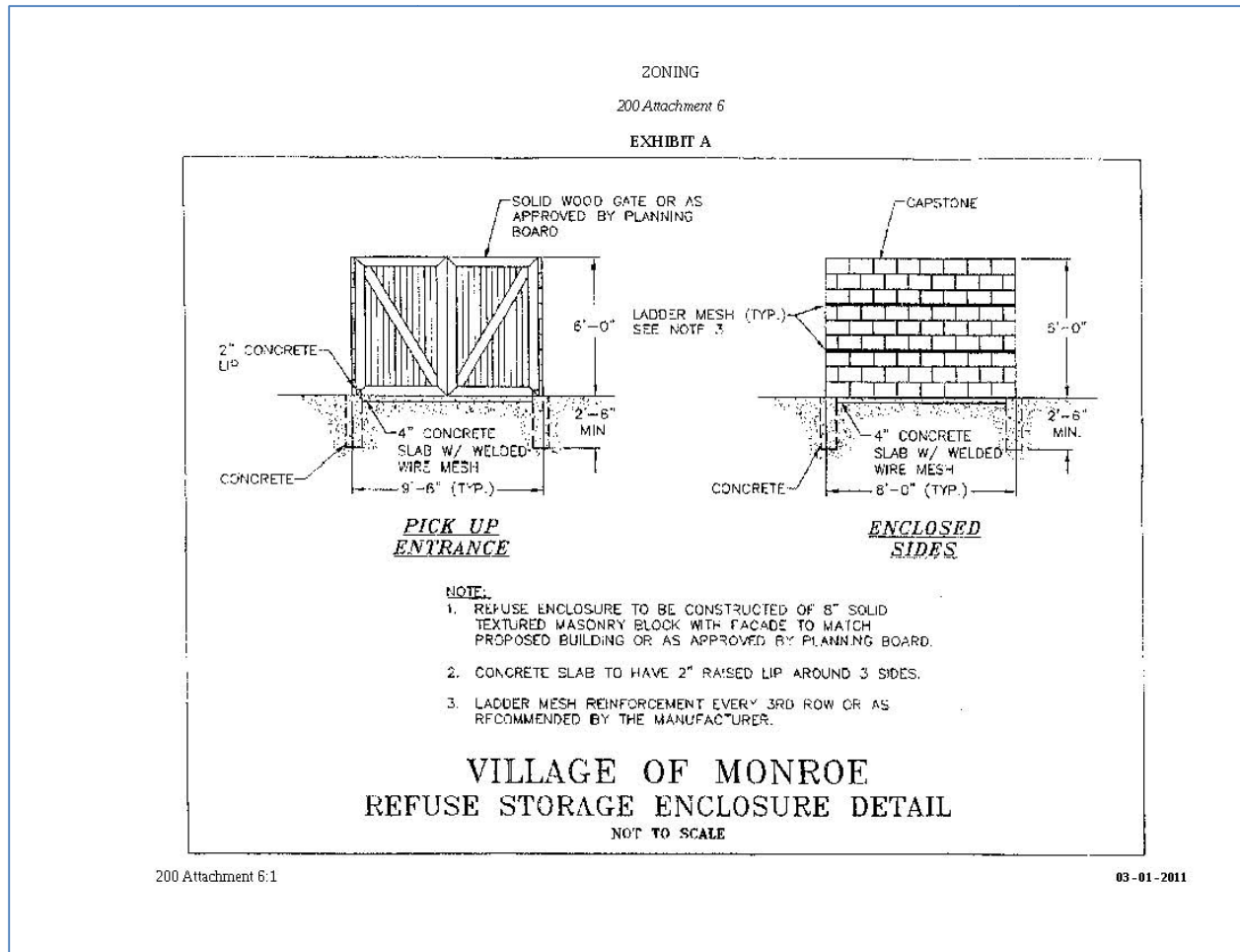


# Initial Review of Land Use Regulations

## Village of Monroe Comprehensive Plan



Refuse enclosure detail from Zoning Ordinance. This is the only known illustration in the Zoning Code.

