

# Local Law Filing

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

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

County  City  Town  Village  
(Select one.)

of Monticello

FILED  
STATE RECORDS

NOV 23 2016

DEPARTMENT OF STATE

Local Law No. 3 of the year 2016

A local law Amending, revising and replacing Chapter 280, Zoning, Sections 280-1 through 280-58

(Insert Title)

Including re-zoning specific Residential and Commercial Districts within the Village of

Monticello, Amending the Schedule of Use, Area & Bulk Regulations, and Amending the

Village of Monticello Zoning Map

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

County  City  Town  Village  
(Select one.)

of Monticello

as follows:

Please see the attached Schedule "A"

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2016 of the (County)(City)(Town)(Village) of Monticello was duly passed by the Board of Trustees (Name of Legislative Body) on November 15 2016, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the (Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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

**5. (City local law concerning Charter revision proposed by petition.)**

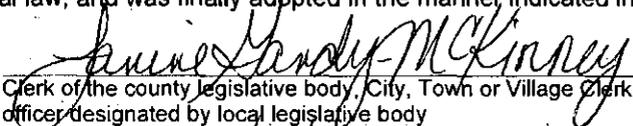
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority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

**6. (County local law concerning adoption of Charter.)**

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

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

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

Date: 11/17/16

(Seal)

**RESOLUTION**

A Meeting of the Village Board of the Village of Monticello was convened on November 15<sup>th</sup>, 2016 at 5:30pm

The following Resolution was duly  
offered and seconded to wit:

**Resolution Adopting Local Law #3 of 2016- Amending, revising and replacing Chapter 280, Zoning, Sections 280-1 through 280-58, Including re-zoning specific Residential and Commercial Districts within the Village of Monticello,  
Amending the Schedule of Use, Area & Bulk Regulations, and Amending the Village of Monticello Zoning Map**

WHEREAS, the Village of Monticello, New York ("Village") previously authorized a Public Hearing to adopt Local Law #3 of 2016 on August 9<sup>th</sup>, 2016; subsequently the Notice for Public Hearing appeared in the local newspaper on Friday, August 12<sup>th</sup>, 2016, Tuesday, September 13<sup>th</sup>, 2016, Tuesday, October 11<sup>th</sup>, 2016 and Friday, November 4<sup>th</sup>, 2016; and

WHEREAS, the Public Hearing was duly held and comments were made with regard to the same; and

WHEREAS, the Local Law that was proposed and was considered at the Public Hearing and is annexed hereto.

NOW THEREFORE, it is resolved by the Village Board as follows:

1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full herein.
2. The Local Law as annexed hereto is hereby adopted and shall take effect thirty (30) days after the closing of the Public Hearing. The Village Clerk is directed to take all actions required by law in furtherance of this Resolution.
3. This Resolution shall take place effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

|                    | <u>Yea</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|--------------------|------------|------------|----------------|---------------|
| Mayor Solomon      | [ x ]      | [ ]        | [ ]            | [ ]           |
| Deputy Mayor Weyer | [ x ]      | [ ]        | [ ]            | [ ]           |
| Trustee Rue        | [ ]        | [ ]        | [ x ]          | [ ]           |
| Trustee Lymon      | [ x ]      | [ ]        | [ ]            | [ ]           |
| Trustee Nikolados  | [ x ]      | [ ]        | [ ]            | [ ]           |

The Resolution was there upon duly adopted.

I hereby certify the above resolution was adopted by the Village Board at a meeting held on, Tuesday, November 15<sup>th</sup>, 2016.

*Janine Gandy McKinney*

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Janine Gandy-McKinney, Village Clerk

## Chapter 280. ZONING

[HISTORY: Revised zoning code adopted by the Board of Trustees of the Village of Monticello 11-15-2016 by L.L. No. 3-2016. Previously adopted 1-5-1976 as Ch. 189 of the 1976 Code. Amendments noted where applicable.]

### GENERAL REFERENCES

Annexation fees-See Ch. 5.  
Assessments-See Ch. 9.  
Building construction and fire prevention-See Ch. 105.  
Electrical standards- See Ch. 135. Excavations- See Ch. 139.  
Housing standards-See Ch. 165.  
Junkyards-See Ch. 170.  
Property maintenance-See Ch. 200.  
Sidewalk cafes-See Ch. 212.  
Streets and sidewalks- See Ch. 220.  
Trailers and trailer parks- See Ch. 240.  
Utility lines-See Ch. 244.  
Water and sewers- See Ch. 256.  
Site plan review-See Ch. 265.  
Subdivision of land- See Ch. 270.

280a Schedule of Sign Regulations (links to PDFs)  
280b R-1 Dist Schedule of Use Area and Bulk  
280c R-2 Dist Schedule of Use Area and Bulk  
280f RM Dist Schedule of Use Area and Bulk  
280g RM/MHP Dist Schedule of Use Area and Bulk  
280h B-1 Dist Schedule of Use Area and Bulk  
280i B-1-O Dist Schedule of Use Area and Bulk  
280j B-2 Dist Schedule of Use Area and Bulk  
280k BLI Dist Schedule of Use Area and Bulk

[280d R-2B and 280e R-2C removed/repealed by L.L. No. 3-2016]

## **Article I. Scope, Title and Purpose**

### **§280-1. Scope.**

This chapter regulates and restricts the location, construction, alteration, occupancy and use of buildings and structures and the use of land in the Village of Monticello and, for said purposes, divides the Village into zoning districts.

### **§280-2. Title.**

This chapter shall be known and may be cited as the "Zoning Ordinance of the Village of Monticello, New York."

### **§280-3. Statutory authority; purposes.**

[Amended 6-21-1999 by L.L. No. 5-1999]

This chapter is enacted pursuant to Article VII of the Village Law of the State of New York to protect and promote the public health, safety, morals, comfort, convenience, economy, urban aesthetics and the general welfare, and for the following additional purposes:

- A. To promote and effectuate the orderly physical development of the Village of Monticello in accordance with the Comprehensive Development Plan.
- B. To encourage the most appropriate use of land in the community in order to conserve and enhance the value of property.
- C. To promote and protect the character and stability of established development.
- D. To enhance the physical environment of the Village and promote urban aesthetics.
- E. To eliminate or improve any existing detrimental conditions with regard to land or buildings or the use thereof.
- F. To regulate building densities in order to assure access of light and air, in order to facilitate the prevention and fighting of fires, in order to prevent undue concentration of population, in order to lessen congestion on streets and highways and in order to provide efficient municipal services.
- G. To improve transportation facilities and traffic circulation and to provide adequate off-street parking and loading facilities.
- H. To assure privacy for residents and freedom from nuisances and harmful unsightly uses.
- I. To protect the community against unsightly, obtrusive and noisome land uses and operations.
- J. To facilitate the proper administration and appropriate and effective enforcement of the regulations contained in this chapter.

## Article II. Definitions and Word Usage

### §280-4. Word usage.

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- B. The word "shall" is always mandatory. The word "may" is permissive. The word "building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a co-partnership and any other agency of voluntary action.
- C. The phrase "used for" includes "arranged for;" "designed for;" "intended for;" "maintained for" and "occupied for."

### §280-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **ACCESSORY BUILDING**

A building detached from and subordinate to a main building on the same lot and used for purposes customarily incidental to those of the main building.

#### **ACCESSORY STRUCTURE** [Added 11-15-2016 by L.L. No. 3-2016]

A structure, the use of which is incidental to that of the main building, and which is attached thereto, or is located on the same premises.

#### **ACCESSORY USE**

A use customarily incidental and subordinate to the principal use or building and located on the same lot as such principal use or building.

#### **ADULT USES** [Added 11-15-2016 by L.L. No. 3-2016]

Any establishment or business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, including but not limited to adult bookstores, adult theaters and adult establishment cabarets. (§280-38)

#### **ALLEY**

A public thoroughfare having a right-of-way width of 20 feet or less.

#### **ALTERATION** [Amended 6-21-1999 by L.L. No. 5-1999]

Any change, rearrangement or addition to a building, other than repairs; any modification in construction or in building equipment.

#### **APARTMENTS, UPPER STORY** [Added 11-15-2016 by L.L. No. 3-2016]

A residential unit located on the upper floor of a commercially zoned building where a street level business occupies the first floor. See §280-40.5

#### **AREA, BUILDING**

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of terraces and uncovered steps or decks.

#### **ART GALLERY** [Added 11-15-2016 1-24-2000 by L.L. No. 1-2000]

A place where works produced by an artist, as defined by this chapter, are displayed or sold.

#### **ARTISAN** [Added 11-15-2016 1-24-2000 by L.L. No. 1-2000]

One who is skilled in an applied art; a craftsman.

#### **ARTIST** [Added 11-15-2016 1-24-2000 by L.L. No. 1-2000]

One whose works are subject to aesthetic criteria; an individual who practices one of the fine arts, who works in one of the performing arts or whose trade or profession requires a knowledge of design, drawing, painting, etc.

**ARTIST LOFT** [Added 11-15-2016 1-24-2000 by L.L. No. 1-2000]

The work space of an artist that includes an accessory residential space intended only for the artist utilizing the work space.

**ARTIST STUDIO** [Added 11-15-2016 1-24-2000 by L.L. No. 1-2000]

The work space of an artist in which art is produced.

**ASSISTED LIVING** [Added 11-15-2016 7-15-2014 by L.L. No. 3-2014]

An entity which provides housing, on-site monitoring and personal care services to five or more adult residents unrelated to the assisted living provider, as regulated by §280-40.3 and §280-40.4.

**ATTIC**

That space of a building which is immediately below and wholly or partly within the roof framing. An attic with a finished floor shall be counted as 1/2 story in determining the permissible number of stories.

**BASEMENT** [Amended 6-21-1999 by L.L. No. 5-1999]

That space of a building that is partially below grade, which has more than half its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building. A basement shall be considered in determining the permissible number of stories in a building.

**BED & BREAKFAST** [Added 11-15-2016 by L.L. No. 3-2016]

An owner occupied home occupation involving the rental of no more than six (6) bedrooms as transient overnight accommodations, which may include a morning meal but no full service restaurant facilities. Guest occupancy periods shall not exceed fourteen (14) consecutive days.

**BLOCK**

The length of a street between two street intersections. Where street intersections are at intervals greater than 1,200 feet, 1,200 feet shall be considered the length of a block for purposes of this chapter.

**BUILDING**

Any structure which is permanently affixed to the land, has one or more floors and a roof and is intended for the shelter, housing or enclosure of persons, animals or property.

**BUILDING LINE** [Amended 6-21-1999 by L.L. No. 5-1999]

Line established by law, ordinance or regulation, beyond which no part of a building, other than parts expressly permitted, shall extend.

**BULK**

The size, volume, area and shape of buildings and structures and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures or other walls of the same building, and all open space required in connection with a building, other structure or tract of land.

**BUNGALOW COLONY** [Editor's Note: The former definition of "bungalow duplex," which immediately followed this definition, was deleted 6-21-1999 by L.L. No. 5-1999.]

A group of three or more dwelling structures on a single premises, designed for seasonal occupancy and not more than one of which is used for the purpose of year-round residence. (Section 280-17)

**CAR WASH** [Added 11-15-2016 by L.L. No. 3-2016]

An establishment for the washing and detailing of motor vehicles as a principal use.

**CELLAR** [Amended 6-21-1999 by L.L. No. 5-1999]

That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

**CEMETERY** [Added 11-15-2016 by L.L. No. 3-2016]

A place used for burials, whether in the ground or in mausoleums. This includes both human and pet cemeteries.

**CENTER LINE OF STREET OR ROAD**

A line midway between and parallel to the two street or road property lines.

**CLUBHOUSE**

A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other place of business.

**COMMERCIAL RECREATION** [Added 11-15-2016 by L.L. No. 3-2016]

Facilities or equipment, exclusive of government facilities, for purposes of participant or spectator recreation or entertainment and utilized by the public for a fee. Examples include, but are not limited to arcades, cinemas, theaters, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller rinks, golf courses, driving ranges, miniature golf courses, and tennis/racquetball courts.

**CONDOMINIUM** [Added 11-15-2016 by L.L. No. 3-2016]

Shall mean the form of ownership of real property under a master deed providing for ownership by one (1) or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit and meeting the requirements of N.Y. State Statute.

**CONDOMINIUM PROPERTY** [Added 11-15-2016 by L.L. No. 3-2016]

Shall mean the land covered by the master deed whether or not contiguous and all improvements thereon, all owned either in fee simple or under lease, and all easements, rights and appurtenances belonging thereto or intended for the benefit thereof.

**CORNER LOT**

A lot fronting on two streets at their intersection.

**COURT, INNER** [Added 11-15-2016 6-21-1999 by L.L. No. 5-1999]

An open, uncovered, unoccupied space surrounded on all sides by the exterior walls of a building or structure or by such walls and an interior lot line of the same premises.

**COURT, OUTER** [Added 11-15-2016 6-21-1999 by L.L. No. 5-1999]

An open, uncovered, unoccupied space which has at least one side opening on a legal open space.

**COVERAGE**

That lot area or percentage of lot area covered by buildings and structures, including accessory buildings and structures.

**DENSITY** [Added 11-15-2016 by L.L. No. 3-2016]

The number of dwelling units per acre of the site, exclusive of underwater lands, wetlands, right-of-ways, easements or slopes exceeding 20%.

**DEPTH OF FRONTAGE**

Distance from front property line to the district boundary line at the rear.

**DRIVE-IN ESTABLISHMENT**

Premises designed to accommodate patrons seated in a motor vehicle.

**DWELLING, MULTI FAMILY** [Added 11-15-2016 6-21-199 by L.L. No. 5-1999] *[Editor's Note: The former definition of "dwelling, multifamily," which immediately followed this definition, was deleted 6-21-1999 by L.L. No. 5-1999.]* [Amended 11-15-2016 by L.L. No. 3-2016]

- A. A building containing three or more dwellings;
- B. A building with one or more sleeping rooms, other than a one or two family dwelling, used or occupied by tenants;
- C. A community residence / group care facility.

**DWELLING, ONE-FAMILY** [Amended 6-21-1999 by L.L. No. 5-1999]

A building arranged for one dwelling unit.

**DWELLING, SEMIDETACHED**

A dwelling designed for occupancy by one family and being one of two dwelling units under the same roof, separated by a party wall and having separate exits and entrances and no interior connection.

**DWELLING, TWO-FAMILY** [Amended 6-21-1999 by L.L. No. 5-1999]

A building arranged for two dwelling units, commonly known as a "duplex".

**DWELLING UNIT** [Amended 6-21-1999 by L.L. No. 5-1999]

One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the

use of one family.

**EATING AND DRINKING ESTABLISHMENT** [Added 11-15-2016 by L.L. No. 3-2016]

Any establishment whose principal business is the sale of foods and/or beverages to the customer in a ready-to-consume state.

**FAMILY** [Added 11-15-2016 by L.L. No. 3-2016]

One or more persons living together as a single nonprofit housekeeping unit using all rooms and housekeeping facilities of a dwelling unit in common. Any such number of persons shall not be deemed to constitute a family if any one or more of such persons does not have lawful access to common rooms of said dwelling unit or if any one or more such persons leases or rents any separate portion of such dwelling unit from any other person. Except that up to two additional persons may room or board with a family, as long as they share the use of all common rooms and housekeeping facilities.

**FRONT YARD** [Added 11-15-2016 by L.L. No. 3-2016]

Unoccupied ground area, open to the sky, lying within and extending the full width of the lot between street right-of-way bounds and the principal building located on the lot.

**FUNERAL HOME** [Added 11-15-2016 by L.L. No. 3-2016]

A facility in which deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for preparation of the deceased, funeral services, gatherings and display and storage for sale of related funeral supplies and equipment, and storage of funeral vehicles. Crematory facilities are excluded from this definition.

**GARAGE, PRIVATE**

An accessory space or structure for the storage of motor vehicles, provided that no business occupation or service is conducted therein. Not more than one commercial vehicle, used in the employment of a person residing on the premises, shall be permitted to be stored therein.

**GARAGE, PUBLIC**

A garage conducted as a business. The rental of storage space for more than two cars or for a commercial vehicle not owned or used by a person residing on the premises shall be deemed a business use.

**GASOLINE SERVICE STATIONS**

An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to motor vehicles of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including sale of motor vehicle accessories, and which may or may not include facilities for lubricating, or otherwise servicing motor vehicles, but not including auto body work, welding or painting.

**GROUP CARE FACILITY** [Added 11-15-2016 by L.L. No. 3-2016]

A use providing room and board, recreational, counseling or other rehabilitative service or facilities to individuals who, by reason of economic, mental or physical disability, addiction to drugs or alcohol, or family and school adjustment problems, require specialized attention and care in order to achieve personal independence. Individuals participating in a work release or similar program from a state institution or under the supervision of a court, state or local agency shall be included within this definition. Such uses include halfway houses, boarding homes for three or more foster children, group homes and shelters.

**HABITABLE ROOM**

Space for living, sleeping, eating or cooking as defined by Ch. 165, Housing Standards.

**HEIGHT OF BUILDING**

The vertical distance measured from the average ground level at the sides of the building to the extreme high point of the building, exclusive of chimneys, antennas and similar fixtures.

**HOME OCCUPATION** [Amended 11-15-2016 by L.L. No. 3-2016]

Any gainful occupation customarily conducted within a dwelling by its residents, as regulated by §280-36.

**HOSPITAL** [Added 11-15-2016 by L.L. No. 3-2016]

An institution providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities and staff offices.

**HOTEL** [Amended 11-15-2016 by L.L. No. 3-2016]

A building or any part thereof which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms. Guest occupancy periods shall not exceed forty-five (45) consecutive days.

**JUNKYARD**

An area of land, with or without buildings, used for or occupied by the storage, keeping or abandonment of junk, including scrap metals or other scrap, used or salvaged building materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. The deposit on a lot of two or more wrecked or broken-down vehicles or the major parts thereof for three months or more shall be deemed to make the lot a junkyard.

**LOT**

A parcel of land occupied by or which may be occupied by a building and its accessory building or buildings, including the yards and other open spaces required by this chapter, or the land shown as a separate lot or parcel on the records of Sullivan County or the Village of Monticello.

**LOT DEPTH** [Added 11-15-2016 by L.L. No. 3-2016]

The minimum distance from the street line of a lot to the rear lot line of such lot.

**LOT WIDTH** [Added 11-15-2016 by L.L. No. 3-2016]

The distance between side lot lines measured at the required minimum yard depth or at a point of the principal structure closest to the front line measured along a line parallel to a line connecting the end points of the front line.

**MANUFACTURING AND PROCESSING** [Added 11-15-2016 by L.L. No. 3-2016]

Any business establishment which utilizes a process whereby the nature, size or shape of articles or raw materials is changed, or where articles or raw materials are assembled or packed in quantity.

**MOBILE HOME** [Added 11-15-2016 by L.L. No. 3-2016]

A factory-built one-family dwelling constructed on a chassis to facilitate its transportation to the site. Such structures shall be at least 14 feet wide and 70 feet long and shall meet the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development and applicable standards of the New York State Building Code. A mobile home shall not be construed to be a travel trailer or recreational vehicle.

**MOBILE HOME PARK** [Added 11-15-2016 by L.L. No. 3-2016]

An area of land under single ownership which has been planned and improved for the placement of two or more mobile homes for non-transient dwelling purposes. (Article V)

**MOBILE HOME, DOUBLE-WIDE** [Added 11-15-2016 by L.L. No. 3-2016]

A factory-built one-family dwelling constructed on a chassis to facilitate its transportation to the site. Such structures shall be at least 20 feet wide and 50 feet long, shall have roofs of asphalt composition with a minimum pitch three vertical to 12 horizontal and shall meet the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development and applicable standards of the New York State Uniform Fire Prevention and Building Code. A double-wide mobile home shall not be construed to be a modular home, a travel trailer or a recreational vehicle.

**MODULAR HOME** [Added 11-15-2016 by L.L. No. 3-2016]

A factory-built dwelling without a chassis or running gear constructed and installed in accordance with the regulations of the New York State Building Code.

