INTRODUCTORY LOCAL LAW NO. I - 3 OF THE YEAR 2009

A LOCAL LAW AMENDING CHAPTER 57 OF THE CODE OF THE TOWN OF MONROE ENTITLED "ZONING" TO IMPLEMENT VARIOUS RECOMMENDATIONS OF THE TOWN'S 2005 COMPREHENSIVE PLAN UPDATE.

BE IT ENACTED by the Town Board of the Town of Monroe as follows:

Section 1. Legislative Intent.

The Town Board adopted its 2005 Comprehensive Plan Update on May 19, 2008. Said Plan recommended various Zoning Map and zoning text amendments. The Town Board finds and determines that the amendments contained in this Local Law will enhance the land use policies of the Town, will strengthen the protection of natural resources, preserve historic resources, create a more attractive economic and business climate, expand housing choices, protect property values and enhance and protect the physical appearance of the Monroe community.

Section 2.

Section 57-3 of the Code of the Town of Monroe is hereby amended by repealing there from the definitions of "Accessory Use or Building," "Basement," "Cellar," "Filling Station," "Height of a Structure," and "Trailer Camp or Park."

Section 3.

Section 57-3 of the Code of the Town of Monroe is hereby amended by adding the following definitions in correct alphabetical order:

ACCESSORY USE OR BUILDING – A subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term "accessory building" may include a private garage, garden shed or barn, a child's playhouse, a hot tub and/or a private greenhouse. Trailers shall not be deemed a "building" pursuant to this chapter.

AGRICULTURAL ANIMAL – Any of the various species of animals commonly used for providing food and/or labor. Such species shall include but not be limited to horses, cows, donkeys, pigs, sheep, goats, chickens and rabbits.

BASEMENT – That portion of a building that is partly or completely below grade.

BUILDING MATERIALS STORAGE YARD – A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks, brick, roofing materials

and other building products are stored and sold. A building materials storage yard may also include the sale of associated building products including hand tools and fasteners and the sale of landscaping materials and tools but shall not include the sale or rental of building or landscaping equipment.

CLUB, MEMBERSHIP, NON-PROFIT - The premises and buildings used by a local chapter holding a valid charter from an international, national or state organization or by a bona fide local civic organization catering exclusively to members and their guests primarily for a patriotic, fraternal, benevolent, educational, religious or political purpose. The club shall not be used in whole or in part, for the conduct of any business or enterprise for profit, but this shall not be construed as preventing utilization of the club for benefits or performances for a recognized charity, nor for the meeting of other organizations, nor for educational and cultural purposes.

DOMESTIC ANIMAL – Any of the various species of animals commonly kept as house pets including but not limited to dogs, cats, miniature pigs, canaries and other small pet birds, gerbils, weasels, ferrets, tropical fish, pet amphibians and reptiles not taken from the wild.

DRIVE THROUGH/FAST FOOD RESTAURANT – Any restaurant whose design or principal method of operation includes four or more of the following characteristics: (1) 45% or more of the floor area is devoted to food preparation, employee work space and customer service area; (2) a permanent menu board is provided from which to select and order food; (3) if a chain or franchised restaurant, standardized floor plans are used over several locations; (4) customers pay for food before consuming it; (5) a self-service condiment bar is provided; (6) trash receptacles are provided for self-servicing bussing; (7) furnishing plan indicates hard-finished, stationary seating arrangements; and (8) most main course food items are pre-packaged rather than made to order.

GAS STATION – A place where gasoline or other equivalent fuel for motor vehicles, motor oil, lubricants and other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience store or supermarket.

HEIGHT OF A STRUCTURE – The vertical measurement derived from the average finished grade six feet from the building or structure to the highest point of the building or structure, excluding a chimney.

KENNEL – More than five dogs kept in a primary and/or accessory structure on a residential lot shall be considered a kennel, whether maintained for private or commercial use.

RESTAURANT – An establishment where food and drink are prepared, served and consumed and whose design or principal method of operation is characterized by

customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed.

SEMI-DETACHED HOUSES – Not more than two single family dwellings that are connected to one another by all or a portion of a common wall.

SHOP FOR CUSTOM WORK – A business premises used for fabrication of items, including but not limited to, clothing and personal articles, jewelry, furniture and other items made to individual order for sale at retail on the premises and not including the mass manufacture of standardized products.

TRAILER – A vehicle without motive power designed for the carrying property to be drawn by a vehicle with motive power. The term "trailer" shall include but not be limited to storage trailers, truck bodies, dropoff/pickup storage containers or other vehicle parts without wheels or axles otherwise originally intended to be used for commercial purposes.

TRUCK TERMINAL – A facility where goods owned by others are being transported or transferred by truck and where trucks, owned by the terminal or affiliate, are leased, repaired, serviced, maintained and/or temporarily stored.

VOCATIONAL SCHOOL – A specialized instructional establishment that provides on-site training of business, industrial, commercial and/or trade skills such as accounting, data processing and computer repair.

WAREHOUSE – A building, a part of a building or a group of buildings used for the storage or storage and distribution of goods, wares and merchandise by one or more commercial or business interests and not open to the public. A warehouse shall not be construed to mean a self-storage facility and shall not provide truck maintenance or repair facilities.

WATERCOURSE – Any stream, pond, lake, reservoir, drainage channel or other area of land that is normally or seasonally filled with water. Roadside ditches and shallow land depressions generally referred to as "grassed waterways" or "swales" and that carry water for only a few to several hours after a runoff-producing rain event shall not be considered watercourses. Man-made stormwater management basins and conveyances designed as part of a man-made stormwater management plan pursuant to State regulations in compliance with provisions of the Federal Clean Water Act shall not be considered watercourses. Where a question of whether a particular channel or area of water-filled land exists, the matter shall be determined by the Town Engineer based on an evaluation of the area in question.

