

VILLAGE OF MONROE
INTRODUCTORY LOCAL LAW 5 of 2023

BE IT ENACTED by the Village Board of the Village of Monroe, Orange County, New York, as

follows:

Section 1. Title.

This local law shall be known and may be cited as the Village of Monroe Place of Worship and Schools Local Law.

Section 2. Legislative Purpose.

The Village of Monroe Board of Trustees finds that the Village's residential neighborhoods, particularly its one-family neighborhoods are quiet enclaves where families are able to enjoy clean air, roads free of traffic congestion, relative privacy, dark night skies, and the safety that comes from stable tenured neighbors. These residential streets are generally safe due to their low traffic volumes and are usable not only for vehicular access, but also for pedestrians, cyclists, and occasionally for play by children. Much of these factors are dependent on segregating residential neighborhoods from non-residential uses that generate frequent traffic, on-street parking, noise, site lighting, and frequent visitation by non-resident persons.

In 2017, for purposes expressed in the Village's 2016 Comprehensive Plan most non-residential uses were removed from the Village's residential zoning districts – particularly the SR-20, SR-10 and UR-M zoning districts. This included the removal of schools from the UR-M district (schools were not permitted in the SR-10 or SR-20 districts at that time). Religious assembly was retained in all three districts as were several uses deemed to be necessary or relatively unobtrusive. In the SR-10 the only other authorized non-residential uses included agriculture, bed and breakfast, community recreation and park (non-commercial) and public utility structures. In the SR-20 those non-residential uses were authorized along with convalescent homes. In the UR-M, those SR-20 non-residential uses were authorized along with ambulance services and fire protection services.

Recently, the Village has seen an increased demand for regular large gatherings of people in residential areas, most commonly for worship but possibly for other purposes protected by the First Amendment. Historically, the Village's synagogues, churches and other places of worship were generally located in or on the periphery of commercial areas. The Village recognizes that satisfying the religious and other First Amendment needs of residents may result in an increase in the number of non-residential uses located in residential neighborhoods. If designed properly, these gatherings need not impose upon the quiet seclusion of residential neighborhoods.

The Village also recognizes that until such gathering places are constructed in neighborhoods, persons may rely on personal residences to satisfy the religious needs of small groups or congregations. The

Village believes that this is customary and appropriate up to a limit. Residences constructed to residential building code occupancy standards (as opposed to assembly building code occupancy standards) are not appropriate for regular public assembly of groups of significant size. Such a practice may not only endanger the health and safety of the building occupants, but if not designed properly may impose upon the quiet seclusion of residential neighborhoods.

Further, the Village recognizes that schools and houses of worship enjoy favorable zoning status as “inherently beneficial uses.” Notwithstanding, the Village still retains significant permitting authority over these uses. The New York State Court of Appeals has held that “[t]he controlling consideration in reviewing the request of a school or church for permission to expand into a residential area must always be the over-all impact on the public’s welfare.” *Cornell Univ. v. Bagnardi*, 68 N.Y.2d 583, 510 N.Y.S.2d 861, 867 (1986). There is no question that communities need not “stand helpless in the face of proposed [religious or educational] uses that are dangerous to the surrounding area.” *Id.*¹ The Village wishes to insure, to the maximum extent allowed by law, that the development of any house of worship or school within its boundaries be consistent with the established residential character of existing neighborhoods, that property value and quality of life is maintained, municipal utilities and the road system are not overburdened and the environment is not deteriorated. In the *Cornell* case, the Court of Appeals recommended that communities adopt the “special permit” mechanism to impose “reasonable conditions directly related to the public’s health, safety and welfare” on proposed religious or educational uses and otherwise “cushion any adverse effects [of such uses] by the imposition of conditions designed to mitigate them. 510 N.Y.S.2d at 567-68.”² The Court of Appeals has affirmed that

¹ As the Court of Appeals held in the *Cornell* case:

[T]here are many instances in which a particular educational or religious use may actually detract from the public's health, safety, welfare or morals. In those instances, the institution may be properly denied. There is simply no conclusive presumption that any religious or educational use automatically outweighs its ill effects. The presumed beneficial effect may be rebutted with evidence of a significant impact on traffic congestion, property values, municipal services and the like.

Thus, educational and religious uses which would unarguably be contrary to the public's health, safety or welfare need not be permitted at all. A community that resides in close proximity to a college should not be obliged to stand helpless in the face of proposed uses that are dangerous to the surrounding area. Such uses, which are clearly not what the court had in mind when it stated that traffic and similar problems are outweighed by the benefits a church or school brings, are unquestionably within the municipality's police power to exclude altogether. “[E]ven religious [and educational] institutions [must] accommodate to factors directly relevant to public health, safety or welfare, inclusive of fire and similar emergency risks, and traffic conditions insofar as they involve public safety.”

