

VILLAGE OF MONTEBELLO
LOCAL LAW NO. 4 OF THE YEAR 2019

A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO CREATE AN OPEN SPACE-RECREATION DISTRICT, WITH USES AND STANDARDS

Be it enacted by the Village Board of Trustees of the Village of Montebello by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law, as follows:

(Note 1: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikeout symbols. All other language shown is to remain unchanged. The symbol “ * * * *” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

Section 1: Amend §195-4 Districts established, by adding OSR Open Space-Recreation District as a Nonresidential District, as follows:

§ 195-4 Districts established.

The zoning districts listed below are hereby established, and the Village of Montebello is divided into the districts listed.

Symbol	Title
	* * * * *
Nonresidential Districts	
NS	Neighborhood Shopping District
PO	Professional Office District
LO-C	Laboratory Office-Campus District
LO	Laboratory Office District
<u>OSR</u>	<u>Open Space-Recreation District</u>
PI	Planned Industry District
PI-C	Planned Industry-Campus District
	* * * * *

Section 2. Add page 1:17 to Attachment 1 of Chapter 195, Table of General Use Requirements, adding uses and standards for the OSR District, as follows:

ZONING
Table of General Use Requirements
OSR District

A District	B Uses Permitted by Right	B-1 Use Group	C Uses by Special Permit of the Planning Board (subject to Article XII)	C-1 Use Group	E Accessory Uses Permitted by Right	Minimum Off-Street Parking Spaces (subject to Article VII)	F Minimum Off-Street Parking Spaces (subject to Article VII)	G Additional Use Requirements
OSR	<p>1. Underground surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto, except transmission towers, telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities</p> <p>2. The following agriculture operations, provided that there shall be no structures or storage or odor- or dust-producing substance within a distance of 300 feet from any lot line:</p> <p>(a) Nurseries, greenhouses and other enclosed structures for growth and production of plants including orchards, truck gardening, vineyards and other field crops</p> <p>(b) Open field agriculture</p> <p>(c) Keeping, breeding and raising of sheep, goats and horses on lots of 20 acres or more, but not within 100 feet of any lot line</p> <p>None of the foregoing shall be construed to permit the commercial raising of pigs or agricultural industries, such as cage-type poultry operations or processing or animal products not raised on premises.</p>	<p>a</p>	<p>1. Public utility buildings or structures not elsewhere identified, including power generation and distribution centers, equipment storage and crew facilities and transmission towers</p> <p>2. Reservoirs and standpipes on lots of 3 acres or more</p> <p>3. Outdoor recreation facilities, including golf courses, tennis courts, ice skating rinks, swimming pools, parks, playfields and ski areas, subject to Article XII, § 195-76.</p> <p>4. Accessory to outdoor recreation facilities, uses such as rest rooms, locker rooms, shelters and clubhouses for membership clubs.</p> <p>5. Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises</p> <p>6. Stables and riding academies subject to Article XII § 195-75</p>	<p>d</p>	<p>1. Accessory to an agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, and other similar structures</p> <p>2. Keeping domestic animals as follows: not more than a total of 3 cats or dogs over 1 year old; on lots of 2 or more acres, not more than 1 horse (over 6 months old) per acre of lot area; not more than 10 fowl; not more than 2 of any other species of domestic animals. Domestic animals, except for cats and dogs, shall be maintained in an enclosure or fenced-in area not less than 75 feet from any plot line</p> <p>3. Accessory parking subject to Column F and Article VII</p> <p>4. Accessory loading subject to Article VII, § 195-35</p> <p>5. Accessory to agriculture operations, storage of tools, equipment, raw materials or products, screened from all prometry lines</p> <p>6. For any property for sale or rent signs subject to § 143-4N</p> <p>7. Accessory to any permitted non-residential establishment, identification signs subject to Chapter 143</p>	<p>1. Buildings or open space stands for display and sale of agricultural products</p> <p>2. Recreation or stables and riding academies</p> <p>3. Golf courses or other outdoor recreational facilities</p> <p>4. Public utilities</p>	<p>5 feet of footage or 100 square feet of floor/sales area, whichever requirement is less</p> <p>5 persons' capacity or as determined by the Planning Board for the highest design hours, whichever is greater</p> <p>1/3 hole or 4 persons' practical capacity</p> <p>Employee in the maximum working shift</p>	<p>1. A buffer with a minimum dimension of the respective required setback may be required as a condition of approval for any special permit use where such use may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent uses is similar to that proposed for special permit approval.</p> <p>2. For any new development or redevelopment of an existing individual lot, it is essential that large (over twelve-inch caliber) existing trees be preserved and natural contours of the land be incorporated in any landscaping plans. A minimum of 20 existing or newly planted lawn trees using a mixture of species (three-inch caliber or larger) are required per acre, with at least 30% of those trees in the front yard. These trees are in addition to any required street trees or shade trees. Greater variety is required in the building setback and angle to the street.</p>

