

VILLAGE OF MONTEBELLO
LOCAL LAW NO. 5 OF THE YEAR 2019

A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO ADD THE USE “PERSONAL HORTICULTURE” TO RESIDENTIAL ZONING DISTRICTS, TO BE ALLOWED BY SPECIAL PERMIT OF THE PLANNING BOARD IN -RECREATION DISTRICT, WITH STANDARDS FOR SUCH USE

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 §195-124 Definitions, by adding a definition for Personal Horticulture, as follows:

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HORTICULTURE, PERSONAL

The noncommercial on-site production, principally for use or consumption of the property owner or tenant, of plants, or their products, including, but not limited to, gardening, or flower, vegetable or fruit production. For the purposes of this chapter, personal horticulture shall exclude the keeping or production of livestock or poultry, or beekeeping.

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Section 2: Add “Personal Horticulture” to 195 Attachment 1, Table of General Use Requirements, in Column C, Uses by Special Permit of the Planning Board, in Districts ER-80, RR-50, R-35, R-25, R-15 with the same use group in column C-1 as for 1-family detached residences in column B-1 for said district.

Section 3: Add the following new section §195-87.2, with standards for Personal Horticulture, to Article XII Special Permit Standards, as follows:

§195-87.2 Personal Horticulture.

A. Signs shall not be permitted for a personal horticulture use.

B. The use shall not involve, except as otherwise permitted in residence districts, the parking, storage or standing of any commercial vehicles or construction equipment or the outdoor storage of materials. Materials and equipment may be stored on-site in a shed not greater than 400 square feet in area.

- C. No fertilizers, pesticides, rodenticides, herbicides, fungicides or other chemical treatments may be employed that require a license to apply, handle or purchase. Only widely available consumer products may be used in accordance with their label instructions.
- D. When requested by the Planning Board, a plan of the personal horticultural activity shall be provided together with the application for special permit. The Planning Board may require that the drawing be certified by a landscape architect.
- E. The amount of disturbance of natural vegetation for the proposed personal horticulture activity shall not exceed the limits of §195-37.E(1)(c), Aquifer and Wellhead Protection Standards, if applicable.
- F. No personal horticulture activity shall be conducted within any Environmental Protection Overlay Districts.
- G. No tree removals shall be permitted in any required side, front or rear yard for a personal horticulture activity, other than to provide a single driveway access to the personal horticulture site from the frontage street. Any proposed tree removals for driveway access or located outside of required yards, shall follow the procedures and standards of Chapter 176, Tree Preservation and Landscape Maintenance, of this Code.
- H. No persons other than the owner or tenant, or their family members and guests may engage in the personal horticulture activity.
- I. Sales of horticultural products from on or off site shall be prohibited.
- J. No outside lighting shall be permitted.
- K. Horticultural activities shall only be conducted during daylight hours. The hours of operation shall be disclosed to the Planning Board as a part of the application and shall be a condition of the special permit.
- L. One parking space on site, located outside of any required yards, shall be required for the personal horticultural use.

Section 4: This local law shall take effect immediately.