Id. (citations omitted).

² As the Court of Appeals held in Cornell:

this reflects the preference for municipalities to engage in a “case-by-case” review of proposed educational and religious uses. *Pine Knolls Alliance Church v. Zoning Bd. of Appeals of Town of Moreau*, 5 N.Y.3d 407, 804 N.Y.S.2d 708, 710 (2005).

The Village Board finds that in order to promote individual constitutional rights to freedom of assembly and free exercise of religion and to protect the health, safety, and general welfare of Village of Monroe residents, Chapter 200, Zoning, of the Code of the Village of Monroe should be amended to allow and regulate Residential Gathering Places, Neighborhood Places of Worship, Community Places of Worship, and Schools of General Instruction in certain zoning districts and in accordance with standards set forth herein. This finding is consistent with the Draft Comprehensive Plan recommendations now currently under consideration and likely to be adopted in advance of adoption of this local law.

The Village Board further finds that several of the protections necessary to accommodate residential public assembly, places of worship and schools within residential neighborhoods (including but not limited to buffers, lighting standards, operational limitations, and certain parking requirements) are also applicable to any other non-residential use, and thus requires such protections to be imposed generally. These measures and any additional measures specific to religious uses and schools proposed herein are found to be the minimum necessary to protect the health, safety and general welfare of Village residents.

Section 3. Enabling Authority.

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section 4. Amendment of Definitions section of Zoning Local Law.

Definitions. Section 200-5, (Definitions) is hereby amended to add the following definitions, in alphabetical order within the section:

GATHERING PLACE, RESIDENTIAL

[A] zoning ordinance may properly provide that the granting of a special permit to churches or schools may be conditioned on the effect the use would have on traffic congestion, property values, municipal services, the general plan for development of the community, etc. The requirement of a special permit application, which entails disclosure of site plans, parking facilities, and other features of the institution's proposed use, is beneficial in that it affords zoning boards an opportunity to weigh the proposed use in relation to neighboring land uses and to cushion any adverse effects by the imposition of conditions designed to mitigate them.

510 N.Y.S.2d at 867-68 (citations omitted).

- A. *The non-residential accessory use of a portion of an owner-occupied one-family detached dwelling, which portion is incidental and subordinate in both use and size to the dwelling, is located within the principal residence building, and is designated primarily for regular large gatherings meeting all of the following criteria:*
- (1) The gatherings occur more than 12 times per year; and*
 - (2) These gatherings are comprised of 15 or more persons; and*
 - (3) The occupancy of the gatherings shall be the lesser of: (i) 49 persons; or (ii) the number of persons determined by dividing the number of square feet of the portion of the residence so designated as a residential gathering place by 15 square feet per person. The requirement of no more than 49 occupants is the maximum permitted before the use category of "assembly" would be applicable under the New York State Uniform Fire Prevention and Building Code, as may be amended from time to time. The standard of 15 square feet per person is set forth in Table 1004.5 of said New York State Building Code, which is applicable to unconcentrated assembly without fixed seats.*
- B. *The designated area for a gathering place shall have a maximum floor area of less than 50% of the floor area of the one-family detached dwelling and no greater than 750 square feet (15 multiplied by 50).*
- C. *Any use that exceeds any of the above criteria at any time shall not be considered a residential gathering place. The Building Inspector shall determine the appropriate use category based upon the requirements of this zoning chapter.*

PLACE OF WORSHIP, COMMUNITY

The principal nonresidential use of a building or structure(s) for regular organized religious assembly with 10,000 gross square feet of floor area, or greater.

PLACE OF WORSHIP, NEIGHBORHOOD

The principal nonresidential use of a building or structure for regular organized religious assembly with a gross square footage of less than 10,000 square feet.

SCHOOL OF GENERAL INSTRUCTION

Any public or nonpublic school that offers instruction at least five days per week and seven months per year, which include pre-K, kindergarten, elementary, junior high, or high schools subject to 8 NYCRR Part 100 regulations: or, other schools of religious or vocational training. Dormitories are not included as part of this definition.

Section 5. Establishing requirements applicable to non-residential uses in certain zoning districts.

Section 200-34 (Supplementary regulations applying to all residence districts), is hereby amended to renumber item A (lot widths) to item C and add the following requirements:

- A. The following provisions shall apply to any nonresidential uses located in a residential zoning district and shall be in addition to any conditions specifically imposed on the use, or generally imposed by other provisions of this chapter. Where the following conditions conflict with any other standard of this code, the more restrictive provision shall govern. These regulations

shall apply to the SR-20, SR-10, UR-W and UR-M zoning districts.