**MOTEL** [Amended 6-21-1999 by L.L. No. 5-1999] [Amended 11-15-2016 by L.L. No. 3-2016]

A multiple dwelling, intended primarily for motorists, not over two stories in height, in which the exit from each dwelling unit or sleeping room is directly to the exterior.

**MOTOR VEHICLE REPAIR SHOP** [Added 11-15-2016 by L.L. No. 3-2016]

A building used for the servicing and repair of motor vehicles, including bodywork, oil changes, tire alignments; such repair work shall be wholly within a completely enclosed building.

**NONCONFORMING BULK** [Amended 6-21-1999 by L.L. No. 5-1999]

That part of a building, other structure or tract of land lawfully existing prior to the adoption or amendment of this chapter, which does not conform to one or more of the applicable bulk regulations of this chapter, either following its effective date or as a result of subsequent amendments thereto.

**NONCONFORMING USE** [Amended 6-21-1999 by L.L. No. 5-1999]

Any use of a building, other structure or tract of land lawfully existing prior to the adoption or amendment of this chapter, which does not conform to the use regulations for the district in which such use is located, either at the effective date of this chapter or as a result of subsequent amendments thereto.

**NURSING HOME** [Added 11-15-2016 by L.L. No. 3-2016]

A home for the aged, where chronically ill or incurable persons are received, kept or provided with food, shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**OFFICE** [Added 11-15-2016 by L.L. No. 3-2016]

A building wherein business sales, service and professional activities are conducted, which activities may include but are not limited to administrative and executive functions, such as accountants, insurance agents, attorneys, medical professionals, medical and dental clinics, and engineers but shall exclude any retail stores, manufacturing and processing.

**OUTDOOR STORAGE** [Added 11-15-2016 by L.L. No. 3-2016]

Outside storage and display of merchandise, materials or equipment for a period exceeding seventy-two (72) hours per quarter of a calendar year.

**PERFORMING ARTS** [Added 11-15-2016 1-24-2000 by L.L. No. 1-2000]

Performing arts include artists, dance instructors and musicians.

**PREMISES**

A lot, together with all the buildings and uses thereon.

**PUBLIC UTILITY FACILITIES**

Uses including electrical distribution lines, poles, wires, transformers; utilities including waterlines, sewer-lines, public pumping stations; electrical substations, telephone lines and related equipment.

**REAR YARD**

An open space on the same lot with a building, between the rear wall of the building and the rear of the lot, and unoccupied except for accessory buildings and open porches, which, in the aggregate, shall occupy not more than 35% of the area.

**RECREATIONAL FACILITY** [Added 11-15-2016 by L.L. No. 3-2016]

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

**RESEARCH FACILITY** [Added 11-15-2016 by L.L. No. 3-2016]

A facility which conducts studies and investigations in a particular field of knowledge, which is undertaken to establish facts or principles.

**RETAIL STORE** [Added 11-15-2016 by L.L. No. 3-2016]

A use devoted exclusively to the sale of goods directly to the consumer.

**SEASONAL OCCUPANCY** [Amended 6-21-1999 by L.L. No. 5-1999]

Occupancy for a period not exceeding six months in any calendar year during the time period between the first day of May and the first day of November of each year.

**SEMIFIREPROOF CONSTRUCTION**

Construction in which the structural members are of approved noncombustible construction having the necessary strength and stability and having fire-resistance ratings of not less than four hours for exterior nonbearing walls and wall panels, not less than three hours for columns and for wall-supporting girders and trusses, not less than two hours for floors, for roofs and for floor and supporting beams, girders and trusses, and in which exterior and interior bearing walls, if any, are of approved masonry or reinforced concrete.

**SENIOR CITIZEN** [Added 11-15-2016 by L.L. No. 3-2016]

An adult person over 55-years of age

**SERVICE STORE** [Added 11-15-2016 by L.L. No. 3-2016]

An establishment which provides work done or duties performed for humans and others, such as barbershop, beauty parlor, tailor, dressmaker, shoe repair, including maintenance, installation, repairs, etc., that are provided by a dealer, excluding vehicle and small engine repair.

**SIDE YARD**

An open, unobstructed space on the same lot with a building, between the building and the side line of the lot and extending through from the front to the rear yard, into which space there shall be no extension of building parts other than eaves with an overhang of not more than two feet, rainwater leaders, windowsills and other such fixtures, open steps for a distance not exceeding four feet, and bay windows not more than 12 feet wide at one floor level only and for a distance not exceeding two feet.

**SIGN** [Added 11-15-2016 by L.L. No. 3-2016]

Shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, model, emblem, object, three-dimensional object, logo or trading matter, which is used or intended to be used to attract attention or convey information when placed outdoors in view of the general public; in addition, any of the above shall be considered a sign within the meaning of this chapter, when placed near the inside surface of a window in such a way as to be used to convey information to the public. (§280-19)

**STORAGE, MINI/SELF** [Added 11-15-2016 by L.L. No. 3-2016]

A public facility for the storage of household and business belongings in separate, individual secure departments.

**STORY**

That part of a building included between the surface of any floor and the surface of the floor next above it. (See "attic," "basement" and "cellar.")

**STREET**

An existing public way which affords principal means of access to abutting properties and is suitably improved, or a proposed way shown on a plat approved by all appropriate official agencies.

**STREET LINE**

The right-of-way line of a street indicated by dedication or by deed of record.

**STREET WIDTH**

The width of the right-of-way or the distance between property lines on opposite sides of a street.

**STRIPPING OF LAND** [Added 11-15-2016 by L.L. No. 3-2016]

The removal of vegetation, topsoil or surface of a parcel or part of a parcel. See §208-40.

**STRUCTURE** [Amended 6-21-1999 by L.L. No. 5-1999]

An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

**TOWNHOUSES** [Amended 11-15-2016 by L.L. No. 3-2016]

A row of attached dwellings designed for one-family occupancy, separated by party walls and having separate exits and entrances and no interior connection, not to exceed 8 dwellings in a row.

**TRAILER or CAMPING TRAILER**

A vehicle with or without its own motive power, equipped for or used for living purposes and mounted on wheels or designed to be so mounted and transported, not including Mobile Homes.

**USABLE OPEN SPACE**

A portion of the ground area of a lot, free of structures, parking spaces and driveways. Said space shall be available and accessible to all occupants of the building or buildings on the lot for recreational purposes.

**VETERINARY HOSPITAL** [Added 11-15-2016 by L.L. No. 3-2016]

A facility maintained by or for the use of a licensed veterinarian for the care, observation and/or treatment of animals. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

**WAREHOUSE** [Added 11-15-2016 by L.L. No. 3-2016]

A building or structure utilized for the storage of various goods including but not limited to equipment, food products, furniture, vehicles, appliances, clothing, wood products and related items, but not including materials classified as hazardous in the "Fire Code of New York State".

**WHOLESALE BUSINESS (or ESTABLISHMENT)** [Added 11-15-2016 by L.L. No. 3-2016]

An establishment which generally sells goods in large quantities and at reduced prices, especially the sale of goods to retailers who in turn sell to consumers.

[Editor's Note: Boardinghouse, Tourist Home and Vacation Resort removed 11-15-2016 by L.L. No. 3-2016]

### **Article III. Establishment of Districts**

#### **§280-6. Establishment of zoning districts.**

[Amended 9-6-1988 by L.L. No. 9-1988; 3-18-1991 by L.L. No. 3-1991, 11-15-16 by L.L. No. 3-2016]

In order to fulfill the purposes of this chapter, the Village of Monticello establishes and is hereby divided into the following 8 zoning districts:

|        |                  |
|--------|------------------|
| R-1    | Residence        |
| R-2    | Residence        |
| RM     | Residence        |
| RM-MHP | Mobile Home Park |
| B-1    | General Business |
| B-1-O  | Business Offices |
| B-2    | Core Business    |
| BLI    | Light Industrial |

[Editor's Note: R-2B and R2-C removed/repealed 11-15-16 by L.L. No. 3-2016]

#### **§280-7. Official Zoning Map.**

[Amended 6-21-1999 by L.L. No. 5-1999]

The location and boundaries of said zoning districts are shown on the map designated "Official Zoning Map of the Village of Monticello," adopted by the Village Board of Trustees and filed with the Village Clerk. Said map, together with everything shown thereon and all amendments thereto, is hereby adopted and is declared to be an appurtenant part of this chapter.

#### **§280-8. Interpretation of district boundaries.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following center lines or right-of-way lines of streets, highways, public utility easements or watercourses, said boundaries shall be construed to coincide with such lines. Such boundaries shall be deemed to be automatically moved if a center line or right-of-way line of such street, highway, public utility easement or watercourse is moved a maximum of so feet.
- B. Where district boundaries are indicated as approximately following the Village boundary lines, property lines, lot lines or projections thereof, said boundaries shall be construed to coincide with such lines or projections thereof.
- C. Where district boundaries are so indicated that they are approximately parallel to the Village boundary lines, property lines, lot lines, right-of-way lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
- D. Where a district boundary line divides a lot held in single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 35 feet into the more restricted portion.
- E. In all other cases, where not dimensioned, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.

## **Article IV. Regulations**

### **§280-9. Application of regulations.**

- A. No building or land shall be changed or altered in use or shall be changed or altered structurally unless in conformity with the regulations of the district where said land or building is located.
- B. No building shall hereafter be erected or changed or altered structurally so as to:
  - 1. Exceed the height limitation specified for the district.
  - 2. Accommodate more than the number of families allowed in such district.
  - 3. Occupy a greater percentage of lot area or to have narrower or smaller rear, front or side yards than is specified or allowed herein for the district in which such building is located.
- C. The yards or open spaces about any building shall not be included as part of a yard or open space required for another building.

### **§280-10. Schedule of Use, Area and Bulk Regulations.**

No building or premises shall be erected, altered or used except for one or more of the uses designated for any district as provided by Schedule of Use, Area & Bulk Regulation tables in this chapter.

### **§280-11. Prohibited industrial uses.**

In any district where manufacturing or light industry is permitted, no manufacturing use nor any trade, industry, use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noisome fumes, radiation, gas, noise, vibration or excessive light, or any combination of the above which is dangerous and prejudicial to the public health, safety and general welfare, shall be permitted, and this includes more specifically but is not limited to the following such uses:

- A. Stockyards, slaughterhouses and the processing of meats for animal foods.
- B. The handling or storage of junk and the disassembly of motor vehicles and the storage of used car parts, unless conducted entirely within a building, and the storage of used building materials for resale except in an established lumber or building materials yard.
- C. The storage of crude oil or any of its volatile products or asphaltic oils or other highly inflammable liquids in aboveground tanks with unit capacity greater than 10,000 gallons, and in aboveground tanks with unit capacity greater than 550 gallons closer than so feet to any property line. All tanks having a unit capacity greater than 550 gallons shall be properly diked with a dike or dikes having a capacity of 1½ times the capacity of the tanks or tank surrounded.
- D. The storage, baling or treatment of junk, rags, bottles or scrap paper unless entirely within a building.
- E. Any process of assembly, manufacture or treatment normally constituting a nuisance by reason of smoke, odor, dust, vibration or noise, including but not limited to such things as: foundries, forge shops and boiler works; the manufacture or refining of asphaltic oils; the manufacture or processing of cork, fertilizer, linoleum, oilcloth and glue or gelatin; the tanning and storage of rawhides; the manufacture of paint, oil, turpentine, shellac, enamel or varnish; fat rendering; and fish smoking or curing; provided, however, the above shall not apply to exclude an industry, whether or not specifically mentioned, if such industry, after supplying satisfactory evidence to the Planning Board, is certified by that Board to be free of the nuisance characteristics typical of its kind, by reason of special design of structure or innovation in processes or other circumstances.
- F. Any process of assembly, manufacture or treatment of an unusually hazardous nature, including but not limited to such things as: the manufacture or storage of fireworks and explosives and explosive or poisonous gases, except as may be necessary and incidental to a permitted industrial process; and the manufacture of illuminating gas.

### **§280-12. Standards for special use permits.**

Each special use for which application for a special use permit is made shall be considered individually by the Planning Board and shall conform to the detailed standards as the Board may determine are

appropriate to the particular use.

- A. The Planning Board shall conduct a public hearing within 62 days from the day an application is received on any matter referred to it under this section. Public notice of said hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the date thereof. The authorized board shall decide upon the application within 62 days after the conduct of the hearing. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the authorized board on the application after the holding of the public hearing shall be filed in the office of the Village Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant. [Amended 1-19-1994 by L.L. No. 3-1994]
- B. The Planning Board may prescribe and demand that certain conditions and safeguards, including financial provisions for the maintenance of property held in common, or other acts be completed before the Planning Board shall hear said applicant.
- C. Before granting any special use permits, the Planning Board shall determine that the special use requested is in accordance with comprehensive plans of land use in the community and will not disrupt the relationship of residential, commercial and industrial areas within the Village, and further determine that:
  1. Such special use encourages the orderly beneficial development of the Village.
  2. A plan for said special use has been submitted to the Planning Board, showing all buildings, sewage treatment, water supply, landscaping and off-street parking for the requested special use.
  3. The special use is a use desirable to the community and for public convenience and that such use will promote the safety and health and will further the welfare of the district, and, further, that said use will not cause undue noise or will not overly congest the traffic within the area.
  4. Off-street parking for all employees and expected customers or attendants has been provided for in the plot plan.
- D. To better facilitate the understanding of a special use permit, it is to be understood that special uses will be permitted only as allowed in the schedule. It shall also be understood that a special use differs from a variance in that a variance is an authority to use certain property in a manner not allowed by this chapter pertaining to the district, while a special use is a permit to use property in a manner in which this chapter expressly allows, as designated in the schedule.
- E. If the provisions regarding any type of special use shall be declared invalid by any court, then such special use shall become a use not allowed in that district.
- F. Character and violation of special use permit. A special use permit granted under this chapter and applied within the two years as set forth in **§280-12G** hereof shall run with the land of the heirs, successors or assigns of the original holder and shall be acknowledged in like form and manner as a deed. The Village Clerk shall maintain a record book and record therein in suitable order every such permit. [Amended 1-7-2002 by L.L. No. 1-2002]
- G. A special use permit shall be deemed to authorize only one particular special use and shall expire if not applied within two years or if the special use shall cease for more than six months for any reason. [Amended 1-7-2002 by L.L. No. 1-2002]
- H. No permit shall be issued for a special use for a property where there is an existing violation of this chapter.

## **Article V. RM-MHP District**

[Added 11-15-2016 1-3-1978 by L.L. No. 2-1978]

### **§280-13. Permit procedures.**

The following provisions shall govern mobile home parks in the Village of Monticello:

- A. No person shall own or operate a mobile home park without a permit obtained as herein provided, and failure to have such a permit shall constitute a violation of this article.
- B. A mobile home park shall be allowed only by authorization of the Planning Board in those zoning districts where such use is permitted.
- C. Application for a mobile home park permit shall be filed with the Planning Board for approval. Upon authorization of the Planning Board, the Building Inspector shall, upon receipt of the proper annual fee, issue a permit.
- D. Permits shall not be transferable or assignable.
- E. After issuance of the permit, the same shall be valid until the end of the calendar year and shall be renewable annually.
- F. Renewal applications shall be filed with the Building Inspector before the first day of December next preceding the expiration of the original permit. Prior to the issuance of a renewal permit, the Building Inspector shall inspect the mobile home park premises for compliance with these regulations. Any deviation from the application as originally approved by the Planning Board shall require a new application before the Planning Board and shall be in conformance with these regulations. Upon approval of the Building Inspector or Planning Board, as the case may be, and payment of the proper annual fee, a renewal permit shall be issued.
- G. Applications for a mobile home park permit shall be in writing, signed by the applicant and shall state the name and address of the applicant or applicants, if a partnership, or the name and address of each officer and director of a corporation; the interest of the applicant in the property, if not the owner of record; and the name and address of the property owner. Each application shall be accompanied by a site plan indicating the following information:
  1. Location of the proposed mobile home park, showing the boundaries and measurements of the premises, and location and number of mobile homes to be situated therein.
  2. Means of egress and ingress to all public roads.
  3. Watercourses and drainage ditches.
  4. Internal roads and off-street parking facilities.
  5. Water supply and sewage disposal facilities.
  6. Fire extinguishers.
  7. Fences and screening.
  8. Location of outdoor lights, signs and other structures.
  9. Names of owners of adjoining properties.

### **§280-14. Design standards.**

- A. The minimum lot area for a mobile home park shall be 25 acres and contain at least 6,000 square feet per mobile home site.
- B. Each mobile home site shall have a permanent concrete or similar pad installed thereon.
- C. The area shall be well drained and have such grades and soil as to make it suitable for the purpose for which it is intended.
- D. No mobile home shall be less than 30 feet from any other mobile home.

- E. Each mobile home site shall provide suitable connections to the approved sewage disposal and water supply systems and an underground electrical service approved by the Board of Fire Underwriters.
- F. Garbage and refuse shall be collected and removed from the premises at least once a week. All refuse shall be stored in fly tight, watertight and rodent proof containers, which shall be located not more than 150 feet from any mobile home.
- G. A public telephone shall be provided for each mobile home park, and fire extinguishers, approved by the local fire district officers, shall be furnished so that no mobile home shall be more distant than 150 feet from such extinguisher.
- H. The outside burning of garbage, trash or rubbish is prohibited.
- I. All mobile homes and other structures shall be set back at least 75 feet from the right-of-way line of any public street and so feet from any property line and 25 feet from any internal access street.
- J. Access to a mobile home park from a public street shall be provided by at least two connections, one for egress and one for ingress. All internal access streets shall be at least 20 feet wide and provided with a dustless surface.
- K. Where internal access streets are less than 30 feet wide, off-street parking bays shall be provided containing at least 180 square feet per bay. Three such bays shall be furnished for every two mobile homes.
- L. All entrances and exits, internal access streets and other public spaces shall be adequately illuminated.
- M. One nonflashing, illuminated sign containing an area of not more than so square feet and not more than 10 feet above ground level at its highest point may be displayed. Such sign shall be set back at least 20 feet from any public road and at least so feet from any property line.
- N. Mobile home parks adjacent to an existing developed residential area shall be landscaped in accordance with the following specifications:
  - 1. A side or rear yard adjacent to an existing developed residential area shall be a minimum width or depth of 100 feet. The so feet nearest to the residential area shall be used as a planting strip, on which shall be planted hedges, evergreens, shrubbery or other suitable planting or screening as determined by the Planning Board. The remaining so feet may be used for off-street parking.
  - 2. All open portions of any lot shall have adequate grading and drainage and shall be continuously maintained in a dust-free condition by suitable landscaping with trees, shrubs or planted ground cover, or by other suitable material as shall be approved by the Planning Board.
  - 3. Required front yard areas shall be planned and maintained in such a manner as to provide a park-like setting for all buildings.
- O. The operator of a mobile home park shall keep a register wherein there shall be noted the name and permanent address of every mobile home situated in the park, the registration number of same, the date it was admitted and date of its removal. Such register shall be signed by the owner of the mobile home or the person bringing the same into the park.
- P. Where deemed essential by the Planning Board, upon consideration of the intensity of development and the total number of mobile homes proposed, the Planning Board may require the reservation of not more than 10% of the gross area of the mobile home park for the exclusive use of the residents therein for recreation purposes. The minimum area for such purposes shall be not less than one acre.
- Q. The sale of mobile homes shall be permitted at any properly licensed mobile home park.

## **Article VA. Senior Citizen Affordable Housing Floating District (SCAHFD)**

[Added 11-15-2016 12-20-2004 by L.L. No.16-2004]

### **§280-14.1. Purpose.**

The Village of Monticello hereby finds and declares:

- A. There is a compelling governmental interest in establishing housing developments located and designated for the purpose of meeting special needs of adults 55 years of age and older. Such housing can contribute to the dignity, independence and meaningful activity of our senior citizens.
- B. The Village of Monticello has determined that an appropriate means to fulfill these needs is to amend the Zoning Code to establish a Senior Citizen Affordable Housing Floating District (SCAHFD), consisting of housing for adults over the age of 55 years that may or not be directly supported or subsidized by a governmental agency, in accordance with the particular criteria established herein.
- C. The purpose of the SCAHFD is to enable the Village of Monticello to establish, on a case-by-case basis, housing that satisfies the need for such developments in locations where it will not detract from surrounding land uses, and to enact a flexible and specialized zoning framework to foster the growth of these developments. Any use, other than the uses specifically enumerated herein, shall be prohibited in a SCAHFD Zone.

