

# **ZONING ORDINANCE for the VILLAGE OF MONTICELLO**

SULLIVAN COUNTY — NEW YORK

Adopted by the Board of Trustees of the Village of Monticello, New York, on June 2nd, 1958.

## **ZONING ORDINANCE**

AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIC DISTRICTS, AND REGULATING THEREIN, BUILDINGS AND OTHER STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND THE EXTENT OF THEIR USE AND THE NATURE AND THE EXTENT OF THE USE OF LAND; PROVIDING FOR THE ADMINISTRATION THEREOF; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

This ordinance shall be known and may be cited as the Zoning Ordinance of the Village of Monticello.

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SULLIVAN COUNTY — NEW YORK

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THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MONTICELLO DO ORDAIN:

ARTICLE I, DISTRICTS CREATED.

For the purpose of this ordinance, the Village of Monticello is divided in the following six classes of districts:

- R-1 Residence Districts
- R-2 Residence Districts
- R-3 Residence Districts
- R-4 Residence Districts
- Commercial Districts
- Light Industrial Districts

The boundaries of these districts and classes of districts are hereby established on a map entitled, "Zoning Map of Monticello," which map accompanies and is hereby declared to be a part of this ordinance.

Unless otherwise indicated on the Zoning Map, by fixed lines or dimensions, district depths for residence and business district frontage shall be 120 feet. When a district boundary line extends through the middle of a block and unless otherwise indicated, the boundary line shall be a line drawn midway between the two parallel street lines.

Where a district boundary line as appearing on the Zoning Map divides a lot or other property in a single ownership as existing at the time of this enactment, the use authorized on, and the districts requirements applying to, the less-restricted portion of the lot shall be construed as extending into the remaining portion of the lot for a distance not exceeding 35 feet beyond the district boundary line.

ARTICLE II, DEFINITIONS.

Certain words and terms used in this ordinance are defined for the purposes thereof, as follows:

**ACCESSORY BUILDING** - A building the use of which is customarily incidental to that of a dwelling and which is located on the same lot as that occupied by the main building.

**ACCESSORY USE** - A use customarily incidental to the use of a building or land for dwelling purposes, and including,-

(1) The office or studio of a physician or surgeon, dentist, musician, lawyer, engineer, architect, teacher, or other like professional person, residing on the premises, provided that there is no more than one paid assistant and that there is no advertising display, visible from the street, other than a small professional name plate;

(2) Customary home occupations such as millinery and dressmaking, provided (a) there is no display

of goods visible from the street, (b) no exterior advertising other than a small announcement sign, and (c) such occupation is conducted in the main building, by a person or persons residing therein, without paid assistants, and does not occupy more than one-third of the total above-ground floor area thereof.

**Alley** -- A public thoroughfare having a right-of-way width of 20 feet or less.

**Alteration of Building** -- Any change in supporting members of a building except such change as may be required for its safety, any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another.

**Block** -- The length of a street between two street intersections. Where street intersections are at intervals greater than 1,200 feet, 1,200 feet shall be considered the length of block for purposes of this ordinance.

**Boarding and Rooming House** - A dwelling, other than a hotel, wherein more than three people are sheltered or fed for profit.

**Bungalow Colony** -- A group of three or more dwelling structures on a single premises designed for seasonal occupancy and not more than one of which is used for the purpose of all-year-round residence.

**Bungalow-Duplex** -- A structure having two seasonal rental units placed side by side with a party wall.

**Center Line of Street or Road** -- A line midway between and parallel to the two street or road property lines, or as otherwise defined by the Board of Trustees.

**Clubhouse** -- A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other place of business.

**Corner-Lot** -- A lot fronting on two streets at their intersection.

**Courts** -- A court is an unoccupied open space other than a yard. An outer court is one which extends to the street or to the front or rear yard. An inner court is any other court.

**Depth of Frontage** -- Distance from front property line to the district boundary line at the rear.

**Front Street** -- The street upon which the majority of lots within a block are fronted or any street so designated by the Board of Trustees.

**Front Yard** -- Space between the building line or front main wall of a building and the front property line, and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices and similar fixtures.

**Height of Building** -- The vertical distance meas-

ured from the average ground level at the sides of the buildings to the extreme high point of the building exclusive of chimneys and similar fixtures.

**Hotel** — "Hotel" shall mean a public inn, in which there are more than 12 sleeping rooms, without provision for cooking in any individual room or suite.

**Lot** — A parcel of land occupied by or which may be occupied by a building and its accessory building or buildings and including the yards and other open spaces required by this ordinance, or the land shown as a separate lot or parcel on the records of Sullivan County.

**Motels** — A motel, motor hotel, or motor court that consists of sleeping accommodations or rooms as well as adjacent parking spaces for cars.

**Multi-Family Dwelling** — Any building other than a row-house under a single roof, designed for occupancy by three or more households living as families and with separate and individual cooking facilities. A structure designed or occupied for seasonal occupancy shall not be considered a multi-family dwelling.

**One Family Dwelling** — A detached house designed for the use of a single household, including two or more people living as a family, and wherein not more than three people are sheltered or fed for profit. A trailer or trailer cabin as defined herein shall not be considered a dwelling within the meaning of this ordinance.

**Open Porch** — A porch open on three sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.

**Private Garage** — A garage not conducted as a business or used for the storage of more than one commercial vehicle which shall be owned or used in his or her employment by a person residing on the premises.

**Public Garage** — A garage conducted as a business. The rental of storage space for more than two cars or for a commercial vehicle not owned or used by a person residing on the premises shall be deemed a business use.

**Rear Yard** — An open space on the same lot with a building, between the rear wall of the building and the rear of the lot, and unoccupied except for accessory buildings and open porches which, in the aggregate, shall occupy not more than 35 per cent of the area.

**Seasonal Occupancy** — Occupancy for a period not exceeding three months in any calendar year.

**Semi-Fireproof Construction** — Construction in which the structural members are of approved non-combustible construction having the necessary

strength and stability, and having fire-resistance ratings, of not less than four hours for exterior non-bearing walls and wall panels; not less than three hours for columns and for wall-supporting girders and trusses; not less than two hours for floors, for roofs, and for floor and supporting beams, girders and trusses; and in which exterior and interior bearing walls, if any, are of approved masonry or reinforced concrete.

**Semi-Detached Dwelling** — A dwelling designed for occupancy for one family and being one of two dwelling units under the same roof, separated by a party wall and having separate exits and entrances and no interior connection, - the combined units being commonly known as a double house.

**Side Yard** — An open unobstructed space on the same lot with a building between the building and the side line of the lot and extending through from the front to the rear yard, into which space there shall be no extension of building parts other than eaves with an over-hang of not more than two feet, rain-water leaders, window sills, and other such fixtures; open steps for a distance not exceeding 4 feet; and bay windows not more than 12 feet wide, at one floor level only, and for a distance not exceeding 2 feet.

**Story** — "Story" shall mean that part of a building included between any floor, other than a basement floor, and the floor or roof next above.

**Street** — A thoroughfare publicly or privately owned, open to general public use and having a right-of-way width greater than 20 feet.

**Street Line** — A street line is the right-of-way line of a street as indicated by dedication or by deed of record.

**Tourist Home** — A private residence in which overnight accommodations are provided for not more than 10 transient paying guests.

**Trailer or Trailer Cabin** — A vehicle with or without its own motive power, equipped for or used for living purposes, and mounted on wheels or designed to be so mounted and transported.

**Two-Family Dwelling** — Any building under one roof, with or without a party wall, designed or arranged for occupancy by two households living as families and with individual cooking facilities.