Section 4.

Subparagraph 57-8.A.(1) of the Code of the Town of Monroe is hereby repealed and a

new Subparagraph 57-8.A. (1) is enacted as follows:

§57-8.A.(1) RR-3.0 ac. District (mountain residence: two hundred foot lot width).

Section 5.

Subsections 57-9.A. and 57-9.D. of the Code of the Town of Monroe are hereby repealed and new Subsections 57-9.A. and 57-9.D are enacted as follows:

§57-9.A. The boundaries of each of the zoning districts are hereby established as shown on the Zoning Map of the Town of Monroe as most recently adopted by the Town Board pursuant to local law, which map is attached to this chapter. Said map and all changes contained therein are incorporated and declared to be part of Chapter 57 of the Code of the Town of Monroe.

§57-9.D. The Zoning Map of the Town of Monroe as most recently adopted by the Town Board pursuant to local law, is hereby incorporated and made a part of Chapter 57 of the Code of the Town of Monroe.

Section 6.

Section 57-10 of the Code of the Town of Monroe is hereby amended by repealing the Schedule of District Regulations and enacting a new Schedule of District Regulations as follows:

SEE ATTACHMENT "A" ANNEXED HERETO

Section 7.

Subsection 57-13.D of the Code of the Town of Monroe is hereby amended by repealing Subparagraph (6) and enacting a new Subparagraph (6) as follows:

§57-13.D.

(6) No building within a multiple dwelling group project shall be erected nearer than 60 feet to any property line that abuts properties that are not part of the multiple dwelling group project. Said 60 foot setback area shall not be used to erect accessory buildings or structures including, but not limited to, sheds, play equipment, pet houses, garden structures and/or decorative objects, patios and the like or for the parking of vehicles or for the open storage of personal belongings. The vegetation and maintenance of said 60 foot area shall be either in natural existing vegetation or as specified on the site plan and special exception use permit as approved by the Planning Board. Use restrictions and maintenance requirements shall be enforceable by individual residents, the Homeowners' Association and/or the Town of Monroe. The Town shall have the right but not the obligation to enforce said use restrictions and maintenance requirements.

Section 8.

Subsection 57-13.D. of the Code of the Town of Monroe is hereby amended by enacting a new Subparagraph (7) as follows and re-numbering Subparagraphs (7)-(12) as (8)-(13):

§57-13.D.

(7) Notwithstanding the provisions of Subparagraph (6) above, the 60 foot property line setback requirement shall not apply to property lines separating townhouses or patio homes within the multiple dwelling group project itself. Townhouses or patio homes on individual lots shall be located at least 25 feet from the interior front and rear lot line and 15 feet from side lot lines. This requirement shall not prevent the common walls of attached dwellings from being located on a property line nor from preventing one side wall of a patio home from being located on a lot line.

Section 9.

Subsection 57-13.N. of the Code of the Town of Monroe entitled "Multiple dwelling groups in UR-M District is hereby amended by repealing Subparagraph (5) and enacting a new Subparagraph (5) as follows:

§57-13.N. Multiple dwelling groups in UR-M District

(5) No building within a multiple dwelling group project shall be erected nearer than 60 feet to any property line that abuts properties that are not part of the multiple dwelling group project. Said 60 foot setback area shall not be used to erect accessory buildings or structures including, but not limited to, sheds, play equipment, pet houses, garden structures and/or decorative objects, patios and the like or for the parking of vehicles or the open storage of personal belongings. The vegetation and maintenance of said 60 foot area shall be either in natural existing vegetation or as specified on the site plan and special exception use permit as approved by the Planning Board. Use restrictions and maintenance requirements shall be enforceable by individual residents, the Homeowners Association and/or the Town of Monroe. The Town shall have the right but not the obligation to enforce said use restrictions and maintenance requirements.

Section 10.

Subsection 57-13.N. of the Code of the Town of Monroe entitled "Multiple dwelling groups in UR-M District" is hereby amended by enacting a new Subparagraph (6) as follows and re-numbering Subparagraphs (6) – (9) as (7) –(10):

§57-13.N. Multiple dwelling groups in UR-M District

(6) Notwithstanding the provisions of Subparagraph (5) above, the 60 foot property line setback requirement shall not apply to property lines separating townhouses or patio homes within the multiple dwelling group project itself. Townhouses or patio homes on individual lots shall be located at least 25 feet from the interior front and rear lot line and 15 feet from side lot lines. This requirement shall not prevent the common walls of attached dwellings from being located on a property line nor from preventing one side wall of a patio home from being located on a lot line.

Section 11.

Subparagraph 57-13.P.(1)(d)(2) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-13.P.(1)(d)(2) is enacted as follows:

§57-13.P.(1)(d)(2) Limits on building height:

(A) For one story structures, 15 feet for buildings with flat roofs or up to 23 feet for buildings with pitched roofs.

(B) For multi-story structures, the height shall be limited to the maximum building height established for buildings in the applicable zoning district.

Section 12.