195 Attachment 1:17

9-15-19

Section 3. Amend page 1:16 to Attachment 1 of Chapter 195, Table of General Use Requirements, correcting the names of the Overlay Districts, as follows:

EP, EPD, RP, EP and HSR Overlay Districts

A	B	B-1	C	C-1	D	D-1	E	F	G
District	Uses Permitted by Right	Use Group	Uses by Special Permit of the Planning Board (subject to Article XII)	Use	Uses by Special Permit of	Use	Accessory Uses Permitted by Right	Minimum Off-Street Parking Spaces	Additional Use Requirements
EPD	Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.	Use	Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.	At least 1 parking space for each unit of measurement listed or as otherwise noted below.	Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.
RP	Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.
EP	Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.
HSR	Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.

Section 4 Delete references to the "Conservation Overlay District," from section §195-4, as it is replaced by the Open Space Recreation District, the Historic and Scenic Roads Overlay, and the Environmental Protection Overlay Districts, by amending this section as follows:

§ 195-4 **Districts established.**

The zoning districts listed below are hereby established, and the Village of Montebello is divided into the districts listed.

Symbol	Title
	* * * * *

Overlay Districts

~~€ EPOD~~ ~~Conservation District Overlay~~ Environmental Protection Overlay District

RP Rural Preservation District Overlay

EP Estate Preservation District Overlay

HSR Historic and Scenic Roads Overlay District

* * * * *

Section 5 Delete references to the "Conservation Overlay District," from section §195-63, as it is replaced by the Open Space Recreation District, the Historic and Scenic Roads Overlay, and the Environmental Protection Overlay Districts, by amending this section as follows:

§195-63 ~~Conservation and~~ Environmental Protection Overlay Districts

A. Purpose. There exists within the Village of Montebello a continuous and largely contiguous system of ~~open,~~ environmentally sensitive, ~~and scenic~~ lands, ~~including but not limited to Palisades Interstate Park Commission parklands, scenic open vistas on existing industrial use campuses, existing golf course,~~ steep slopes, freshwater wetlands, waterbodies, streams, and one-hundred-year floodplains. Disturbance of ~~these is open space~~ systems would impact the visual environmental quality of the Village, thereby potentially impacting property values, affecting water quality, impacting significant ecological habitat, and potentially creating or exacerbating drainage conditions resulting in loss of property or property value.

B. Location and standards for Environmental Protection Overlay Districts (EPOD) ~~and Conservation Overlay District.~~

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C. Site plan review and approval required in any EPOD ~~or C Overlay~~. Any disturbance of land, and any building permit application proposing a structure within ~~the C Overlay~~ ~~or~~ any EPOD overlay defined above, including fences, shall be reviewed by the Village Engineer, and reviewed and approved by the Planning Board, except that the improvements listed below shall not require approval for construction in ~~the C overlay~~ ~~or~~ any EPOD. All other applicable approvals and permits that may be required shall be obtained prior to disturbance.

(1) Signs in accordance with Chapter 143.

- (2) Utility boxes, provided same are screened, and also provided they are not otherwise located within a wetland, floodplain or stream.
- D. Conditions of approval. The Planning Board shall ensure that any land use, construction, or disturbance in ~~the C Overlay District or~~ any EPOD shall meet the standards of § 195-63B of this chapter. The Planning Board shall ensure that the purposes of the overlay district are met, and may establish conditions to protect the qualities of ~~the C District or~~ any EPOD, by requiring structures and other proposed improvements to be located elsewhere on the property outside ~~the C overlay or~~ any EPOD, reduced in size, or other changes that would protect the overlay district.
- E. Grandfathering. Preexisting uses shall be permitted to continue in ~~the C District or~~ any EPOD and existing structures shall be grandfathered from these requirements; however, any proposed additions or expansions to existing structures which would be located within ~~the C overlay or~~ any EPOD shall require review and approval by the Planning Board.
- F. Site plan submission. Sufficient information shall be submitted to the satisfaction of the Planning Board to illustrate the location of ~~the C overlay and or~~ the extent of any EPOD on the subject property, and the location of any proposed improvements or disturbances in relation to the overlay(s), and to make a determination as to whether the location of proposed improvements or disturbances will impact the resources contained in the overlay district.
- G. The portion of any lot located in ~~the C overlay or~~ any EPOD shall not be eliminated from the calculation of minimum lot area, unless otherwise constrained by the features regulated in § 195-14A of this chapter.

Section 6: This local law shall take effect immediately.