

LOCAL LAW NO. 2 OF 2018

AMENDING THE MONTEBELLO CODE BY COMBINING THE NEIGHBORHOOD SHOPPING (NS) AND PROFESSIONAL OFFICE (PO) ZONING DISTRICTS, INTO THE NS DISTRICT, AND CERTAIN OTHER CHANGES TO THE USES THEREIN IN FURTHERANCE OF THE 2017 COMPREHENSIVE PLAN, AS WELL AS ADDING A SPECIAL PERMIT USE INTO SAID MERGED DISTRICT: ANIMAL HOSPITALS AND VETERINARY CLINICS

VILLAGE OF MONTEBELLO  
STATE OF NEW YORK

Section 1. Legislative Intent.

The 2017 Comprehensive Plan made several recommendations with regard to the Neighborhood Shopping (NS) and Professional Office (PO) zoning districts. These recommendations include in relevant part:

- The NS and PO land use areas are recommended to be zoned NS, with the remaining PO uses merged into the NS uses, to allow for a wider range of permitted uses in the merged district.
- The NS district uses presently include local convenience commercial (small stores and shops catering to the needs of local shoppers) and “retail boutique and specialty shops” which suggests an upscale or rare offering that is hard to define. The Plan presented that, instead, any retail sales or personal services be permitted as reflected herein.
- Museums, Libraries and noncommercial art galleries are removed as a permitted use as per the Plan as these are uses that do not further the economic development interests of the Village.

Subsequent to the adoption of the Comprehensive Plan, the Village received a request for consideration of the use Animal Hospitals and Veterinary Clinics within the NS zoning district. The Village Board believing that this use is generally consistent with pet stores, personal service establishments and medical offices, all of which are already explicitly or implicitly permitted in the district, agreed to pursue the legislative changes, by Special Permit, as also set forth in this amendment, including special permit criteria relevant to the control of noise and odors outside the facility as well as prohibiting outdoor kennels or overnight boarding of pets in the NS district.

Section 2. Amendment of Chapter 195 (Zoning)

A. Article II is hereby amended to read as follows:

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

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Symbol	Title
<b>Residential Districts</b>	
ER-80	Estate Residential District (80,000 square feet per lot)
RR-50	Rural Residential District (50,000 square feet per lot)
R-35	Low-Density Residential District (35,000 square feet per lot)
R-25	Low-Density Residential District (25,000 square feet per lot)
R-15	Medium-Density Residential District (15,000 square feet per lot)
R-AH	Medium-Density Affordable Housing Residential District (Adopted December 9, 1991)
RSH	Residential Senior Citizen District

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Symbol	<u>Title</u>
<b>Mixed Use Districts</b>	
R59-DD	<u>Route</u> 59 Development District

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Symbol	Title
<b>Nonresidential Districts</b>	
NS	Neighborhood Shopping District
<del>PO</del>	<del>Professional Office District</del>
LO-C	Laboratory Office-Campus District

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Symbol	Title
Residential Districts	
LO	Laboratory Office District
PI	Planned Industry District
PI-C	Planned Industry-Campus District
Symbol	Title
Overlay Districts	
C	Conservation District Overlay
RP	Rural Preservation District Overlay
EP	Estate Preservation District Overlay
*****	
Article	
Special Permit Standards	
*****	
§ 195-74 <u>Animal Hospitals, Veterinary Clinics, and</u> Animal kennels.	
<u>A. Animal Hospitals and Veterinary Clinics</u>	
<u>A building or structure may be used as an animal hospital or veterinary clinic in accordance with Article III, §195-9 Use Table, and shall be conducted in accordance with the following general standards:</u>	
<u>(1). The animal hospital or veterinary clinic shall not create a hazard to health, safety or general welfare and shall conform to all applicable federal, state, county and local health and safety codes.</u>	
<u>(2) The animal hospital or veterinary clinic shall not keep animals overnight.</u>	
<u>(3) No outdoor exercise areas, pens or kennels shall be permitted.</u>	

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- (4) The building shall be constructed with sufficient internal sound-absorbing materials so as to minimize noise emanating from the premises.
- (5) Any odors which are emitted from the building shall be mitigated or dispersed in a manner which will minimize their impact.
- (6) The building shall provide space for waiting room, doctors' offices, operating room, holding of animals, storage and administrative functions.
- (7) The Planning Board shall review and approve any facilities for storage or disposal of animal cadavers or medical waste as part of the special use permit application process. Such disposal shall conform to all applicable health and safety codes.
- (8) The facility shall maintain a covered outdoor trash receptacle and bag dispenser for use by persons whose animals defecate entering or exiting the structure. Additionally, there shall be signs prominently posted prohibiting the walking of animals outdoors on or around the property. At least once per day, the operator shall patrol the entire site for fecal matter and urine and dispose of fecal matter and, clean and deodorize any surfaces as necessary to minimize odors on the site.
- (9) All trash stored outside shall be in fully enclosed dumpsters and no dumpster used for the disposal of fecal matter shall be located within any required yard nor located closer than 100 feet from any residence nor 50 feet from any residentially-zoned lot. Trash in dumpsters shall not exceed capacity so as to result in lids not sealing.
- (10) The facility shall employ an exterminator to regularly monitor and remediate any vermin infestations on the site, especially in and around outdoor areas and dumpsters.