Subparagraph 57-13.P. (1)(c) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-13.P. (1)(c) is enacted as follows:

§**57-13.P. (1)(c) Aesthetic, screening, landscaping and lighting. Care shall be taken to provide an aesthetically pleasing, well-landscaped and maintained facility and to avoid a monotonous or fortress-like appearance to the extent that the facility may be visible off-site. Required yards shall be landscaped with a mix of trees, shrubs of varying sizes and vegetative ground cover as appropriate to the site and as approved by the Planning Board. The color, material and design of structures, including their roof pitch, shall be reviewed by the Planning Board as to their conformity with surrounding structures' appearance and community character, to the degree that said structures are visible to other properties. Particular attention shall be paid to the visibility and appearance of loading and access areas to multi-story buildings. For multi-story structures, where windows are incorporated into the elevation, the design shall avoid creating nighttime visual impacts from such windows where internally lighted. Where windows are not incorporated in multi-story structures, exterior design elements shall be incorporated to break up the visual bulk of the structure and to add interest. Security lighting shall be provided on the site but in no case shall any of the lighting be directed or allowed to shine so as to cause a nuisance or hazard to other properties.**

Section 13.

Subparagraph 57-13.P.(1)(h) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-13.P.(1)(h) is enacted as follows:

§57-13.P.(1)(h) Signs. The provisions of Section 57-55 shall not apply to this use, but signs for self-storage facilities shall be permitted as follows:

(1) A ground-mounted or pole mounted sign shall be permitted at the entry of the site. If ground-mounted, such sign shall not be located so as to interfere with the visibility of traffic entering or exiting the site. Such sign shall not be higher than 10 (ten) feet, as measured from the top of said sign, and shall not exceed 36 (thirty-six) square feet in area. In no case shall any temporary or permanent signage or other attention-getting devices be mounted to the ground nor secured to the roofs, doors or sides of any structures on the site nor to any fencing on the site.

(2) On-site circulation signs shall be provided as needed subject to the review and approval of the Planning Board.

(3) Multi-story self-storage structures shall be permitted a single wall-mounted sign not exceeding 540 (five hundred forty) square feet, with the Planning Board having the discretion to approve a second additional wall-mounted sign for a second building façade facing a road. Such wall-mounted signs shall be in addition to a pole or ground-mounted sign as permitted in subparagraph (1) above.

Section 14.

Subparagraph 57-13.P.(2) of the Code of the Town of Monroe is hereby repealed and a new subparagraph 57-13.P.(2) is enacted as follows:

§57-13.P.(2) Accessory uses. A leasing office of not more than 1,200 square feet in size for the purpose of leasing the units within the self-storage facility may be provided on the site. Incidental retail sale of boxes, tape, packing material and the like may take place in the leasing office. A manager's apartment may be provided for the use of a resident, on-site manager in addition to an accessory leasing office. The combined total size of the manager's apartment and the leasing office may not exceed 1,200 square feet.

Section 15.

Section 57-14 of the Code of the Town of Monroe is hereby repealed and a new Section 57-14 is enacted as follows:

§57-14. Uses requiring approval.

In all districts, site plan approval by the Planning Board shall be required for:

A. The erection or enlargement of all buildings except as provided in Subsection F below;
B. All uses of vacant land not authorized by the Building Inspector under Section

23-11(B), Section 46-3 or Section 46-4 of the Town Code;

C. Any change in use or in the intensity of use of buildings or land which will significantly affect the characteristics of the site in terms of required off-street parking, loading, access, drainage, utilities or other municipal services. A change in use or intensity of use shall mean a change or alteration from that use currently in existence or a change from any use which is protected as a non-conforming use as defined in Article VIII of this chapter. Mere replacements or renovations to a site not increasing the size of a structure or altering the layout of the structure shall not require site plan approval.

D. Any application for special exception use approval as defined in Article V of this chapter.

E. In all cases where an amendment to any such plan is proposed, the applicant must also secure approval for the amendment from the Planning Board.

F. Notwithstanding the foregoing, no site plan approval shall be required for the construction of, alteration to, or use of a single-family dwelling in any residential zoning district in regard to any lot that had earlier received subdivision approval from the Planning Board provided that the applicant does not propose to increase the amount of the impervious surface coverage on said lot by more than 500 square feet or 20%, whichever is greater, over what is shown on the filed subdivision map for that lot.

Section 16.

Section 57-15 of the Code of the Town of Monroe is hereby repealed and a new Section 57-15 is enacted as follows:

§57-15. Submissions to Planning Board for review.

The applicant shall first obtain application and environmental assessment forms from the Town Clerk. The completed application and environmental forms and a site plan shall be submitted to and approved by the Planning Board for any use listed in §57-14(B), (C) and (D) above before a building permit and/or a certificate of occupancy can be issued for such use. The purpose of this section is to ensure that those uses which are permitted as of right or by special permit, but which are most intensive and have the greatest potential impact on the community, may first be analyzed by the Planning Board and qualified professionals engaged by the Planning Board, if necessary in the opinion of the Planning Board.

Section 17.

Subsection 57-16.A. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-16.A. is enacted as follows:

§57-16.A. The applicant shall discuss the proposed use with the Building Inspector prior to making an application to the Planning Board.

Section 18.

Subsection 57-17.B. of the Code of the Town of Monroe is hereby amended by enacting a new Subparagraph (21) as follows:

§57-17. Site plan.

(21) The Planning Board shall, in appropriate cases, have the authority to waive any of the required elements listed in this section.

Section 19.

Section 57-19 of the Code of the Town of Monroe is hereby repealed and a new Section 57-19 is enacted as follows:

§57-19. Optional site plan public hearing.