**Terms** — The present tense shall include the "future"; the singular number shall include the "plural"; and plural the "singular". The word "shall" is always mandatory.

## ARTICLE III, R-1 RESIDENCE DISTRICTS.

### Section 300. Permitted Uses and Buildings and Other Structures.

In the R-1 Residence Districts no building or

structure shall be used or built, altered or erected to be used, and no land shall be used, for any purpose other than that of:

1. A one-family dwelling and its accessory buildings and uses.

2. A church, library, public or sectarian school, a public golf course and its usual appurtenances, park or playground, a private park or playground operated by a non-profit association and a building for municipal purposes.

3. Any form of agriculture or horticulture except:  
a. Keeping farm livestock or poultry.  
b. Commercial greenhouses.

4. Other buildings, structures and uses as permitted under Sections 900, 909 and 916.

#### **Section 301. Yard, Area and Height Provisions.**

1. **Area per Dwelling and Lot Dimensions** — The minimum land area per dwelling (size of building lot) shall be 10,000 square feet and the minimum width of lot at the front building line shall be 100 feet, except this shall not prevent erection of a dwelling on a lot, existing at this time of this enactment and not adjoined at the side by other unoccupied land in the same ownership, if having an area of not less than 9,000 square feet and a width of not less than 75 feet.

2. **Front Yards** — No building, or part of building other than steps, open porches, eaves and cornices and similar fixtures, shall extend nearer to a front street line than the average distance of setback of the nearest buildings, other than accessory buildings, within 100 feet on each side of said building and fronting on the same side of the street, except that this shall not require placing a building more than 10 feet back of the front main wall of a building existing within 100 feet thereof. When only one building exists on the same side of the street with the building to be erected and within 100 feet thereof, the building setback shall be not less than the average between the setback of the existing building and 40 feet. When no building exists on the same side of the street with and within 100 feet of the building to be erected, the setback at the front shall be not less than 40 feet from the side line of the street or 60 feet from the center line of the street, whichever is greater. In the case of a corner lot, any building other than a detached garage or other accessory building may be placed to within 20 feet of the side-street property line.

Buildings setbacks specifically established otherwise by Section 910 of this ordinance, or by the Village Planning Board incidental to plat approval, or by other act of the Village Board of Trustees shall take precedence over the above.

3. **Rear Yards** — There shall be a rear yard with a depth of not less than 20 feet. When a building extends through from street to street the front yard requirements shall be observed on both streets.

4. **Side Yards** -- There shall be two side yards with a total width of not less than 30 feet except, for each foot a lot existing at the time of this enactment is less than 100 feet wide, the total width of the two side yards may be reduced by 6 inches to total width for the two yards of not less than 20 feet.

For a non-residential building, other than a garage or other accessory building, there shall be two side yards with a total width of not less than 75 feet and, for each foot the height of such a building exceeds 35 feet, the total width of the two yards shall be increased by 4 feet.

The width of the narrower of the two side yards shall be not less than one third their total width.

5. **Height** — No dwelling shall exceed 2½ stories or 30 feet in height.

#### **Section 302. Private Garages and Other Accessory Buildings.**

No private garage or other accessory building shall be placed closer to a side or rear property line than 6 feet and, for each foot of the height of such building exceeds 12 feet, the offset from the side and rear property lines shall be increased by 1 foot. No detached garage or other accessory building shall be placed closer to a front building line than 40 feet or closer to a side-street property line than a distance equal to half the width of the lot up to a distance which need not exceed 50 feet. In the case of an attached garage or carport built as a structural part of a dwelling, with or without a breezeway connection, the same front and side yard requirements as for a dwelling shall apply and such yards shall be measured from the outer walls or roof lines of such garage or carport. No garage or other accessory building shall be used as a dwelling.

### **ARTICLE IV. R-2 RESIDENCE DISTRICTS.**

#### **Section 400. Permitted Uses and Buildings and Other Structures.**

The uses and the buildings and other structures permitted in the R-2 Residence Districts shall be the same as those permitted in the R-1 Residence Districts except that accessory uses as defined herein shall be permitted in the R-2 Districts.

#### **Section 401. Yard, Area and Height Provisions.**

1. **Area per Dwelling and Lot Dimensions** — The minimum land area per dwelling shall be 7,500 square feet and the minimum width of lot at the front building line shall be 60 feet. However, it shall be permissible to erect a dwelling on a lot, existing at the time of this enactment and not adjoined at the side by other unoccupied land in the same ownership, if having an area of not less than 5,000 square feet and a width of not less than 50 feet.

2. **Front Yards** — Required front yards shall be the same as in the R-1 Residence Districts except for the following reductions:

a. The figure for averaging when only one building exists within 100 feet of the building to be erected shall be 30 feet instead of 50 feet;

b. When no building exists within 100 feet of the building to be erected the setback shall be 30 feet from the side line of the street (instead of 50) or 55 feet from the center line of the street (instead of 75), whichever is greater;

c. In the case of a corner lot a building, other than a garage or other accessory building, may be placed to within 15 feet of the side-street property line instead of 20 feet.

**3. Rear Yards** — There shall be a rear yard with a depth of not less than 20 feet and, if the building extends through from street to street, the front yard requirements shall be observed on both streets.

**4. Side Yards** — There shall be two side yards with a total width of not less than 18 feet, except: for each foot a lot existing at the time of this enactment is less than 60 feet wide, the total width of the two side yards may be reduced by six inches to a total width for the two yards of not less than 14 feet.

For a non-residential building other than a garage or other accessory building, the side yard requirements shall be as contained in Section 301.

The width of the narrower of the two side yards shall not be less than one-third the total width of the two yards, and neither yard shall have a width of less than 6 feet.

**5. Height** — The height of dwellings shall not exceed 2½ stories or 30 feet.

#### **Section 402. Private Garages & Other Accessory Buildings.**

Requirements shall be the same as contained in Section 302.

### **ARTICLE V. R-3 RESIDENCE DISTRICTS.**

#### **Section 500. Permitted Uses and Buildings and Other Structures.**

In the R-3 Residence Districts no building or other structure shall be used or built, altered or erected to be used, and no land shall be used, for any purpose other than that of:

1. A use permitted in the R-1 and R-2 Residence Districts.

2. A two-family, a semi-detached, or a multi-family dwelling as herein defined.

3. A boarding or rooming house, or a tourist home.

4. Other structures and uses as permitted under Sections 900, 909, and 916.

#### **Section 501. Yard, Area and Height Provisions.**

**1. Area Per Dwelling and Lot Dimensions** — The minimum land area for a one-family dwelling shall be 5,000 square feet and the minimum width of lot at the front building line shall be 50 feet. The mini-

mum land area for a two-family dwelling or a pair of semi-detached dwellings shall be 6,000 square feet and the minimum width of lot at the front building line shall be 60 feet. The minimum land area per dwelling unit for a multi-family dwelling, and per seasonal rental unit in any other structure, shall be 2,500 square feet.

**2. Front Yards** — Required front yards shall be as required in Section 401.

**3. Rear Yards** — Requirements shall be as contained in Section 401.

**4. Side Yards** — There shall be two side yards with a total width of not less than 14 feet for a one-family dwelling, and with a width of not less than 18 feet for a two-family dwelling. For a semi-detached dwelling there shall be one side yard with a minimum width of 12 feet. However,

a. in the case of a one-family dwelling, for each foot a lot existing at the time of this enactment is less than 50 feet wide, the total width of the two side yards may be reduced by 6 inches to a minimum total width of 14 feet;

b. in the case of a two-family dwelling, for each foot the existing lot is less than 60 feet width, the total width may be reduced by 6 inches to a minimum total width of not less than 16 feet; and

c. in the case of a semi-detached dwelling, for each foot a lot to accommodate a pair of such dwellings is less than 60 feet width, the yard attached to each dwelling may be reduced by 3 inches to a minimum width of 10 feet.

