

VILLAGE OF MONROE
INTRODUCTORY LOCAL LAW 2024

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 Environmentally Constrained Lands Law.

Section 2. Legislative Purpose.

Recommendation P.2.1.1 of the Village of Monroe Comprehensive Plan of 2023 recommends that construction over or near to areas of environmentally constrained lands will result in degradation of natural resources as well as potential erosion and exacerbation of flooding. To protect these lands, this law will require that all environmentally constrained lands be deducted from the lot area for the purpose of new subdivisions and zoning.

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 §200-20 Exceptions to Lot Coverage of Local Zoning Law

The following shall be added as a new section 200-20.1 (Deduction of Constrained Lands from Lot Area and Avoidance of Constrained Lands During Construction) of the Local Zoning Law

§ 200-20.1 Deduction of Constrained Lands from Lot Area and Avoidance of Constrained Lands During Construction

- A. The following areas shall not be counted as part of any lot area, gross lot area or minimum lot area for purposes of this chapter including but not limited to calculation of lot area, lot coverage or floor area ratio:*
- a. 100% of wetlands, including New-York-State-designated wetlands but excluding the 100-foot regulated adjacent area, and wetlands regulated by the U.S. Army Corps of Engineers, as those wetlands now exist or may be found to exist;*
 - b. 100% of lands under water, and lands covered by natural or constructed water bodies, including, without limitation, existing retention and detention basins;*
 - c. 50% of lands with steep slopes equal to or greater than 25 percent;*

- d. 50% of areas subject to the 1% annual flood (100-year) as defined by and illustrated on the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps as those maps now exist or as they may be amended from time to time;
 - e. 50% of lands encumbered by easements or other restrictions, including utility easements, preventing use of such land for construction of buildings, uses, and/or development.
- B. No development shall be situated on lands with steep slopes in excess of 35 percent, and any development proposed thereon shall require an area variance from the Zoning Board of Appeals.
 - C. The net lot area, after exclusion of the areas set forth in Subsection A above, shall be calculated, and any permissible residential density or nonresidential intensity of land shall be calculated on the net lot area. Any fractional dwelling unit shall be rounded to the nearest whole number.
 - D. During site plan, subdivision, special use permit application review, the Planning Board shall require that development areas be located so as to avoid these constrained lands from disturbance. To the maximum extent, development shall not be sited on, nor shall development disturb, areas constrained as set forth above, unless waived by the Planning Board, due to the unique nature of the parcel and that such exclusion would render the parcel undevelopable. The Planning Board, as a condition of approval, may require the imposition of map notes to ensure that these requirements and any conditions limiting development are met.
 - E. Area variance required. A lot shall be deemed conforming as to lot area only if it meets the minimum net lot area set forth herein. Any lot area not meeting the minimum requirement shall require an area variance.
 - F. These provisions shall not apply to any lot occupied by a single-family detached dwelling for which a building permit had been issued prior to the effective date of this local law, except that these provisions shall apply to any proposed subdivision of a lot containing a single-family detached dwelling.
 - G. Data to be used in calculating minimum lot area. The Code Enforcement Officer, in the case of an application requiring a building permit only, or the Planning Board shall rely on an up-to-date survey, maps showing 2-foot topographic contours, and other sources of information to establish the boundaries of sensitive environmental areas. A wetland delineation and jurisdictional determination may be required. Nothing herein shall limit the Code Enforcement Officer or the Planning Board from requiring additional detailed data obtained from field or other surveys where it is determined that secondary resource data do not reasonably illustrate the boundaries of the sensitive environmental features. Where land has been altered, i.e., graded or disturbed, within the two (2) years prior to submission of an application, the minimum lot area shall be based on the environmentally constrained lands present prior to said disturbances.

Section 5. Changes to §200-5 Definitions of the Local Zoning Law

The definition of Lot Area which currently reads:

LOT AREA - The total horizontal area included within lot lines.

Is hereby deleted and replaced by the following:

LOT AREA – *The total horizontal area included within lot lines, as adjusted by §200-20.1 (Deduction of Constrained Lands from Lot Area).*

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 7. 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 8. 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.