A public hearing shall not be required before site plan approval is granted. The Planning Board shall have the option, where it deems it appropriate, to conduct a public hearing on the proposed site plan and, in such cases, shall provide for the giving of notice at least five days prior to the date thereof as follows:

A. By publishing the notice in the official newspaper.
B. By posting the notice of the hearing at the Town Hall.
C. By requiring the applicant to send a copy of the notice of the hearing by certified mail, return receipt requested, to the owners of all property within 300 feet of the property which is the subject of the site plan application as the names and addresses appear on the latest assessment roll of the Town. Such notice shall be mailed at least five days prior to the hearing. Proof of such mailings and receipts for the same shall be filed with the Planning Board prior to, or at the time of, said hearing. In the event that the three hundred foot requirement extends to properties beyond the town boundary, the applicant shall acquire the names and addresses of said property owners from the latest assessment roll of the municipality in which said properties are located and shall comply with the mailing requirements as set forth herein.
D. By providing such other notice as may be required by Article 12-B of the General Municipal Law or other applicable law. No action shall be taken on applications referred to the Orange County Planning Department until the Department's recommendation has been received or until the statutory period for such recommendation has elapsed, whichever is earlier.

Section 20.

Subsection 57-21.H. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-21.H. is enacted as follows:

§57-21.H. Each dwelling unit in the structure shall contain wholly within it, its own separate and private bathroom and kitchen. The accessory apartment shall contain only one separate kitchen. A Passover kitchen may be in a closet within the main kitchen area. Only a maximum of two bedrooms shall be allowed. No other rooms except for a living room and/or dining room and an optional laundry room shall be allowed. Attached garages, basements or other rooms shall be prohibited. The maximum area of the accessory apartment shall be 1,000 square feet. No single room shall exceed 200 square feet in area. A laundry room, if provided, shall not exceed 50 square feet in area.

Section 21.

Section 57-30 of the Code of the Town of Monroe entitled "Dwelling units over first floor nonresidential units" is hereby repealed and a new Section 57-30 is enacted as follows:

§57-30. Dwelling units over first floor non-residential uses.

The following shall apply to dwelling units over first floor non-residential uses:

A. No more than two dwelling units per lot shall be permitted, regardless of the number of buildings per lot. No dwelling unit shall contain more than two bedrooms.

B. Minimum floor area for the dwelling units shall not be less than:

(1) For a studio or efficiency unit: 500 square feet.
(2) For a one bedroom unit: 750 square feet.
(3) For a two bedroom unit: 900 square feet.

C. For the purposes of Subsection B., "floor area" shall mean the horizontal area of the following living space: kitchen, bathroom, living room, dining room, bedrooms and laundry room, together with adjoining closets and hallways.

D. The maximum floor area for a dwelling unit shall be 1,200 square feet.

E. Each dwelling unit in the structure shall contain wholly within it, its own separate and private bathroom and kitchen. A Passover kitchen may be in a closet within the main kitchen area. Only a maximum of two bedrooms shall be allowed. No other rooms except for a living room and/or dining room and an optional laundry room shall be allowed. Attached garages, basements or other rooms shall be prohibited. No single room shall exceed 200 square feet in area. A laundry room, if provided, shall not exceed 30 square feet in area and a closet Passover kitchen, if provided, shall not exceed 50 square feet in area.

Section 22.

Section 57-37 of the Code of the Town of Monroe is hereby amended by adding to

Subsection B. Camp. the following sentence:

§57-37.B. This section shall not be construed to prohibit the set up and/or use of residential sleeping tents in residential backyards for a period not exceeding two weeks in a year.

Section 23.

Subsection 57-37.L. is hereby repealed.

Section 24.

Subsection 57-38.E. of the Code of the Town of Monroe is hereby repealed and a new Subsection 38.E is enacted as follows:

§57-38.E. In any residential district, no private garage or other accessory building shall exceed 20 feet in height.

Section 25.

Subsection 57-38.G. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-38.G. is enacted as follows:

§57-38.G. Domestic and agricultural animals. The keeping of domestic and agricultural animals and the maintenance of a stable, coop, pen, kennel, cage or other enclosure is a permitted residential accessory use subject to the following conditions:

(1) Dogs.

(a) Not more than four dogs shall be kept in a primary and/or accessory structure on a residential lot. Litters under six months of age shall not be included in this count provided the same are not being bred for sale. Dogs shall be confined to the owner's property by means of structural fencing or runs.

(b) More than five dogs kept in a primary and/or accessory structure on a residential lot shall be considered a kennel, whether maintained for private or commercial use. Said kennel shall require site plan approval from the Planning Board and shall be located not less than one hundred fifty feet from any property line on a lot of not less than four acres in size.

(c) Wastes shall be handled so as not to pose a nuisance, runoff, odor or insect problem.

(d) Food storage shall be managed so as to avoid creating a nuisance, insect or animal vector problem.

(2) Pigs, sheep and goats.

(a) Not more than five pigs, sheep and/or goats in total shall be

permitted to be kept in an accessory barn or shed and confined to the owner's property by means of structural fencing on a lot of not less than four acres in size. Said property and use shall require site plan approval by the Planning Board and shall be located not less than one hundred fifty feet from any property line.

(b) Wastes shall be handled so as not to pose a nuisance runoff, odor or insect problem.

(c) Food storage shall be managed so as to avoid creating a nuisance, insect or animal vector problem.

(3) Horses, donkeys and cows.

(a) Not more than one horse or one donkey or one cow shall be allowed for each acre. The maximum number of horses and/or donkeys and/or cows on a property shall be four. Colts or calves under eight months of age shall not be included in this count. Horses and/or donkeys and/or cows shall be confined to the owner's property by means of structural fencing and/or tethers. Enclosures such as sheds or stables shall be located at least one hundred fifty feet from any property line.

(b) Wastes shall be handled so as not to pose a nuisance runoff, odor or insect problem.

(c) Food storage shall be managed so as to avoid creating a nuisance, insect or animal vector problem.