The side yard requirement for multi-family dwellings shall be as follows:

a. from a basic total width of 14 feet for the two yards, the total width of the two yards shall be increased by 4 feet for each dwelling unit, additional to one, contained in the dwelling; and

b. no side yard attached to a multi-family dwelling containing four or more dwelling units shall have a width of less than 15 feet.

No side yard shall have a width of less than 6 feet.

Side yard requirements for non-residential structures shall be the same as are required in the R-1 Residence Districts.

**5. Height** — No dwelling shall exceed three stories or 40 feet in height.

#### **Section 502. Private Garages and Other Accessory Buildings.**

Requirements shall be as contained in Section 302.

### **ARTICLE VI. R-4 RESIDENCE DISTRICTS.**

#### **Section 600. Permitted Uses and Buildings and Other Structures.**

In the R-4 Residence Districts no building or other structure shall be used or built, altered or

erected to be used, and no land shall be used for any purpose other than that of:

1. A use permitted in the R-1 Residence Districts.
2. A bungalow colony conforming to the requirements of Section 903.
3. A hotel as permitted under Section 900.
4. A motel conforming to the requirements of Section 901.
5. Other uses and structures as permitted under Sections 900, 909, and 916.
6. A rooming house or boarding house.

#### **Section 601. Yard, Area and Height Provisions.**

Yard, area and height requirements shall be as contained in Section 401, other than as prescribed for bungalow colonies, hotels and motels under Sections 900 and 901.

#### **Section 602. Private Garages and Other Accessory Buildings.**

Requirements shall be as contained in Section 302.

### **ARTICLE VII. COMMERCIAL DISTRICTS.**

#### **Section 700. Permitted Uses and Buildings and Other Structures.**

Uses and buildings and other structures permitted in the Commercial Districts are:

1. All those permitted in the R-3 Residence Districts.
2. Retail stores, shops and business offices; restaurants, hotels and theatres; newspaper offices and printing establishments; automobile service stations and public garages subject to the provisions of Section 906; motels subject to the provisions of Section 901; signs subject to the provisions of Section 909.
3. And all others, except the following which are specifically prohibited:
  - a. Any process of manufacture, assembly or treatment which is not clearly incidental to a retail business conducted on the premises or which normally constitutes a nuisance by reason of odor, noise, dust or smoke, even though incidental to a retail business conducted on the premises.
  - b. Slaughtering poultry and animals and rendering lard and other fats and meat smoking, whether or not the same is incidental to a retail business.
  - c. Junk yards, second-hand material yards, automobile graveyards or disassembly plants, and the storage, baling or treatment of junk, old iron, rags, bottles, or scrap paper.
  - d. Repair and machine shops employing more than 5 persons, public garages excepted.
  - e. Laundries other than laundromats and similar self-service establishments and dyeing or dry-cleaning works, employing power machinery or employing more than 5 persons in these processes.
  - f. Lumber and coal yards, building-material storage yards, and contractor's equipment and storage yards.

g. Bottling works.

h. The storage of explosives; the storage of illuminating gas or other flammable or poisonous gases; and the storage of crude oil or any of its volatile products or other highly flammable liquids in above-ground tanks with unit capacity greater than 275 gallons.

i. Stone or monument works.

j. Trailer camps, occupied trailers, and lunch wagons or diners except on fixed and permanent foundations approved by the Village Building Inspector.

k. Used car lots and the outdoor display of used cars for sale except in conjunction with and on the same premises with a public garage operating also as a new car agency.

l. Bungalow colonies.

m. All uses prohibited in the Light Industrial Districts.

#### **Section 701. Yard, Area and Height Provisions.**

1. **Area** — When 65 per cent or more of the above-ground floor area of a building is designed or used for dwelling purposes, the land-area-per-dwelling-unit requirements shall be as contained in paragraph 1 of Section 501.

2. **Front Yards** — No front yards shall be required except:

a. in conformity with a special building setback line established under Section 910; and

b. when a Commercial District extends part way into a block the remainder of which is in a Residence District, the same front yards shall be required as are required in such Residence District.

3. **Rear Yards** — When a lot in a Commercial District adjoins a Residence District at the rear, the same rear yard shall be required as is required in the adjoining Residence District. When a lot in a Commercial District adjoins any other class of district at the rear, there shall be a rear yard, unobstructed by buildings or other structures, with a depth of not less than 10 feet, which depth shall be increased to 20 feet if the building is to be used for dwelling purposes other than by a janitor or caretaker without family. However, in the case of a corner lot, such rear yard need not extend nearer to a side-street line than 50 feet.

4. **Side Yards** — For buildings to be used solely for dwelling purposes, the same side yards shall be required as are required in the R-3 Residence Districts. For buildings designed wholly or partially for non-dwelling purposes, no side yards shall be required except:

1. As required under Section 702 for buildings of other than semi-fireproof construction.

2. When a lot in a Commercial District adjoins a lot in a Residence District, at the side, there shall be a side yard on the residential side of the business lot with a width not less than one-half the total width of the two side yards required in the adjoining Resi-

dence District for a one-family building.

3. In the case of a building conforming to the provisions of Section 702 but designed for residential use of 65 per cent of its above-ground floor area, the same side yards shall be required as are required in the R-3 Residence Districts. However, this shall not apply to a side wall without opening or openings into a room or rooms to be used for dwelling purposes, and such side yards may be established at any floor level if the side wall at all lower levels is an unpierced party wall; nor shall it apply to the exterior side of a corner lot.

#### **Section 702. Semi-Fireproof Construction.**

All buildings . . . constructed or erected in a Commercial District shall be of semi-fireproof construction, as defined herein, unless conforming to the side and rear requirements of the R-3 Residence Districts.

### **ARTICLE VIII. LIGHT INDUSTRIAL DISTRICTS.**

**Section 800.** These Districts are primarily for heavy-commercial, wholesale-business and light-manufacturing uses. Buildings and other structures and uses permitted therein are:

1. All those permitted in the Residence and Commercial Districts.
2. Repair and machine shops without limit as to size.
3. Laundries and dyeing or cleaning works without limit as to size or use of power.
4. Lumber and coal yards, building-material storage yards, contractor's equipment and storage yards, and commercial warehouses.
5. Bottling works and milk-distribution plants.
6. Automobile and truck and trailer body repair.
7. Used car lots.
8. Slaughtering, packing and processing poultry and small animals.
9. Stone and monument works.
10. Processes of manufacture, assembly and treatment other than as prohibited below under item 12.
11. The storage of illuminating gas as permitted under Section 900.
12. All others except the following which are specifically prohibited:

a. Stock yards, slaughter houses other than for poultry and small animals, and the processing of meats for animal foods.

b. The handling or storage of junk and the disassembly of motor vehicles and the storage of used-car parts unless conducted entirely within a building, and the storage of used building materials for resale except in an established lumber or building-material yard.

c. The storage of crude oil or any of its volatile products or asphaltic oils or other highly flammable liquids in above-ground tanks with unit capacity greater than 10,000 gallons, and in above-ground tanks with unit capacity greater than 550 gallons

closer than 50 feet to any property line. All tanks having a unit capacity greater than 550 gallons shall be properly dyked with a dyke or dykes having a capacity of one-and-a-half times the capacity of the tanks or tanks surrounded.

d. The storage, baling or treatment of junk, rags, bottles or scrap paper unless entirely within a building.

e. Any process of assembly, manufacture or treatment normally constituting a nuisance by reason of smoke, odor, dust, vibration or noise and including but not limited to such things as: foundries, forge shops and boiler works; the manufacture or refining of asphaltic oils; the manufacture or processing of cork, fertilizer, linoleum, oilcloth and glue or gelatin; the tanning and storage of raw hides; and the manufacture of paint, oil or varnish.