- (1) Except as otherwise permitted in Article XII (Special Use Permit Procedures and Regulations) for a particular use, no parking or loading shall be permitted between a principal use and any street line on which the property fronts.
- (2) Parking demand beyond that provided on-site has significant potential to impact residential neighborhoods by resulting in on-street parking that may impact the capacity of residential streets to support safe pedestrian and cyclist use. Where the Planning Board anticipates that the actual parking demand will exceed that required by code regularly or occasionally based on special events or functions, the Planning Board shall require adequate on-site parking in excess of the code required number or require such other plans and interventions that are unobtrusive to the character of the residential neighborhood and avoid significant use of residential streets for parking accessory to the proposed use. Observance of regular on-street parking in the vicinity of an approved non-residential use shall be deemed rebuttable presumptive evidence of noncompliance with this requirement.
- (3) Parking area landscaping. Where a parking area is proposed containing 14 or more spaces, one shade tree designed to reach a mature height of at least 20 feet shall be planted for every fourteen (14) parking spaces.
- (4) Any use anticipated to generate more than 100 vehicle trip ends in any design hour based on ITE generation rates must have its principal site access on a State or County highway.
- (5) Lighting. Outdoor lighting shall be limited to that necessary for operational reasons and shall be so designed as to be compatible with surrounding residences. A lighting plan shall be provided demonstrating that the following standards are met:
 - (a) Light sources (bulbs, LED arrays) shall not be directly visible from a public right-of-way or neighboring residential lot.
 - (b) All outdoor lighting shall allow no emission of light above horizontal and limited to no more than 10% of lamp lumens at or above 80 degrees.
 - (c) LED lighting shall have a color of 3000 Kelvin or less.
 - (d) The maximum footcandles shall not exceed 0.2 footcandles measured along any property line adjoining a vacant or residential lot.
 - (e) No single fixture shall emit more than 3000 lumens.
- (6) The Planning Board shall require adequate screening in the required rear and side yards, to protect the character and compatibility of adjacent residences. Screening shall be a minimum of six feet in height and may consist of a wall, fence and/or plantings as approved by the Planning Board.
- (7) No non-residential use shall be conducted between the hours of 10:00 p.m. and 6:00 a.m., subject to the following clarifications:
 - (a) In the case of residential gathering places, no regularly scheduled assembly shall be held between the hours of 10:00 p.m. and 6:00 a.m. For the purpose of this provision, "regularly scheduled" shall mean occurring in greater frequency than three times per calendar year.
 - (b) In the case of beds and breakfast, there shall be quiet hours instituted between 10:00 p.m. and 6:00 a.m. when no guests may occupy outdoor areas, nor any commercial outdoor activity including but not limited to deliveries, cleaning and maintenance.

- (c) These restrictions shall not apply to emergency situations, including emergency response by ambulance services or fire protection services, but shall apply to non-emergency operations or activities of ambulance or fire protection services.
 - (5) The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, outdoor lighting, landscaping and/or fencing to screen the non-residential use from adjacent residential properties, and other conditions as, in the judgment of the Board, are necessary for the nonresidential use to be able to operate in a manner that is consistent with public safety and neighborhood character.
 - (6) There shall be no outdoor use or assembly, except that which is similar in scale and nature to outdoor use customary to a residential one-family dwelling, such as peaceful enjoyment or recreation by occupants, except as specifically authorized in Article XII (Special Use Permit Procedures and Regulations) for a particular use.
 - (7) Except as otherwise permitted in Article XII (Special Use Permit Procedures and Regulations) for a particular use, there shall be no catered events or renting of facilities for parties or events.
 - (8) Nonresidential uses shall be subject to Architectural Review Board in accordance with § 200-73 of this chapter. The appearance of all structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located. This requirement shall apply to a residential gathering place where a modification to the house requiring a building permit or an addition is proposed in order to accommodate the residential gathering place.
- B. Special Use Permits in residential zoning districts. Approval of a special use permit located in the SR-10, SR-20, UR-W and UR-M zoning districts shall remain in effect for two years from the issuance of a certificate of occupancy or certificate of compliance and shall thereafter expire unless the following renewal procedure is followed:
- (1) No more than 30 days prior to the expiration of the special permit, the permittee shall submit an application for a certificate of compliance from the Building Inspector, who shall inspect the special permit use within 14 days to ensure compliance with the conditions of the special permit. If all of the conditions of the special permit have been met, the certificate of compliance shall be issued by the Building Inspector and the Building Inspector shall then extend the term of the special permit for five years. After the first renewal, subsequent renewals shall be required every five years under the same procedure as the initial renewal.
 - (2) In the event the Building Inspector denies the certificate of compliance, the applicant may submit an application for renewal of the special permit to the Planning Board pursuant to the procedures and standards of this article governing a new special permit within 60 days of the notice of denial. The original special permit shall expire at the time that the Planning Board renders its decision on the application for special permit renewal. In the event the Planning Board approves the application for special permit renewal, the renewed special permit will be considered as a new special permit and will be subject to an initial two-year term. In the event the application for special permit renewal is denied, the original special permit shall expire.