(4) Chickens, pigeons, rabbits, weasels, hawks, falcons.

(a) Not more than twenty of the above animals in total shall be permitted to be kept in an accessory coop, hutch, barn or shed on a lot of not less than three acres in size. Enclosures shall be located not less than one hundred fifty feet from any property line. The above animals shall be confined to the owner's property with the exception of trained pigeons, hawks and/or falcons used for aerial display or exercise.

(b) Wastes shall be handled so as not to pose a nuisance runoff, odor or insect problem.

(c) Food storage shall be managed so as to avoid creating a nuisance, insect or animal vector problem.

Section 26.

Section 57-39 of the Code of the Town of Monroe entitled "Lot area, width and coverages; side yards" is hereby repealed and a new Section 57-39 entitled "Non-conforming lots" is enacted as follows:

§57-39. Non-conforming lots; flag lots.

A. A non-conforming lot, separately owned and not adjoining any lot or land in the

same ownership at the effective date of this local law, may be used or a building or structure may be erected on such lot for use, in accordance with all other applicable provisions of this chapter, provided that proof of such separate ownership is offered in the form of a title search. Non-conforming lots, not separately owned and adjoining any lot or lands in the same ownership at the effective date of this local law, shall be deemed to be merged with such adjoining lot or lands so as to lessen or eliminate the non-conformity.

B. Within all residential districts, no more than three flag-shaped lots may ever be created out of a parcel that existed as of the date of this chapter. Such lots may have their minimum building setback line established by the Planning Board at a point further back than the minimum required front yard setback set forth for the applicable zoning district in the Schedule of District Regulations. Such a setback line on flag or pork chop lots shall be noted on a map filed of record and such a lot shall not be further subdivided to create an additional building parcel without construction of a street to Town specifications and located within sixty feet of the established setback line. Notwithstanding the foregoing, no flag lot shall have a width less than fifty feet at any point between the front lot line and the building setback line. On a flag lot, the front yard setback established for said lot shall be measured from the rear lot line of the front lot, facing the road.

Section 27.

Subsection 57-42.A. of the Code of the Town of Monroe is hereby amended by repealing Subparagraphs (1) and (2) therefrom and enacting a new Subparagraph (1) as follows:

§57-42.A.(1) A pool barrier meeting the requirements of the New York State Property Maintenance and Residential Codes shall be provided and maintained.

Section 28.

Subsection 57-42.A. of the Code of the Town of Monroe is hereby amended by re-numbering Subparagraphs (3) through (9) to Subparagraphs (2) through (8).

Section 29.

Section 57-43 of the Code of the Town of Monroe is hereby amended by enacting a new Subsection B as follows and re-lettering the existing Subsection B to Subsection C:

§57-43.B. A building setback line is hereby established in all districts parallel to and twenty (20) feet from the present normal shoreline or top of bank (whichever is farther from the normal waterline) of every other watercourse in the town not otherwise covered under the rubric of §57-43.A. No main building or accessory building shall be constructed between said setback line and the said shoreline or top of bank. The location of the said shoreline or top of bank shall be determined by the Town Engineer after a physical investigation of the site and the topographic, soils and hydrologic characteristics of the area

in question.

Section 30.

Subparagraph 57-44.A.(3) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-44.A.(3) is enacted as follows:

§57-44.A.(3) Both:

(a) As to the length of the main roof ridge or, in the case of a building with a flat roof, the length of the main roof; and

(b) As to the type of construction of the roof: gable, hip, mansard, etc.

Section 31.

Subparagraph 57-44.A. (5) of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-44.A.(5) is enacted as follows:

§57-44.A. (5) Both:

(a) As to the relative location of windows in the front elevation or in each of both side elevations with respect to each other, and with respect to any door, chimney, porch or attached garage in the same elevation; and

(b) As to the different type of windows, such as casement, double-hung, etc.

Section 32.

Subsection 57-44.D. of the Code of the Town of Monroe is hereby repealed.

Section 33.

Subsection 57-47.F. of the Code of the Town of Monroe is hereby amended by adding the following sentence to the end of said subsection:

§57-47.F. In the event that the reserved parking area is not required to be constructed during that three-year period, such reserved parking area shall not be used for building or other non-structural purposes but shall be maintained as vegetated open space as a permanent part of the use.

Section 34.

Subsection 57-49.A. of the Code of the Town of Monroe is hereby amended by repealing Subparagraphs (1), (4), (6), (7), (8), (9), (15), (16), (17), (20) and (21) and enacting new Subparagraphs (1), (4), (6), (7), (8), (9), (15), (16), (17), (20) and (21) as follows:

§57-49.A.

(1) Auditorium, convention hall, stadium, theater, dance instruction studio or other place of public assembly not otherwise classified: one parking space for each three fixed seats of capacity or one parking space for each 45 square feet of area available to patrons in cases where the capacity is not determined by the number of fixed seats. Benches shall be deemed to have a capacity of one person for each 24 inches of length.

(4)Bowling alley: two parking spaces for each alley.

(6)Charitable institution: one parking space for each 200 square feet of floor area devoted to office or administrative use.

(7) Club or lodge for social or civic purposes or community center building: one parking space for each 200 square feet of floor area available to patrons.

(8) Commercial swimming pools: one parking space for each 100 square feet of water area.

(9) Ice cream stand/ refreshment stand: four parking spaces per each service window with a minimum of ten spaces.

(15) Membership club: one parking space for each 200 square feet of floor area available to patrons.

(16) Offices and office buildings: one parking space for each 200 square feet of floor area.

(17) Neighborhood shopping center: one parking space for each 200 square feet of floor area available to patrons.