However, the above shall not apply to exclude an industry, whether or not specifically mentioned, if such industry, after supplying satisfactory evidence to the Board of Appeals, is certified by that Board to be free of the nuisance characteristics typical of its kind, by reason of special design of structure or innovation in processes or other circumstance.

f. Any process of assembly, manufacture or treatment of an unusually hazardous nature including, but not limited to, such things as: the manufacture or storage of fireworks and explosives and explosive or poisonous gases, except as may be necessary and incidental to a permitted industrial process; and the manufacture of illuminating gas.

#### **Section 801. Yard, Area and Height Provisions.**

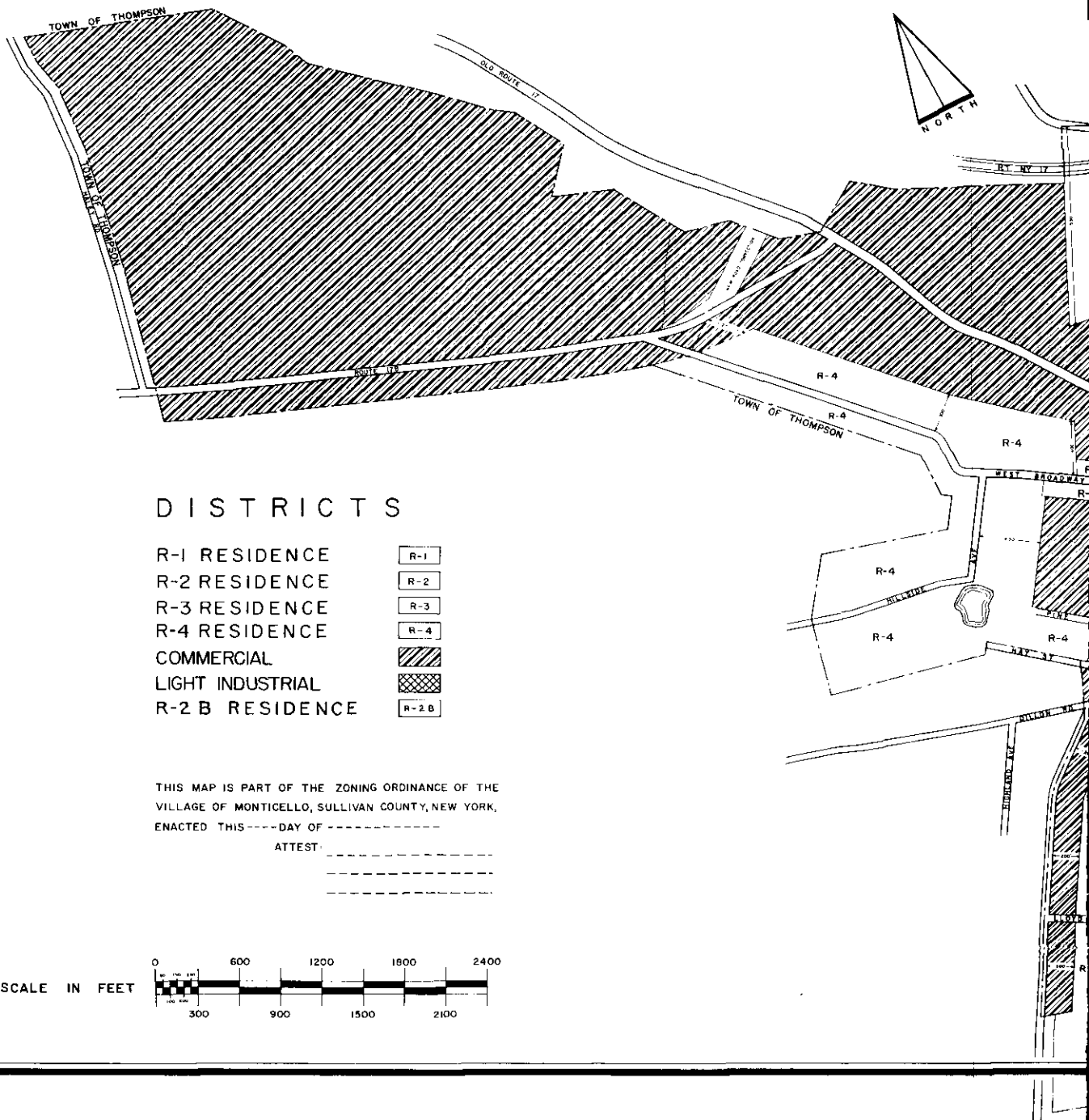
1. **Area** — The minimum land area per commercial or industrial establishment shall be 20,000 square feet, and the minimum land area for a dwelling shall be the same as in R-3 Residence Districts.

2. **Front Yards** — There shall be a front yard with a minimum depth of 40 feet into which space there shall be no encroachment of industrial or commercial usage other than parking space for not more than 10 cars per establishment. In the case of a corner lot, a commercial or industrial use or structure may extend to within 20 feet of the side-street property line. A special building setback line established under Section 915 shall have precedence over the above.

3. **Side and Rear Yards** — No building or other structure shall be placed closer to a side or rear property line than 20 feet, and no building or other structure more than 30 feet high shall be placed closer to any side or rear property line than 50 feet. And when a lot in a Light Industrial District adjoins the side of a lot in a Residence District, no building or other structure shall be placed closer to the side line of such residential lot than 30 feet.

4. **Height** — There shall be no limit on the height of buildings.



