirements for Motor Vehicle Repair and Paint Shop, and Motor Vehicle Sales and Service:
 - (1) Access. Access points shall be located a minimum of 100 feet from the intersection of designated street lines. Entrance and exit driveways shall have an unrestricted width of not less than 12 feet and not more than 25 feet; shall be located not nearer than 10 feet from any property line; and shall be laid out so as to avoid the necessity of any vehicle backing out across any public right-of-way.

- (2) All vehicles, except one tow truck, shall be stored within a building when the facilities are not open for business. However, not more than five licensed vehicles requiring minor repairs may be left outside for a period not to exceed 48 hours, and these shall be effectively screened from all property lines; except as to the holding of a vehicle for not more than 60 days for insurance appraisal purposes covering property damage claims; and except as to the holding of a vehicle for the required period to perfect or protect a garageman's lien pursuant to statute; and except as to the holding of vehicles impounded by the State of New York. At no time shall any unlicensed or dismantled vehicles be outside a building.
- (3) Waste materials shall be temporarily stored in an opaque enclosure adjacent to the facility, the size, design and location to be determined by the Planning Board.

New Sections 200-51.1 and 200-51.2 are hereby created as follows:

§ 200-51.1. Supplemental Car Wash Regulations.

Car washes may be permitted by the Planning Board as principal or accessory uses, subject to the following requirements:

- A. The maximum capacity of a car wash establishment shall be determined by dividing the length of the equipment line by twenty (20) feet. Each establishment shall provide a parking or queuing area sufficient to accommodate six (6) times the maximum capacity of the establishment. Four (4) times the maximum capacity shall be provided for automobiles beyond the exit of the equipment so situated as to be usable for the hand finishing of the washing process and which shall be no closer than fifty (50) feet to any street right-of-way line.
- B. All wash water shall be completely recirculated within the washing system and discharged according to New York State regulations.
- C. Exit area shall be pitched back toward the discharge system and be maintained and kept free of ice and excess water.

§ 200-51.2. Taxi Business.

TAXI BUSINESS

A business, new or existing on the effective date of this chapter, transporting persons for hire, including but not limited to taxi, livery, limousine and car service.

- A. All new and existing Taxi Business in the Village of Monroe must comply with Chapter 182 (Taxi Regulations)
- B. Parking. A parking space must be provided on site for each vehicle owned and operated by the Taxi Business. These parking spaces are in addition to the regular required parking requirements for such business. Under no circumstances shall taxis, cars for hire, livery, limousines or the like, be parked or stored overnight at any location in any district in the Village of Monroe other than at an approved taxi business site.
- C. Maintenance. No maintenance or repair of vehicles is permitted on site. All vehicles must be registered and licensed. No junk vehicles or vehicle parts are permitted on site.

Section 200-67 is hereby renumbered as § 200-52. Subsection B is hereby amended to repeal the reference to “§ 200-86H” and replace it with “Article XV”.

Section 200-68 is hereby renumbered as § 200-53. The last sentence of Subsection A is hereby repealed and replaced with “It must be incorporated pursuant to the provisions of the Not-For-Profit Corporation, the Benevolent Order Laws of the State of New York, or other law of the State of New York.” Subsection F is hereby amended to repeal the reference to “Article X, § 200-43” and replace it with “§ 200-32”. Subsection L is hereby amended to repeal the phrase “or fraternal lodge”, and to include the following at the end of the paragraph: “, and, if applicable, has received and maintains Orange County Health Department approvals and permits.”

Section 200-69 is hereby renumbered as § 200-54. Subsection A is hereby repealed and replaced with the following language: “Nonresidential units. Hotel and motel units shall not contain kitchen facilities of any nature. No unit shall contain more than two rooms (*i.e.*, a suite), nor shall units be connected by interior doors in groups of more than two.” Subsection C is hereby amended to repeal the following language, and to renumber the language as a new Subsection D: “No hotel or motel building shall exceed the height of 35 feet.” The existing Subsections D and E shall be renumbered as Subsections E and F, respectively.