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## **Introduction**

We have reviewed the Village's zoning code and subdivision regulations to determine whether it reflects the most recent New York State statutory law and best practices in land use regulation. It is important that land use regulations be clear, concise, user friendly and reflect modern practice to the greatest extent practical. A well designed zoning code and subdivision regulation will act as both the primary control to future growth as well as a guide to investors describing what the Community wishes to achieve in future development projects. The more clarity and certainty is provided to applicants, the easier it will be to attract development and to insure that such development meets the community's goals and standards.

We have the following concerns with the Village's current land use regulations:

## **DEFINITIONS**

The following definitions require consideration and possible revision.

**AUTOMOTIVE WASHING FACILITIES** : A building or area of land designed exclusively for the cleaning of motor vehicles, whether by machinery line or with hand-operated cleaning devices. The incidental washing or cleaning of vehicles associated with other permitted uses shall not be deemed "automotive washing facilities" under this chapter.

- Most newer definitions require water recycling and/or enclosed wash bays

**BUFFER**: An area of specified dimension extending between a rear or side property line or a zoning district line and a required yard. The "buffer" shall not be used or otherwise encroached upon by any activities on the lot so as to provide for adequate separation and protection from otherwise inharmonious or incompatible uses.

- The term "activities" may be unclear. Is passive use (walking, hiking, sitting) in this area prohibited?

**CONVENIENCE STORE**: A retail business containing less than 2,000 square feet of gross floor area that is designed and stocked primarily to sell nondurable consumer products, including, but not limited to, groceries and household supplies, prepared and packaged foods and beverages, nonprescription pharmaceuticals, newspapers, magazines and sundries to customers who purchase only a relatively few items.

- This is fine but should seats and tables be discussed.

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

- This definition should specify that the dwellings should be physically attached. Two dwellings side by side could be single family units as well. It may also be necessary to specify that the units are approximately equal in size to distinguish from accessory apartments.

**CUSTOMARY HOME OCCUPATION:** Any use customarily conducted entirely within the principal structure and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the principal use and does not change the character thereof. Such occupations may include, but are not limited to, art studio; teaching or tutoring, with musical, dancing and other instruction limited to one pupil at a time; telecommunications and the custom making or alteration of clothing. However, home occupations shall not be construed to include uses such as the following: barbershop or beauty parlor, hairdressing or manicuring establishment, restaurant, clinic or hospital, animal hospital, dog kennel or antique shop.

- The definition should state that the principle structure be residential? Also, note that there is also a definition of home professional office (below).

**HOME PROFESSIONAL OFFICE:** An accessory office or area of a person located within a person's residence devoted to a professional service occupation. Said office activity shall be incidental and secondary to the use of the residence for dwelling purpose, shall not change the character thereof and shall not have any evidence of such accessory use other than a permitted announcement sign. Said activity shall not occupy more than 40% of the ground floor area used. In said activity, no more than two persons, including members of the family residing on the premises, shall be employed. Permissible home professional office uses include, but are not limited to, the following: clergymen, lawyers, physicians, dentists, architects, engineers or accountants.

**LOT:** Any parcel of land, not necessarily coincidental with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building or by a group of buildings and accessory uses and buildings, if any, together with the open spaces required in connection with such building or group of buildings.

**LOT AREA:** The total horizontal area included within lot lines.

- Many codes use these definitions to specify any required Lot Area Reductions for sensitive environmental features such as wetlands, steep slopes or for land within easements.

**VARIANCE:** A modification of the regulations of this chapter granted on grounds of practical difficulties or unnecessary hardships, not self-imposed.

**VARIANCE, AREA:** A grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the bulk regulations of this chapter.

**VARIANCE, USE:** A grant which permits a use of land in a manner other than that prescribed by the use regulations of this chapter.