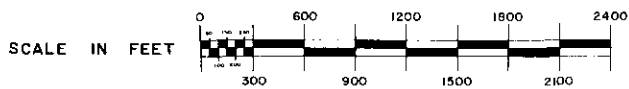


## DISTRICTS

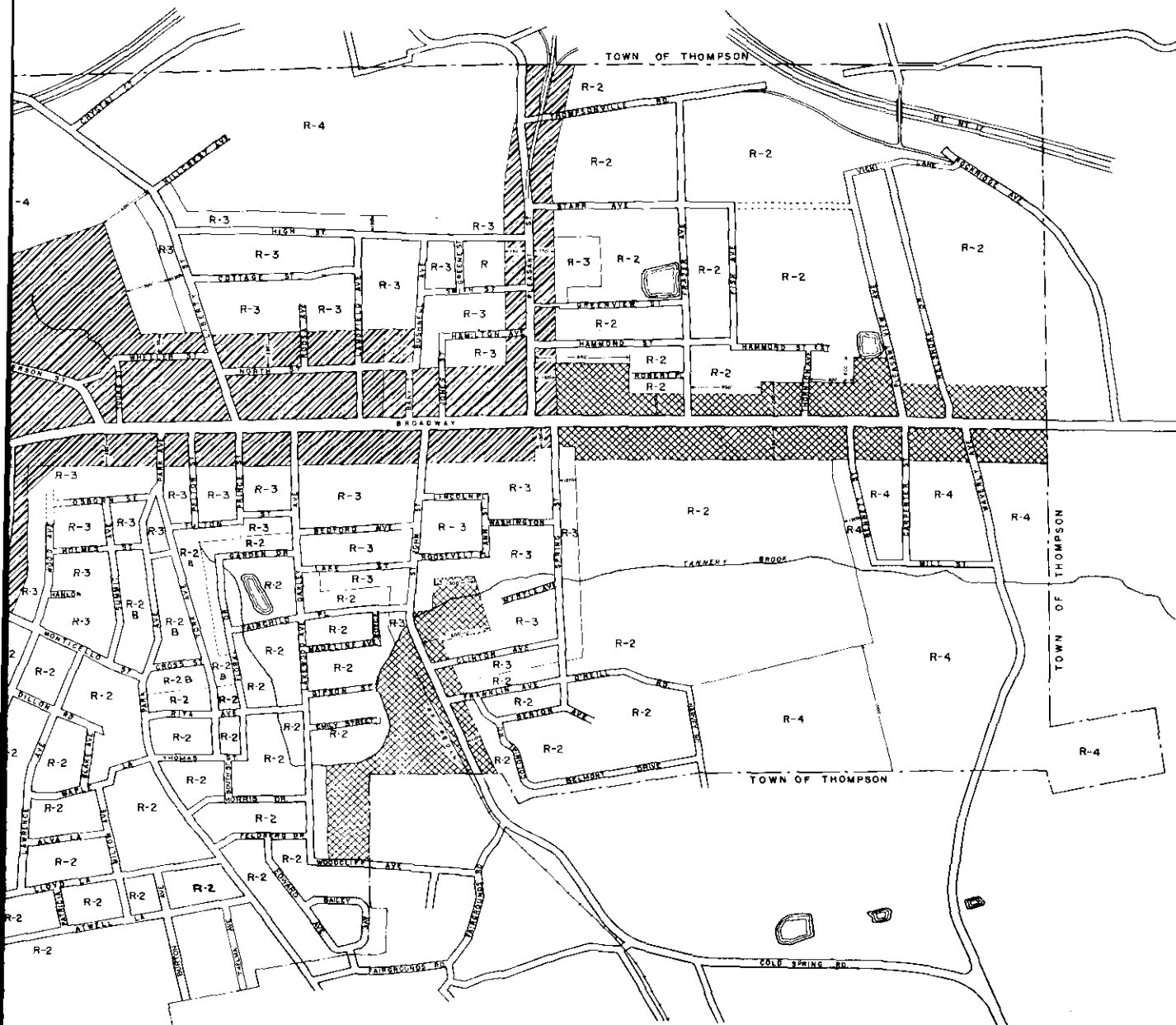
R-1 RESIDENCE	R-1
R-2 RESIDENCE	R-2
R-3 RESIDENCE	R-3
R-4 RESIDENCE	R-4
COMMERCIAL	
LIGHT INDUSTRIAL	
R-2 B RESIDENCE	R-2 B

THIS MAP IS PART OF THE ZONING ORDINANCE OF THE  
VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK,  
ENACTED THIS ---- DAY OF ----

ATTEST: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# ZONING MAP ONTICELLO • NEW YORK



**ARTICLE IX. EXCEPTIONS AND SPECIAL PROVISIONS.**

**Section 900. Special Uses Permitted.**

After public notice and hearing and under the conditions set forth below, the Board of Appeals may authorize the issuance of a permit for any of the following buildings or uses as a special exception.

**1. In any Residence District:**

A nursing home or hospital for other than mental diseases.

A club house, as defined herein, without features likely to occasion nuisance in a residential neighborhood by reason of noise or other objectionable characteristics.

A bus passenger shelter.

A public building not specifically permitted in the foregoing sections, and a private athletic field or other recreational facility not operated for profit.

A private school and its usual appurtenances including living quarters for faculty and students on the same premises.

A private or commercial automobile parking lot on land directly abutting a commercial or Light Industrial District, provided: no part of such parking lot for car occupancy shall extend more than 400 feet beyond the boundary line of such commercial or Light Industrial District; or extend into a required front yard; or extend closer than 25 feet to the side line of a lot in a Residence District; and provided that, wherever abutting upon property used or intended to be used for residential purposes, the boundaries of such parking lot shall be densely planted for a depth of not less than 25 feet with shrubbery attaining a mature height of at least 8 feet.

An electric sub-station, gas-district governor station, telephone exchange, radio or television transmission facilities, or other public utility building, structure or use, except an office building, storage yard, repair shop, or facilities for the storage or manufacture of illuminating gas.

**3. In a Light Industrial District:**

Storage of illuminating gas.

**Conditions** — Such special permits, however shall be authorized by the Board of Appeals only upon satisfaction of each instance of such conditions as to the general character, height and use of structure; as to the provision of surrounding open space and treatment of the grounds; as to the general fitness of the structure or use to its proposed location; as to provision for off-street automobile parking or storage space; and as to street capacity and use; and other such factors as, in the opinion of the Board, may be necessary to safeguard public health, comfort and convenience, and as may be required for preservation of the general character of the neighborhood in which such building is to be placed or such use is to be conducted.

To assist the Board of Appeals in its determination, an application for a special permit under this

Section shall be accompanied by plans and other descriptive matter sufficient to clearly portray the intentions of the applicant, and such plans and other descriptive matter shall become a part of the record.

**Section 901. Motels.**

Motels or motor courts, where allowable under this ordinance, shall conform to the following requirements:

1. No rental structure shall contain less than 4 rental units.

2. In an R-4 Residence District, no rental structure or part thereof shall be placed closer to any street or road line than 50 feet or closer to any property line than 25 feet or, in a Commercial or Light Industrial District, closer to a property line in any other district than 25 feet.

3. No automobile parking space shall be located closer to any street or road line than 20 feet, or closer to a side or rear property line in a Residence District than 20 feet.

4. Each rental unit shall be supplied with running water and a minimum of sanitary conveniences including shower and toilet.

5. There shall be satisfactory sewage-disposal facilities.

**Section 902. Automobile Trailers.**

No automobile trailer shall be parked and occupied, in any district, for a period of more than 48 hours except upon permit issued by the Zoning Officer. Such a permit may be issued for a period not exceeding 30 days and shall not be renewable within the same calendar year. Not more than one occupied or unoccupied trailer shall be parked at the same time on any single premises in a Residence District. No trailer may be parked or stored on any premises in a Residence District, closer to a front building line than 50 feet or closer to a side-street property line than a distance equal to one-half the width or the depth of the lot.

**Section 903. Bungalow Colonies.**

A bungalow colony shall be permitted in an R-4 Residence District provided: (a) the land area per rental unit is not less than 1,000 square feet; (b) the space between detached rental structures is not less than 20 feet; (c) no casino closer to any property line than 100 feet; (d) no space used for automobile parking purposes is within a required front yard or closer to a side or rear property line than 10 feet; and (e) no swimming pool is closer to any side or rear property line than 20 feet.

**Section 904. Yard Exceptions.**

**For Large-Scale Housing Developments:** Upon presentation to the Board of Appeals of a site plan, showing the locations of buildings, streets, yards and other open spaces, for the unified residential development of an area bounded on all sides by streets or park or other permanent public open space and after reference thereof to and receipt of report thereon from the Village Planning Board, the Board of Ap-

peals may waive the heretofore-established side and rear yard requirements, and the heretofore-established front yard requirements except for streets and roads shown on the Village Plan as main or secondary thoroughfares, with respect to such development and may direct the Zoning Officer to issue permits in accordance therewith, provided: the net land area per dwelling unit contained in the development is not less than that prescribed for the district in which the development is located.