Section 5. Establishing special use permit requirements applicable to residential gathering places, neighborhood places of worship, community places of worship and schools.

Add a new section to the Village of Monroe Zoning Chapter, Article XII, Special Use Permit Procedures and Regulations, as follows:

§ 200-60.1 Residential gathering places and places of worship.

A. Residential gathering places.

- (1) The building containing the residential gathering place shall comply with all applicable zoning chapter provisions of the Village of Monroe for a one-family detached dwelling including the FAR provisions, and with the requirements of all applicable fire and building codes of New York State and shall be considered to be a nonresidential accessory use to the residential principal use as a one-family detached dwelling.
- (3) Only habitable spaces within structures in compliance with all applicable fire and building codes may be utilized for a residential gathering place. Gatherings may be held in a temporary structure or outside of the detached dwelling, but not more than three (3) times per year, and not for a duration that exceeds seven (7) days.
- (4) The maximum occupancy of the residential gathering place shall be in accordance with the definition of "gathering place, residential," as set forth in § 200-5.
- (6) Notwithstanding any other provision of this chapter, only those accessory uses permitted as of right to a one-family detached dwelling shall be allowed at a dwelling with a residential gathering place. Where accessory uses are proposed that are not permitted as-of-right to a one-family detached dwelling, the dwelling shall not be allowed to be used for a residential gathering place.
- (7) The required number of parking spaces for a residential gathering place shall be one parking space per 37.5 square feet of gross floor area of the proposed residential gathering place or for every 2.5 seats of capacity, whichever is greater, and in addition to the minimum number of parking spaces required for the one-family detached dwelling. Where the Planning Board finds that the full parking requirement is likely in excess of what is necessary to accommodate the anticipated participants of the residential gathering place, the Planning Board may allow up to 25% of the parking spaces be provided as "reserve parking" in an area that must be graded, sodded and maintained as lawn, but is not to be surfaced or otherwise developed for parking use until such time that that use is required as determined by reconsideration by the Planning Board of the minimum required off-street parking spaces. Notwithstanding any other provision of this chapter, up to six parking spaces including any required residential parking spaces may be permitted to be located between the structure and a streetline on which the lot abuts, so long as such spaces do not encroach on any required front or required side yard.
- (8) Except as set forth in subsection A(2) above, the residential gathering place shall be conducted entirely within the one-family detached dwelling principal structure, which use shall be incidental and accessory to the use of the residence for dwelling purposes, and which shall not change the architectural character thereof, and which shall be consistent with the residential zoning district within which the use is proposed to be located. The

appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.

- (9) Residential gathering places must be owner-occupied at all times. No space within the residential gathering place may be rented out to or utilized for meetings or functions not directly convened or hosted by the residents of the principal one-family detached dwelling.
- (10) One sign is permitted which shall comply with § 200-40 and meet the standards for a home occupation sign as set forth in § 200-43B.
- (11) Any kitchen facilities shall be in scale or type as is customarily incidental to a one-family detached dwelling. No catering facilities are permitted.
- (12) A narrative summary shall be submitted to the Planning Board, providing the maximum anticipated number of persons to be assembled, square footage of the assembly space for gatherings, days and hours of assembly, and number of parking spaces provided.
- (13) Bulk provision waiver. The Planning Board shall have the authority, consistent with the purposes of this chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for residential gathering places herein up to three percent (3%), for good cause shown. Any variation of bulk provisions greater than three percent (3%) shall be referred to the Zoning Board of Appeals.

§ 200-60.2 Neighborhood places of worship.