### **§280-14.2. Applicability.**

The SCAHFD Option shall be applicable anywhere within the Village of Monticello Zone.

### **§280-14.3. Application procedure.**

- A. Application for the establishment of a SCAHFD shall be made to the Village of Monticello Board of Trustees. Such application shall include a sketch plan of the property on which the district is to be located, including approximate location of proposed buildings and other structures, parking areas, pedestrian circulation, roads, open space, recreation areas, utilities and other proposed facilities.
- B. Once the Village of Monticello Board of Trustees has, in its sole discretion, accepted an application for a SCAHFD and has approved same for a particular property, the applicant shall apply to the Planning Board for site plan approval in accordance with procedures set forth in the Village of Monticello Code for said approval. The Planning Board, in considering this site plan, shall apply the zoning requirements specifically enumerated under this chapter. If a period of more than one year elapses between the Board of Trustees' approval of the SCAHFD and the submission of a site plan application, the SCAHFD designation shall lapse, and the property shall revert to its prior zoning classification.
- C. In addition to all other customary fees, a fee of \$1,000 shall accompany an application for the establishment of a SCAHFD. In addition, the applicant shall pay reasonable expenses incurred by the Village of Monticello in review of said application.

### **§280-14.4. Development standards.**

- A. No senior citizen dwelling unit shall contain more than one bedroom. Each complex may include a maintenance person's dwelling unit containing no more than two bedrooms.
- B. The occupancy of senior citizen affordable housing shall be limited to two persons who meet the definition of "senior citizen" as that term is defined pursuant to present, future or amended definitions of the governmental agency providing subsidy or support to a project or to the head of the family if they otherwise qualify. The occupancy of a dwelling unit by a family, the head of which is younger than a senior citizen, shall be permitted if it is established that the presence of such person is essential for the physical care of an eligible occupant. In the absence of any definition, the minimum age for eligibility shall be 55 years.
- C. Within the senior citizen district, certain related ancillary facilities may be permitted, either in a separate building or in combination with dwelling units, such as, but not limited to, cafeterias, self-

service laundries, lounges, game rooms or workshops, to the extent that they meet the needs of the occupants of the development. Such facilities shall be subordinate to the residential character of the development and shall be located out of public view with no outside advertising. Such facilities shall be approved by the Planning Board. Approval of a conditional use and site development plan for dwelling units in a senior citizen affordable housing development in no way constitutes approval for installation of any type of related facility.

- D. The following zoning standards will apply to those proposed projects that have been approved for the SCAHFD. If not specifically enumerated in this chapter, standard Village of Monticello zoning requirements will apply.
1. The site density shall not exceed the lesser of:
    - a. Twenty dwelling units per buildable acre; or
    - b. For calculation purposes, a buildable acre shall not include wetlands, waterbodies and slopes exceeding 20%.
  2. The maximum building height shall be 38 feet.
  3. The minimum distance between detached buildings shall be 40 feet.
  4. The maximum size of a senior citizen dwelling unit for one bedroom shall not exceed 700 square feet. The size of the superintendent's unit may not exceed 1,400 square feet.
  5. Lot coverage is not to exceed 35%.
  6. The maximum allowable distance from the lobby or elevator to a senior citizen dwelling unit shall not exceed 200 feet.
- E. The site plan must include suitably equipped and adequately maintained recreation open space. Group sitting areas shall be well-defined by walls, fences, hedges or other plantings designated to impart a sense of containment and/or security and to provide group privacy. There must be a minimum of 150 square feet of usable open space per dwelling unit.
- F. There shall be provided a safe and convenient system of drives, service access roads and walks with due consideration given in planning such facilities to such items as handrails and ramps. Such facilities shall be adequately lighted, and said lighting shall not be directed on adjacent streets or properties.
- G. Central refuse collections areas shall be located for the convenience of all units. There shall be supplied an adequate number and type of covered receptacles, and these shall be provided with proper screening and maintenance.
- H. Where a dwelling is to be rented, the lease for said unit shall not exceed two years. As long as an occupant remains eligible and has complied with the terms of the lease, the occupant shall be offered a two-year renewal of the lease. If an occupant's annual income shall exceed the eligible income level by more than 20%, and there is an eligible applicant for the unit, the occupant may complete the then current lease term only.
- I. Occupant selection standards. The following standards shall be used to determine occupancy and will be prioritized in the order hereby enumerated:
1. Veterans of the United States Armed Forces 55 years of age or older;
  2. Households whose head of household and spouse are 55 years of age or older;
  3. Households whose head of household or spouse is 55 years of age or older,
- J. Deed restrictions.
1. Ownership. The title to affordable senior citizen housing shall be restricted so that, in the event of resale by the owner or any successor, the project shall remain as affordable senior citizen housing in perpetuity unless the Village of Monticello or any successor governmental agency lawfully changes this restriction.
  2. Rental. The title to a development containing affordable senior citizen housing rental units shall be restricted so that, in the event of resale by the owner, the purchaser shall be obligated to maintain the provisions of the rent regulation agreements in accordance with Subsections H and

K of this §280-14-4, Development standards.

- K. Rent regulation and lease renewal; continued eligibility. An occupant of a senior citizen housing rental unit remains eligible for the renewal of a lease if the occupant's aggregate income at the time of the lease renewal does not exceed four times the current rental ceiling rate for the occupant's unit or as described or set forth by state and/or federal law.
- L. Improvements restriction. The owner of an affordable senior citizen housing unit shall not make any internal or external structural improvements and/or changes to a unit without first obtaining the appropriate approvals and permits necessary.
- M. Parking requirements.
  - 1. One and zero-tenths per senior citizen dwelling unit, plus one per bedroom in the maintenance person's dwelling unit, if applicable.
  - 2. Parking spaces, except for handicapped designation, shall not be smaller than nine feet zero inches by 18 feet zero inches.

**§280-14.5. Duration of approval.**

A site plan development plan of a senior citizen affordable housing development approved in accordance with these regulations shall remain valid for a period of two years following the approval of the site plan by the Planning Board and all other necessary governmental approvals as shall be needed to start construction. If, at the end of that two-year period, no application for a building permit has been filed, then the plan shall be considered as having lapsed and shall be of no effect. However, a one-year extension may be granted by the Planning Board for the site plan if the developer shows reasonable grounds for delay in the start of construction. Further, once a building permit is issued, if a substantial portion of the construction anticipated under said building permit authorization is not commenced within one year of the issuance of the permit, the permit shall be void ab initio.

**§280-14.6. Certification of occupancy required.**

It shall be the duty of the owner or his agent to file a certification with the Building Official indicating compliance with this article's requirements relating to the number of occupants and the age of the occupants in each dwelling unit. Such certification shall be filed no later than February 1 of each year. Failure to file certification as required shall be deemed a violation of this article subject to penalties set forth in the Village of Monticello Code.

## **Article VI. Supplementary Regulations**

### **§280-15. Motels.**

Motels or motor courts, where allowable under this chapter, shall conform to the following requirements:

- A. No rental structure shall contain less than four rental units.
- B. In a commercial or light industrial district, no motel shall be placed closer to a property line in any other district than 25 feet.
- C. No automobile parking space shall be located closer to any street or road line than 20 feet nor closer to a side or rear property line in a residential district than 20 feet.
- D. Each rental unit shall be supplied with running water and a minimum of sanitary conveniences, including shower and toilet.

### **§280-16. Automobile trailers.**

[Amended 6-21-1999 by L.L. No. 5-1999]

Automobile trailers and trailer parks are regulated within the Village of Monticello. For current provisions, see Chapter 240, Trailers and Trailer Parks, of the Code of the Village of Monticello.

### **§280-17. Bungalow colonies.**

- A. The maximum number of bungalow dwelling units permitted shall not exceed four per acre of the gross area of the property.
- B. The minimum distance between detached bungalows or accessory structures on the property shall be not less than 20 feet.
- C. Motor vehicles shall not be parked within a required front yard nor closer than 10 feet to any side or rear property line.
- D. Swimming pools shall not be placed in a required front yard nor closer than 20 feet to any side or rear property line.
- E. After the effective date of this subsection, no further bungalow colonies shall be built or created in the Village of Monticello, and existing bungalow colonies shall hereafter be nonconforming as to structures and use. [Added 11-15-2016 10-19-1987 by L.L. No. 5-1987]

### **§280-18. Gasoline service stations.**

[Amended 5-20-1996 by L.L. No. 2-1996; 7-6-1998 by L.L. No. 3-1998; 6-21-1999 by L.L. No. 5-1999]

Special use permits will be issued for gasoline service stations, provided that the Planning Board finds that the layout, design and landscaping of the station is reasonably in keeping with the character of the neighborhood structures and that the station conforms to the following requirements:

- A. Side and rear yards shall not be less than 15 feet in width and, if there is a residence on the adjoining lot, a hedge or tree screen shall be provided.
- B. Hydraulic hoists, pits and all lubricating, greasing, automobile washing and other servicing equipment shall be entirely enclosed within a building.
- C. The number of service bays in the building shall be limited to a maximum of four.
- D. No building structure or area permitted as a gasoline service station shall be used for body or fender work, welding, body alignment, painting, storage or sale of vehicles in running condition or otherwise, outside storage of equipment or waste of any sort nor general major repair work.
- E. Off-street parking shall be provided in accordance with the provisions of §280-23. Off-street parking areas shall comply with side and rear yard regulations. No off-street parking shall be permitted between the pumps and the street line.
- F. The entire service area shall be paved. Unpaved areas shall be landscaped and separated from the paved area by a curb or other low barrier. A curb or other low barrier shall be constructed along the street line except at the entrance-exit driveway.

- G. Signs. One customary identification sign may be freestanding in addition to the signs permitted elsewhere in this chapter.
- H. All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed as to require all services to be done on the premises and *off* the public way. No gasoline pump shall be placed closer to any property line than 25 feet.
- I. No gasoline service station shall be located within 500 feet of any other gasoline service station, except that this restriction shall not be applicable in a B-1 Zone.
- J. Signs advertising petroleum products.
  - 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale at retail any gasoline for use in internal-combustion engines in motor vehicles, unless such seller shall post and keep continuously posted on the individual pump or other dispensing device from which such gasoline is sold or offered for sale a sign or placard which shall be maintained in accordance with §192, Subdivision 5, of the Agriculture and Markets Law.
  - 2. Any person, firm or corporation which sells or offers for sale at retail any gasoline for use in internal-combustion engines in motor vehicles, wherein the individual pump or other dispensing device used in connection with the sale at retail of gasoline contains a face piece which shows the amount of the sale in dollars and cents, tax included, the amount of gallons delivered and the price or prices per gallon, tax included, of said gasoline and which said face piece is not less than seven inches in height and eight inches in width nor larger than 14 inches in width and 20 inches in height, shall be deemed to have complied with Subsection J(1) hereof.

**§280-19. Signs and billboards.**

[Amended 11-17-1997 by L.L. No. 4-1997; 12-21-1998 by L.L. No. 6-1998; 6-21-1999 by L.L. No. 5-1999; 2-7-2000 by L.L. No. 3-2000; 7-10-2000 by L.L. No. 8-2000; 5-17-2004 by L.L. No. 5-2004]

**A. Purposes.**

- 1. The major highways of the Village of Monticello, and specifically Routes 17, 17B, 42, Broadway and East Broadway, have been subject to sign proliferation which has produced visual clutter detrimental both to the scenery of this recreational area and to the ability of businesses and others to communicate with the traveling public using signs. The design, size, numbers and maintenance of signs have all contributed to this situation.
- 2. It is the purpose of this section to establish standards for signs which help people find what they need without difficulty or confusion; to help preserve and, where necessary, improve the appearance of the Village; and to promote public safety by regulating the location, quality, construction and maintenance of signs.
- 3. It is further the intent of this section to regulate signs in the context of the built and natural environment in which they exist, recognizing that quality signage will reflect on this environment and offer a human perspective on it. Signs are an economical and effective way to communicate information and an asset to most businesses. Property values, therefore, are protected and enhanced when signs are designed with these principles in mind. It is for this reason that these sign regulations afford applicants flexibility and provide incentives for thoughtful design and quality construction.

**B. Definitions.** As used in this section, the following terms shall have the meanings indicated:

## SIGN

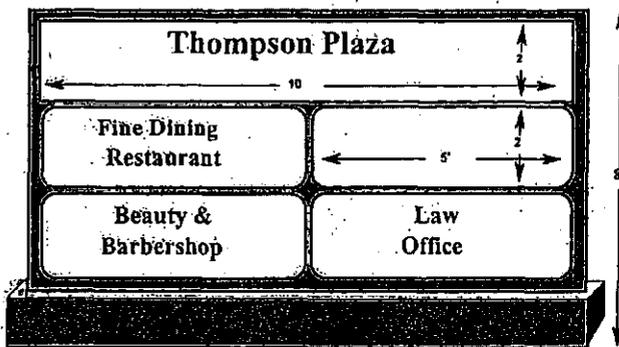
Any device, facade, fixture, material, placard or structure that uses any color, form, graphic, picture, illumination, symbol or writing to advertise, announce, declare or identify a purpose or entity or to communicate information of any kind to the public outside of a building, including neon or fluorescent painted building outlines and similar devices.

### SIGN HEIGHT

The height of the topmost portion of the sign as measured above the surface of the ground, unless the foundation for such sign shall be positioned below the adjoining road grade, in which case the height shall be measured from the road grade.

### SIGN TYPES

1. **BANNER** - A temporary sign constructed of nondurable materials.
2. **BACKLIT** - A sign internally illuminated with a translucent face mounted on a building or hung on poles.
3. **BILLBOARD** - A freestanding off-premises sign of more than 50 square feet in surface area that directs attention to an object, product, service, place, activity, person, institution, organization or business that is primarily offered at a location other than the lot upon which the sign is located.
4. **BUS SHELTER SIGN** - A sign painted on or attached to a shelter constructed to protect waiting bus patrons from the elements.
5. **BUSINESS OR INSTITUTIONAL IDENTIFICATION SIGN** - A sign advertising an institution or identifying the business or profession of the owner or occupant of the property on which it is placed.
6. **CANOPY AND AWNING SIGN** - A sign integrated into a canopy or awning and not extending above the structural wall of the building to which it is attached,
7. **COMMERCIAL DIRECTORY SIGN** - A combination, on a single structure not exceeding eight feet in height, of a ground sign identifying a business complex with other smaller uniform signs listing services or businesses on the property. Such signs shall replace any freestanding signs which the advertisers would otherwise have rights to place on the property and not use more than 20 square feet in surface area on each side to identify a business complex or more than 10 square feet on each side to identify a specific business or service, (See example below)



8. **CONTRACTOR SIGN** - A sign of a builder, contractor, mechanic, painter or other artisan which is erected and maintained during the period such persons are working on a property and immediately removed when the work is complete.
9. **DIRECTIONAL SIGN** - See "traffic directional sign."
10. **FACADE** - The front of a building or part of a building facing a street, parking area, alley or courtyard.
11. **FARM PRODUCTS SIGN** - A temporary sign advertising the availability of fresh farm products largely produced on premises and displayed only when such products are on sale.
12. **FREESTANDING SIGN** - A pole sign or ground sign.

13. **GRADE LEVEL** - Flat or sloping surface, the ground elevation, upon which a building is built.
14. **GROUND SIGN** - A sign separate from any building, rising up from a ground foundation and not over eight feet in height from average ground level to the top of the sign. The entire bottom of a ground sign is generally in contact with or in close proximity to the ground.
15. **HOME OCCUPATION SIGN** - A sign located in a residential area which only serves to direct persons to goods or service legally offered on the premises.
16. **INCIDENTAL COMMERCIAL SIGN** - An advertising sign on which is located a simple message directed only to persons on the lot, such as a gas pump sign, credit card sign or pricing sign placed in a window or on a door.
17. **OFF-PREMISES ADVERTISING SIGN** - A sign advertising a business, product, service, commodity, activity or other concern located off the premises on which the sign is located, not including business and institutional identification signs otherwise permitted.
18. **OFFICIAL TRAFFIC SIGN** - An official sign placed along a highway by a local, county or state government for purposes of public traffic control.
19. **POLE SIGN** - A sign supported by a pole(s) as a structure independent of any balloting. Pole signs are otherwise separated from the ground by air.
20. **PORTABLE SIGN** - A sign not permanently attached to the ground or a structure or designed to be transported, including signs on wheels, A- or T-frames or any other movable device or vehicle.
21. **REAL ESTATE SIGN** - A sign which advertises the availability of land, buildings or spaces within buildings as being for sale or rent and which is immediately removed upon the completion of a sale or lease.
22. **REPLACEMENT SIGN** - Any alteration or revision to size, style, design, material, color or text to an existing permanent, nonconforming or prior approved sign.
23. **ROOF SIGN** - A sign painted on or attached to a roof or extending by any means, including the use of canopies, porches or artificially heightened walls, above the structural wall of a building.
24. **SANDWICH BOARD SIGN** - A self-supporting portable sign that can have two faces that are adjoined at the top and displayed at a angle not permanently anchored or secured.
25. **TEMPORARY SIGNS OR EVENT ADVERTISING BANNERS** - Political and other signs which advertise a particular event with duration as permitted in the schedule.
26. **TRAFFIC DIRECTIONAL SIGN** - An informational sign on which is located a simple directive incidental to the main use of a lot and directed only to persons on the lot, such as a "no parking," "loading area in rear," none-way" or "office this way" sign.
27. **TRESPASSING SIGN** - A sign fastened to trees and poles with nails or staples and typically made of paper, plastic or a malleable metal to indicate lands are private and no trespassing is allowed.
28. **WALL SIGN** - A sign painted on or attached flush with a structural wall of a building, including window signs occupying more than:{\*} of the window or door surface or eight square feet in total per window or door and projecting signs not extending out from the structural wall surface more than 18 inches.
29. **WINDOW SIGN** - A sign which is attached to a window or door or positioned in such a manner that its sole purpose is to communicate with persons on the outside of a door or window, including any lighting or other borders intended to frame the window or door in such a way as to draw attention to the sign, in which case the entire area enclosed by the lighting or borders shall be considered a wall sign.
30. **YARD SALE SIGN** - A sign advertising a temporary sale conducted on private residential property of used household goods, such sale taking place no more than twice per calendar year and limited to seven days in length on each occurrence, signs being placed no more than three days in advance of each.

## **SURFACE AREA**

The size of any sign, computed by multiplying its greatest length by its greatest height. Sign poles and supports or ground sign foundations not exceeding three feet in height which do not bear advertising material or are not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g., raised letters attached to a facade), the surface area shall be that area within the perimeter of a single line enclosing the extreme limits of the advertising material excepting that messages or words separated by six feet or more shall be considered individual sign surface. Each sign surface area may be considered a separate sign for purposes of regulation.

C. Design Review Board.

1. There is hereby created a Monticello Design Review Board which shall consist of three members who shall be appointed by the Village Board and serve without compensation. This Board shall be automatically expanded to become a Joint Design Review Board in conjunction with the Town of Thompson, should the town choose to participate and the Village Board consents, in which case an additional three members shall be appointed by the Town of Thompson. All members appointed shall be qualified by reason of training or experience in art, architecture, community planning, land development, landscape architecture, engineering, sign painting or other relevant business or profession to judge the effects of a proposed structure on aesthetic quality, property value and the future development of surrounding areas.
2. All members, except for those initially appointed to staggered terms, shall serve three-year terms and are so appointed that one term each shall expire each year for both the Village and Town. Any member may also be removed for cause by the governing body, that appointed that member, provided a public hearing has first been held on the matter. Vacancies shall be filled for unexpired terms by the respective governing body.
3. The Board shall elect a Chairperson each year from its membership, with that position rotating between Village and town members each year if a Joint Board is created. Two members of the Board shall constitute a quorum (four, if a Joint Board), and it shall be authorized to adopt, amend and repeal rules governing its procedure and for the purpose of applying the design review standards contained herein and within other local laws it may be designated to help enforce. The Board shall maintain minutes of its proceedings and detailed records of all votes.
4. The Board shall conduct meetings as called by its Chairperson but no less often than four times per year and no later than 15 days following the receipt of an application requiring its action. It may administer oaths and compel the attendance of witnesses and shall act within the time frames otherwise required by state and local law for acting upon permit requests. It may also employ experts, clerical assistance, legal counsel and make other expenditures to the extent funds have been allocated to it by the Village. It shall have the authority to collect fees for processing applications and recoup from applicants the costs of professional review, provided the amount of any regular fees shall have been set by resolution of the Village Board.
5. The Design Review Board may approve, approve with modifications or disapprove any application brought before it by the Town or Village Code Enforcement Officer pursuant to this or any other local law calling for Design Review Board action, provided that any such action shall require an affirmative vote of least two members of the Board for taking that action (four, if a Joint Board). The Board, in approving an application with modifications or disapproving an application, shall make a formal finding, to be provided to the applicant, which sets forth in detail the reasons for the action in relation to the design criteria contained herein or as part of other local laws.
6. An applicant aggrieved by the action of the Board may file an appeal with the Zoning Board of Appeals for the Village, which appeal the Board of Appeals shall be authorized to act upon in the manner of other zoning appeals.