**For Closely-Built Areas:** In the case of a lot 40 feet or less in width, existing at the time of this enactment and pocketed at the sides by buildings on the adjacent lots, both in other ownership, it shall be permissible to build a one-family dwelling on the lot so pocketed, with side yards no wider than the adjacent side yards on the adjacent lots.

#### **Section 905. Frontage On Street.**

No dwelling for other than seasonal occupancy shall be placed directly in front of or directly behind another dwelling on the same premises and within 200 feet thereof unless both dwellings have an unobstructed view to and frontage upon a street or other public way. "Directly in front of or directly behind another dwelling" means having more than one-half the breadth of the building in such position.

#### **Section 906. Public Garages and Motor-Vehicle Service Stations.**

No public garage or motor-vehicle service station, or private roof or walls closer to any side property line than 15 feet.

No public garage or motor-vehicle service station, or private garage accommodating more than 5 cars, shall have a vehicular entrance closer than 200 feet to an entrance to a school, church, theater, hospital, public park, playground or fire station, and said measurement shall be taken as the shortest distance between such entrances, across the street if the entrances are opposite sides of the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.

All motor-vehicle service stations shall be so arranged, and all gasoline pumps shall be so placed, as to require all services to be done on the premises and off the public way. And no gasoline pump shall be placed closer to any property line than 25 feet.

#### **Section 907. Required Off-Street Automobile Parking or Storage Space.**

Off-Street automobile parking or storage space shall be provided, as indicated below, in relation to any of the listed buildings or uses hereafter erected, established, or to any addition to an existing building hereafter made in any district, except, no such requirement shall be made in relation to the reconstruction of a building destroyed by fire or other natural cause provided such reconstruction is on the same foundation as that of the original building, does not exceed the original building in total floor area,

and is started within one year from the date of said destruction:

1. For all dwellings, - one space for each dwelling unit.
2. For bungalow colonies and motels, - one space for each rental unit.
3. For hotels, - one space for each rental room.
4. For hospitals, - one space for every two beds of planned capacity.
5. For industries, employing more than 10 persons, - sufficient space to accommodate the cars of all persons regularly employed on the premises or regularly having business thereon but, in no case, less than one space for every two employees or planned employment capacity.

6. For all structures and uses not specifically mentioned in above items 1 through 5, - sufficient space to accommodate the cars of all persons regularly to be employed or to have business on the premises.

Such parking or storage space may be provided within a building, or elsewhere on the premises, or on other premises and within 1,000 feet of an entrance to the building or other establishment to be served and, except when otherwise indicated by the terms of this ordinance, the yard spaces, other than front yards, required under this ordinance may be used for such purposes. If the parking space is provided in the open, the gross area per car shall be not less than 240 square feet. Two or more establishments may join in meeting the above requirements by providing permanent parking space in common, equal to the total requirements of all those participating.

#### **Section 908. Required Off-Street Loading and Unloading Space.**

On the same premises with every building or part thereof hereafter erected and occupied for the purpose of manufacturing, storage warehouse, retail store, wholesale store, market, hotel, hospital or other use similarly involving large-volume receipt or distribution of materials or merchandise by motor vehicle, there shall be provided and maintained adequate space for loading and unloading services, so placed and arranged as not to interfere with public use of a sidewalk, street or alley. For this purpose, there shall be provided not less than one such loading space for every 20,000 square feet of building floor area or fraction thereof, in excess of 6,000 square feet, used for any of the above-mentioned purposes. Each such space shall be not less than 12 feet by 30 feet and have a height clearance of not less than 14 feet. The above shall apply to the building as a whole and not to individual units thereof when arranged to use loading and unloading space in common.

#### **Section 909. Signs and Billboards.**

No stationery signs or billboards, except the following, shall be permitted in any Residence District: customary professional signs and rooming and boarding house signs, not larger than 2 square feet; tourist home signs not larger than 4 square feet; real estate

signs when placed on properties for sale or rent, not larger than 8 square feet; signs of an appropriate size, but not larger than 20 square feet, identifying another building or use permitted under this ordinance; and signs incident to a legal process or necessary to the public welfare.

Other than the above, no sign or billboard shall be permitted in a Commercial District unless advertising a business conducted, or a product sold, on the premises.

There shall be no limitation upon the size and character of signs and billboards in the Light Industrial Districts, except the following which shall likewise apply to signs in Business Districts:

1. No sign or billboard shall be placed on the roof of a building or extend more than 4 feet above the building or part of building to which it is attached, except this shall not apply to painting a sign on the roof of a building, to be seen from the air.

2. No free-standing sign or billboard, larger than 8 square feet, shall have less than 3 feet of open space at the bottom, extending its entire length. Latticing shall be considered as serving the purpose of such open space.

3. All signs shall otherwise conform to all other ordinances of the Village of Monticello.

In setbacks from the street, required yards and other such respects, free-standing signs larger than 8 square feet shall be regarded as buildings or structures within the meaning of this ordinance. Advertising display painted or pasted upon a building or other surface shall be regarded as coming within the above regulations.

#### Section 910. Special Building Setback Lines Established.

Whenever greater than the building setbacks established under foregoing Sections of this ordinance for required front yards, the building setbacks from the center lines of certain streets and roads or sections thereof shall be as respectively indicated below except, in no case shall it be required to place a main building more than 10 feet back of the front main wall of an adjacent building already existing within 50 feet of, and on the same side of the street or road with the building to be erected.

Street or Road	Right-of-Way Width		
	Setback from Center-line	Existing	Proposed Ultimate
Bushnell Avenue	60'	32'	60'
Carpenter Street	60'	32'	60'
Crystal Street	60'	32'	60'-66'
Forestburgh Road	60'	44'	60'-66'
Franklin Avenue	60'	38'	60'
High Street	60'	32'	60'
Jefferson Street:			
In Commercial District	33'	40'	66'
In Residence District	55'	40'	66'

#### Liberty Street:

In Commercial District	33'	44'-50'	66'
In Residence District	55'	40'-50'	66'
Maple Lane	60'	50'	60'
North Street	30'	32'	60'
O'Neil Road	60'		60'

#### Pleasant Street:

In Commercial District	33'	32'	60'-66'
In Residence District	55'	32'	60'-66'
Park Avenue	60'		60'
Rockridge Avenue	60'	32'	60'-66'
Thompsonville Road	60'	32'	60'-66'

#### Section 911. Minimum Size of Dwellings.

The minimum living-space floor area of dwellings erected in any district shall be 768 square feet for a one-family dwelling and 1,500 square feet for a two-family dwelling or a pair of semi-detached dwellings. For a bungalow or cottage for one-family and seasonal occupancy only, the living-space floor area may be reduced to 450 square feet for a one-unit structure and 450 square feet for each unit of a two-unit structure.

Living-space floor area shall be considered to be the area of the one or more main floors of the dwelling, measured from the exteriors of the main walls, not including the floors of an attached garage, breezeway, carport or open porch or the floor of a basement with ceiling less than 4 feet above the average exterior ground level. Finished or unfinished attic space having fixed, permanent stairway access and an average height of not less than 5 feet from floor to roof may be included as living-space floor area if at least 40 percent of such area has a height of at least 8 feet similarly measured.