- (1) A building containing a neighborhood place of worship shall comply with all applicable provisions of the zoning code of the Village of Monroe and all applicable fire and building codes of New York State.
- (2) A neighborhood place of worship may or may not include a one-family detached residential dwelling unit, but occupancy of the unit shall be limited to clergy and/or their families and for no other purpose and shall not exceed the size of what would be permitted by the FAR for the site, exclusive of the minimum lot area required for the community place of worship. The one-family detached dwelling shall also comply with the bulk regulations for the zoning district in which it is located .
- (3) For neighborhood places of worship, the principal use shall be the holding of regularly scheduled religious services. Accessory facilities and functions, such as classrooms, social halls, administrative offices, bath and shower facilities, gymnasiums and indoor recreation facilities, may be provided, however, such facilities and functions individually shall not exceed 20% of the building's gross floor area, and in aggregate shall not exceed 50% of the building's gross floor area. A social hall for use by congregants following services, located in a basement, may exceed the accessory facilities limitation above in the event that it is not used concurrently with the primary worship space, but in no event shall it exceed the area of the primary worship space. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A school of general instruction established at the site of a neighborhood

place of worship shall not be considered as accessory to the neighborhood place of worship, but rather as an additional principal use. Where a school of general instruction and a neighborhood place of worship are located on the same lot, the cumulative minimum lot area of each principal use shall be satisfied.

- (4) For the purpose of calculating the parking requirement pursuant to Article XI, the number of attendees shall be the larger of the total floor area of the largest continuous assembly area (including mezzanine areas, aisles, altars, and ritual areas) divided by 15, or the total interior floor area of the structure divided by 50. Where the Planning Board finds that the full parking requirement is likely in excess of what is necessary to accommodate the anticipated participants of the residential gathering place, the Planning Board may allow up to 25% of the parking spaces be provided as “reserve parking” in an area that must be graded, sodded and maintained as lawn, but is not to be surfaced or otherwise developed for parking use until such time that that use is required as determined by reconsideration by the Planning Board of the minimum required off-street parking spaces.
- (5) A drop-off or porte cochere may be permitted between the front of the structure and any street line on which the lot fronts, provided it is not located within the required front yard.
- (6) To maintain the character of the use as a neighborhood place of worship, attendance at any services, wedding receptions or other social or religious functions for congregants held at the neighborhood place of worship shall be limited in occupancy to the available on-site parking.
- (7) Signs. Signs shall be permitted for neighborhood places of worship in accordance with Article X, Signs.
- (8) Where proposed in an SR-20, SR-10, UR-W or UR-M zoning district, no cooking facilities will be permitted, other than warming kitchen equipment for use by the clergy and/or congregants of the neighborhood place of worship and any kitchen equipment for exclusive use of residents of a residential dwelling unit, if present on the property. No kitchen equipment designed for large scale food preparation shall be permitted.
- (9) A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.
- (10) Bulk provision waiver. The Planning Board shall have the authority, consistent with the purposes of this chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to grant a one-time waiver of any bulk provision for neighborhood places of worship herein up to three percent (3%), for good cause shown. Variances greater than three percent (3%) shall be referred to the Zoning Board of Appeals.

§200-60.3 Community places of worship.

- (1) A building containing a community place of worship shall comply with all applicable provisions of the zoning code of the Village of Monroe and all applicable fire and building codes of New York State.
- (2) A drop-off or porte cochere may be permitted between the principal structure and any designated street line on which the lot fronts, provided it is not located within the

required front yard.

- (3) A community place of worship may or may not include a one-family detached residential dwelling unit, but occupancy of the unit shall be limited to clergy and/or their families and for no other purpose and shall not exceed the size of what would be permitted by the FAR for the site, exclusive of the minimum lot area required for the community place of worship. The one-family detached dwelling shall also comply with the bulk regulations for the zoning district in which it is located.
- (4) For community places of worship, the principal use shall be the holding of regularly scheduled religious services. Accessory facilities and functions such as religious schools, social halls, administrative offices and indoor recreation facilities may be provided, so long as such facilities and functions shall be subordinate in aggregate to the size and function of the community place of worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A school of general instruction, as defined in § 200-5, Definitions, established at the site of a community place of worship shall not be considered as accessory to the community place of worship, but rather as an additional principal use. Where a school of general instruction and a community place of worship are located on the same lot, the cumulative minimum lot area of each principal use shall be satisfied.
- (5) For the purpose of calculating the parking requirement pursuant to Article XI, the number of attendees shall be the larger of the total floor area of the largest continuous assembly area (including mezzanine areas, aisles, altars, and ritual areas) divided by 15, or the total interior floor area of the structure divided by 50. Where the Planning Board finds that the full parking requirement is likely in excess of what is necessary to accommodate the anticipated participants of the residential gathering place, the Planning Board may allow up to 25% of the parking spaces be provided as “reserve parking” in an area that must be graded, sodded and maintained as lawn, but is not to be surfaced or otherwise developed for parking use until such time that that use is required as determined by reconsideration by the Planning Board of the minimum required off-street parking spaces.
- (6) Attendance at any services, wedding receptions or other social or religious functions held at the community place of worship shall be limited to the capacity of the community place of worship as determined by the applicable building codes of New York State, as well as the available on-site parking. If the community place of worship intends to hold large scale events, the parking demand for same shall be determined at the time of site plan review. The applicant may use designated off-site parking areas, provided a fully executed written agreement between the applicant and one or more providers of a location for off-site parking is submitted, and remains in effect for the life of the use. Such events demanding parking in excess of the available on-site shall require a parking management plan (PMP) to be submitted for approval by the Planning Board as part of the application establishing a community place of worship, pursuant to the requirements set forth below. The PMP shall be used to address parking demand during the maximum projected attendance at the maximum building capacity, for holy days or other large, planned events for the particular place of worship making the application. Such PMP shall be provided to the Monroe Police Department, the applicable Fire Department and the office of the Monroe