Section 200-72 is hereby renumbered as § 200-55. Subsection D shall be amended to repeal the reference to “Article X, § 200-43” and replaced with “§ 200-32”.

Section 200-72.1 is hereby renumbered as § 200-56. Subsections A, B and C are hereby repealed, and Subsections D, E and F are hereby renumbered as Subsections A, B and C, respectively. Prior to Subsection A, the following definition shall be inserted:

SELF-STORAGE FACILITY

A public facility for storage of personal, household or business property which is serviced by the owner of the stored property or an agent of the owner for periods of at least 30 days or greater. The term "self-storage facility" includes all similar uses and terms but shall not be construed to mean "warehouse." The self-storage facility must be constructed on a permanent foundation. A self-

storage facility is not to be used for the transfer, shipping or receiving of products or goods in conjunction with a business operation.

Subsection A(1) is hereby amended to include the term “General” between “the” and “Business”. Subsection B(1) is hereby amended to become part of Subsection B, and Subsections B(2) and C are hereby repealed.

Section 200-73 is hereby renumbered as § 200-57, and is retitled “Recreational facilities, indoor and outdoor.” Subsection A is hereby repealed, and Subsections B and C are renumbered as Subsections A and B accordingly. The new Subsection B is hereby amended to repeal the reference to “Article X, § 200-43” and replaced with “§ 200-32”. Subsections D, E and F are hereby renumbered to E, F and G, respectively, and new Subsections C and D are hereby created as follows:

- C. Public address systems. The Planning Board may permit the use of outdoor public address systems, provided that no more sound shall carry beyond the limits of the recreational facility site than would be inherent in the ordinary residential use of the property.
- D. Outdoor entertainment. Outdoor entertainment, live or mechanical, shall be allowed only by special permit of the Village Board of Trustees, renewed annually.

Section 200-74 is hereby repealed in its entirety.

A new Section 200-58 is hereby established as follows:

§ 200-58. Day care.

- A. There shall be no more than one day-care center per lot.
- B. The limits of any outdoor play area or recreation area shall not extend closer than 20 feet to any residential property line.
- C. All day-care centers shall have an active outdoor play area of 100 square feet per child.
- D. Outdoor play areas shall be appropriately fenced or otherwise protected from roads and nearby properties.
- E. Off-street parking and loading shall comply with the provisions Article XI.
- F. The operator shall have a valid license from New York State.

- G. The day-care center shall comply with all applicable conditions and limitations of the New York State Department of Social Services relating to the operation and licensing of day-care centers and shall have all required licenses and certificates.

Section 200-70 is hereby repealed and replaced with a new Section 200-59, as follows:

§ 200-59. Drive-through and drive-up establishments.

Compatibility. Before approving any drive-up or drive-through establishment, the Planning Board shall consider and regulate the following:

- A. Vehicular traffic movements and potential hazards to pedestrian safety. All drive-through aisles shall exit into a parking area, or to a location determined by the Planning Board.
- B. Proposed signs, lighting, speaker noise where residential properties are located nearby, and landscaping.
- C. Parking shall be adequate for the type of facility proposed, with three additional short-term spaces devoted specifically for pickup or order delays for each drive-up, drive-through, walk-up or pickup window or area inside or outside the building.
- D. Public roads and internal drive aisles shall not be blocked by waiting drive-through traffic.
- E. Parking areas and circulation drives shall be adequately separated and clearly defined by pavement markings and/or striping so as to avoid conflict between parked cars and waiting drive-through traffic.
- F. Adequate stacking space will be provided for waiting drive-through vehicles such that these vehicles do not interfere with site vehicular or pedestrian circulation.

Section 200-71 is hereby repealed in its entirety.

A new Section 200-60 is hereby created as follows:

§ 200-60. Bed and Breakfast.

- A. Definitions.

BED-AND-BREAKFAST

The renting of not more than five rooms in an owner-occupied dwelling for overnight accommodations and serving of breakfast to not more than ten casual and transient roomers, provided that the renting of such rooms for such purpose is incidental and subordinate to the principal use of the dwelling. The bed-and-breakfast use shall at no time be construed as a dwelling unit. The bed-and-breakfast use shall conform to the special permit provisions of this chapter.