#### Section 912. Non-Conforming Uses.

All uses and buildings and other structures not conforming to the regulations of the district in which they are located at the time of this enactment shall be known and regarded as "non-conforming" and the following regulations shall apply to them:

##### 1. Continuation Thereof:

A non-conforming building or use may be continued but may not be changed to another non-conforming use except under the conditions set forth in paragraph 4 of this Section. No additions or extensions of a non-conforming building or use may be made exceeding:

a. 25 per cent of the occupied floor area; or  
(b) 25 per cent of the cubical contents of the building or buildings; or (c) 25 per cent of the service capacity of a use conducted all or partially in the open. Subsequent to such an extension or addition to a non-conforming building or use, there shall be no further additions or extensions except in accordance with the regulations of the district in which such building or use is located.

##### b. Revision Thereof:

If a non-conforming building or use is subsequently changed to conform to the regulations of

the district in which it is located, it shall not again be altered or used except in accordance with such regulations. If a non-conforming building is destroyed by any cause to the extent of 75 per cent or more of its value or its bulk, it shall not be rebuilt and reoccupied except in conformity with the regulations of the district in which it is located. No non-conforming sign or billboard, if blown down or otherwise demolished or taken down, shall be reconstructed or replaced. The vacation of a non-conforming building or use for consecutive period of 2 years shall be deemed a permanent vacation and, thereafter, the building shall not be reoccupied except in conformity with the regulations of the district in which it is located and the use not be resumed.

### **3. Non-Conformance in Required Yard Spaces or in Area Per Dwelling.**

The above limitations shall not apply to a building or other structure which is non-conforming only in respect to required yard space or area per dwelling unit, except: no such building or other structure shall be altered, added to, or reconstructed to extend further into an already-deficient yard space or to reduce an already-deficient amount of land area per dwelling unit.

### **4. Changing One Non-Conforming Use to Another Non-Conforming Use.**

No non-conforming use conducted entirely in the open may be changed to another non-conforming use.

A non-conforming use all or partially conducted in a building or buildings may be changed to another non-conforming use only upon determination by the Board of Appeals, after public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings that is the use it is to replace. In determining relative "detriment," the Board of Appeals shall take into consideration, among other things: traffic generated; nuisance characteristics such as emission of noise, dust and smoke; fire hazards -- and hours and manner of operation.

### **Section No. 913. Fire Escapes.**

Nothing herein contained shall prevent the projection of an open, fireproof fire escape or stairway into a rear or side yard for a distance not exceeding 8 feet.

### **Section 914. Height Exceptions.**

Nothing herein contained shall be interpreted to limit or restrict the height of a church spire, radio or wireless station or antenna, belfry, clock tower, chimney flue, water tank, elevator bulkhead, stage tower, scenery loft, or similar structure.

### **Section 915. Permanence of Yards and Other Open Spaces.**

No space applied or necessary under this ordinance to satisfy the yard or area requirements in relation to any building now or subsequently built, shall

be counted as part of a required open space or required area in relation to any other building.

### **Section 916. Temporary Permits.**

Temporary permits may be authorized by the Board of Appeals, for a period not to exceed one year, for a non-conforming use incidental to a housing or construction project, including such a structure or use as storage of building materials and machinery, the processing of building materials, and a real estate office located on a tract being offered for sale, provided such a permit is issued upon written agreement by the owner to remove the structure or structures or the use upon expiration of permit. Such a permit may be annually renewed for a total period not exceeding three years.

## **ARTICLE X. ADMINISTRATION.**

### **Section 1000. Interpretation.**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for promoting the health, safety, morals, or the general welfare for the Village of Monticello.

### **Section 1001. Enforcement.**

The provisions of this ordinance shall be enforced by an agent to be appointed by the Village Board of Trustees, who shall be known as the Zoning Officer. It shall be the duty of the Zoning Officer to issue permits as herein provided; to keep a record of all applications for permits and a record of all permits issued, with notation of all special conditions involved; and to check performance under permits issued for conformity to permit authorizations. He shall file and safely keep copies of all plans submitted and the same shall form a part of the records of his office and shall be available for the use of the Board of Trustees and other officials of the Village of Monticello. The Zoning Officer shall issue no permit for the construction or use of any building or for the use of any land unless it conforms also to the requirements of all other ordinances of the Village of Monticello.

### **Section 1002. Zoning Permits.**

Zoning permits shall hereafter be secured from the Zoning Officer prior to construction, erection, or alteration of any building or part of building, or of any stationary sign or billboard larger than 40 square feet, and prior to any change in the use of land from that of one classification to another, except, no permit shall be required for any construction work, other than the erection of a sign or billboard, having a cost or appraised value of less than two hundred dollars (\$200). All requests for zoning permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use or intended use of the building or buildings or land and shall be accompanied by a plan, drawn to scale, showing the proposed building or use in its exact relation to property lines and to street or road lines,

and by a written statement from a qualified engineer, or by other satisfactory evidence, to the effect that the line of the bounding street or road has been accurately located and staked on the ground. An application for a zoning permit shall be acted upon within 10 days after receipt thereof.

#### **Section 1003. Occupancy Permits.**

No building hereafter constructed, erected, or altered, under a zoning permit, shall be occupied or used in whole or in part for any use whatsoever, and no change of use of any building or part of building or of any land shall hereafter be made, until an occupancy permit has been issued by the Zoning Officer, indicating that the building or use complies with the provisions of this ordinance and with the terms of the zoning permit issued. An occupancy permit shall be granted or denied within 10 days of written application therefore.

#### **Section 1004. Special Zoning Permits.**

The Board of Appeals may direct the Zoning Officer to issue permits for special-exception uses, buildings and other structures as provided by Sections 900, 904, and 916.

#### **Section 1005. Amendments.**

Proceeding as prescribed by law, the Board of Trustees may, from time to time, on its own motion or petition, amend, supplement or change the regulations and the districts herein provided. In case, however, of a protest against such change signed by the owner of twenty per centum or more of the area of the land included in a proposed change of district, or by the owners of twenty per centum or more of the land immediately adjacent extending one hundred feet therefrom, or by the owners of twenty per centum or more of the land directly opposite thereto, extending one hundred feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of all the members of the Board of Trustees. Further, all such proposed changes in regulations or in districts shall be referred to the Village Planning Board and, by the Board of Trustees, for report thereon, not less than forty-five days prior to final adoption thereof by the Board of Trustees.

#### **Section 1006. Board of Appeals.**

There is hereby created, to be appointed by the Board of Trustees, a Board of Appeals of three members. Of the initial appointees to this board, one shall serve until the first day of April following the date of this ordinance, one until the first day of the second April thereafter, and one until the first day of the third April thereafter. Their successors shall be appointed on the expiration of their respective terms, to serve three years. The Board of Trustees shall have the power to remove any member of the board for cause and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. All meetings of the Board of Appeals shall be held at the call of the chairman

and at such other times as such board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of such board shall be open to the public. Such board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order requirement, decision or determination of the board shall immediately be filed in the office of the board and shall be a public record.

Such Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this act. It shall also hear and decide all matters referred to it upon which it is required to pass under this ordinance. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the village.

Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, or notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing any person may appear in person or by agent or attorney. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from

whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, the Board of Appeals shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

Any person or persons jointly, or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the village, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the legality. Such petition must be presented to the court within thirty days after the filing of the decision in the office of the board.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Appeals to review such decision of the Board of Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, or notice to the Board of Appeals and on due cause shown, grant a restraining order.

The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or such portions thereof as may be called for by such writ. The return must concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.

If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

#### ARTICLE XI. VIOLATIONS AND PENALTIES.

Any owner, lessee or other person who violates any provision of this ordinance shall be punishable

by a fine not to exceed one hundred dollars (\$100) or by imprisonment not to exceed 30 days or by both such fine and imprisonment and each twenty-four hour violation may be deemed a separate offense. The imposition of any penalty for a violation of this ordinance shall not excuse the violation or permit the same to continue.