D. Application.

1. All signs shall comply with the standards provided herein and on the attached Schedule of Sign

Regulations.

*[Editor's Note: The Schedule of Sign Regulations is included at the end of this chapter.]*

A Sign Code Enforcement Officer shall be appointed as determined by the Village Manager or his/her designee to administer these regulations.

2. An application for a permit to install, replace or relocate a sign shall be made on a form obtained from the Sign Code Enforcement Officer, together with the fee required by the Village Board. Every application shall include elevation and plan drawings to scale with a graphic presentation of the placement and appearance of the proposed sign. This presentation shall depict the location of the sign in relation to buildings and property features, any method of illumination, the graphic design (including symbols, letter, materials and colors) and the visual message, text copy or content. Written consent of the property owner shall also be provided.
  3. Certain signs, as indicated on the Schedule of Sign Regulations, shall be submitted to the Design Review Board, and no permit for such sign shall be granted nor shall such sign be allowed except with the approval of the Design Review Board. This shall include any significant change or replacement of sign faces with respect to existing billboards or other signs subject to review, which now exist or are permitted in the future.
  4. All applications not requiring Design Review Board approval shall be acted upon by the Code Enforcement Officer within 15 days of receipt. All applications submitted to the Design Review Board shall be acted upon within 30 days of receipt.
- E. Design review criteria.
1. Signs subject to review by the Design Review Board shall be approved or disapproved based on the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. Approval shall require consistency with the design criteria listed in this section. The Board may also require modifications in sign features to meet the criteria provided below.
  2. In reviewing sign applications, the Board shall determine that the sign will meet the following criteria:
    - a. Signs should be a subordinate and not a principal feature of the landscape as viewed from the street.
    - b. Signs in a particular area or district should create a unifying element and exhibit visual continuity.
    - c. Whenever feasible, multiple signs should be combined into one to avoid clutter.
    - d. Signs should be as close to the ground as possible, consistent with legibility considerations, and pole signs shall be discouraged in favor of ground signs wherever possible.
    - e. A sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the building.
    - f. No vivid colors and materials may be used which will dominate a building or site.
    - g. The sign should be located so as to not interfere in any way with the clear views required for public safety by highway travelers or pedestrians.
    - h. The sign must not present an overhead danger or obstacle to persons below.
    - i. The size of the sign should be the minimum that will achieve ready visibility without becoming an unnecessary distraction from the highway view or detriment to the highway scenery.
    - j. The sign should never block the view of any other signs.
    - k. The sign should be of good construction quality that is easy to maintain in safe condition and good appearance. The supporting structure should be designed to provide for wind resistance such that the sign is safe and will not deteriorate or collapse after an extended period outdoors.
    - l. Sign materials and design should be compatible with the surrounding landscape. The size of

the type used to create messages shall be proportional to sign size and include a border. It shall, at a minimum, be readily legible to the persons in moving vehicles to whom the sign is intended to communicate. It shall not, however, generally exceed the size required to be readily visible from a moving vehicle at the opposite curb or a distance of 200 feet, whichever is greater, or occupy a majority of the sign area. The type character shall also be compatible with the style of the building and sign materials.

m. The sign should not substantially interfere with the views to and from other enterprises or residences.

n. Freestanding signs other than billboards shall generally require landscaping around the base of the sign.

3. The size of the landscape area shall be approved as part of the sign permit. Landscape plans shall be submitted for signs of 32 square feet or more in size and shall include the size, species, location and spacing of plant materials, method of separating the planter from the adjacent area and the irrigation plan for maintaining the landscape materials. Where the proposed sign is to be constructed in conjunction with a new building project, however, landscaping shall be designed as part of the overall site plan for the activity and all authority for site plan approval shall rest with the Planning Board. Notwithstanding this, the Design Review Board shall retain responsibility for approval of the sign itself and evidence of that approval shall be required prior to the Planning Board granting site plan approval.

4. The Design Review Board shall be authorized to clarify and expand upon these review criteria, provided it shall do so in writing and its actions are consistent with the intent of this section. It shall also develop design examples and other materials to be provided to visually explain these review criteria.

F. General regulations. The following regulations shall apply to all signs:

1. So as to limit the unnecessary proliferation of signs, they shall be permitted only in connection with a permitted use or for the purposes of specifically directing travelers to businesses or services.

2. All signs shall be removed within 30 days when the reasons for their erection no longer apply.

3. Signs shall not be permitted on the roof or above the roofline of the building to which they are attached.

4. No part of any sign shall project above the top or beyond the ends of the wall surface on which it is located.

5. Signs, other than official traffic signs, that exceed 24 square feet in surface area, shall be setback at least five feet from the side lot line. Signs shall also comply with clear-sight triangle requirements of §200-2 of the Village Code, and, in all districts except the Core Business District (B-2), signs shall be set back a minimum of 10 feet from the edge of the highway right-of-way.

6. No sign, except a public sign, visible from a public street, shall use the words "step," "danger," or any other word, phrase, symbol or character that could be interpreted by a motorist as being a public safety warning or traffic sign.

7. No light shall be permitted that, by reason of intensity, color, location, movement or directions of its beam, may interfere with public safety.

8. No sign shall be attached to any tree, utility pole or other object not intended for such use.

9. A portable sign shall be considered as any other sign and shall be subject to all regulations contained in this section, including those with respect to placement locations. Notwithstanding this limitation and subject to these regulations, property owners may apply for and be granted a continuing permit for the placement of portable signs on a periodic basis for special events. Such applications shall be processed in the manner of master signage plans as provided below. One time placements of portable signs for special events shall be permitted pursuant to the

temporary sign provisions hereof.

10. No sign shall exceed in height one-half its distance from the highway right-of-way, notwithstanding any other height limitation which may also be applicable.
11. Portable sandwich board signs of an A-frame or T-frame design shall not exceed 36 inches in height or width and may be permitted as a temporary or periodic use on the public sidewalks of the Village, provided a permit shall be secured from the Sign Code Enforcement Officer, and placed on the sidewalk so as to avoid interfering with pedestrian or vehicular traffic. Such signs shall be limited to one per building location, used only during business hours and placed level within three feet maximum of the building exterior allowing a minimum walkway of four feet for pedestrian traffic. They shall be restricted to advertising events, sales and menus taking place or being offered on that property.

G. Master signage plans.

1. Business and property owners are strongly encouraged to submit master signage plans for their properties, which plans shall specify the location, dimensions, type, design and number of all signs to be erected on the property. Such plans shall be prepared by a landscape architect, architect, sign designer, engineer or other qualified professional and shall identify existing signs, signs proposed for installation, anticipated future sign locations, temporary sign locations and the design criteria which shall apply to all signs to be erected on the property. These plans shall be adopted by the property owners, who shall agree that all signs to be constructed by them or any of their tenants or occupants shall comply with the standards therein. A master signage plan may also be submitted for multiple properties, provided they are contiguous.
2. All master signage plans shall be submitted for approval to the Design Review Board which shall, in reviewing and acting upon the plans, be guided by the design review criteria provided above. The Board, in acting upon a master signage plan, may waive any of the standards contained herein relating to numbers or sizes of any signs other than pole signs, billboards and projecting signs, provided it is satisfied the master signage plan will meet the review criteria and the specific purposes of this section. When the board has approved such a plan, no further permits will be required for any sign which is in compliance with the plan.

H. Other sign requirements.

1. Signs to provide for the normal and safe flow of traffic into and out of the place of business, such as entrance, exit and parking signs, shall be permitted in excess of the limitations provided herein. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe.
2. Bus shelter signs shall be considered wall signs and be subject to all regulations pertaining to wall signs.

I. Temporary signs. Signs advertising yard sales or comparable events which occur no more than two times per year may be permitted within all districts without the necessity of obtaining permits but shall be limited to 20 square feet in surface area. Also, such signs shall not be hung or attached to fences, trees, utility poles, bridges, or traffic signs. Also, such signs shall be erected no sooner than 45 days before an event and shall be removed within seven days after the event. Yard sales shall be advertised no more than 21 days per year. Temporary signs shall not require Design Review Board action unless proposed for repeated placement. Political signs shall be exempt from sign permit fees established by the Village and no greater than 32 square feet per side in area. All such signs, if they relate to an election, shall be removed within seven days following such election.

J. Events signs. Event signs shall include special sales, special events and temporary signs advertising a sale or event. Event signs shall require a sign permit and an annual fee to be established from time to time by the Village Board of Trustees. All other requirements on event signs shall be regulated by this chapter and the zoning district in which the property is situated.

- K. **Illumination.** Where permitted, signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shield light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. The illumination shall not make the sign resemble traffic signals.
- L. **Nonconforming signs.** Existing nonconforming signs may be repaired or reconstructed on the same site, but shall not be relocated or increased in size except as provided herein. Any nonconforming sign connected with a change of use, abandoned for sign purposes for more than 90 days, damaged to the extent of 25% or more of the replacement cost value or illegally established shall be immediately removed. In the event such a sign is not removed within 30 days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the governing body may institute appropriate civil or criminal actions to prevent the violation, abate the nuisance and assess the costs associated therewith to the violator by attachment to the real property tax bill for the parcel in question. Any other lawful nonconforming sign may be removed and replaced with a sign of equal surface area or up to 25% greater, provided such new sign is a ground sign or wall sign not exceeding 10% of the facade surface area on which it is placed and has been approved by the Design Review Board. Any nonconforming sign that has existed for five or more years shall be presumed to be a legal nonconforming sign. The Village may require any illegal nonconforming sign to be removed prior to issuing a permit for any new or replacement sign on the same property.
- M. **Sign maintenance.**
1. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsafe, unsightly or in disrepair so as to endanger the public or to become a public nuisance as shall be determined by the Village Manager. Also, any sign referencing a location, business, operation, service or product which no longer exists or continues to offer service to the public shall be removed within 30 days of such discontinuance, unless a waiver shall be granted by the Village Manager, as the case may be.
  2. In the event such a sign is not repaired or properly restored or removed within 30 days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the governing body may institute appropriate civil or criminal actions to remedy the violation, abate the nuisance and assess the costs associated therewith to the violator by attachment to the real property tax bill for the parcel in question.
- N. **Sign variances.** No variance with a respect to sign shall be granted by the Zoning Board of Appeals without first obtaining the recommendation of the Design Review Board. However, if no recommendation is received from the Design Review Board within 30 days of its receipt of a copy of the variance application, the Zoning Board of Appeals may act without such recommendation.

O. **Signs in the B-1 Zone.**

[Added 11-15-2016 6-4-2007 by L.L. No. 8-2007]

1. In the B-1 Zone, it shall be permitted to erect freestanding signs on premises, not to exceed so square feet in surface area on each side and not to exceed a height of 15 feet, under the following circumstances:
  - a. When the premises or business activity to which the sign relates is located at a distance of not less than 400 feet from the road, one sign shall be allowed for each 500 feet of road frontage.
  - b. Where it is desired and permitted to install more than one sign, each sign shall be separated from the other by a distance of at least 250 feet.
  - c. Permitted signs shall be located on the premises at a distance of not less than 25 feet from the property line and subject to the following regulation. Such sign may not advertise off premises activities such as a billboard.
  - d. Such signs shall otherwise comply with the requirements of this section.

2. An application for a permit to install or relocate such sign shall be made on a form obtained from the Code Enforcement Officer, together with the fee required by the Village Board. Every application shall include elevation and plan drawings to scale, with a graphic presentation of the placement and appearance of the proposed sign. Such signs shall require approval and a permit from the Code Enforcement Officer.
3. The sign should be located so not as to interfere in any way with the clear views required for public safety by highway travelers or pedestrians. The sign should be of good construction quality that is easy to maintain in a safe condition and good appearance. The supporting structure should be designed to provide for wind resistance such that the sign is safe and will not deteriorate or collapse after an extended period outdoors.
4. Freestanding signs shall require landscaping around the base of the sign. The size of the landscape area shall be approved as part of the sign permit. Where permitted, signs shall be illuminated only by a steady, stationary shield light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. The illumination shall not make the sign resemble traffic signals.

**§280-20. Special building setback lines.**

Whenever greater than the building setbacks established under foregoing sections of this chapter for required front yards, the building setbacks from the center lines of certain streets and roads or sections thereof shall be as respectively indicated below:

| Street or Road          | Right-of-Way Width Setback from |                 |
|-------------------------|---------------------------------|-----------------|
|                         | Center Line (feet)              | Existing (feet) |
| Bushnell Avenue         | 60                              | 32              |
| Carpenter Street        | 60                              | 32              |
| Crystal Street          | 60                              | 32              |
| Forestburgh Road        | 60                              | 44              |
| Franklin Avenue         | 60                              | 38              |
| High Street             | 60                              | 32              |
| Jefferson Street        | 60                              | 40              |
| Liberty Street:         |                                 |                 |
| In commercial district  | 35                              | 44-50           |
| In residential district | 55                              | 40-50           |
| Maple Lane              | 60                              | 50              |
| North Street            | 30                              | 32              |
| O'Neill Road            | 60                              | 31.5            |
| Pleasant View Avenue    | 60                              | 20              |
| Pleasant Street:        |                                 |                 |
| In commercial district  | 35                              | 32              |
| In residential district | 55                              | 32              |
| Rock Ridge Avenue       | 60                              | 32              |
| Thompsonville Road      | 60                              | 32              |

**§280-21. Minimum size of dwellings.**

- A. The minimum living-space floor area of dwellings erected in any district shall be 768 square feet for a one-family dwelling and 1,500 square feet for a two-family dwelling or a pair of semidetached dwellings.
- B. Living-space floor area shall be considered to be the area of the one or more main floors of the

dwelling, measured from the exteriors of the main walls, not including the floors of an attached garage, breezeway, carport or open porch or the floor of a basement with ceiling less than four feet above the average exterior ground level. Finished or unfinished attic space having fixed, permanent stairway access and an average height of not less than five feet from floor to roof may be included as living space floor area if at least 40% of such area has a height of at least eight feet, similarly measured.

**§280-22. Frontage on street.**

No dwelling for other than seasonal occupancy shall be placed directly in front of or directly behind another dwelling on the same premises and within 200 feet thereof, unless both dwellings have an unobstructed view to and frontage upon a street or other public way. "Directly in front of or directly behind another dwelling" means having more than ½ the breadth of the building in such position.

**§280-23. Required off-street parking or storage space.**

A. Off-street automobile parking or vehicle storage space as provided by Chapter 178 of the Code of the Village of Monticello shall be provided as indicated below in relation to any of the listed buildings or uses hereafter erected or established or any addition to an existing building hereafter made in any district, except that no such parking space shall be required in relation to the reconstruction of a building destroyed by fire or other natural cause, provided that such reconstruction is on the same foundation as that of the original building, does not exceed the original building in total floor area and is started within one year from the date of said destruction.

[Amended 6-21-1999 by L.L. No. 5-1999]

1. Residential uses:

- a. One- and two-family structures: two spaces per dwelling unit.
- b. Multifamily structures: 1½ spaces for each dwelling containing one habitable room and two spaces for each dwelling containing two or more habitable rooms.

2. Home occupations:

- a. All such uses other than the office of a physician or dentist: one space per 100 square feet of floor area or portion thereof devoted to such activity.
- b. Office of a physician or dentist: four spaces for each doctor or dentist engaged on the premises, plus one space for each additional employee.

3. Bungalow colonies and motels: one space for each rental unit.

4. Hotels and motels: one space for each rental room.

5. Hospitals: one space for every two beds of planned capacity.

6. Light industrial uses:

- a. One space for each 400 square feet of floor area devoted to manufacture, including printing, publishing and laundry or dry-cleaning plants.
- b. (b)One space for each 2,000 square feet of floor area devoted to storage or stationary operating equipment.
- c. One space for each 3,000 square feet of area devoted to outside storage, including used car lots and equipment rental or sales yards.
- d. Any industrial use: one space for each company vehicle.

7. Commercial uses:

- a. Retail business or service, bank or post office: one space for each 250 square feet of retail floor area.
- b. Theaters: one space for each 15 seats.
- c. Office, including professional, personal service, public utility or public: one space for each 300 square feet of gross floor area.
- d. Restaurant, bar or nightclub: one space for each 50 square feet of customer floor area.

- e. Taxi stands: one space for each vehicle in regular use.
  - f. Bus terminals: one space per employee, calculated at peak employment period.
  - g. Lumber sales: one space for each 2,000 square feet of retail floor area. For purposes of this regulation, display-storage areas shall be considered to be retail floor area.
  - h. Wholesale: one space for each 2,000 square feet of gross floor area.
  - i. Automobile service stations: two off-street, on-premises spaces for each service bay, plus one space per employee.
  - j. Funeral home: one space for each five seats of auditorium capacity.
  - k. Any commercial use: one space for each company vehicle.
- B. In the B-2 Zone, spaces in municipal parking lots, where provided, may be credited toward the parking requirements for the nonresidential uses in such zone, provided that:
1. These spaces are within 300 feet of the uses to be served.
  2. The parking needs of existing facilities, within 300 feet of such facilities and computed on the same basis as for new facilities, are satisfied first, and only excess capacity is credited toward the parking requirements for such uses to be served.
- C. Dimensions of off-street automobile parking spaces. Every such space provided in connection with a dwelling shall be at least 10 feet wide and 22 feet long; every other space shall be at least nine feet wide and 18 feet long, and every space shall have direct and usable driveway access to a street or alley, with minimum maneuver area between spaces as follows:
1. Parallel curb parking: five feet end to end with twelve-foot aisle width for one-directional flow and twenty-four-foot aisle width for two-directional flow.
  2. Thirty-degree angle parking: thirteen-foot aisle width for one-directional flow and twenty-foot aisle width for two-directional flow.
  3. Forty-five-degree angle parking: sixteen-foot aisle width for one-directional flow and twenty-six foot aisle width for two-directional flow.
  4. Sixty-degree angle parking: twenty-one-foot aisle width for one-directional flow and twenty-six foot aisle width for two-directional flow.
  5. Perpendicular parking: twenty-six-foot aisle width for one-directional and two-directional flow.
- D. Combination of uses. In the case of a combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the separate requirements for the various uses.
- E. Fractional space. Whenever the computation of parking requirements results in an ultimate fraction of a space, a full space shall be provided.
- F. Location of required spaces. In any residential zone, required off-street automobile parking spaces shall be provided on a buildable portion of the same lot as the building to which such spaces are incidental, and in all other zones such spaces shall be provided on the same lot as the use which they serve. Nothing contained herein shall prevent the normal and customary use of driveways, provided that such use as a driveway shall be considered to meet the requirements for off-street parking. [Amended 6-21-1999 by L.L. No. 5-1999]
- G. Construction of parking areas. Parking areas shall be paved with a year-round surface of asphalt or concrete. The individual spaces shall be visibly marked with paint or other durable material.

**§280-24. Landscaping.**

- A. At least 8% of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs, etc., and all such landscaped areas shall be properly maintained thereafter in a slightly and well-kept condition. Whenever a parking area or automobile service area abuts a residential zone, a six-foot screen, such as a masonry wall, wooden fence, vine-covered chain link fence or compact evergreen hedge, shall be established and maintained along the zone boundary line.