B. Bed-and-breakfast facilities.

The Planning Board, in its consideration of bed-and-breakfast facilities, shall incorporate the special permit requirements of Article XII and shall require the following:

- (1) The bed-and-breakfast use shall be an accessory use to the principal use in permitted districts.
- (2) The use in all districts allowed under this section shall be exclusively owner-occupied single-family housing.
- (3) Residential buildings incorporating bed-and-breakfast as an accessory use shall be a minimum of 2,000 square feet in living area.
- (4) The length of stay within a bed-and-breakfast shall be a maximum duration of seven consecutive days, and documentation verifying the length of stay of each guest, such as a registration ledger or receipts, will be made available to the Code Enforcement Officer or the Building Department upon request.
- (5) Cooking facilities shall be prohibited in guest bedrooms.
- (6) Guest rooms may not be used as legal residences in order to enroll children into a school district.
- (7) Upon the issuance of a special use permit by the Planning Board for bed-and-breakfast facilities, an annual inspection by the Building Department for bed-and-breakfast use upon real property shall be required by the Building Department for continued operation.
- (8) All guest rooms must conform to the New York State Uniform Fire Prevention and Building Code requirements for habitable space.
- (9) A site plan and detailed floor plan shall be required as a condition of this special use permit.

Article XV.

Article XV (“Nonconforming Uses and Nonconforming Buildings”) is hereby renumbered to Article XIII. Sections 200-74.1 through 200-80 shall be renumbered as Sections 200-61 through 200-67.

The introductory paragraph of the new Section 200-62 is hereby amended to repeal the term “but” and replace it with “except as follows”.

Subsection A of the new Section 200-64 is hereby amended to repeal the following language: “as specified for Use Group c of the Table of Bulk Requirements”. Subsection D(1) is hereby amended to repeal “one” and replace it with “single”, repeal “residence” and replace it with “dwelling”, and repeal “§ 200-26” and replace it with “§ 200-19”.

Subsection B(2)(a) of the new Section 200-67 is hereby amended to repeal the reference to “§ 200-84F” and replace it with “§ 200-71(F)”. Subsection B(2)(b) is hereby amended to repeal the reference to “§ 200-80B(1)” and replace it with “§ 200-67(B)(1)”. Subsection B(2)(d) is hereby amended to repeal “in excess of \$35,000 shall be awarded through competitive bidding”, and insert “shall be awarded through competitive bidding if required under General Municipal Law” at the end of the paragraph.

Article XVI.

Article XVI (“Administration and Enforcement”) is hereby renumbered to Article XIV. Sections 200-81 through 200-84 shall be renumbered as Sections 200-68 through 200-71.

The introductory paragraph of the new Section 200-68 is hereby amended to repeal “and use” from the first sentence, and to include the following sentence immediately following the sentence ending “provisions of this chapter”: “No building permit shall be issued to any property that has an expired permit on file.” Subsection A(3) is hereby amended to include the following language at the end of the sentence: “, or structures proposed.” A new subsection A(8) is hereby created as follows: “(8) Copy of Orange County Electrical License for contractor performing any electrical work.” Subsection D is hereby repealed, and Subsections E through M are hereby renumbered accordingly. New Subsection D(3) is hereby amended to repeal the reference to “§ 200-86H” and replace it with “Article XV”. New Subsection E is hereby revised to repeal “Easter” and replace it with “Eastern”. The first sentence of new Subsection H is hereby repealed and replaced with the following: “Two copies of the building permit application and all supporting documentation shall be submitted.” New Subsection J is hereby amended to repeal the language “for construction costing less than \$1,000,000 and has not been completed within 24 months from such date for construction costing in excess of such amount.” Additionally, “without a new building permit” is hereby repealed and replaced with “until a new building permit is applied for.” The new Subsection K(12) is hereby amended to repeal “the New York Board of Fire Underwriters” and replaced with “a Village of Monroe approved agency”.