Any construction or alteration of structure upon which material progress has been made at the time of this enactment shall not be deemed in violation thereof.

#### ARTICLE XII. VALIDITY.

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not effect its remaining portions. The Board of Trustees hereby declares it would have passed the ordinance and each section and sub-section thereof irrespective of the fact that any one or more of the sections, sub-sections, clause or phrases might be declared unconstitutional or invalid.

#### ARTICLE XIII. REPEAL OF CONFLICTING ORDINANCES.

All ordinances and parts of ordinances of the Village of Monticello in conflict herewith are hereby expressly repealed.



#### **AMENDMENT "A"**

##### **(Auto Trailers on Raceway Property; R2-B Area Designation)**

The following ordinance was duly adopted by the Board of Trustees of the Village of Monticello, New York, on the 1st day of September, 1958:

#### **AMENDMENT TO MONTICELLO ZONING ORDINANCE**

Be it ordained that the Zoning Ordinance of the Village of Monticello of June 2, 1958, be further amended as follows:

##### **SECTION "A"**

Section 902, entitled "Automotive Trailers" is hereby amended to read as follows:

"No automobile trailer shall be parked and occupied in any district, excepting the area bounded by New York State Highway Route 17-B on the south and east and the Village limits to the north and west, for a period of more than 48 hours except upon permit issued by the Zoning Officer. Such a permit may be issued for a period not exceeding 30 days and shall not be renewable within the same calendar year. Not more than one occupied or unoccupied trailer shall be parked at the same time on any single premises in a Residence District. No trailer may be parked or stored on any premises in a Residence District, closer to a front building line than 50 feet or closer to a side street property line than a distance equal to one-half the width or the depth of the lot.

All occupied trailers regardless of area in which they are located must be connected to the water and sanitary sewer systems of the Village following the issuance of a permit by the Zoning Officer to locate in a particular area for the specified time allowed under this ordinance.

##### **SECTION "B"**

Article IV, entitled "R-2 Residence Districts" is amended to read as follows:

Section 400 — Permitted Uses and Buildings and Other Structures.

The uses and the buildings and other structures permitted in the R-2 Residence Districts shall be the same as those permitted in the R-1 Residence Districts except that accessory uses as defined herein shall be permitted in the R-2 District and that two-family dwellings shall be permitted in the Area designated "R-2-B".

#### **AMENDMENT "B"**

##### **(Re-Zoning — Woodcliff Ave. Area to "Light Industrial")**

The following ordinance was duly adopted by the Board of Trustees of the Village of Monticello, New York, on the third day of November, 1958:

#### **AMENDMENT TO MONTICELLO ZONING ORDINANCE**

BE IT ORDAINED that the Zoning Ordinance of the Village of Monticello, New York, of June 2, 1958, be further amended to the effect that the area in the vicinity of Woodcliff Avenue in the Village be hereby zoned light industrial.

#### **AMENDMENT "C"**

##### **(RE: Storage of Fuel Oil)**

At a special meeting of the Board of Trustees of the Village of Monticello, New York, held on the 23rd day of November, 1959, the following amendment to the Zoning Ordinance of June 2, 1958, was duly adopted:

#### **AMENDMENT TO THE ZONING ORDINANCE FOR THE VILLAGE OF MONTICELLO**

BE IT RESOLVED that the Zoning Ordinance for the Village of Monticello, adopted June 2, 1958, be further amended as follows:

##### **ARTICLE VIII**

##### **LIGHT INDUSTRIAL DISTRICT**

Section 800 shall be amended so as to add paragraph 11-A to read as follows:

Subdivision 11-A — The storage of No. 2 fuel oil shall be permitted in above ground tanks with unit capacity not to exceed 30,000 gallons provided the same is not closer than 30 feet from any property line. All such tanks having a unit capacity greater than 550 gallons shall be properly dyked with a dyke or dykes having a capacity of one and one half times the capacity of the tank or tanks surrounded.

#### **AMENDMENT "D"**

##### **(RE: Re-Zoning of Area at Pleasant View Ave. to "Commercial")**

The following amendment to the Zoning Ordinance of June 2, 1958, was duly adopted by the Board of Trustees of the Village of Monticello, New York, on the 7th day of March, 1960:

#### **AMENDMENT TO ZONING ORDINANCE OF JUNE 2, 1958**

BE IT ORDAINED by the Board of Trustees, Village of Monticello, New York, that the Zoning Ordinance for said Village as adopted on June 2, 1958, and as thereafter amended, shall be and it hereby is further amended as follows:

That the "Commercial Zone" as related to and described in Article VII of the Zoning Ordinance shall be extended on the Zoning Map a distance of 350 feet fronting on Pleasant View Avenue, beginning at the northern boundary of the "Light Industrial" Zone at Pleasant View Avenue and Broadway and extending eastward 200 feet more or less to the western

limits of properties fronting on Nelshore Drive as shown on the Village Zoning Map as altered to indicate the proposed change.

#### **AMENDMENT "E"**

##### **(RE: Roof Signs)**

The following Zoning Amendment was duly adopted by the Board of Trustees of the Village of Monticello, New York, at a regular meeting held on the 7th day of July, 1960:

#### **AMENDMENT TO VILLAGE OF MONTICELLO ZONING ORDINANCE**

BE IT ORDAINED by the Board of Trustees, Village of Monticello, New York, that the ZONING ORDINANCE OF THE VILLAGE OF MONTICELLO be amended as follows:

Paragraph numbered 1, Section 909 "Signs and Billboards" is hereby amended to read:

No sign or billboard shall be placed on any roof closer than five (5) feet to the edge of any side of the building nor extend higher than 15 feet above the roof nor extend more than four (4) feet above the building or part of building to which it is attached if sign is attached to a side wall rather than upon the roof.

Application for a permit to erect sign or billboard on roof must be accompanied by a plan prepared by a licensed architect showing structure of sign, supporting structural members and provision for attachment to roof and also including the architect's statement certifying to the safety of such sign as installed.

Nothing herein contained shall apply to painting a sign on roof of a building to be seen from the air and nothing in this section shall be deemed to prohibit the advertisement of a business not conducted or a product sold upon the premises where the sign is erected.

#### **AMENDMENT "F"**

##### **(RE: Re-Zoning of Area at Greenview Avenue)**

The following amendment was duly adopted by the Board of Trustees of the Village of Monticello, New York, on the 6th day of February, 1961.

#### **AMENDMENT TO ZONING ORDINANCE OF THE VILLAGE OF MONTICELLO**

Be it ordained by the Board of Trustees, Village of Monticello, New York, as follows:

The Zoning Ordinance of the Village of Monticello adopted June 2, 1958, and as heretofore amended is further amended so as to rezone from R-2 to R-3 the following area only shown upon the map of the Village of Monticello, New York, and referred to

in said Ordinance and located on Greenview Avenue and being part of the premises presently owned by Irving Gartner and included within the description of a deed made by Sam Greenberg to Irving Gartner dated January 30, 1957, and recorded in the office of the Sullivan County Clerk in Liber 542 of Deeds at page 486 and within the description of a deed from Rose Greenberg to Irving Gartner dated January 7, 1959, and recorded in the office of the Clerk of Sullivan County in Liber 575 of Deeds at page 190, excepting therefrom that portion of said premises presently zoned R-2 and being within a distance of 292.1 feet of the existing boundary of the Rupp and Sturgis property line which shall remain zoned R-2. The premises of Irving Gartner presently zoned commercial and being part of the premises described in the aforementioned deeds shall remain commercial.