(20) Restaurant or tavern: one parking space for each four seats where fixed seating is provided or one parking space for each 45 square feet of floor area available for patrons.

(21) Retail store, personal service shop or studio or shop for custom work: one parking space for each 200 square feet of floor area available to patrons.

Section 35.

Subsection 57-49.A. of the Code of the Town of Monroe is hereby amended by enacting a new Subparagraph (28) as follows:

§57-49.A. (28) Drive through/fast food restaurant: One parking space for each three

seats plus two parking spaces for pickup located near the drive through lane. Drive through lanes shall provide a minimum of 100 linear feet between the street line and the first service window or order board. Drive through lanes shall have a separate exit lane for emergency use or for other exiting traffic.

Section 36.

Subsection 57-51.D. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-51.D. is enacted as follows:

§57-51.D. In any residence district, not more than one commercial vehicle, with a gross vehicle weight rating (according to the US DOT FHWA Vehicle Inventory and Use Survey Standards) not exceeding Class 3, may be housed on any single-family residential lot, and then only in a private driveway. Notwithstanding the foregoing, the parking of on-call emergency vehicles or public utility vehicles exceeding Class 3 shall be permitted on a temporary basis not exceeding two continuous weeks per month.

Section 37.

Subsection 57-51.E. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-51.E. is enacted as follows:

§57-51.E. In any residence district, not more than 50% of the area of a minimum required rear yard shall be used as a parking area except that there shall be a minimum setback of five (5) feet from any property line.

Section 38.

Subparagraph 57-51.I. of the Code of the Town of Monroe is hereby repealed and a new Subparagraph 57-51.I. is enacted as follows:

§57-51.I. In any non-residential district, an accessory parking area may be situated in whole or in part on the roof of the main building to which it is accessory. However, where site plans propose accessory parking on a roof, said plan shall incorporate structural screening measure to avoid visual impacts associated with such feature.

Section 39.

Subsection 57-51.O. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-51.O. is enacted as follows:

§57-51.O. Accessory private garages and parking areas may be constructed within or under any portion of a main building.

Section 40.

Section 57-51 of the Code of the Town of Monroe is hereby amended by adding a new Subsection U. as follows:

§57-51.U. All driveways and/or access drives in all districts shall not have a grade in excess of 10% at any point. Measures to ensure safe and proper drainage shall be incorporated as necessary.

Section 41.

Subsection 57-58.B. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-58.B. is enacted as follows:

§57-58.B. A building or structure used by a non-conforming use at the effective date of this chapter or any amendment thereto, may not be reconstructed, structurally altered, restored or repaired to an extent exceeding in aggregate cost 75% of the fair market value of such building or structure, unless the use of such building or structure is changed to a conforming use. The Board of Appeals may grant a variance, in accordance with the provisions of §57-65.D.(2)(b) for a reconstruction, structural alteration, restoration or repair exceeding 75% of the fair market value of such building or structure.

Section 42.

Section 57-59 of the Code of the Town of Monroe entitled "Extension of nonconforming uses" is hereby repealed and a new Section 57-59 entitled "Extension of non-conforming uses" is enacted as follows:

§57-59. Extension of non-conforming uses.

A non-conforming use shall not be enlarged or extended, except as provided in §57-65.D. (2)(a).

Section 43.

Section 57-60 of the Code of the Town of Monroe entitled "Changes of nonconforming uses" is hereby repealed and a new Section 57-60 entitled "Changes of non-conforming uses" is enacted as follows:

§57-60. Changes in non-conforming uses.

A non-conforming use shall be changed only to a conforming use, except as provided in §57-65.D.(2)(c).

Section 44.

Subsection 57-63.E. of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-63.E. is enacted as follows:

§57-63.E. Rules of procedure. The Board shall prescribe rules for the conduct of its affairs, including but not limited to, the form and content of applications made to it, the designation of an Acting Chairperson, and the procedures for conducting its meetings and the rendering and filing of decisions provided the same are consistent with the Town Law.

Section 45.

Subsection 57-63.F. of the Code of the Town of Monroe is hereby amended to add the following sentence at the end of such subsection:

A quorum shall consist of three members.

Section 46.

Subsections 57-63.G and 57-63.H of the Code of the Town of Monroe are hereby repealed and a new Subsection 57-63.G is enacted as follows:

§57-63.G. Public hearings. The Board shall fix the time, date and place for a public hearing on applications to be considered by it and shall provide for the giving of notice at least five (5) days prior to the date thereof as follows:

(1) By publishing a notice in a newspaper of general circulation in the Town.
(2) By requiring the applicant to send a copy of the notice of public hearing by certified mail. Return receipt requested, to the owners of all property within 300 feet of the property that is the subject of the variance application or zoning interpretation as the names and addresses of said owners appear on the latest assessment roll of the Town. Proof of mailings and receipts shall be filed with the Zoning Board prior to, or at the time of, said hearing. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party.
(3) If the land involved in any appeal is within 500 feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the Municipal Clerk of such other municipality.
(4) If the land involved in any appeal is within 500 feet of the boundary of any existing or proposed county or state park or any other recreation area; the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or the existing or proposed boundary of any county or state-owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district, except where

the appeal is for an area variance, notice of the public hearing and a description of the applicant's proposal shall be mailed to the Orange County Planning Department in accordance with Section 239-m of the General Municipal Law.

(5) The Board shall decide upon the appeal within 62 days after the conduct of such hearing. The time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Board shall be filed in the office of the Town Clerk within 5 business days after the day such decision is rendered and a copy thereof mailed to the applicant.