- B. All areas of a lot not occupied by buildings, parking, driveways, turning areas or walkways shall be landscaped attractively with lawn, trees, shrubs or other plant or landscaping material. All landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition. Dead trees, shrubs or other plant material shall be replaced within the season.

**§280-25. Swimming pools.**

All swimming pools incidental to the residential use of premises and not operated for gain and which are over 30 inches deep shall be subject to the following requirements:

- A. The edge of the pool shall be located not less than 10 feet from all property and street lines.
- B. Such pool shall be completely surrounded by a fence or wall as regulated by the New York State Uniform Fire Prevention and Building Code.  
[Amended 6-21-1999 by L.L. No. 5-1999]
- C. If said pool is located more than 3½ feet above the ground, then a fence is not required, provided that all points of access to said pool are adequately protected by a self-closing, self-latching gate.

**§280-26. Required off-street loading and unloading space.**

On the same premises with every building or part thereof hereafter erected and occupied for the purpose of manufacturing, storage warehouse, retail store, wholesale store, market, hotel, hospital or other use similarly involving large-volume receipt or distribution of materials or merchandise by motor vehicles, there shall be provided and maintained adequate space for loading and unloading services, so placed and arranged as not to interfere with public use of a sidewalk, street or alley. For this purpose, there shall be provided not less than one such loading space for every 20,000 square feet of building floor area or fraction thereof, in excess of 6,000 square feet, used for any of the above-mentioned purposes. Each such space shall be not less than 12 feet by 30 feet and have a height clearance of not less than 14 feet. The above shall apply to the building as a whole and not to individual units thereof when arranged to use loading and unloading space in common.

**§280-27. Fire stairs.**

[Amended 6-21-1999 by L.L. No. 5-1999]

Nothing herein contained shall prevent the projection of an open, fire stairway into a rear or side yard for a distance not exceeding eight feet.

**§280-28. Excavations.**

[Editor's Note: See also Ch. 1 Excavations & §280-40 Stripping of Land.]

- A. Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or land shall be prohibited. Excavations shall not create objectionable dust or noise or contribute to soil erosion, nor create any noxious or injurious substance or condition or cause public hazard.
- B. In any district, excavation relating to the construction, on the same lot, of a building or structure for which a building permit has been issued shall be permitted. In the event that construction of the building or structure is stopped prior to completion and the building permit is allowed to expire, the premises shall immediately be cleared of any rubbish or building materials, and any excavation with a depth greater than two feet below existing grade shall immediately be filled in and the topsoil replaced or all such excavations shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area in which the excavation is located.

**§280-29. Activity standards.**

In any district, the following standards for activities shall apply:

- A. No offensive or objectionable vibration, odor or glare shall be noticeable at or beyond the property line.
- B. No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause

to persons or property in the same or adjacent district.

- C. There shall be no discharge of any liquid or solid waste into any stream or body of water or any public or private disposal system or into the ground, nor any materials of such nature as may contaminate any water supply, including groundwater supply.
- D. There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin or endangers health in any way.
- E. The emission of smoke, fly ash or dust which can cause damage to the health of persons, animals, plant life or to other forms of property shall be prohibited.

**§280-30. Corner clearance.**

[Amended 6-21-1999 by L.L. No. 5-1999]

For the purpose of minimizing traffic hazards at street intersections, on any corner lot no obstructions higher than three feet above the adjacent top-of-curb elevation shall be permitted to be planted, placed, erected or maintained within the triangular area formed as defined in §200-2 of the Code of the Village of Monticello.

**§280-31. Accessory buildings.**

An accessory building may be located in any required side or rear yard, provided that:

- A. It does not project nearer to the fronting street than the main building.
- B. It is set back at least six feet from the side or rear lot line and, if detached, at least 10 feet from the main building.
- C. It does not exceed 15 feet in total height and the gross floor area does not exceed 150 square feet.  
[Amended 11-19-2007 by L.L. No.23-2007]
- D. Only one such accessory building shall be permitted in any residential zone without Planning Board approval [Added 11-15-2016 11-19-2007 by L.L. No.23-2007]

**§280-32. Permanence of yards and other open spaces.**

No spaces applied or necessary under this chapter to satisfy the yard or area requirements in relation to any building now or subsequently built shall be counted as part of a required open space or required area in relation to any other building.

**§280-33. Height exceptions.**

Nothing herein contained shall be interpreted to limit or restrict the height of a church spire, radio or wireless station or antenna, belfry, clock tower, chimney flue, water tank, elevator bulkhead, stage tower, scenery loft or similar structure.

**§280-34. Multiple dwellings.**

The following supplementary regulations shall apply to all multiple-dwelling developments:

- A. There shall be provided on the same lot a suitably equipped and landscaped children's play area or areas, which shall constitute not less than 25% of the required usable open space.
- B. The maximum building length shall be 160 feet.
- C. The minimum distance between principal buildings shall be 25 feet for structures 35 feet or less in height and 50 feet for structures greater than 35 feet in height.

**§280-35. Public garage and gasoline service station location.**

No public garage or gasoline service station or private garage accommodating more than five cars shall have a vehicular entrance closer than 200 feet to an entrance to a school, church, theater, hospital, public park, playground or fire station, and said measurement shall be taken as the shortest distance between such entrances: across the street if the entrances are on opposite sides of the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.

**§280-36. Home occupations.**

- A. Any gainful occupation customarily conducted within a dwelling by its residents, clearly secondary to the use of the dwelling for living purposes and which does not change the character of the structure as a residence. Said activity shall not occupy more than 1/3 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used, and no display of products shall be visible from the street. Home Occupations shall not include the following: clinic or hospital, barbershop or beauty parlor, dancing instruction, band instruction, voice instruction or teaching in groups with more than two students at one time, real estate office, restaurant, animal hospital, dog kennel, retail stores, doctors or dentists treating patients.
- B. In any district, nothing in this chapter shall prevent an individual from conducting his profession in his home or residence, as defined in §280-5 under "home occupation," provided that no more than two persons shall be employed in addition to the owner or tenant of the property; that no other professional shall be permitted to share, let or sublet space for professional use; that there shall be no external evidence of such use, except for one sign not exceeding two square feet in area and materials and equipment. [Amended 11-19-2007 By L.L No.22-2007]

**§280-37. Public utility facilities.**

- A. Public utility distribution facilities necessary to serve the districts in which they are located shall be uses permitted by right in all districts. Such facilities shall include but not be limited to electric distribution lines, including related equipment, poles, wires, transformers and related appurtenances thereto, telegraph and telephone lines, water distribution mains and gas distribution mains.
- B. All other public utility facilities, including but not limited to electric and gas transmission lines and electric substations, shall be permitted in all nonresidential districts only upon obtaining a special use permit therefor in each case from the Planning Board.

**§280-38. Adult uses.**

[Added 11-15-2016 7-18-1977 by L.L. No. 9-1977; amended 8-15-1977 by L.L. No.10-1977; 3-17-2003 by L.L. No. 1-2003]

- A. Purpose. It is recognized that buildings and establishments operated as adult uses have serious objectionable operational characteristics in a community such as ours, which is predominantly residential and dependent on family tourism. Studies and reports in similar cities and towns have documented the negative secondary impacts of adult entertainment establishments. These impacts include exposure of children and teenagers to graphic sexual images, increased crime, diminishing property values, adverse effects upon the climate for other types of commercial activity and negative influences upon community character. Sexually explicit business signs or displays visible from public streets are particularly offensive. The Village Board of Trustees hereby finds that the operational characteristics of adult uses increase the detrimental impact on a community when such uses are adjacent to residential districts, schools or churches and municipal buildings and uses. Therefore, in order to promote the health, safety and general welfare of the residents of the Village of Monticello, this section is intended to restrict adult uses to certain commercial zones.
- B. Definitions.
  1. General. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meanings they have in common usage and to give this section its most reasonable application.
  2. Specific terms. As used in this section, the following terms shall have the meanings indicated.

**ADULT BOOKSTORE**

An establishment or business, whether retail or wholesale, having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals, films, photographs, motion pictures, videocassettes, slides or other visual representations, apparatus and any other viewing materials for sale

or viewing on premises, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**ADULT ESTABLISHMENT CABARET**

A public or private establishment which serves food and/or beverages, which regularly features live performances, characterized by an emphasis on specified anatomical areas or specified sexual activities or features topless or nude dances or strippers.

**ADULT MATERIALS**

Includes but not be limited to any literature, books, magazines, pamphlets, newspapers, papers, comic books, drawings, articles, computer or other images, motion pictures, films, photographs, DVD's, videocassettes, slides or other visual representations, mechanical devices, instruments, clothing or any other writings, materials or accessories which are distinguished or characterized by their emphasis on matter depicted, described or related to specified sexual acts or specified anatomical areas as defined herein, or an establishment with a segment or section exclusively devoted to the sale, lease, gift, trade, or display of such materials.

**ADULT-ORIENTED BUSINESS**

Use of a building, structure or property for a business that had adult materials in a section or segment devoted to such materials or as a substantial or significant portion of its stock-in-trade for the purpose of sale, rental, lease, trade, gift or display of such adult materials. For the purposes of this section "adult-oriented businesses" shall also mean and include any nightclub, bar, tavern, restaurant, eating and drinking establishment, arcade, theater, video store, motel, hotel, or any other establishment that regularly features, for economic gain or other consideration, entertainment in any form which is characterized by nudity or the depiction or display of sexual activities or adult materials.

**ADULT THEATER**

A public or private establishment regularly featuring one or more of the following: films, motion pictures, videocassettes, DVD's, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. An adult theater shall include commercial establishments where such materials or performances are viewed from individual enclosures.

**ADULT USE**

Any establishment or business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, including but not limited to adult bookstores, adult theaters and adult establishment cabarets.

**BUSINESS**

Any commercial enterprise, association or arrangement for profit.

**DISSEMINATION**

The transfer of possession, custody, control or ownership of or the exhibition or presentation of any performance to a customer, member of the public or business invitee of any material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**PERSON**

Any person, firm, partnership, corporation, association or legal representative, acting individually or jointly.

**SPECIFIED ANATOMICAL AREAS**

- a. Less than the completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.
- b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES**

- a. Human genitals in state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**SUBSTANTIAL CONNECTION**

- a. In a sole proprietorship, an individual who owns, operates, controls or conducts, directly or indirectly, any premises, building or location upon which any adult use takes place.
- b. In a partnership, limited or general, an individual who shares in any potential profits or losses of the business or who operates, controls or conducts, directly or indirectly, any premises, building or location upon which any adult use takes place or who shares in the ownership of any of the assets of the partnership business. In a corporation, an individual who is an officer, director or a holder, either directly, indirectly or beneficially or owns more than 20% of any class of stock or who operates, controls, or operates, controls or conducts, directly or indirectly, any premises, building or location upon which any adult use takes place.
- c. Any person who finishes more than 20% of the capital financing or assets of such business, whether in cash, goods or services.

**SUBSTANTIAL OR SIGNIFICANT PORTION**

Includes a place with only a portion or section or its area set aside for the display or sale to adults of material defined above in this section, except that any place otherwise included within this section that can prove that not more than 10% of its square footage is devoted to the display of or sale of materials listed in the foregoing definitions shall be exempt from the provisions of this section so long as such material is kept out of the reach and visibility of minors.

C. Restrictions. In addition to the general requirements of the Zoning Ordinance of the Village of Monticello, adult uses shall only be permitted subject to the following restrictions:

- 1. No adult use or adult-oriented business shall be located within 500 feet of the boundaries of any zoning district which is zoned for residential use and within 500 feet of any preexisting residential use.
- 2. No adult use or adult-oriented business shall be located within 1,000 feet of a preexisting school, day-care center or place of worship.
- 3. No adult use or adult-oriented business shall be located within 500 feet of any municipal building or use.
- 4. No adult use or adult-oriented business shall be located within 1,000 feet of another preexisting adult use or adult-oriented business.
- 5. No adult use shall be located in any zoning district, except the BLI district; such adult use shall at all times be subject to the distance limitations set forth in Subsections A, B, C and D of this subsection.
- 6. This section shall not apply to any adult use establishments that are operational on the effective date of said section.

D. Observation from public way prohibited. No adult use or adult-oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating, to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use or adult-oriented business. The provision shall apply to any display, decoration, sign, show window, screen or other opening. Only one sign shall be permitted, visible from the exterior of a building which is occupied by a regulated use, and such sign shall be no larger in size than six square feet, nor shall such sign consist of any material other than plain lettering. Such sign shall have no photographic or artistic representation whatsoever thereon. The Design Review Board shall approve any such sign.

E. Registration.

- 1. No person, firm, corporation or other entity shall lease, rent, maintain, operate, use or allow to

be operated or used any business or establishment or any part thereof which contains an adult use or adult-oriented business, without first complying with the provisions of this subsection as set forth below.

2. In addition to any and all other necessary licenses and permits, no form of adult use or adult oriented business shall be allowed to operate nor allowed to continue to operate, until a certificate of registration is filed with the Village Clerk containing:
    - a. The address of the premises.
    - b. The name and address of the owner(s) of the premises and the name and address of the beneficial owner(s) if the property is in a land trust.
    - c. The name of the business or the establishment subject to the provisions of this section.
    - d. The name, business and home addresses and business or home telephone numbers of all owners of the business or establishment subject to the provisions of this section.
    - e. The names, business and home addresses and business or home telephone numbers of all those persons having a substantial connection with the business or establishment subject to the provisions of this section.
    - f. The date of the initiation of the adult use or adult-oriented business.
    - g. The exact nature of the adult use or adult-oriented business.
    - h. If the premises or the building in which the business containing the adult use or adult oriented business is located is leased, a copy of the lease with the amount of rent to be redacted;
    - i. A copy of the special use permit as approved by the Planning Board and the sign permit as approved by the Design Review Board.
  3. If there occurs any change in the information required for the certificate of registration, the Village Clerk shall be notified of such change in writing and a new or amended certificate shall be filed within 30 days of such change.
  4. The processing fee for each certificate of registration or amendment thereto shall be set forth from time to time by resolution of the Village Board. Such certificate of registration shall be effective concurrently with the special use permit issued annually as provided in Subsection F, and the processing fee provided in this subsection shall be an annual charge.
  5. No certificate of registration issued under the provisions of this subsection shall be transferable to any person other than the registrant, nor shall a certificate of registration be transferable for use at any premises, building or location other than that stated in the certificate of registration.
  6. The owner, manager or agent of any adult use or adult-oriented business shall cause a copy of the certificate of registration issued under the provisions of this subsection to be prominently displayed on the premises, building or location for which it is issued.
  7. Any knowingly false statement or any statement which the registrant or applicant should reasonably have known to be false, which is provided in the certificate of registration or any document or information supplied therewith, shall be grounds for rejection, suspension or revocation of the certificate of registration.
  8. It is a violation of this chapter for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate thereon or to permit any person to establish an adult use without having in force a certificate of registration complying with this subsection.
  9. Failure to comply with any of the provisions of this section shall be grounds for rejection, suspension or revocation of the certificate of registration.
- F. Special use permit.
1. No use as described in this section shall be established until the issuance of a special use permit by the Planning Board pursuant to Article IV, §280-12, of this Code. Application for such special use permit shall be in conformity with this chapter and as provided for herein. The application

shall be in writing to the Planning Board and shall consist of a description of the premises for which the permit is sought, a plain and concise statement of the use which is proposed, a Zoning Map showing all uses within 500 feet of the site and such additional information as shall be required by the Planning Board. The Planning Board shall call a public hearing for the purpose of considering the request for each and every special use permit. At least 10 days' notice of the time and place of the public hearing shall be given by the publication of a notice in a newspaper of general circulation in the Village of Monticello, indicating the general nature of the hearing and the fact that those persons interested therein may be heard at the time and place of such hearing. All property owners within 500 feet of the proposed site shall receive notice from the applicant.

2. A special use permit must be renewed on an annual basis in conjunction with the certificate of registration, unless otherwise determined by Planning Board waiver or modification.
3. A special use permit issued under the provisions of this subsection shall not be transferable.
4. No special use permit shall be issued unless the restrictions set forth in this section are complied with.

### **§280-39. Parabolic dish antennas and similar devices.**

[Added 11-15-2016 7-2-1984 by L.L. No. 1-1984; amended 6-21-1999 by L.L. No. 5-1999]

In all residential districts, no person shall cause, suffer or permit the erection and/or maintenance of any parabolic dish or other antenna or device, the purpose of which is to receive television, radio and/or microwave or other electrical signals from space satellites, except as set forth herein:

- A. Any such antenna or device shall be deemed an accessory building, as said term is defined in this chapter, and shall be subject to all regulations set forth elsewhere in this chapter and by the further limitations contained in this section.
- B. Any such antenna or device shall be located only in rear yard of any parcel.
- C. The Village Manager of the Village of Monticello is hereby given site plan approval of the location of the antenna or device to be installed or maintained and shall require reasonable screening or other procedures to reduce or eliminate aesthetic damage to the community which may result from said installation or maintenance.
- D. No such installation shall be permitted or continued except by permit from the Code Enforcement Officer after site plan approval by the Village Manager.
- E. No such antenna or device shall exceed 15 feet at its maximum height, width and depth.
- F. No such antenna or device shall be installed on or above any building or structure, but shall be freestanding.
- G. Continued maintenance of said antenna or device shall be conditioned on maintaining the screening required by the site plan in an effective condition.
- H. Nothing contained in this section shall prohibit the installation of a parabolic dish that is 24 inches or less in diameter, subject to the provisions of Subsection C of this section.

### **§280.39.1 Public Communications Facilities Accessory Business Communication Tower and Amateur Radio Tower. [Added 11-15-2016 by L.L. No. 3-2016]**

- A. Special Use Permit requirement – new radio antennas, radio towers, other public communications utility towers, accessory business communication towers and amateur radio towers.  
The construction or erection of new radio antennas, radio towers, accessory business communication towers and amateur radio towers, and other public communications utility towers and equipment mounted thereon and/or the reconstruction, addition or alteration to existing towers, antennas and equipment mounted thereon used to send, receive and relay wireless communications transmissions shall constitute a special permit use in all zoning districts of the Village and shall be subject to the provisions of §280-12 Standards for Special Use Permits, except as modified by the provisions of this section, and may be specially permitted on any lot, regardless of

whether or not there is an existing use of such lot.

**B. Definitions**

As used in this section, the following terms shall have the meanings indicated:

**ACCESSORY BUSINESS COMMUNICATION TOWERS AND AMATEUR RADIO TOWER FACILITIES**

A tower for business or amateur communications transmission or reception structurally mounted on or off an existing or proposed structure.

**COLLOCATION**

1. The placement of a new public communications transmission or reception device on another existing public communications utility tower.
2. The placement of a new public communications utility tower in the same location to replace an existing tower to support an existing public communications transmission or reception device and/or a new transmission or reception device in addition to a new transmission or reception device.
3. The placement of a new, additional public communications tower on the same site as a previously existing one.

**PUBLIC COMMUNICATIONS UTILITY TOWER**

A support structure for antennas having a location on the ground and including any and all accessory equipment, buildings, structures, utilities and access roads supplying commercial personal wireless communications for the public. A public communications utility tower does not include ham radio or citizens band radio antennas.

**STRUCTURALLY MOUNTED**

The placement of a transmission or reception device on any existing structure or proposed structure other than tower constructed specifically for that purpose.