Village Clerk. If a PMP is required as part of the special permit process, the applicant shall address the following:

- (a) Designated off-site parking areas. The applicant shall submit a fully executed written agreement between the applicant and one or more providers of a location for off-site parking;
 - (b) The applicant shall indicate implementation of group travel to and from the off-site parking locations by the use of shuttle vehicles;
 - (c) The applicant shall use traffic control measures such as the hiring of an off-duty police officer and/or volunteers to facilitate pedestrian flow, as well as on-site and off-site traffic;
 - (d) The applicant shall provide a notification process to notify patrons of the community place of worship and others regarding the locations of off-site parking areas to be used;
 - (e) The applicant shall indicate a method of pre-event registration to obtain a ticket before the holiday or event to use the on- or off-site parking facilities; and
 - (f) In the event that off-site parking areas are not available to accommodate the full capacity of the community place of worship, methods to limit the number of event attendees to the number of attendees that can be accommodated in the on-site parking area or at any available off-site locations by utilization of a pre-event registration system and distribution of tickets to registered persons that will be submitted upon arrival at the site on the day of the event.
 - (g) Existing community places of worship in existence prior to the adoption of this section shall submit a PMP for large events to the Planning Board within one year of adoption.
- (7) Signs. Signs shall be permitted for community places of worship in accordance with Article X.
 - (8) Kitchen equipment designed for large-scale food preparation shall be permitted, in compliance with all plumbing, electrical, fire, health and safety codes. Such equipment shall be utilized only for the preparation of foods to be served on site and not for off-site catering.
 - (9) A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.
 - (10) Bulk provision waiver. The Planning Board shall have the authority, consistent with the purposes of this chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to grant a one-time waiver of any bulk provision for community places of

worship herein up to three percent (3%), for good cause shown. Variances greater than three percent (3%) shall be referred to the Zoning Board of Appeals.

§ 200-58.4 School of general instruction.

A. School of general instruction.

(1) Minimum lot area for schools of general instruction.

(a) Minimum lot area based on maximum enrollment. Based upon maximum enrollment capacity, the required minimum lot area shall be 120,000 square feet for schools with 100 students or less, with an additional required minimum lot area of 50,000 square feet added for each additional increment of 50 students, or part thereof. For the purposes of this section, "maximum enrollment capacity" shall be defined as the number of students that a special permit applicant discloses as the maximum that can be accommodated within all proposed school structures and that will serve as the maximum number that may be enrolled at any time for the term of that special permit including any renewals thereof.

(2) Design requirements.

(a) Architectural review. All applications for schools of general instruction shall be subject to Architectural Review Board review in accordance with § 200-73 of this chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.

(b) Usable open space. The school of general or special instruction shall include at least one outdoor area of distinctive design with a minimum area of 10% of the minimum lot size as calculated in Subsection A(1) above, which purpose is for recreational use by students, to create an area for gathering and/or recreation for use by the students, staff, and faculty of such institution. The usable open space shall be linked to an on-site pedestrian walkway network. Usable open space shall not be located within any required yard.

(c) Lighting. Outdoor lighting shall be limited to that necessary for operational reasons and shall be so designed as to be compatible with surrounding land uses, and in compliance with the site development plan specifications in Article XV of this zoning chapter. The applicant shall provide a lighting plan showing that exterior lighting will be directed away from adjoining properties, streets, highways and roads.

(d) Utilities. All utilities shall be installed underground or within buildings.

(e) Landscaping. Applicant shall prepare and receive approval for a landscaping plan addressing the following subjects:

[1] All portions of the project site not developed with impervious surfaces shall be attractively landscaped or left in a natural condition.

