

VILLAGE OF MONTEBELLO  
LOCAL LAW NO. 1 OF THE YEAR 2025  
A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO REGULATE TENTS

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 2, Section 10 of the Municipal Home Rule Law, as follows:

*(Note: 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: Legislative findings and intent. The Village Board of the Village of Montebello hereby finds and declares:*

1. The Building Department and Code Enforcement staffs report an increase in public interest in and the proliferation of temporary accessory structures such as awnings and tents, which to the public reportedly appear relatively unregulated in the Code despite the following Code provisions:
  - a) Section §195.10.G, which states that any use not identified in the Use Table is deemed prohibited;
  - b) Section §195-123.A., which states that words shall have common meanings per Webster’s New collegiate Dictionary and Blacks Law Dictionary. unless otherwise set forth;
  - c) New York State Fire Code for tents 400 square feet and larger which overrides the Village Zoning Code where applicable; and
  - d) Section §179-79.1.B, which limits temporary tents accessory to a Special Permit Neighborhood Gathering Place.

As a consequence of this report, and at the request of the Building Department, and to address concerns for attendant issues of public safety, negative environmental impact, visual blight , property values and quality of life , use and enjoyment, the Village Board has directed that staff develop this Zoning Code amendment, fairly balancing the foregoing concerns with the reasonable use of temporary, accessory structures, such as tents and awnings.

2. Large tents of 400 square feet of floor area or greater, singularly or in the aggregate, erected in the Village of Montebello, should be required to obtain a permit from the Fire Inspector to assure compliance with the New York State Fire Code and to protect the health, safety and welfare of the citizens of the Village. Also, should be required to meet time limitation and yard requirements. Tents under 400 square feet, singularly or in the aggregate, should be exempted from review, but those 200 square feet in the aggregate or greater, should meet yard requirements and time limitations.
3. Impermanent structures, such tents as defined hereinafter, are inherently vulnerable to extreme weather, such as rain, wind and snow, and more vulnerable to fire, thus placing those gathering therein or thereunder, and objects placed therein or thereunder, in jeopardy. Of course, these dangers necessarily increase with size as well as frequency of use, as well as with the time of the year when in use. As a consequence, the intent of this Local Law is to

reinforce, expand and add to protections and limitations on the use of such structures, such as those already required by the NYS Fire Code as well as the dimensional, area and set back limitations set forth in the Zoning Code

*Section 2: Amend Chapter 195, Zoning, Article XVIII, Definitions, by inserting the following new definition into the section, maintaining proper alphabetical order:*

\* \* \* \* \*

#### **AWNING**

An architectural projection that provides weather protection, identity or decoration and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached. A canopy that is partially or wholly supported by the building to which it is attached shall be considered as an awning, as defined by this Chapter.

\* \* \* \* \*

#### **TENT**

Any free-standing structure, enclosure, umbrella structure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material, supported in any manner except by air or the contents it protects. A permitted tent shall be deemed an accessory building. A freestanding canopy shall be considered as a tent, as defined by this Chapter.

#### **TENT, GARAGE**

Any tent, as defined by this Chapter, used to store motor vehicles, garden tools, garden equipment, garden supplies, boats, bicycles, recreational vehicles, or other such similar materials or equipment.

\* \* \* \* \*

*Section 3: Amend Chapter 195, Zoning, Article V, Yard Setback Regulations, by inserting the following text as a new subpart "E" to §195-18, Front yard and setback exceptions, as follows:*

#### **§ 195-19. Side and rear yard exceptions.**

- A. An unroofed terrace or patio which is not more than one foot above ground level or an arbor, open trellis, chimney or flagpole is permitted in a required setback. An open fire escape, deck or unroofed porch or terrace, which is more than one foot above ground level, may project not more than six feet into a required rear setback.
- B. An awning or movable canopy may project not more than 10 feet into a required setback; cornices or eaves may project not more than 18 inches into a required setback.
- C. A fence or wall not more than four feet in height above average existing grade is permitted along any lot line and no more than six feet in height above average existing grade along that part of any lot line behind the required front yard. A fence or wall over the six-foot height is permitted, provided that it is set back from the lot line a distance equal to 2/3 its height. All fences shall be constructed with the outer face thereof located a minimum of one foot from the

property line, except that a common fence may be constructed on the property line with the written consent of both abutting owners. The finished side of the fence shall face the lot line. For purposes of these regulations, the installation of a fence or wall shall require a building permit.

- D. Accessory buildings with a floor area of less than 144 square feet and an exterior height of no more than eight feet may be constructed within required side or rear yards with a minimum setback of one foot, with the written consent of all abutting owners. **[Amended 8-16-2023 by L.L. No. 4-2023]**
- E. Tents.
- (1) Tents, either singly or in aggregate, with 200 square feet of floor area or less shall be exempted from side and rear yard setback requirements, and no permit shall be required for their erection.
  - (2) Small tents accessory to residential uses. A single tent, or an aggregation of multiple tents, with greater than 200 square feet and less than 400 square feet of floor area may be erected and used accessory to a single- or two-family dwelling on the same lot, for any temporary purpose. In no event shall a single tent, or an aggregation of multiple tents, between 200 and less than 400 square feet of floor area be erected on a residential lot for a period that exceeds 5 months in the aggregate in any calendar year. Such tents shall meet the same yard requirements as accessory buildings in the district in which they are located. No permit shall be required from the Building Inspector to erect a single small tent, or an aggregation of multiple tents, between over 200 and less than 400 square feet in floor area, however in no event shall such be erected for more than 5 months in the aggregate in any calendar year..
  - (3) Large tents. The use of large tents, either singly or in aggregate with 400 square feet of floor area or greater, for amusement or recreational purposes, at residential or non-residential lots, shall be permitted only on a temporary basis, with a permit from the Fire Inspector. Pursuant to NYS fire code Chapter 31, any tent, or aggregation of multiple tents, that has an area of 400 square feet or greater will be required to obtain a permit from the Fire Inspector, and comply with all State Fire Code standards including, but not limited to, fire retardance of materials, anchoring, separation from buildings, and placement. In no event shall such a tent or tents be erected for more than three times per calendar year, nor for a duration of longer than 10 days for each occurrence. Such tents shall meet the same yard requirements as accessory buildings in the district in which they are located.
  - (4) Tent garages for storage prohibited. Nothing herein shall permit the erection of a tent garage, as defined by this Chapter, for storage purposes, on any lot in the Village of Montebello. Any tent erected more than three times per year, for a duration of longer than 10 days for each occurrence, shall be deemed to be a tent garage and shall be prohibited.

*Section 4: Amend Chapter 195, Zoning, Article XII, Special Permit Standards, for Residential gathering places found in §195-79.1, subpart B, as follows:*

- B. Only habitable spaces within principal structures, in compliance with all applicable fire and building codes, may be utilized for a residential gathering place. Gatherings shall not be held in -accessory structures outside of the residence building, more than three times per year, nor for a duration of longer than 10 days for each occurrence. The use of tents as accessory structures for gatherings shall be governed by the provisions of §195-19.E of this Chapter.

*Section 5: This local law shall take effect immediately upon filing with the Secretary of State.*