- C. Special Use Permit – Federal Communications Commission compliance. The applicant requesting a special use permit shall constitute an entity or individual engaged in the supply of commercial, business or amateur communications services to the public, an individual business or group of businesses; or for amateur purposes. Any public utility communications device to be located within the Village shall fully conform to the Federal Communications Commission's current regulations and requirements concerning radio frequency emissions, as the same may be amended from time to time.
- D. Special Use Permit procedure for New Public Communications Facilities  
An applicant shall endeavor to collocate or structurally mount its facility pursuant to the requirements of this section. In the event that an applicant proposes to construct a new facility, the applicant shall demonstrate to the Planning Board that it has considered the use of existing public communications facilities and other structures within a one-half-mile radius of the proposed new facility, or a smaller radius if the same can be shown to be applicable to the proposed facility. In the event that an applicant is unable to collocate or structurally mount its facility, notwithstanding the presence of a suitably located existing tower or structure, the applicant shall demonstrate this to the Planning Board. If applicable and deemed necessary, the Planning Board may require a good-faith demonstration that the owner(s) of such structure(s) were contacted and either denied permission for such shared use, failed to respond within a thirty-day time period or that there are other overriding reasons rendering the use of such an existing structure infeasible. In the event that the utility requesting such use has demonstrated that the necessary service cannot be provided by locating such device(s) on existing communications or other existing towers or existing structures in the requested service area, then the location of a new communications device shall be permitted, subject to the requirements of site plan approval and the requirements of this section as follows as well as §280-12 Standards for Special Use Permit. Business Communications Towers and Amateur Radio Towers shall be exempt from this requirement.

As to all towers:

1. Lot size, setbacks and height. The lot size and setback requirements for a new tower and antenna shall be related to the height of said supporting tower only. The lot shall measure not less than the height of said tower in length and width, and all required yard setbacks shall measure the height of the tower, so that in the event that the structure should collapse or fail, no structure or persons on any adjoining properties will be placed at risk. Notwithstanding the foregoing, the Planning Board shall be permitted in its discretion to waive the foregoing setback requirements in the event they are not deemed necessary for safety purposes or for other valid planning purposes for the site proposed. The Planning Board shall also have the power to waive the setback requirements for fences as set forth in §142 for public utility communications facilities. No height limitations established in this chapter of the Village of Monticello Code shall apply to special uses approved in accordance with this section.
2. Visual impacts. All new communications structures shall be sited to create the least practicable adverse visual impact on the surrounding community and on any historic structures and resources. The applicant shall provide visual impact assessment information as shall be required by the Planning Board to evaluate the visual effects of a proposed communications tower/antenna or device with particular attention to the areas of high visual and aesthetic sensitivity. Consideration shall be given to the visual effects of the structure under daytime conditions. Consideration must only be given to nighttime visual impact conditions in the event that the structure is required to be lighted by any applicable governmental regulation.
3. The applicant for Public Utility Communications Facilities, shall provide visual impact assessment information to the Planning Board addressing the effects within a three-mile radius of the proposed site. Visual impact assessments shall incorporate photographic studies of colored balloons or an acceptable alternative flown at the proposed site location at the proposed tower height with photos to be taken at key vantage points from public thoroughfares and publicly accessible properties, and from private properties if permission is granted for access. Notification shall be provided to the Village as far in advance as possible prior to the date on which such studies are to be conducted.
4. To the extent practicable, reasonable screening shall be provided or existing features retained so as to preserve the views of visually sensitive areas and scenic vantage points, together with other means of minimizing the visual effects of the facility, including an appropriate color choice for the tower where applicable to reduce the visual impact of the tower, where such color choice does not conflict with other requirements and regulations. The Planning Board may permit the use of vegetation, either alone or in combination with topography, fences, walls or other features to achieve sufficient screening of the base of any public communications utility tower from any visually sensitive areas. Where vegetative plantings are proposed for screening purposes, the Planning Board shall require planting and replacement specifications which ensure that the intended effect is achieved and maintained. Siting of such facilities shall, where possible, avoid the need for compliance with FAA lighting requirements. In the event that FAA regulations require lighting, the applicant and the Planning Board shall arrive at the most suitable and least intrusive type of lighting which still meets the FAA requirements. Siting of new facilities shall be done with consideration of the potential ability to collocate other services on such site, to the extent reasonable and practicable. In determining reasonableness, the board shall consider the cost of screening in relation to the size and scope of the public utility, commercial business or amateur Special Use applied for and shall not be used as a pretext to prevent any such use.
5. Access and parking. The Planning Board shall review the means of access to the public communications utility tower/antenna site and shall consider its sufficiency with regard to relevant factors specific to the needs of the requested facility, including but not limited to width,

surfacing, slope, side slopes, drainage and erosion control, access control devices restricting unauthorized entry, as appropriate to the needs of the facility and any emergency vehicles needed to access the site. Adequate parking and turnaround area shall be provided for the needs of the site. Care shall be taken to minimize the visual impacts of the means of access, parking and turnaround area as seen from areas of high visual sensitivity, and the visual impacts of the same shall be evaluated and, if necessary, mitigated as set forth in this section.

6. Public safety. The applicant shall demonstrate that the proposed communications utility, business communication or amateur radio, tower/antenna and/or appurtenant device(s) will not pose a threat to public health and safety as a result of falling or blowing ice and/or other debris, that public access to the same has been restricted in order to prevent climbing or other trespass on the structure itself.
7. Other utility structures, such as storage buildings necessary to the operation of said tower/antenna, may be located on the same lot if such location is related to the operation of said facility, subject to site plan approval by the Planning Board as to color, location, visual screening, access control and/or other applicable site plan review considerations.

As to Business and Amateur Towers:

1. In the event that the Planning Board shall find that an accessory business communications or amateur radio tower is proposed to be mounted on an existing or proposed structure and to exceed the height of said structure by no more than 30%, and said tower is designed to resemble an architectural feature of the aforementioned structure, then no additional requirements under this section shall apply, except that the applicant shall demonstrate that the structure on which its communications device is to be mounted is structurally sufficient to support the proposed installation if requested by the Planning Board. In the event that an accessory business communications or amateur radio tower is proposed which does not meet the requirements of this section, the applicant shall demonstrate that the lot size is sufficient as to setback and height.
2. In the event that the Planning Board shall find that an accessory business communications or amateur radio tower is proposed to be located elsewhere on the business site, but is designed, located and mounted in such a way and is of such a height as to resemble another approved site feature such as a parking lot light pole, then no additional requirements under this section shall apply. In the event that an accessory business communications or amateur radio tower is proposed which does not meet the requirements of this section, the applicant shall demonstrate that the lot size is sufficient as to setback and height.
3. In the event that an accessory business communications or amateur radio tower is proposed which does not meet the requirements of this section, the Planning Board may if it determines the same is necessary, require a visual impact assessment to evaluate the potential visual impacts of the same. To the extent practicable, reasonable screening shall be provided or existing features retained so as to preserve the views of visually sensitive areas and scenic vantage points and/or other means of minimizing the visual effects of said facility shall be employed, including an appropriate color choice and construction type for the tower, where applicable, to reduce the visual impact of the same, where such color choice and construction type does not conflict with other requirements and regulations. The Planning Board may permit the use of vegetation, either alone or in combination with topography, fences, walls or other features, to achieve sufficient screening of the base of the tower from any visually sensitive areas. Where vegetative plantings are proposed for screening purposes, the Planning Board shall require planting and replacement specifications which ensure that the intended effect is achieved and maintained. Siting of such facilities shall where possible avoid the need for compliance with FAA lighting requirements. If the visual impact analysis demonstrates that the proposed location would have a harmful visual impact on areas of extreme visual sensitivity or on adjoining residential properties or districts,

then the applicant shall be required to consider alternative locations and installations and their relative visual impacts. Such alternative locations shall include, but not be limited to, alternate mountings and locations on the site itself, collocation on other communications towers or structural mounting on facilities located within a one-half mile radius of the site, or a smaller radius if the same can be shown to be applicable based on economic feasibility. In the event that an applicant is unable to relocate, collocate or structurally mount its facility, notwithstanding the presence of a suitably located existing tower or structure, said applicant shall demonstrate a good faith effort that owners of existing towers or structures within the one-half mile radius were contacted and either denied permission for such shared use, failed to respond within thirty-days of the date of mailing written request including, weekends and holidays or that there are other overriding reasons rendering the use of such an existing structure infeasible. In the event that the applicant requesting such use has demonstrated that either the necessary service cannot be provided by locating such device(s) on existing communications or other existing towers or existing structures in the prescribed one-half mile radius, or that there is no alternate location on the site available that would avoid the visual impact of the proposed tower, then the installation shall be screened to the maximum extent possible pursuant to Subsection 9 as set forth above.

**E. Special Use Permit Procedure for Mounting of Public Communications Facilities**

The Village encourages the structural mounting of public communications facilities, recognizing that structural mounting on an existing structure may reduce the potential impacts that may be associated with a proliferation of new support structures in the Village. The Village therefore has established an expedited review procedure for such applications as follows:

1. The applicant shall demonstrate that the structure on which its communications device is to be mounted is structurally sufficient to support the proposed installation or, in the alternative, can be modified to do so.
2. The applicant shall demonstrate that the access, parking and other existing site facilities are sufficient to meet its needs or, in the alternative, the same shall be modified to do so. No lot area or setback requirements shall apply to structurally mounted facilities, except for any equipment or buildings installed at grade.
3. The Planning Board may require a visual impact assessment to evaluate the potential visual impacts of the structurally mounted facility. The Planning Board shall waive any requirements of the Village of Monticello Code, including the public hearing requirement, where it shall determine that the same are not relevant to the review of such structurally mounted facility. Planning Board review of structurally mounted facilities pursuant to this section shall be strictly limited to those elements which are proposed to be changed. The provisions of this section shall supersede the provisions of Village Law §7-725-b(6) which require a public hearing for special use permits, pursuant to the provisions of Municipal Home Rule Law §10(1)(ii)(d)(3).
4. The applicant shall demonstrate that the proposed structurally mounted public communications utility device will not pose a threat to public health or safety as a result of falling or blowing ice and/or other debris, and that public access has been restricted, consistent with and considering the use of the facility on which the device is proposed to be structurally mounted.

**F. Special Use Permit Collocation Review**

The Village encourages the collocation of public communications facilities, recognizing that collocation at a suitable site reduces the potential impacts that may be associated with a proliferation of such sites across the village. The village therefore has established an expedited review procedure for such applications as follows:

1. The applicant shall demonstrate that the supporting structure is structurally sufficient to provide for an additional facility or, in the alternative, can be modified to do so.

2. The applicant shall demonstrate that access, parking and other existing site facilities are sufficient to meet its needs or, in the alternative, the same shall be modified to do so.
3. In the event that a new or a reconstructed or an additional tower or support structure is proposed for the site, the applicant shall demonstrate that the lot size is sufficient pursuant to the safety considerations set forth in Subsection D(1.) of this section, in which case no additional lot area or setback requirements shall apply.
4. In the event that a new or a reconstructed or an additional tower or support structure is proposed for the site, the Planning Board may require a visual impact assessment to evaluate the potential visual impacts of the new or additional element, subject to the guidelines set forth in this section. The Planning Board shall waive any requirements of the Village of Monticello Code, including the public hearing requirement, where it shall determine that the same are not relevant to the review of such collocated facility. Planning Board review of collocated facilities pursuant to this section shall be strictly limited to those elements which are proposed to be changed. The provisions of this section shall supersede the provisions of Village Law §725-b(6) which require a public hearing for special use permits, pursuant to the provisions of Municipal Home Rule Law §10(1)(ii)(d)(3).

**G. Existing Facilities**

Nothing herein shall be construed as preventing the maintenance and continued operation of any lawfully existing Public Communications Facilities Accessory Business' Communication Tower and Amateur Radio Tower within the village, including the utilization of state-of-the-art equipment for the facility in order to maintain its existing level of service consistent with current technology. However, any increases in tower/antenna height or visibility for the purpose of increasing the service area or population shall be considered a new application and shall conform to the location and other requirements set forth in this section.

**H. Removal of Public Communications Utility Towers**

In the event that all the antennas on a public communications utility tower are not in use for a period of not less than one year, the public communications utility tower shall be removed and the site restored to its condition prior to the construction of the public communications utility tower and the related facilities. In the event that the public communications utility tower is not removed as required by this section, then, upon written notice to the applicant securing the approval from the Planning Board for the special permit for the erection of the public communications utility tower, which said written notice shall be mailed to the applicant by registered mail to the applicant's address on the application filed with the Planning Board, or such other address as the applicant may provide to the Planning Board from time-to-time, the applicant shall remove the public communications utility tower and related facilities and restore the premises to the extent practicable. In the event that the applicant fails to remove the public communications utility tower following notice and demand that the applicant do so, the Village shall then have the right to proceed to secure such relief against the applicant to cause the removal and restoration as the Village may deem appropriate, including but not limited to injunctive relief. The prevailing party in any action brought by the Village against the applicant and such other parties as the Village may deem to be necessary and appropriate shall recover reasonable attorneys' fees and any engineering and other consultants' fees, as well as the costs and disbursements of the action.

**§280-40. Clearing, Grading, Excavating or Stripping of Land.**

[Added 11-15-2016 6-21-1999 by L.L. No. 5-1999] [Amended 11-5-2007 by L.L. No. 17-2007]

**A. Definitions**

**STRIPPING OF LAND**

As used in this Local Law shall mean the removal of the vegetation, topsoil, or surface of a parcel or part of a parcel when such part is within 20 feet of the boundary line or exceeds 20% of the surface of the

parcel regardless of location on the parcel. Stripping of land also includes the covering of the vegetation, topsoil or surface of the parcel with fill whether by mechanical means or not. Stripping of land also includes the changing of the contours of the land whether by mechanical means or not.

**B. Permits.**

1. Land may not be cleared, graded, excavated or stripped for any purpose without a permit, obtained as herein provided.
2. Clearing, grading, excavating or stripping of land shall be allowed only by authorization of the Planning Board by a site plan approval or as part and any other governmental agency having jurisdiction.
3. Applications for clearing, grading, excavating or stripping of land shall be filed with the Planning Board for approval. Upon authorization by the Planning Board and Code Enforcement Officer shall, upon receipt of the permit fee, issue a permit for such activity.
4. The permit shall be valid for a period to be determined by the Planning Board in its approval and shall be subject to such conditions and performance guarantees as the Planning Board deems necessary.
5. Any deviation from the application as originally approved by the Planning Board shall require a new application before the Planning Board and shall be in conformance with these regulations.
6. Applications for permits for clearing, grading, excavating or stripping of land shall be in writing, signed by the applicant on the application form provided by the Village Clerk in the Planning Board Application package.
7. Each application shall be accompanied by a site plan indicating the information required by Chapter 265, Site Plan Review, of the Code of the Village of Monticello.

**C. Requirements and standards.**

1. Any area that has been stripped or covered with fill shall be restored to a suitable grade so as to provide good drainage and no disturbance to adjacent properties. Final grade shall form a smooth transition to surrounding undisturbed land. Final slopes shall not be less than 0.5%; slopes greater than 25% shall be terraced, the vertical steps to be not greater than five feet and stabilized with non-eroding material. Ponding areas shall be provided as required to remove silt from runoff before flowing from the property.
2. Any area that has been stripped or covered with fill shall be seeded to provide an effective cover crop within the first growing season following the start of such stripping or covering.
3. To insure the compliance of the permittee to the standards of this section, a performance guarantee in a suitable amount may be required.

[§280-40.1. Artist lofts in B-2 District repealed 11-17-2015 by L.L. No. 5 of 2015]

**§280-40.2. Artist lofts in B-1, BLI and B-1-O Districts.**

[Added 11-15-2016 1-24-2000 by L.L. No. 1-2000]

Requirements for arts or crafts studios, art galleries and antique galleries with a floor area greater than 4,000 square feet are as follows:

**A. Development standards.**

1. An artist loft may exist on the first floor of the structure, if all of the following conditions are satisfied:
  - a. The portion of the loft space primarily intended for residential use does not directly face the street.
  - b. The loft shall maintain a commercial appearance from the street consistent with the retail nature of the surrounding area.
2. Each artist loft shall be separated from other artist lofts or other uses within a particular building. Access to artist lofts may be provided from common access areas, halls or corridors.

3. Each artist loft shall be individually equipped with an enclosed lavatory, water closet, bathtub or shower and appropriate venting.
4. Each artist loft shall be individually equipped with a kitchen that contains a refrigerator, four burner stove and oven with a range hood vented to the exterior of the unit. Each unit shall provide a minimum of five feet of countertop, a kitchen sink and a minimum of 10 feet of storage cabinets. Each unit shall be served by a garbage disposal unit.
5. Each artist loft shall contain a livable floor area of no less than 800 square feet and no greater than 2,000 square feet. The Planning Board, upon review, may waive the aforementioned maximum requirement upon a finding that artwork to be created in said space would require greater square footage for production or that all of said increased square footage is to be used as work space.
6. No more than 49% of the livable floor area of the artist loft may be primarily intended for residential uses. In no event may said residential area exceed 980 square feet. Direct internal access between living and working areas shall be provided.
7. Sprinkler systems shall be provided in all common hallways and areas of any building containing an artist loft, if the loft contains only one legal means of egress. Hard-wired smoke detectors with battery backups shall be provided for all units.

**B. Other requirements.**

1. All lofts shall comply with New York State Uniform Fire Prevention and Building Code standards for storage of materials.
2. The artist loft shall be occupied by at least one person who is registered as an artist by one of the following organizations: the Delaware Valley Arts Alliance, Sullivan Performing Arts or other recognized artist organizations.
3. The artwork that is to be created within the artist loft shall be compatible with other uses which occur or are to occur within the building in which the artist loft is to be located.
4. No more than two persons per bedroom of residential floor area may reside within all artist loft.
5. Only five nonresident employees may be employed within an artist loft. This requirement may be waived by the Planning Board for artist lofts that occur on the first floor of a structure that provides retail space on that first floor.
6. Other than in a first-floor retail-oriented area, articles offered for sale within an artist loft shall include those produced by the artist occupying said artist loft and may be offered with other like items.
7. Air conditioners and other objects or equipment shall be prohibited from projecting from any window that is visible from the front on a public street and shall be in the back of the building if at all possible. Clotheslines shall be prohibited.
8. One flush-mounted nonilluminated sign attached adjacent to or near the street entrance door to the artist loft may be used to identify the artist. Where two or more artist lofts occur within the same building, the signs shall be placed in an orderly fashion in relation to each other.
9. Work space and accessory residential space shall not be rented separately or used by those people legally residing within the artist loft.
10. Mixed-use development. Where residential and nonresidential uses are in the same structure, the residential portion of a building shall have separate access.

[§280-40.3. Entrepreneur Lofts repealed 11-17-2015 by L.L. No. 5 of 2015]

**§280-40.3. Assisted Living B-1 Zoning District [Added 11-15-2016 7-15-2014 by L.L. No. 3-2014]**

A. Definition:

**ASSISTED LIVING**

An entity which provides housing, on-site monitoring and personal care services to five or more adult

residents unrelated to the assisted living provider. Such assisted living facility must be licensed in accordance with the provisions of Article 46-B of the New York State Public Health Law and must provide daily food service, twenty-four hour on-site monitoring, case management services, and the development of an individualized service plan for each resident, including medication and, if needed, skilled nursing. An operator of Assisted Living shall provide each resident with considerate and respectful care and promote the resident's dignity, autonomy, independence and privacy in the least restrictive and most home-like setting commensurate with the resident's preferences and physical and mental status.

B. Purpose. The Village Board recognizes that there is a community need to provide housing facilities for senior citizens who do not need skilled nursing care but do require support and assistance with their daily living in a monitored, home-like setting. It is the intent of this section to permit development of assisted living facilities for senior citizens, to ensure that such developments provide the basic services and facilities to accommodate residents' needs and to minimize detrimental effects on neighboring properties.

C. Permitted Uses. The following uses are permitted within an assisted living housing site, upon approval of a special permit by the Planning Board:

1. Assisted living units for occupancy by senior citizens, excluding nursing homes, group residences and rooming or boarding houses.
2. No more than one dwelling unit for occupancy by a project superintendent or site manager and his/her family.
3. Accessory structures and uses. The following accessory structures and uses are permitted.
  - a. Any facilities necessary to meet the proper maintenance, security, storage and utility needs of the development.
  - b. Ancillary uses providing services or amenities only for site residents, such as but not limited to recreation rooms, lounges, rehabilitation facilities, exercise rooms and similar facilities.
  - c. Personal services, professional offices or commercial uses which are otherwise permitted in the zoning district. Such uses shall only be located on the ground floor of a structure.