(6) A motion for the Board to hold a re-hearing to review any order, decision or determination of the Board not previously reviewed may be made by any member of the Board. A unanimous vote of all members of the Board then present is required for such re-hearing to occur. Upon such re-hearing, the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided that the Board finds that the rights vested in persons acting on good faith and reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

Section 47.

Section 57-63 of the Code of the Town of Monroe is hereby amended by enacting a new Subsection H. as follows:

§57-63.H. County review. No action shall be taken on applications referred to the Orange County Planning Department until the Department's recommendation has been received or 30 days have elapsed after the Department received the full statement on the applicant's proposal.

Section 48.

Subsection 57-63.I of the Code of the Town of Monroe is hereby repealed and a new Subsection 57-63.I. is enacted as follows:

§57-63.I. Minutes and records. The Secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact. The Secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the Town Clerk's office and shall be a public record. A record of all variances granted pursuant to action of the Board under this chapter shall be maintained according to date and property address. Said files shall be available for public inspection.

Section 49.

Section 57-65 of the Code of the Town of Monroe entitled "Variances" is hereby repealed and a new Section 57-65 entitled "Variances" is enacted as follows:

§57-65. Variances.

A. Except as otherwise provided in this chapter or the Town Law, the jurisdiction of the Board of Appeals is appellate only and is limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the Building Inspector. On appeal from the decision or determination of the Building Inspector, the Board shall have the power to grant use variances and area variances as specified in Subsection C. of this Section.

B. Guiding principles.

(1) Every decision by the Board of Appeals granting a variance shall clearly set forth the nature and extent of such variance.
(2) Every variance granted by the Board of Appeals may be subject to conditions and safeguards as the Board shall deem to be applicable to the particular case. Violations of such conditions or safeguards as are part of the Board's decision shall be deemed a violation of this chapter, punishable under the provisions of §57-75.
(3) Any variance granted by the Board of Appeals pursuant to the provisions of this Section shall be construed to be a non-conforming use.

C. General standards.

(1) Use variances. No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

(a) The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence.
(b) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
(c) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
(d) That the alleged hardship has not been self-created.

(2) Area variances. In making its determination on an application for an area variance, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider whether:

(a) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

(b) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

(c) The requested area variance is substantial.

(d) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance.

(3) In granting use or area variances, the Board shall grant the minimum variance that it shall deem necessary and adequate and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Specific types of variances. In the instances of the following types of variances, the Board of Appeals is hereby specifically empowered to grant the variance pursuant to the guiding principles and general standards stated in Subsections B and C above and the following provisions:

(1) With respect to lots in a single ownership lying across district boundaries at the effective date of this chapter or any subsequent amendment thereto, to grant a variance, in appropriate cases, for the extension into the more restrictive district of a lawful, conforming use permitted in the less restrictive district, but for a distance not exceeding 50 feet measured at right angles to such district boundary line. In granting such variance and, except in the case of a single or two-family residence, the Board of Appeals shall require the applicant to acquire approval of the Planning Board where the applicant proposes any construction activities across the district boundary line.

(2) With respect to non-conforming uses, buildings and lots:

(a) To grant a variance pursuant to Subsection C(1) of this Section for the enlargement or extension of a non-conforming use or building on the effective date of this chapter, provided that:

[1] Such enlargement or extension shall not exceed in all 75% of the replacement cost of the existing building on the effective date of this chapter or any amendment thereto.

[2] Such enlargement or extension shall be subject to Planning

Board approval pursuant to §57-14 of this chapter.

[3] Compliance with all parking and truck loading requirements of Article XII is achieved.

(b)To grant a variance pursuant to Subsection C(1) of this Section for the reconstruction, structural alteration, restoration or repair of a building or structure used for a non-conforming use, to an extent exceeding in aggregate 75% of the replacement cost of such building or structure, provided that:

[1] If such reconstruction, structural alteration, restoration or repair will change, alter, modify or otherwise extend the building or structural footprint or location on the lot, or any accessory building or structure thereon, then the variance shall be subject to Planning Board approval pursuant to §57-14 of this chapter.

(c) To grant a variance pursuant to Subsection C(1) of this Section for a change in a non-conforming use to another non-conforming use, provided that such variance shall be subject to Planning Board approval pursuant to §57-14 of this chapter, except where the such change in use is to a single or two-family residence.

Section 50.

Section 57-75 of the Code of the Town of Monroe entitled "Penalties for offenses" is hereby repealed and a new Section 57-75 entitled "Penalties for offenses: is enacted as follows:

§57-75. Penalties for offenses.

A. Where a violation of this chapter is determined to exist, the Building Inspector shall serve notice either by certified mail or personally upon the owner, agent or contractor of a building, structure or lot where such violation has been committed or shall exist, and on the lessee or tenant of a part of or of an entire building, structure or lot where such violation has been committed or shall exist, and on the agent, architect, engineer, contractor or any other person who takes part or assists in such violation or who maintains any building, structure or lot in which such violation shall exist. Failure to serve any of the persons specified shall not invalidate the proceedings commenced against those served notice.

B. Such notice shall require the removal of the violation within 10 days after service of the notice.

C. In cases where the removal of the violation within 10 days would be manifestly impossible, the Building Inspector shall determine a reasonable period of time

within which the violation shall be removed but in no event shall such period exceed 30 days.

D. If those persons notified shall fail to remove such violation within the allotted time period, the Building Inspector shall charge them with such violation of this chapter before the appropriate court of law.

E. Persons found guilty of such violation shall be subject to a fine not exceeding $250 or to imprisonment for not more than 15 days, or both, for each violation. Each and every week such violation continues after the allotted period of time for its removal shall be deemed a separate and distinct offense.