B. Animal Kennels. The harboring, boarding or training of animals, except as otherwise provided in Article III, § 195-9, Use Table, whether enclosed in a structure or on open land and whether or not accessory to other principal uses of the land, shall be conducted in accordance with the following general standards:

- A. (1) In issuing the special permit approval for animal kennels, the Planning Board shall stipulate the maximum number and type of animals to be boarded, harbored or trained. That number shall not exceed the quotient of 10,000 square feet of net lot area per 100 pounds of animal body weight characteristic of the species so harbored. The square footage of the net lot area is that area of the lot excluding the area of any required setbacks.
- B. (2) In considering the application for a special permit for the animal kennel use, the Planning Board shall consider the number, size, breed and temperament of animals to be sheltered and impose reasonable conditions to protect proximate uses, aesthetic impact and safety of the animals sheltered in order to ensure the health, safety and general welfare of the community.

\* \* \* \* \*

**Nonconforming Uses, Buildings or Lots****§ 195-88 Applicability.**

This article applies to lots, buildings, structures and nonbuilding uses in existence on the effective date of this chapter. The lawful use of any such premises or uses existing on the effective date of this chapter may be continued although neither such use conforms nor the bulk of the same complies with the requirements, except as hereinafter follows.

**§ 195-89 Nonconforming buildings, structures or lots.**

- A. Residential buildings or structures. Any existing one- or two-family residential building or structure, or building accessory thereto, made noncomplying as to bulk by this chapter or any amendment thereof, shall be permitted to comply with the yard and setback requirements as specified for the highest residential district having the same or less lot width. In no event, however, shall the yard and setback requirements of any lot be less than the requirements for the R-15 District. No front setback may in any event be closer to the designated street line than the existing established setback. For any existing building or structure on a lot having less than a one-hundred-foot lot width, the minimum standards will be the same as those specified in Subsection **D** of this section.
- B. Nonresidential buildings or structures. Normal maintenance and repair, structural alteration in, or reconstruction or enlargement of, a building or structure with noncomplying bulk is permitted if the same does not increase the degree of or create any new noncomplying bulk in such building or structure.
- C. Two or more adjoining noncomplying subdivision lots, regardless of ownership, in a subdivision approved by the Planning Board shall have three years from the date of filing with the office of the County Clerk to obtain a building permit. Two or more adjoining noncomplying lots in a subdivision approved by the Planning Board and filed with the office of the County Clerk more than three years prior to the effective date of this chapter and in the same ownership shall not be eligible to receive a building permit. Said subdivision or part thereof shall be resubmitted to the Planning Board for approval in accordance with the applicable provisions of this chapter. Any lot in a subdivision approved by the Planning Board after the effective date of this chapter, but which is made noncomplying as to bulk by any future amendments of this chapter, shall have three years from the date of filing to obtain a building permit.
- D. Noncomplying lots.
  - (1) A residential lot, separated from any other land in the same ownership and noncomplying as to bulk, whether or not located in and part of a subdivision plat approved by the Planning Board and filed in the office of the County Clerk, and which has a minimum lot width of 100 feet, may be used for a one-family detached residence, provided that such use shall comply with the bulk requirements as specified in the highest residential district having the same or less lot width. For all residential lots having less than 100 feet of lot width, the following minimum requirements shall apply:
    - (a) The minimum width of one required side setback shall be 20 feet for lots in the ER-80, RR-50, and R-35

Districts; 15 feet for lots in the R-25 District; and 10 feet for lots in the R-15 District.

- (b) The total width of both required side setbacks may be reduced nine inches for each foot that the lot width is less than that specified in the Bulk Table.
  - (c) The minimum front and rear setbacks shall be 30 feet.
  - (d) The minimum lot width and lot frontage shall be 75 feet.
  - (e) The maximum building height shall be 25 feet.
- (2) For all nonresidential lots having less than 100 feet of lot width, the following minimum requirements shall apply:
- (a) The minimum width of each required side setback shall be 20 feet in the LO and PI Districts and 10 feet in the ~~PO and~~ NS Districts, except that where any setback adjoins a residential district, the normal requirements for setbacks, yards and buffers shall apply.
  - (b) The total width of both required side setbacks may be reduced nine inches for each foot that the lot width is less than that specified for the Table of Bulk Requirements.
  - (c) The minimum front and rear setbacks shall be 30 feet for lots in the ~~PO and~~ NS Districts and 50 feet for lots in LO and PI Districts.
  - (d) The minimum lot width and lot frontage shall be 75 feet.
  - (e) The maximum building height shall be 35 feet.
- E. A lot shall not be considered noncomplying with respect to the front setback or front yard requirements of this chapter if said condition is the result of a street right-of-way widening reservation or dedication, whether in fee or easement, required by the Planning Board at the time of subdivision or site development plan approval.

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