D. **Development Standards.** Assisted Living facilities shall be subject to the following standards as well as other applicable standards of this law:

1. Minimum lot area: 4000 square feet of lot area for each assisted living unit.
2. Minimum yards:
  - a. Minimum front yard: 40 feet
  - b. Minimum both side yards: 20 feet
  - c. Minimum rear yard: 50 feet
3. Building height maximum 35 feet.
4. Lot coverage is 20%.
5. In addition to parking otherwise required for permitted service, office or commercial uses, but not less than one and one half parking spaces per unit (which includes resident and visitor parking) plus one parking space shall be provided for every employee of the assisted living facility during the maximum shift.
6. Minimum square footage per dwelling unit with a kitchen is 650 square feet and for a dwelling unit without a kitchen is 500 square feet.

Notwithstanding the above, with respect to existing buildings, Assisted Living facilities shall be subject to the following standards of this law:

- a. Minimum lot area: 900 square feet of lot area for each assisted living unit.
- b. Minimum yards:
  - i. Minimum front yard: 30 feet
  - ii. Minimum both side yards: 25 feet

- iii. Minimum rear yard: 5 feet
  - c. Building height maximum 40 feet
  - d. Lot coverage shall not exceed 40%. If the lot coverage of the existing building is less than 40%, then such building may be extended, or one or more additional buildings may be constructed, so long as after the extension or additional construction, the lot coverage shall not exceed 40%.
  - e. In addition to parking otherwise required for permitted service, office or commercial uses, but not less than 3 parking spaces per 5 units (which includes resident and visitor parking) plus one parking space shall be provided for every employee of the assisted living facility during the maximum shift.
  - f. Dwelling units shall not include cooking facilities. The minimum square footage per dwelling unit shall be 200 square feet, provided that such dwelling unit shall be of sufficient size to include one or two beds, one dining table, one closet and one full bathroom.
- E. Procedures. Application for a special permit for assisted living units shall be submitted and reviewed in accordance with the procedures set forth in Chapter 280.
- F. Special use permit. No use as described in this section shall be established until the issuance of a special use permit by the Planning Board pursuant to Article IV, §280-12, of this Code. Application for such special use permit shall be in conformity with this chapter and as provided for herein. The application shall be in writing to the Planning Board and shall consist of a description of the premises for which the permit is sought, a plain and concise statement of the use which is proposed, a Zoning Map showing all uses within 500 feet of the site and such additional information as shall be required by the Planning Board. The Planning Board shall call a public hearing for the purpose of considering the request for each and every special use permit. At least 10 days' notice of the time and place of the public hearing shall be given by the publication of a notice in a newspaper of general circulation in the Village of Monticello, indicating the general nature of the hearing and the fact that those persons interested therein may be heard at the time and place of such hearing. All property owners within 500 feet of the proposed site shall receive notice from the applicant.

[§280-40.4. Assisted Living in B-2 Zoning District repealed 11-15-16 by L.L. No. 3-2016].

**§280-40.5. Residential Use in B-2 Zoning District [Added 11-15-2016 11-17-2015 by L.L. No. 6-2015]**

- A. Purpose. The Village Board recognizes that in order for healthy main streets and a vibrant community, encouraging the mixed use of commercial and residential is vital to the downtown core of the village. New residential development and the rehabilitation of existing structures are encouraged both to meet housing needs and to provide support for the growth of the downtown businesses.
- B. Definition:  
**Dwelling Unit:** See definition under §280-5.
- C. Permitted Uses. The following residential uses are permitted within the B-2 Zone, as a Permitted Use subject to obtaining a Building Permit and being in compliance with the Village of Monticello Rental Permit Law, as amended, if necessary. To obtain a Building Permit for Residential Use, the following conditions must be complied with:
1. Dwelling units may be a mixture of studios/efficiencies, 1-bedroom, and 2-bedroom dwelling units on the upper stories of buildings. In no case shall there be apartments with 3 or more bedrooms.
  2. Accessory structures and uses. The following accessory structures and uses are permitted:
    - a. Any facilities necessary to meet the proper maintenance, security, storage and utility needs of the residential uses.
    - b. Ancillary uses providing services or amenities only for site residents, such as but not limited to laundry facilities, exercise rooms and similar facilities.

- c. Personal services, professional offices or commercial uses which are otherwise permitted in the zoning district.
- D. Development Standards. Residential uses shall be subject to the following standards as well as other applicable standards of this law:
  1. Types:
    - Studio/ efficiency
    - 1-bedroom
    - 2-bedroom
  2. No signage or window air conditioning units to avoid visual clutter shall be placed in windows of dwelling units on upper stories as to be visible from street.
  3. In addition to parking otherwise required for permitted uses, not less than one parking space per unit which may be satisfied by available municipal parking within 300 feet of the lot.
  4. Minimum square footage per dwelling unit shall be 550 sq. ft. for studio, 650 sq. ft. for 1-bedroom units; and 750 sq. ft. for 2-bedroom units. Dwelling units must include at a minimum cooking facilities, one full bathroom, living area and no more than 2 bedrooms.
  5. All buildings with dwelling units that are not owner occupied must be registered with the Village pursuant to the Village of Monticello Rental Law.
- E. The Zoning Law of the Village of Monticello Schedule of Use, Area and Bulk Regulations, §280 Attachment 10, are hereby amended to be consistent with §280-40.5.
- F. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Board of Trustees of the Village of Monticello hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

## **Article VII. Nonconforming Uses**

### **§280-41. Applicability of regulations.**

[Amended 6-21-1999 by L.L. No. 5-1999]

All uses and buildings and other structures lawfully existing prior to the adoption or amendment of this chapter not conforming to the regulations of the district in which they are located at the time of the enactment of this chapter or amendment hereto shall be known and regarded as "nonconforming," and the following regulations shall apply to them.

### **§280-42. Continuation.**

A nonconforming building or use may be continued but may not be changed to another nonconforming use except under the conditions set forth in §280-51. No additions to or extensions of a nonconforming building or use may be made exceeding 25% of the occupied floor area or 25% of the cubical contents of the building or buildings or 25% of the service capacity of a use conducted all or partially in the open. Subsequent to such an extension or addition to a nonconforming building or use, there shall be no further additions or extensions except in accordance with the regulations of the district in which such building or use is located.

### **§280-43. Revision; destruction; vacation.**

[Amended 4-7-1993 by L.L. No. 4-1993]

If a nonconforming building or use is subsequently changed to conform to the regulations of the district in which it is located, it shall not again be altered or used except in accordance with such regulations. If a nonconforming building is destroyed by any cause to the extent of 75% or more of its assessed value

or its bulk, it shall not be rebuilt and reoccupied except in conformity with the regulations of the district in which it is located. No nonconforming sign or billboard, if blown down or otherwise demolished or taken down, shall be reconstructed or replaced. The vacation of a nonconforming building or use for a consecutive period of one year shall be deemed a permanent vacation, and thereafter the building shall not be reoccupied except in conformity with the regulations of the district in which it is located, and the use shall not be resumed.

**§280-44. Deficient yards or area per dwelling.**

The above limitations shall not apply to a building or other structure which is nonconforming only in respect to required yard space or area per dwelling unit, except that no such building or other structure shall be altered, Added 11-15-2016 to or reconstructed to extend further into an already deficient yard space or to reduce an already deficient amount of land area per dwelling unit.

**§280-45. Dwellings on small lots.**

[Added 11-15-2016 1-19-1988 by L.L. No. 3-1988]

Notwithstanding the limitations imposed by any other provision of this chapter, any lot held in single and separate ownership prior to the adoption of this chapter and whose area or width is less than the specified minimum lot requirements of this chapter for the district may be considered as complying with such minimum lot requirements, and no variance shall be required for the issuance of a building permit, provided that:

- A. Such lot does not adjoin any other lot or lots held by the same owner, whose aggregate area is equal to or greater than the minimum lot area required for that district.
- B. Such lot has an area of at least 6,000 square feet and a minimum width of at least 60 feet at the required setback line, if it is to be used for residential purposes.
- C. The following minimum yard dimensions are maintained for single-family residences with widths of less than 100 feet:
  1. Front yard setback: 30 feet.
  2. Minimum side yard: 10 feet.
  3. Total, both side yards: 30 feet.
  4. Rear yard setback: 30 feet.
- D. All other bulk requirements for that district are complied with.
- E. In any district where residences are permitted, such undersized nonconforming lots may be used for not more than one single-family dwelling.

**§280-46. Minimum lot dimensions.**

Lots smaller than 6,000 square feet and/or with less than 60 feet of lot width may not be built upon.

**§280-47. Change to another nonconforming use.**

No nonconforming use conducted entirely in the open may be changed to another nonconforming use. *[Editor's Note: Former Subsection B, dealing with nonconforming uses conducted all or partially within a building, which immediately followed this section, was deleted 6-21-1999 by L.L. No. 5-1999.]*

**§280-48. Temporary permits.**

[Amended 6-21-1999 by L.L. No. 5-1999]

Temporary permits may be authorized by the Planning Board, and issued by the Zoning Officer and Code Enforcement Officer, for a period not to exceed one year, for a nonconforming use incidental to a housing or construction project, including such structures or uses as storage of building materials and machinery, the processing of building materials and a real estate office located on a tract being offered for sale, provided that such a permit is issued upon written agreement by the owner to remove the structure or structures or the use upon expiration of the permit. Such a permit may be annually renewed for a total period not exceeding three years.

## **Article VIII. Administration**

### **§280-49. Interpretation.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for promoting the health, safety, morals and the general welfare of the Village of Monticello. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

### **§280-50. Enforcement.**

- A. The provisions of this chapter shall be enforced by an agent to be appointed by the Village Board of Trustees, who shall be known as the "Zoning Officer". It shall be the duty of the Zoning Officer to issue permits as herein provided; to keep a record of all applications for permits and a record of all permits issued, with notation of all special conditions involved; and to check performance under permits issued for conformity to permit authorizations. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the Board of Trustees and other officials of the Village of Monticello. The Zoning Officer shall issue no permit for the construction, location or use of any building or for the use of any land, unless it conforms also to the requirements of all other ordinances of the Village of Monticello. [Amended 6-21-1999 by L.L. No. 5-1999]
- B. The Zoning Officer shall refer to the Planning Board for review all applications for a special use as provided by §280-12 of this chapter.
- C. All such proposals shall be referred to the Planning Board. The Planning Board shall conduct a public hearing within 62 days from the day an application is received on any matter referred to it under this section. Public notice of said hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the date thereof. The authorized board shall decide upon the application within 62 days after the conduct of the hearing. The Planning Board may approve, disapprove or modify and amend the proposal and place such conditions thereon as it deems necessary. The time within which the authorized board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board on the application after the holding of the public hearing shall be filed in the office of the Village Clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant. [Amended 1-19-1994 by L.L. No. 3-1994; 6-21-1999 by L.L. No. 5-1999]

### **§280-51. Zoning permits.**

[Amended 6-21-1999 by L.L. No. 5-1999]

Zoning permits shall hereafter be secured from the Zoning Officer prior to construction, erection or alteration of any building or part of building or of any stationary sign or billboard larger than 40 square feet, and prior to any change in the use of land from that of one classification to another. All requests for zoning permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use or intended use of the building or buildings or land and shall be accompanied by a plan, drawn to scale, showing the proposed building or use in its exact relation to property lines and to street or road lines, and by a written statement from a qualified engineer, or by other satisfactory evidence, to the effect that the line of the bounding street or road has been accurately located and staked on the ground. An application for a zoning permit shall be acted upon within 10 days after receipt thereof.

### **§280-52. Certificate of occupancy.**

No building hereafter constructed, erected or altered under a zoning permit shall be occupied or used in whole or in part for any use whatsoever, and no change of use of any building or part of building or of

any land shall hereafter be made until a certificate of occupancy has been issued by the Zoning Officer, indicating that the building or use complies with the provisions of this chapter and Chapter 105, Building Construction and Fire Prevention, of the Code of the Village of Monticello and with the terms of the zoning permit issued. A certificate of occupancy shall be granted or denied within 10 days after receipt of written application therefor.

**§280-53. Special use permits.**

[Amended 6-21-1999 by L.L. No. s-1999]

The Zoning Officer shall issue all permits for special uses after approval on the special use permit application has been granted by the Planning Board as provided by §280-12 of this chapter.

**§280-54. Amendments.**

Proceeding as prescribed by the law, the Board of Trustees may, from time to time, on its own motion or on petition, amend, supplement or change the regulations and the districts herein provided. In case, however, of a protest against such change, signed by the owners of 20% or more of the area of the land included in a proposed change of district, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of the Board of Trustees. Further, all such proposed changes in regulations or in districts shall be referred by the Board of Trustees to the Village Planning Board for report thereon not less than 30 days prior to final adoption thereof by the Board of Trustees.

**§280-55. Zoning Board of Appeals.**

[Amended 10-4-1978 by L.L. No. 8-1978; 6-21-1999 by L.L. No. 5-1999]

- A. There is hereby created a Zoning Board of Appeals of five members, to be appointed by the Village Manager. Of the initial appointees to the Zoning Board of Appeals, one shall serve until the first day of April following the date of the chapter, one until the first day of the second April thereafter, one until the first day of the third April thereafter, one until the first day of the fourth April thereafter and one until the first day of the fifth April thereafter. Their successors shall be appointed, upon the expiration of their respective terms, to serve five years. The Village Manager shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine. Such Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record.
- B. Such Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter. It shall also hear and decide all matters referred to it upon which it is required to pass under this chapter. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this chapter, or to effect any variation from this chapter. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Village.
- C. Such appeals to the Zoning Board of Appeals shall be taken within such time as shall be prescribed by the Board by general rule, by filing with the officer from whom the appeal is taken and with the

Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record upon application, or notice to the officer from whom the appeal is taken and on due cause shown.
- E. The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals and give due notice thereof to the parties and decide the same within a reasonable time. At the hearing, any person may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Zoning Board of Appeals shall have the power, in passing upon appeals, to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
- F. Upon any application to the Zoning Board of Appeals for a variance, the applicant for the variance must notify all property owners within a radius of 300 feet of the property for which the variance has been requested of the hearing to be held by the Zoning Board of Appeals. Such notice shall be sent by certified mail, return receipt requested, to all of said property owners as their names may appear on the Tax Roll of the Village of Monticello. It shall be the duty of the applicant for the variance to ascertain the names of the property owners and to effect service of the notice required hereunder. No variance may be granted, nor any hearing conducted on the request for the variance, unless and until the applicant shall submit satisfactory proof to the Zoning Board of Appeals that it has complied with the terms and provisions hereof.
- G. Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department, board or bureau of the Village, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the legality. Such petition must be presented to the court within 30 days after the filing of the decision in the office of the Board.
- H. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Zoning Board of Appeals to review such decision of the Zoning Board of Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application, or notice to the Zoning Board of Appeals and on due cause shown, grant a restraining order.
- I. The Zoning Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.
- J. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a

part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

- K. Costs shall not be allowed against the Board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- L. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

**§280-56. Reimbursement of expenses incurred during proceedings.**

[Added 11-15-2016 11-5-1979 by L.L. No. 7-1979]

- A. In any proceeding before the Zoning Board of Appeals or the Planning Board, if it becomes necessary for the Village or its Boards to hire expert consultants in connection with surveying, engineering, architecture or other construction questions, in considering the application and the disposition to be made thereof, the applicant shall, as a condition to such proceeding and upon written demand therefor by the Village or its Board, reimburse the Village for the reasonable fees and charges of any and all such consultants.
- B. Reimbursement to the Village of such charges by the applicant shall be a condition precedent to the determination of the Village of such application as may be pending.
- C. Further, by making any such application, the applicant shall be deemed to have consented to the Village imposing such charges. Should the applicant fail to reimburse the Village therefor, such charges shall be certified by the Village Board in question or the Village Clerk to the Assessor, whose duty it is to assess and levy taxes for said Village, and such charges shall thereupon be and become a first and paramount lien upon the premises which is the subject of such application and shall be Added 11-15-2016 to, recorded and collected in the same manner as the taxes next to be assessed and levied against such premises.
- D. Applicant shall provide an escrow, hold harmless and insurance agreement in form adopted by the Board of Trustees, make all required escrow deposits at the time of submission of application, refresh the escrow as required during the course of all proceedings before the Zoning Board of Appeals or the Planning Board, during the course of construction and as a condition of issuance of any approval, decision, Certificate of Occupancy or Certificate of Compliance. [Added 11-15-2016 by L.L. No. 3-2016]

**§280-57. Planning Board.**

[Added 11-15-2016 7-6-1994 by L.L. No.11-1994] [Amended 5-20-14 by L.L. No. 2-2014]

- A. There shall be a Planning Board of five members. The members and Chairperson of such Planning Board shall be appointed by the Village Manager. The Village Manager shall also appoint an Acting Chairperson who would act as the Chairperson in the absence of the Chairperson or in the event the Chairperson must recuse themselves.
- B. Members shall be appointed for terms of five years. If a vacancy shall occur otherwise than by expiration of the term, it shall be filled by the Village Manager by appointment subject to the approval of the Board of Trustees, for the unexpired term.
- C. Meetings shall be held at the call of the Chairman or at such other times as the Planning Board may determine. A quorum shall consist of three members. The Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examinations and other official actions. Minutes and determinations of the Planning Board shall be filed with the Village Clerk.
- D. The Planning Board shall review and approve all site plans and special use permits complying with the applicable provisions of this Code and other applicable state and federal laws and rules and regulations.

## **Article IX. Penalties**

### **§280-58. Penalties for offenses.**

[Amended 6-21-1999 by L.L. No. 5-1999]

A violation of any of the provisions of this chapter shall be punishable as follows:

- A. As provided in Article III, General Penalty, of Chapter 1 of the Code of the Village of Monticello; or
- B. By a civil penalty not exceeding \$350 for a first offense; for a conviction of a second offense, both of which were committed within a period of five years, by a civil penalty of not less than \$350 nor more than \$700; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, by a civil penalty of not less than \$700 nor more than \$1,000.

