

VILLAGE OF MONROE
LOCAL LAW 17 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 Out of Character Dwellings Local Law of 2023.

Section 2. Legislative Purpose.

This Local Law is intended to implement the recommendations of the 2023 Village of Monroe Comprehensive Plan which recommends the following:

Ensure that dwellings are built to the scale of their neighborhoods and the lots they are located on, and that they reflect traditional residential design. Following the 2017 Comprehensive Plan update, the Village adopted Floor Area Ratio restrictions. The Village should review those restrictions to ensure that they are adequate to achieve their intended purpose of controlling the scale of structures based on the size of the lot they are located on. Additionally, there are several neighborhoods with varying lot sizes. Building construction should also be regulated to prohibit an out-of-character home from being constructed within a given neighborhood. To this end, as a pre-requisite to building permit issuance, the building department should be required to review the height above grade, interior floor area, building coverage, and yard setbacks of nearby structures to ensure that the proposed structure does not exceed the character of the established neighborhood beyond a reasonable degree.

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 §200-72C (Site plan and special permit review and approval; regulations; applicability) of the Zoning Local Law.

§200-72(C)(1)(a) (Site plan and special permit review and approval; regulations; applicability), which currently reads as follows:

(a) The erection or enlargement of all buildings in all districts other than single-family residences in SR-10 and SR-20 Districts, except that single-family residences shall be subject to site plan approval in flood hazard areas as defined on the Flood Insurance Rate Map.

Is hereby amended to read as follows:

(a) The erection or enlargement of all buildings in all districts other than single-family dwellings in SR-10 and SR-20 Districts, except that single-family dwellings shall be subject to site

plan approval where they exceed the thresholds of §200-25.1 (Out of Character Dwellings) or are located in the areas of special flood hazard as defined in §107-4 of the Flood Damage Prevention Chapter of the Village of Monroe Code.

Section 5. Adding a new section entitled “Out of Character Dwellings” as new section §200-25.1 of the Zoning Local Law.

The following shall be added as a new section 200-25.1 (Out of Character Homes) of the Zoning Local Law.

§200-25.1 Out of Character Dwellings.

- A. *Where the construction of a single-family detached dwelling or the expansion of a dwelling involving more than 250 square feet (or where expansions within any five-year period total more than 250 square feet) exceeds any of the following thresholds, it shall be considered to be out of character with its neighborhood and therefore subject to site plan approval and architectural review by the Planning Board. For purposes of determining compliance with these thresholds, the neighborhood shall be determined to be comprised of those eight nearest single-family detached dwellings located in the same zoning district, fronting on the same street, or such fewer homes as are so located where less than eight exist.*
- (1) Proposed habitable (livable) floor area exceeds more than 120% of the average “living area” of the neighborhood as reported in the tax records of Orange County. The Building Department may rely on the Orange County GIS Parcel Viewer to determine if this standard is exceeded.*
 - (2) A basement is proposed where at least 75% of the neighborhood does not have a basement.*
 - (3) A flat or mansard roof or any roof with a pitch of less than 4/12 is proposed where at least 75% of the neighborhood have roofs pitched at 4/12 or greater.*
 - (4) A second story where at least 75% of the neighborhood dwellings have one story.*
 - (5) Lot coverage that is greater than 110% of the neighborhood average. The Building Department may rely on the Orange County GIS Parcel Viewer (particularly lot area, first floor areas and the reported size of improvements) to determine if this standard is exceeded.*
- B. *The following thresholds shall also trigger site plan and architectural review:*
- (1) Irrespective of the front setback requirement, a dwelling or addition to a dwelling that is proposed closer to the street line than both of two adjoining existing neighboring dwellings, where such dwellings front on the same street and are located within 200 feet.*

Section 6. 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 8. 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.