[2] Landscape buffer area. Except where the Planning Board finds that existing vegetation to remain along the property boundary provides adequate visual screening, a minimum twenty-foot-wide landscaped buffer area shall be provided along all property lines, except at any access points. The required landscaped

buffer area shall be densely planted with a mixture of shrubs, trees not less than six feet high and/or berms, which will create an opaque screen on a continuing basis through all seasons. The required landscaped buffer area may be incorporated into the required yards or setbacks. The Planning Board also may require that a fence be added as necessary to achieve the screening requirement, and such a fence shall be in addition to and not relieve the need for the required landscaped buffer area plantings.

[3] Along property lines which are crossed by access drives, the Planning Board may allow low shrub plantings no greater than three feet high and trees with a branching habit which begins at least eight feet above ground level to ensure adequate sight distance is maintained at the driveway entry/exit.

[4] Planting shall not interfere with the normal sight distance needed for safe entering and exiting maneuvers by motor vehicles.

(f) Parking and internal roadways.

[1] One (1) parking space per 300 square feet of gross floor area or 12 student seats, whichever requirement is greater, plus one (1) parking space per 2 enrolled students over the age of 16, shall be provided.

[2] All on-site drives and parking areas shall be constructed according to Article XI of this chapter.

[3] Parking garages are not permitted.

[4] Parking lot landscaping. One shade tree designed to reach a mature height of at least 20 feet shall be planted for every 14 parking spaces.

(g) Other traffic and transportation requirements.

[1] Regulation of faculty and staff arrival and departure times in both a.m. and p.m. hours shall be established for schools of general instruction as necessary to mitigate vehicle trips in the a.m. and p.m. peak hour. The Planning Board may require the applicant to coordinate timing of such arrival and departure times with schools in the vicinity to the extent practicable in order to avoid conflicts.

[2] For schools of general instruction, the applicant shall submit documentation necessary to evaluate the need for each of the following:

[a] Traffic control signals;

[b] Crosswalks;

[c] Speed humps; and

[d] Other changes in roads and traffic signals related to changes in traffic activity.

[3] The entrance points for pedestrian/bicycle paths shall be signed indicating the need for bicyclists to share the path and properly yield to pedestrians that are present.

[4] A traffic circulation and parking plan shall be provided prior to the issuance of a special permit and shall be based upon the maximum student capacity and traffic characteristics of the school, containing the following information:

[a] Bus circulation and traffic patterns expected to be generated by the school of general instruction;

[b] All queuing areas, and anticipated queue lengths, demonstrating that bus and vehicle circulation shall not cause cars or buses to queue on public or private

- roads at peak hours;
 - [c] Maximum student enrollment capacity and attendance policies;
 - [d] Numbers of full-time and part-time faculty and staff, with attendance policies and parking locations and requirements;
 - [e] If applicable, requirements for parental compliance with busing and driving policies;
 - [f] List of exceptions to bus ridership and number of students receiving exemption for each year;
 - [g] If applicable, number and size of buses transporting students by grade;
 - [h] Number of students riding buses by grade; and
 - [i] Number of student drivers authorized and any limitations thereto, with parking locations and requirements.
- (h) Water. Each applicant shall demonstrate that there is sufficient water capacity for the project and shall supply a potable water delivery system capable of meeting both the domestic water and emergency firefighting needs of the facility.
- (i) Signs. Signs shall be permitted for schools of general instruction in accordance with Article X of this chapter.
- (j) Other conditions and safeguards. The Planning Board shall attach such other conditions and safeguards to the special permit as are necessary for the protection of the health, safety and welfare of the community, and to assure continual conformance with the intent of this chapter.
- [5] Construction of all internal roadway improvements shall be completed prior to the issuance of any certificate of occupancy.
- (3) Bulk provision waiver. The Planning Board shall have the authority, consistent with the purposes of this chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to grant a one-time waiver of any bulk provision for schools of general or special instruction herein up to three percent (3%), for good cause shown. Variances greater than three percent (3%) shall be referred to the Zoning Board of Appeals.

Section 6. Amending the Table of District Uses and Bulk Regulations.

Delete the following use from the Tables of District Uses and Bulk Regulations applicable to the CB, GB, SR-10, SR-20, and UR-M zoning districts: “Religious assembly”.