- By revised state law, unnecessary hardship is only relevant for a Use Variance. The test for an area variance does not include this requirement. Further, state law requires the consideration of whether the alleged difficulty was self-created is relevant to the Board but shall not

necessarily preclude the granting of the area variance. Recommend revise to be consistent with NYS Village Law Section 7-712.

## **Other Zoning Chapters**

200-10.B, Required yard and open space. No yard or open space required in connection with any structure or use shall be considered as providing a required yard or open space for any other structure on the same or any other lot.

- It is not clear why the two structures on the same lot would not share yards.

200-39. State Environmental Quality Review. It is the responsibility of the applicant to see that all SEQRA requirements are met (see 6 NYCRR Part 617, § 8-0113 and § 617). To ensure this, an applicant proposing a project deemed by the Planning Board to have the potential of a positive declaration of environmental impact, shall deposit with the Village Clerk an amount specified in the fee schedule (in addition to the initial SEQRA review fee) which will be used by the Board to retain one or more consultants who will identify the applicable SEQRA requirements, and review the applicant's SEQRA documentation on behalf of the Board. Any excess money will be returned to the applicant, and any deficiency must be made up by the applicant within 30 days. Failure to make up such deficiency will result in review of the application being suspended.

- It is the responsibility of the Lead Agency, not the project sponsor that SEQRA requirements are met. The provision should have a standard for establishing escrow and replenishing it.

200-43. Trees and Landscaping

- Standards are subjective, "will endeavor to preserve." Not enforceable.
- Language is not precise. Uses terms such as "developer," and "clear cut".

200-47.D, Open Space Subdivisions and Cluster Housing

- Applicable only in SR-10, SR-20 and UR-M zoning districts. This leaves out RR-1, RR-1.5 and SR-15 residential zones.
- No requirement that a Cluster Subdivision utilize public sewer or water. This is not critical but often these types of developments require public utilities or community septic and /or well systems be installed.
- No criteria for the reduction of bulk regulations. Open to Planning Board discretion.
- Section 210-47.D.5 (a) requires application be made to the Planning Board, while subsection (g) of the same section states the Planning Board cannot approve until after approval by the Board of Trustees. Procedural steps should be as clear as possible so that clerks, Board members and applicants alike are all aware of the process.

200-63.O and 210-63.1 Senior Affordable Housing

- No affordable requirement. Based on data provided in the Tri-County Housing Survey which was discussed at the last meeting the Village may likely be currently meeting its demand for affordable housing so an affordable component does not necessarily need to be added. We can discuss the demand or desire for Workforce Housing in the future and regulations can be set for the income level the Village wishes to accommodate.
- The section has no requirements for amenities. Requirements for elevators, on site security, meeting rooms or exercise facilities are common for senior housing.
- Open Space is required but no minimum acreage is set.
- No requirements for ramps/ elevators, or other handicapped accessible features. This could also include a requirement for extra handicapped parking spaces or for parking spaces to be located within so many feet of the units they are intended to serve. (210-63.O.(7)States “due consideration shall be given in planning to items such as handrails and ramps”.

200-77 Buildings, structures or lots with nonconforming bulk. Residential buildings or structures.

- "Should any modifications proposed to any existing residential building or structure or building accessory thereto be made noncomplying as to bulk by this chapter or any amendment thereof, that modification shall be required to comply with the applicable bulk requirements as specified for Use Group c of the Table of Bulk Requirements. However, the front setback need not be farther from the designated street line than the existing established setback."
- Extremely difficult to understand.
- Because of the age of many Village neighborhoods and the standards in the Village's two districts, many lots fall into this category.
- Most communities allow expansion and additions to bulk-noncomplying buildings so long as they do not increase the degree of bulk-noncompliance and do not create any new noncompliance. Additionally, many codes specify that such additions do not require site plan approval.

200-86 - Site Plan Approval

- Site plan approval is required for permitted commercial uses with no changes proposed for the "entire property." If no changes are proposed and the use is permitted it is not clear why the application would require site plan approval.

