

VILLAGE OF MONROE
LOCAL LAW 10 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 Parking of Commercial and Oversized Vehicles and Equipment Local Law of 2023.

Section 2. Legislative Purpose.

The Village of Monroe Comprehensive Plan of 2023 recommended requiring standard protections for any non-residential uses located within a residential district. One particular trend noted by the Village Board and the public during preparation of the Comprehensive Plan was the increased use of homes in residential zoning districts for the storage of commercial and oversized vehicles used by residents in the conduct of their business or professions. In the most egregious observed instances, multiple commercial vehicles were located on a single-family detached residential lot to the extent that the storage of commercial vehicles results in impacts equivalent to a commercial use within districts exclusively zoned for residential purposes. Commercial and oversized vehicles are often significantly louder than customary vehicles accessory to dwellings, increase the amount of impervious surface area dedicated to parking or otherwise vehicles are parked on unstabilized lawn areas, are situated on smaller village residential lots where they are not screened from adjoining uses, and where the commercial signage on vehicles clutters and detracts from the residential character of the neighborhood. Commercial vehicles are parked in a manner where they are required to back out on village roads, and the lack of adequate sight distance can result in endangerment to pedestrians, pets, and vehicles. The storage of commercial vehicles erodes the residential character of the neighborhood and may result in endangerment of the public health and safety.

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. Changes to §200-44(E) (Parking and Loading; General Provisions; Commercial Vehicles) of the Zoning Local Law.

§200-44A (Parking and Loading; General Provisions; Eligible Areas), which currently reads as follows:

A. Eligible areas. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street or a front yard. The restriction on parking within the front yard applies to residential zoning districts only. Notwithstanding, a driveway within a required front yard for a single- or two-family residence may count as one parking space.

Is hereby deleted and replaced by the following Section A:

A. *Eligible areas. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street. A residential driveway in a front yard shall count for no more than one off-street parking space for a driveway with a width of at least ten feet but less than 18 feet, while driveways with a width greater than 18 feet may count as two parking spaces.*

§200-44E (Parking and Loading; General Provisions; Commercial Vehicles), which currently reads as follows:

E. *Commercial vehicles. Not more than one commercial vehicle in excess of 8,500 pounds gross vehicle weight (GVW) may be parked within a private garage or driveway in any residential district. Under no circumstances shall required or extra parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby businesses or manufacturing establishments, whether for profit or not. Under no circumstances shall taxis, cars for hire, livery, limousines or the like, be parked or stored overnight at any location in any district other than at an approved taxi business pursuant to § 200-51.2.*

Is hereby deleted and replaced by the following Section E::

- E. *Commercial and oversized vehicles and equipment/landscaping and construction equipment.*
- (1) *For purposes of this section, vehicles and equipment regulated herein are any self-propelled or towed motor vehicles used on roads to transport passengers and property including any of the following:*
 - (a) *Commercial vehicles as defined in Section 43-5A, Definition of commercial motor vehicles, set forth in Chapter 43, Vehicles and Traffic;*
 - (b) *Any vehicle which shall require commercial registration by the NYS Department of Motor Vehicles.*
 - (c) *Vehicles exceeding 20 feet in length, except for recreational vehicles as regulated by §200-44F.*
 - (d) *Trailers and similar carriers towed by vehicles and used for commercial purposes.*
 - (e) *Vehicles designed or used to transport more than 10 passengers including the driver, with or without compensation.*
 - (f) *Any vehicle or trailer which is used in transporting material found by the U.S. Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed under 49 CFR, subtitle B, chapter I, subchapter C.*
 - (g) *Any vehicle for which a Commercial Driver License (CDL) is required by the NYS Department of Motor Vehicles, including but not limited to buses, tractor trailers, dump trucks, and stretch limos.*
 - (2) *The following commercial and oversized vehicles and equipment/landscaping and construction equipment as defined by §200-44E(1) shall not be parked or stored on any lot in the SR-20, SR-10, UR-W or UR-M zoning districts where they exceed the thresholds listed below:*
 - (a) *Any vehicle exceeding 10,000 pounds gross vehicle weight (GVW).*
 - (b) *Any vehicle exceeding 20 feet in length.*
 - (c) *Any trailer used for commercial purposes.*

(d) Construction or landscaping equipment or other heavy equipment not authorized for travel over public roads and with a weight exceeding 600 pounds, except for construction equipment actively involved in ongoing construction for which a valid building permit has been issued by the Village of Monroe.

(3) No more than one commercial and oversized vehicles and equipment/landscaping and construction equipment as defined by §200-44E(1), may be parked or stored on any lot in the SR-20, SR-10, UR-W or UR-M zoning district, provided it does not exceed the thresholds listed in subsection §200-44E(2). Examples of vehicles that may meet this requirement and for which one is allowed per lot include a work van, a taxi, a car for hire, a non-stretch limousine, or a vehicle used as a ride share business.

(4) This restriction shall not apply to delivery vehicles engaged in otherwise lawful deliveries to the residential lot, nor shall it apply to vehicles involved with duly permitted construction occurring on the residential lot.

§200-44M (Parking and Loading; General Provisions; Parking in a Required Front Yard), is hereby added as follows:

M. Only a single driveway area 20 feet wide may be used for parking within a required front yard on any residential lot.

Section 5. 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 6. 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 7. 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.