Amend and edit the Table of District Uses and Bulk Regulations to add the following uses to the applicable zoning districts, in alphabetical order, as follows:

1. Attachment 3 – Table of District Uses and Bulk Regulations, CB District

CB DISTRICT	Type	Use-Specific Regulations	Minimum							Maximum	
Use			Lot Area per Dwelling unit (square feet)	Lot Area (square feet)	Lot Width (feet)	Front Setback (feet)	Rear Setback (feet)	One Side Setback (feet)	Total Side Setbacks (feet)	Lot Coverage	Building Height (feet/stories)
Place of Worship, Neighborhood	Special permit	§200-60.1		No minimums specified			20	No minimums specified		80 %	35 /3
Place of Worship, Community	Special permit	§200-60.2		60,000	100	20	20	15	30	80 %	35 /3

2. Attachment 2 – Table of District Uses and Bulk Regulations, GB

GB DISTRICT	Type	Use-Specific Regulations	Minimum							Maximum	
Use			Lot Area per Dwelling unit (square feet)	Lot Area (square feet)	Lot Width (feet)	Front Setback (feet)	Rear Setback (feet)	One Side Setback (feet)	Total Side Setbacks (feet)	Lot Coverage	Building Height (feet/stories)
Place of Worship, Neighborhood	Special permit	§200-60.1		20,000	50	30	20	15	30	60 %	35 /2
Place of Worship, Community	Special permit	§200-60.2		60,000	50	30	40	20	40	60 %	35 /2

3. Attachment 3 – Table of District Uses and Bulk Regulations, SR-10 District

SR-10 DISTRICT		Use-Specific Regulations	Minimum					Maximum	
Use	Type		Lot Area (square feet)	Lot Width (feet)	Front Setback (feet)	Rear Setback (feet)	Minimum Side Yard Setback (feet)	Lot Coverage	Building Height (feet/stories)
Gathering Place, Residential	Special permit	§200-60.1	10,000,	100	30	35	15	25%	30/2
Place of Worship, Neighborhood	Special permit	§200-60.2	20,000	100	30	35	20	25%	30/2
Place of Worship, Community	Special permit	§200-60.3	60,000	150	30	40	25	25%	30/2
School of General Instruction	Special permit	§200-60.4	120,000, plus additional as per §200-58.2	200	30	50	40	25%	30/2

4. Attachment 4 – Table of District Uses and Bulk Regulations, SR-20 District

SR-20 DISTRICT		Use-Specific Regulations	Minimum					Maximum	
Use	Type		Lot Area (square feet)	Lot Width (feet)	Front Setback (feet)	Rear Setback (feet)	Minimum Side Yard Setback (feet)	Lot Coverage	Building Height (feet/stories)
Gathering Place, Residential	Special permit	§200-60.1	20,000,	100	40	50	20	25%	30/2
Place of Worship, Neighborhood	Special permit	§200-60.2	20,000	100	40	50	20	25%	30/2
Place of Worship, Community	Special permit	§200-60.3	60,000	150	40	50	25	25%	30/2
School of General Instruction	Special permit	§200-60.4	120,000, plus additional as per §200-60.4	200	80	50	40	25%	30/2

5. Attachment 5 – Table of District Uses and Bulk Regulations, UR-M District

UR-M DISTRICT	Type	Use-Specific Regulations	Minimum						Maximum	
			Lot Area (square feet)	Lot Width (feet)	Front Setback (feet)	Rear Setback (feet)	One Side Setback (feet)	Total Side Setbacks (feet)	Lot Coverage	Building Height (feet/stories)
Gathering Place, Residential	Special permit	§200-60.1	10,000,	100	30	35	15	30	25%	30/2
Place of Worship, Neighborhood	Special permit	§200-60.2	20,000	100	30	35	20	40	25%	30/2
Place of Worship, Community	Special permit	§200-60.3	60,000	150	30	40	25	50	25%	30/2
School of General Instruction	Special permit	§200-58.2	120,000, plus additional as per §200-58.2	200	80	50	40	80	25%	30/2

Section 7. Amending §200-44 (Parking and Loading; General Provisions)

Paragraph D which currently reads as follows:

D. Off-site parking. If the Planning Board determines that providing some or all required parking on the site is impractical, the Planning Board may permit off-street parking within 500 feet of the use and located on a lot either in the same ownership or leased for a period consistent with the nature of the use. The Board shall require the owner to file a recordable document with the Village requiring the owner to maintain the required number of off-street spaces during the existence of said principal use.

Is hereby deleted and replaced with the following:

D. Off-site parking. If the Planning Board determines that providing some or all required parking on the site is impractical, the Planning Board may permit off-street parking within 500 feet of the use and located on a lot either in the same ownership or leased for a period consistent with the nature of the use. The Board shall require the owner to file a recordable document with the Village requiring the owner to maintain the required number of off-street spaces during the existence of said principal use. Such parking shall not be located in an SR-10, SR-20, UR-W or UR-M zoning district.

Section 8. Repeal, Amendment, and Supersession of Other Laws.

All other Resolutions, Ordinances or Local Laws of the Village of Monroe which conflict with the

provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect.

Section 9. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

Section 10. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.