**Schedule of Use, Area & Bulk Regulations\***

**R-1 District**  
 [Amended 11-15-16 by L.L. No. 3-2016]  
 (One-Family)

|                           |   |                    |   |
|---------------------------|---|--------------------|---|
| Permitted Uses            | One-family dwelling §280-5 & §280-21  |                    |   |
| Accessory Uses            | Accessory buildings §280-31<br>Activities related to principal permitted uses |                    |   |
| Special Uses              | Standards for special use permits §280-12                                     | Places of Worship* | Home Occupations, Schools, colleges, libraries, museums, parks, playgrounds, golf courses |
| Lot Area (square feet)    | 10,000  | 40,000             | 10,000  |
| Width Lot (feet)          | 100   | 150                | 100   |
| Front Yard (feet) §280-20 | 30  | 40                 | 30  |
| One Side Yard (feet)      | 10  | 20                 | 10  |
| Both Sides Yards (feet)   | 30  | 50                 | 30  |
| Rear Yard (feet)          | 30  | 35                 | 30  |
| Building Height (feet)    | 30  | 35                 | 30  |
| Lot Coverage              | 20%   | 20%                | 20%   |

**R-2 District**  
 [Amended 11-15-16 by L.L. No. 3-2016]  
 (One/Two Family)

|                           |   |                    |  |
|---------------------------|---|--------------------|--|
| Permitted Uses            | One-family dwelling §280-5 & §280-21<br>Two-Family dwelling §280-5 & §280-21  |                    |  |
| Accessory Uses            | Accessory buildings §280-31<br>Activities related to principal permitted uses |                    |  |
| Special Uses              | Standards for special use permits §280-12                                     | Places of Worship* | Home Occupations, Bed & Breakfast, Schools, colleges, libraries, museums, parks, playgrounds, golf courses |
| Lot Area (square feet)    | 7,500   | 40,000             | 10,000   |
| Width Lot (feet)          | 75  | 150                | 100  |
| Front Yard (feet) §280-20 | 30  | 40                 | 30   |
| One Side Yard (feet)      | 10  | 20                 | 10   |
| Both Sides Yards (feet)   | 25  | 50                 | 30   |
| Rear Yard (feet)          | 25  | 35                 | 30   |
| Building Height (feet)    | 30  | 35                 | 30   |
| Lot Coverage              | 25%   | 20%                | 20%  |

\* Places of Worship shall include parish houses, seminaries, cemeteries, convents & dormitories  
 Note: For nonconforming uses and lots, see Article VII. All uses subject to Article VI – Supplementary Regulations.

|                           |  |                    |   |                               |                            |   |  |     |
|---------------------------|--|--------------------|---|-------------------------------|----------------------------|---|--|-----|
| Permitted Uses            | One-family dwelling §280-5 and 280-21<br>Two-family dwelling §280-5 and 280-21                           |                    |   |                               |                            |   |  |     |
| Accessory Uses            | Accessory buildings §280-31<br>Activities related to principal permitted uses<br>Recreational facilities |                    |   |                               |                            |   |  |     |
| Special Uses              | Standards for special use permits §280-12  | Places of worship* | Townhouses<br>§280-5 and<br>280-21  | Apartments<br>35 feet & under | Apartments<br>over 35 feet | Home Occupations, Bed & Breakfast,<br>Schools, colleges, libraries, museums,<br>parks, playgrounds, golf courses  |  |     |
| Lot Area (square feet)    | 7,500  | 40,000             | 2,000 square feet and not more<br>than 8 dwellings per acre of the<br>gross area of the lot | 10,000 <sup>1</sup>           | 200,000 <sup>2</sup>       | 10,000  |  |     |
| Width Lot (feet)          | 75   | 150                | 20  | 150                           | 400                        |   |  | 100 |
| Front Yard (feet) §280-20 | 30   | 40                 | 30  | 40                            | 50                         |   |  | 30  |
|                           | 10   | 20                 | 15 feet side yard for end<br>dwellings only   | 20                            |                            |   |  | 10  |
| One Side Yard (feet)      |  |                    |   |                               |                            | The minimum distance between<br>the principal buildings and any<br>side or rear lot line shall be 1½<br>times the height of the principal<br>buildings. |  |     |
| Both Sides Yards (feet)   | 25   | 50                 |   | 50                            |                            |   |  | 30  |
| Rear Yard (feet)          | 25   | 35                 |   | 35                            |                            |   |  | 30  |
| Building Height (feet)    | 30   | 35                 |   | 35                            | 75                         |   |  | 30  |
| Lot Coverage              | 25%  | 20%                |   | 20%                           | 10%                        |   |  | 20% |

| <sup>1</sup> Habitable rooms Per Dwelling | Lot Area Per Dwelling Unit (square feet) | Usable Open Space Per Dwelling (square feet) | <sup>2</sup> Habitable Rooms Per Dwelling (square feet) | Lot Area Per Dwelling Unit (square feet) | Usable Open Space Per Dwelling (square feet) |
|---|--|--|---|--|--|
| 1   | 3,000                                    | 200  | 1   | 1,000                                    | 450  |
| 2   | 3,200                                    | 300  | 2   | 1,500                                    | 600  |
| 3   | 3,600                                    | 400  | 3   | 3,000                                    | 750  |
| 4 or more                                 | 4,000                                    | 600  | 4 or more   | 4,000                                    | 900  |

\* Places of Worship shall include parish houses, seminaries, cemeteries, convents & dormitories.  
 Note: For nonconforming uses and lots, see Article VII. All uses subject to Article VI – Supplementary Regulations.

**RM-MHP District**  
 [Amended 11-15-16 by L.L. No. 3-2016]  
 (Mobile Home Park)<sup>3</sup>

|                           |   |                    |  |                            |  |   |     |  |
|---------------------------|---|--------------------|--|----------------------------|--|---|-----|--|
| Permitted Uses            | One-family dwelling §280-5 and 280-21<br>Two-family dwelling §280-5 and 280-21<br>Mobile Home Park §280-13 & 14 |                    |  |                            |  |   |     |  |
| Accessory Uses            | Accessory buildings §280-31<br>Activities related to principal permitted uses<br>Recreational facilities        |                    |  |                            |  |   |     |  |
| Special Uses              | Standards for special use permits §280-12   | Places of worship* | Townhouses §280-5 and 280-21   | Apartments 35 feet & under | Apartments over 35 feet  | Home Occupations, Bed & Breakfast, Schools, colleges, libraries, museums, parks, playgrounds, golf courses. |     |  |
| Lot Area (square feet)    | 7,500   | 40,000             | 2,000 square feet and not more than 8 dwellings per acre of the gross of the lot | 10,000 <sup>1</sup>        | 200,000 <sup>2</sup>   | 10,000  |     |  |
| Width Lot (feet)          | 75  | 150                | 20   | 150                        | 400  |   | 100 |  |
| Front Yard (feet) §280-20 | 30  | 40                 | 30   | 40                         | 50   |   | 30  |  |
| One Side Yard (feet)      | 10  | 20                 | None required except for 15 feet 0 inch side yard for end dwellings only         | 20                         | The minimum distance between the principal buildings and any side or rear lot line shall be 1x times the height of the principal buildings |   | 10  |  |
| Both Sides Yards (feet)   | 25  | 50                 |  |                            |  |   | 30  |  |
| Rear Yard (feet)          | 25  | 35                 | 30   | 35                         |  |   | 30  |  |
| Building Height (feet)    | 30  | 35                 | 35   | 35                         | 75   |   | 30  |  |
| Lot Coverage              | 25%   | 20%                | 40%  | 20%                        | 10%  |   | 20% |  |

| <sup>1</sup> Habitable rooms Per Dwelling | Lot Area Per Dwelling Unit (square feet) | Useable Open Space Per Dwelling (square feet) | <sup>2</sup> Habitable Rooms Per Dwelling (square feet) | Lot Area Per Dwelling Unit (square feet) | Useable Open Space Per Dwelling (square feet) |
|---|--|---|---|--|---|
| 1   | 3,000                                    | 200   | 1   | 1,000                                    | 450   |
| 2   | 3,200                                    | 300   | 2   | 1,500                                    | 600   |
| 3   | 3,600                                    | 400   | 3   | 3,000                                    | 750   |
| 4 or more                                 | 4,000                                    | 600   | 4 or more   | 4,000                                    | 900   |

<sup>3</sup>Regulated by Article V

**B-1 District**  
 [Amended 1-24-2000 by L.L. No. 1-2000, 11-15-16 by L.L. No. 3-2016]  
 (General Business)

\* Places of Worship shall include parish houses, seminaries, cemeteries, convents & dormitories  
 Note: For nonconforming uses and lots, see Article VII. All uses subject to Article VI – Supplementary Regulations.  
 Page 56 of 63



|                           |   |  |                                     |               |                       |  |
|---------------------------|---|--|-------------------------------------|---------------|-----------------------|--|
| Permitted Uses            | One-family dwelling §280-5 and 280-21<br>Two-Family dwelling §280-5 and 280-21<br>Offices, Service Stores |  |                                     |               |                       |  |
| Accessory Uses            | Accessory buildings §280-31<br>Activities related to principal permitted uses<br>Recreational Facilities  |  |                                     |               |                       |  |
| Special Uses              | Standards for special use permits §280-12<br>Artist lofts §280-40.2                                       | Home Occupations,<br>Bed & Breakfast,<br>Schools | Motel and hotels<br>§280-15         | Retail Stores | Places of<br>worship* |  |
| Lot Area (square feet)    | 10,000  | 10,000   | 7,500 plus 1,500<br>per rental unit | 10,000        | 40,000                |  |
| Width Lot (feet)          | 90  | 100  | 150                                 | 90            | 150                   |  |
| Front Yard (feet) §280-20 | 30  | 30   | 30                                  | 30            | 40                    |  |
| One Side Yard (feet)      | 12  | 10   | 25                                  | 10            | 20                    |  |
| Both Sides Yards (feet)   | 22  | 30   | 50                                  | 30            | 50                    |  |
| Rear Yard (feet)          | 20  | 30   | 35                                  | 20            | 35                    |  |
| Building Height (feet)    | 35  | 30   | 75                                  | 35            | 35                    |  |
| Lot Coverage              | 75%   | 20%  | 40%                                 | 40%           | 20%                   |  |

\* Places of Worship shall include parish houses, seminaries, cemeteries, convents & dormitories  
 Note: For nonconforming uses and lots, see Article VII. All uses subject to Article VI – Supplementary Regulations.

|                           |   |                    |           |                           |   |                       |  |
|---------------------------|---|--------------------|-----------|---------------------------|---|-----------------------|--|
| Permitted Uses            | Retail or wholesale business or service stores, Offices, Funeral Homes, Eating & drinking establishments, Residential Use §280-40.5 |                    |           |                           |   |                       |  |
| Accessory Uses            | Accessory buildings §280-31.<br>Activities related to principal permitted uses<br>Recreational Facilities                           |                    |           |                           |   |                       |  |
| Special Uses              | Standards for special use permits §280-12   | Places of worship* | Hospitals | Motels/Hotels §280-15     | Home Occupations, Bed & Breakfast, Research Facilities, Schools, colleges, libraries, museums, parks, playgrounds, golf courses | Commercial Recreation |  |
| Lot Area (square feet)    | 2,500   | 40,000             | 40,000    | 7,500 plus 1,500 per unit | 10,000  | 10,000                |  |
| Width Lot (feet)          | 25  | 150                | 150       | 150                       | 100   | 90                    |  |
| Front Yard (feet) §280-20 |   | 40                 | 40        | 30                        | 30  | 30                    |  |
| One Side Yard (feet)      | None required, but at least 12 feet 0 inches each, where provided   | 20                 | 15        | 25                        | 10  | 10                    |  |
| Both Sides Yards (feet)   |   | 50                 | 40        | 50                        | 30  | 30                    |  |
| Rear Yard (feet)          |   | 35                 | 50        | 35                        | 30  | 20                    |  |
| Building Height (feet)    |   | 35                 | 35        | 75                        | 30  | 35                    |  |
| Lot Coverage              | 40%   | 20%                | 20%       | 40%                       | 20%   | 30%                   |  |

\* Places of Worship shall include parish houses, seminaries, cemeteries, convents & dormitories  
 Note: For nonconforming uses and lots, see Article VII. All uses subject to Article VI – Supplementary Regulations.  
 Page 59 of 63

**BU District**  
 [Amended 11-15-16 by L.L. No. 3-2016]  
 (Light Industrial)

|  |   |
|--|---|
| Permitted Uses   | Retail Store, Wholesale Business, Service Store, Offices, Eating and Drinking establishments, Funeral Homes, Veterinarian or animal hospitals, Commercial recreation activities, Accessory buildings \$280-31 |
| Accessory Uses   | Activities related to principal permitted uses<br>Recreational Facilities   |
| Special Uses   | Standards for special use permits \$280-12<br>Adult uses \$280-38<br>Artist Lofts \$280-40.2  |
| Lot Area (square feet)   | 10,000  |
| Width Lot (feet)   | 90  |
| Front Yard (feet) \$280-20   | 30  |
| One Side Yard (feet)   | None required except for 12 feet 0 inches where provided.   |
| Both Sides Yards (feet)  | 50  |
| Rear Yard (feet)   | 20  |
| Building Height (feet)   | 35  |
| Lot Coverage   | 75%   |
| Places of worship*   | 40,000  |
| Storage Facilities<br>Motor vehicle repair shops<br>Manufacturing<br>\$280-29                                | 10,000  |
| Motel and hotels<br>\$280-15   | 7,500 plus 1,500 per rental unit  |
| Warehouses   | 10,000  |
| Gasoline service stations<br>Car wash facilities<br>Drive In Establishments<br>\$280-18                      | 10,000  |
| Home Occupations, Research Facility, Schools, colleges, libraries, museums, parks, playgrounds, golf courses | 10,000  |
|  | 90  |
|  | 30  |
|  | 15  |
|  | 30  |
|  | 15  |
|  | 35  |
|  | 75%   |
|  | 60%   |
|  | 30  |
|  | 30  |
|  | 30  |
|  | 20%   |

\* Places of Worship shall include parish houses, seminaries, cemeteries, convents & dormitories  
 Note: For nonconforming uses and lots, see Article VII. All uses subject to Article VI – Supplementary Regulations.

**Senior Citizen Affordable Housing Floating District**  
 [Amended 11-15-16 by L.L. No. 3-2016]  
 (SCAHFD)

|                                   |  |
|-----------------------------------|--|
| Permitted Uses                    | Dwelling units for 55+ year old adults. (Article V A)<br>In all village zoning districts except B-2. |
| Accessory Uses                    | Recreational Facilities<br>Self-service laundry<br>Cafeteria<br>Game Rooms                           |
| Lot Area (square ft.)             | To comply with Base Zoning District in which property is located.                                    |
| Lot Width (ft.)                   | To comply with Base Zoning District in which property is located.                                    |
| Front Yard (ft.) §280-20          | To comply with Base Zoning District in which property is located.                                    |
| One Side Yard (ft.)               | To comply with Base Zoning District in which property is located.                                    |
| Both Sides Yards (ft.)            | To comply with Base Zoning District in which property is located.                                    |
| Rear Yard (ft.)                   | To comply with Base Zoning District in which property is located.                                    |
| Building Height (ft.)             | 38ft.  |
| Max. Lot Coverage                 | 35%  |
| Max. Units                        | 20 D.U. / Buildable Acre* or 16 D.U. /Gross Acre, whichever is less.                                 |
| Min. Separation Between Buildings | 40ft.  |
| Max. Floor Area / D.U.            | 700sq. ft.   |
| Usable Open Space                 | Minimum 150sf. per dwelling unit.  |

\*For calculation purposes, a buildable acre shall not include wetlands, water bodies and slopes exceeding 20%.

\* Places of Worship shall include parish houses, seminaries, cemeteries, convents & dormitories.  
 Note: For nonconforming uses and lots, see Article VII. All uses subject to Article VI – Supplementary Regulations.

| Districts   | Signs Allowed Without Permits  | Signs Allowed with Permits from Enforcement Officer  | Maximum Sign Surface Area Allowed for All Lot Signs Combined  |  | Signs Permitted Upon Review by Design Review Board  |   |  |  |   |  |   |  |  |   |   |   |  |  |   |   |   |  |  |   |
|---|--|--|---|--|---|---|--|--|---|--|---|--|--|---|---|---|--|--|---|---|---|--|--|---|
|   |  |  | Freestanding  | Wall Signs   |   |   |  |  |   |  |   |  |  |   |   |   |  |  |   |   |   |  |  |   |
| <b>Residential Districts (R-1, R-2, R-2B, R-2C, RM, RM-MHP)</b> <ul style="list-style-type: none"> <li>- Prohibited Signs</li> <li>- Signs extending above the top or the end of exterior walls by any means</li> <li>- Freestanding signs over 10 feet in height from grade level</li> <li>- Portable sign structures</li> <li>- Signs extending over public rights-of-way</li> <li>- Signs resembling traffic signals or official traffic signs</li> <li>- Signs unrelated to permitted uses on a property</li> <li>- Signs not specifically allowed or permitted in this district</li> <li>- Flashing, oscillating and neon signs and signs with spotlights directed away from the sign</li> <li>- Removing or moving signs Sandwich board signs</li> <li>- Backlit signs</li> <li>- Billboards</li> </ul> | <ul style="list-style-type: none"> <li>- 2 nonilluminated real estate signs of 16 square feet per front lot line</li> <li>- Trespassing signs of 2 square feet</li> <li>- Traffic directional signs of 2 square feet</li> <li>- 2 contractor signs of 16 square feet per property</li> <li>- 2 farm products or yard sale signs of 12 square feet</li> <li>- 2 temporary signs of 16 square feet which are erected not more than twice per calendar year for no more than 21 days each time</li> <li>- 1 home occupation sign of 4 square feet (up to 8 square feet if ground sign is used) Traffic directional signs</li> </ul> | <ul style="list-style-type: none"> <li>- All other signs require Design Review Board approval</li> </ul> | <ul style="list-style-type: none"> <li>- 1 square foot per 5 feet of lot frontage or 50 square feet total for both sides combined for all signs, whichever is less</li> </ul> | <ul style="list-style-type: none"> <li>- 5% of the first-story building facade area or 25 square feet, whichever is less. No more than 10% of any single building face shall be occupied with signs, however.</li> </ul> | <b>All Other Commercial/Industrial Districts (B-1, B-1-O, BU)</b> <ul style="list-style-type: none"> <li>- Signs extending over public rights-of-way</li> <li>- Billboard signs</li> <li>- Signs extending over the top or the end of exterior walls by any means</li> <li>- Freestanding signs over 10 feet in height from grade level</li> <li>- Portable sign structures</li> <li>- Signs resembling traffic signals or official traffic signs</li> <li>- Signs unrelated to permitted uses on a property</li> <li>- Signs not specifically allowed or permitted in this district</li> <li>- Flashing and oscillating signs and signs with spotlights directed away from the sign</li> <li>- Removing or moving signs Sandwich board signs, except as permitted by §280-19F(11)</li> <li>- Backlit signs</li> <li>- Billboard signs</li> </ul> | <ul style="list-style-type: none"> <li>- 2 nonilluminated real estate signs of 16 square feet per front lot line</li> <li>- Trespassing signs of 2 square feet</li> <li>- Traffic directional signs of 2 square feet</li> <li>- 2 contractor signs of 16 square feet per property</li> <li>- 2 farm products or yard sale signs of 12 square feet</li> <li>- 2 temporary signs of 16 square feet which are erected not more than twice per calendar year for no more than 21 days each time</li> <li>- Incidental commercial signs of 1 square foot</li> <li>- Replacement banners erected under master signage plan</li> </ul> | <ul style="list-style-type: none"> <li>- 1 commercial directory sign of 20 square feet per side, plus individual business signs of 10 square feet each; not to exceed 8 feet high; replaces other freestanding signs but not wall signs</li> <li>- 2 temporary or event advertising signs of 20 square feet erected no sooner than 45 days before an event and removed no later than 7 days following it</li> <li>- Nonevent banners limited to 60 days each and 32 square feet total for all banners at any one time</li> <li>- Replacement banners erected under master signage plan require no permits</li> </ul> | <ul style="list-style-type: none"> <li>- 1 square foot per 2 feet of lot frontage or 100 square feet for both sides combined for all signs, whichever is less</li> </ul> | <ul style="list-style-type: none"> <li>- 10% of the first-story building facade area or 50 square feet, whichever is less. No more than 25% of any single building face shall be occupied with signs, however. Multiple business locations on a single property with a commercial directory shall each be limited to 25 square feet of sign surface area total</li> </ul> | <b>Core Business District (B-2)</b> <ul style="list-style-type: none"> <li>- Signs extending above the top or the end of exterior walls by any means</li> <li>- Freestanding signs over 10 feet in height from grade level</li> <li>- Portable sign structures</li> <li>- Signs resembling traffic signals or official traffic signs</li> <li>- Signs unrelated to permitted uses on a property</li> <li>- Signs not specifically allowed or permitted in this district</li> <li>- Flashing and oscillating signs and signs with spotlights directed away from the sign</li> <li>- Removing or moving signs Sandwich board signs, except as permitted by §280-19F(11)</li> <li>- Backlit signs</li> <li>- Billboard signs</li> </ul> | <ul style="list-style-type: none"> <li>- 2 nonilluminated real estate signs of 16 square feet per front lot line</li> <li>- Trespassing signs of 2 square feet</li> <li>- Traffic directional signs of 2 square feet</li> <li>- 2 contractor signs of 16 square feet per property</li> <li>- 2 farm products or yard sale signs of 12 square feet</li> <li>- 2 temporary signs of 16 square feet which are erected not more than twice per calendar year for no more than 21 days each time</li> <li>- Incidental commercial signs of 1 square foot</li> <li>- Replacement banners erected under master signage plan</li> </ul> | <ul style="list-style-type: none"> <li>- 1 commercial directory sign of 20 square feet per side, plus individual business signs of 10 square feet each; not to exceed 8 feet high; replaces other freestanding signs but not wall signs</li> <li>- 2 temporary or event advertising signs of 20 square feet erected no sooner than 45 days before an event and removed no later than 7 days following it</li> <li>- Nonevent banners limited to 60 days each and 32 square feet total for all banners at any one time</li> <li>- Replacement banners erected under master signage plan require no permits</li> </ul> | <ul style="list-style-type: none"> <li>- 1 square foot per 2 feet of lot frontage or 100 square feet for both sides combined for all signs, whichever is less</li> </ul> | <ul style="list-style-type: none"> <li>- 10% of the first-story building facade area or 50 square feet, whichever is less. 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