Architectural Review - Design Guidelines

- Basic screening requirements are located in Section 200-45.D
- All building permits subject to architectural review. This is onerous for single-family detached residences.
- Architectural Appearance Review Board is created as per Article XVIII. Very simple regulations with Board reviewing for excessive similarity and dissimilarity with surrounding buildings.
- Design criteria for Townhouses is in Section 200-62.G. Very general. Criteria could be supplemented with images.
- Design criteria for multi-family housing is one sentence stating aesthetics should be taken into consideration and projects are reviewable by the AARB. Standardized criteria can create a cohesive design aesthetic (blending developments into the surrounding community or creating a

new design cluster) and provides direction for developers. Design criteria can also reduce visual impacts by reducing the perceived mass of a building and create a pedestrian oriented environment by encouraging porches, sidewalks, large front windows in commercial areas and low level lighting.

- All architectural review should be subject to guidelines to indicate to applicants the architectural controls that are being sought. Architectural review without guidelines is counterproductive and could actually result in disparity of design as Board membership changes over time. Guidelines should provide clear standards for key architectural elements such as window area, articulation of facades, building form, relationship to pedestrian realm, massing, awnings and building material. It is less important that an actual style be promoted except in specific historic areas.

#### Use Tables:

- The use table list all prohibited uses, many of which are prohibited in all districts. It would make more sense to list these uses in a central location.
- The use table lists a very specific list of uses. However, as time goes on this specific list will be less suited for governing uses. We suggest categories be as broad as possible and the most common be listed first.

#### Residential Districts:

- Only two residential districts in Village.
- SR-10 does not account for early 20th century building pattern. Needs flexibility for single-family detached residences.
- May not be appropriate to allow two-family dwellings throughout SR-10 solely based on lot size.

#### Multifamily Uses

- No lot area per dwelling. Number of units should be tied to size of lot as well as size of structure.
- May be appropriate to provide much stricter standards for conversion of multifamily dwellings, including maintenance, landscaping, pavement coverage, recreational area, etc.
- New multifamily is extremely restrictive, while conversion to multifamily is relatively easy.
- Illegal regulation of satellite television.

#### Self-Storage Uses

- Overly restrictive. Dictates design.
- Prohibits flex space, such as self-storage with small office, which is in high demand.
- Specifies time of storage to be no less than 30 days, but local need may be for shorter term storage, for example in association with area retail.

## Parking Requirements

- Overly complicated
- Should provide clear standards for number of spaces, dimensions, location on lot etc.
- Should provide clear standards for adjustment based on shared use.

## Zoning Generally:

- Not user-friendly.
- Contains provisions not relevant to Monroe (Airport Parking requirements for example)
- Is overly restrictive with some uses, while extraordinarily lenient with others
- One-size fits all approach to residential single-family.
- Does not acknowledge the various building forms throughout the Village.
- Disjointed. Clearly drafted by a number of different authors with divergent interests.

## Subdivision Regulations Generally:

- More terms defined than necessary - example "landscaped, landscaping" and "easement"
- Language is overly convoluted - "legaleese"
- Application completeness should be tied to SEQRA Negative Declaration or Notice of Completion.
- Lot line change could be specified as Type 2 action.
- May wish to consider "complete streets" standards for pedestrian and bicyclists.
- Waivers should have specific criteria to meet.
- Typically as part of its subdivision review, the Planning Board is given authority to vary the zoning requirements by some extent.

As we continue with development of the Comprehensive Plan, many of the recommendations and strategies that are developed will require implementation through the zoning code or subdivision regulations. Further, it may be determined that a form-based or hybrid zoning is more appropriate for the Village moving forward. In either case, there is a clear need to overhaul the existing zoning to make it more user friendly and make regulations consistent with the goals of the Comprehensive Plan and changes to State law. The details of the necessary changes will be developed later in the Comprehensive Plan process, but the current shortcomings of the Zoning should inform the Steering Committee of the regulatory environment leading to the current pattern of development within the Village.