Subsection A of the new § 200-69 is hereby amended to repeal “shall have been applied for and” and replaced with “has been”. Subsections C and E are hereby repealed, and Subsections D, F, G and H are hereby renumbered as C, D, E and F, respectively. The new

Subsection C is hereby amended to repeal the language “within 10 days after receipt of a properly completed application” and replaced with “upon final inspection”. The new subsection E is hereby amended to repeal the language “and upon payment of the required fee”

Subsection B of the new Section 200-70 is hereby amended to repeal the term “his”. Subsection B(2) is hereby amended to insert “proper” between “display” and “identification”, and to repeal “signed by the Village Clerk”. Subsection C is hereby amended to repeal the language “for certificates of occupancy and”. Subsection D is hereby amended to include the following language at the end of the paragraph: “All complaints shall be in writing and signed by the individual making the complaint.”

Subsection D of the new Section 200-71 is hereby amended to repeal the term “week’s” and replace it with “day’s”.

Article XVII.

Article XVII (“Planning Board”) is hereby renumbered to Article XV and retitled “Site Plan and Special Permit Review and Approval”. Sections 200-85 and 200-85.1 are hereby renumbered as Sections 56-1 and 56-2 (see Introductory Local Law No. 9). Section 200-86 is hereby repealed. Section 200-87 is hereby renumbered as § 200-74. Sections 87.1 and 87.2 are hereby renumbered as Section 200-72 and 200-73.

Article XVIII.

Article XVIII (“Architectural Appearance Review Board”) is hereby repealed in its entirety.

Article XIX.

Article XIX (“Zoning Board of Appeals”) is hereby renumbered to Article XVI. Sections 200-96 and 200-96.1 are hereby renumbered as Section 57-1 and 57-2 (see Introductory Local Law No. 9). Sections 200-97 and 200-98 are hereby renumbered as Sections 200-75 and 200-76.

The introductory paragraph of the new Section 200-75 and the introductory paragraph of Subsection C are hereby amended to include “of Appeals” after “Board” in each. Subsection C is hereby amended to repeal “vary or modify the strict letter of this chapter where its literal interpretation would cause practical difficulties or unnecessary hardships” and replace it with “grant variances as follows:”. New subsection C(1) and C(2) are hereby created as follows:

(1) Area variances.

- (a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of this chapter, to grant area variances. "Area variances" shall mean

the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

- (b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - [3] Whether the requested area variance is substantial;
 - [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - [5] Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(2) Use variances.

- (a) The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of this chapter, shall have the power to grant use variances. "Use variance" shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
- (b) No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - [2] That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - [3] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - [4] That the alleged hardship has not been self-created.

- (c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Subsection C of new Section 200-76 is hereby amended to repeal the term “Standard”. Subsection G is hereby amended to repeal the term “die” and replace it with “the”.

Article XX.

Article XX (“Amendments”) is hereby renumbered to Article XVII, and Section 200-99 is hereby renumbered as Section 200-77. Subsections A(1)(d), A(2)(d) and H are hereby amended to repeal the terms “Master” in each.

Article XXI.

Article XXI (“Miscellaneous Provisions”) is hereby renumbered to Article XVIII, and Section 200-100 is hereby renumbered as Section 200-78.

Article XXII.

Article XXII (“Stormwater Control”) is hereby renumbered as Article II of Chapter 168 (“Stormwater Management”) (see Introductory Local Law No. 9).

Attachments

Zoning Attachments 4 and 5, Schedules A and B, related to Stormwater Management Practices and Control are hereby relocated to be attachments for Chapter 168.

The attached Sign District Map is hereby adopted as an attachment to Chapter 200 (“Zoning”).

Attachment 6 is hereby renumbered accordingly, and shall be incorporated as an attachment in the new Chapter 88 (“Containers and Dumpsters, Temporary”) as well.

General

All references in the Code (not mentioned above) to the Table of Bulk Requirements shall be revised to the “Table of District Uses and Bulk Requirements”.

SECTION 3: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.