F. In addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate such violation, or to prevent occupancy of such building, structure or lot, or to prevent any illegal act, conduct, business or use in or about the premises.

G. Notwithstanding the provisions of Subsection B of this Section, nothing shall preclude the Building Inspector from requiring the removal of a violation immediately upon service of the notice, where the violation involves the use or occupancy of a building or structure in contravention of the site plan, special exception use permit, variance, building permit or certificate of occupancy provisions of this chapter.

Section 51.

Section 57-77 of the Code of the Town of Monroe entitled "Required information" is hereby repealed and a new Section 57-77 entitled "Procedure for amendment" is enacted as follows:

§57-77. Procedure for amendments.

A. The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement, or repeal the regulations and provisions of this chapter, including the Zoning Map, after public notice and hearing, in accordance with state law.

B. Petitions for amendments shall be submitted in quadruplicate to the Town Clerk.

C. Any petition for a change in the Zoning Map shall include the following:

- **The name of the property owner.**

- **A map accurately drawn to an appropriate scale, showing the proposed zone district boundary change, property lines, the calculated areas effected in acres or feet, the street rights-of-way in the immediate vicinity and the lands and names of owners immediately adjacent to an extending within one hundred feet of all boundaries of the property to be re-zoned.**
- **A metes and bounds description of the proposed amendment.**

D. The Town Board shall refer each such proposed amendment or change to the Planning Board for a report before a public hearing is held thereon. The Town Board shall take no action any such amendment without such report from the Planning Board unless the Planning Board fails for any reason to render such report within 30 days following the date of the referral.

E. The Town Board shall fix the date, time and place for a public hearing on the proposed amendment and cause notice to be published in the official newspaper. The Town Board may require a petitioner to give additional forms of public notice or notice to adjacent property owners.

F. In addition to the procedural requirements set forth herein, the procedural requirements of the provisions of §§ 239-l and 239-m of the General Municipal Law relating to review by the County Planning Department and the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations must be complied with before any action may be taken on any amendment.

G. Upon adoption of a change to the Zoning Map, the Town or petitioner shall file with the Town Clerk and the Building Inspector copies of an accurate survey description and drawing of the area effected by such amendment.

Section 52.

Article XIX and Section 57-78 of the Code of the Town of Monroe are hereby repealed.

Section 53.

Chapter 57 of the Code of the Town of Monroe is hereby amended to add a new Article XIX entitled “Workforce Housing” as follows:

ARTICLE XIX
Workforce Housing

§57-78. Workforce housing regulations.

A. Legislative intent. It is the intent of the Town of Monroe to provide guidelines, regulations and incentives for the development of moderately priced dwelling

units for persons of moderate income levels. The Town recognizes the severity of the worsening local and regional shortage of such housing and it concludes that the issue adversely affects the quality of life of its residents and threatens to undermine local economic diversity of the type necessary to maintain a healthy tax base and adequate tax revenues in the face of the continually escalating costs of local government. The Town concludes that the creation of workforce housing stock and the proper administration and enforcement of how that resource is allocated within the community represents a fundamental and urgent function of local government.

B. Workforce Housing Unit shall mean a dwelling unit that is affordable to purchase for families earning between 101% and 120% of Orange County's median family income as the same may be adjusted from time to time.

C. Workforce housing.

(1) Workforce units. At least 20% of the units in a project shall be affordable. Such units shall be dispersed throughout a project and shall be indistinguishable from market rate units in terms of their exterior appearance.

(2) Selection priorities. A family earning between 101% and 120% of the Orange County median family income shall be deemed eligible to apply for a workforce housing unit in the Town of Monroe. Priority preference will be given to applicants based upon the following factors:

Preferences	**Points**		
	Current Residency		
	Town of Monroe		Orange County
a. Resident who resides in the Town of Monroe for a minimum of 2 consecutive years	3		0
b. Volunteer Fire Department or Ambulance Corps members with 2 years consecutive service.	3		1
c. Municipal employees with 2 years of consecutive employment	3		1
d. School district employees with 2 consecutive years employment	3		1
e. Veteran of the U.S. Armed Services, honorably discharged	2		0
f. Health care workers with a minimum of 2 years employment	2		0
g. Persons 60 years of age or over	2		0
h. Person with disabilities	2		0

(3)Percentage of workforce units by income range. Twenty-five (25%) of the required number of affordable housing units within a townhouse project shall be made available to households in each of the following income ranges that are based upon the Orange County median family income:

(a) 101% - 105%;
(b) 106% - 110%;
(c) 111% - 115%;
(d) 116% - 120%.

(4)Occupancy requirements. All workforce housing units shall be the primary

residence of their owners. Owners may not rent their unit or any portion thereof to others.

(5)Initial sale and resale of workforce housing.

(a)Calculation of Initial Sales Price: Maximum sale price shall be set by resolution of the Town Board and amended from time to time after review of relevant information that may be provided by federal and state affordable housing departments, as well as developers. The initial sales price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes, and private mortgage insurance (PMI) shall not exceed thirty (30%) percent of the Orange County median family income allowed for such unit for a family of four.

(b)Resale of workforce housing units: Workforce housing units shall only be sold to eligible income households. The owners of a workforce unit shall notify the Town Board of their intent to sell prior so that persons on the Town Workforce Housing "Waiting List" can be contacted to advise them of their eligibility to purchase the workforce housing unit. The maximum base resale price of a unit shall be calculated such that the annual cost of the sum of principal, interest, taxes, and private mortgage insurance (PMI) shall not exceed thirty (30%) percent of the Orange County median family income allowed for such unit for a family of four.

(c)Maintenance and upkeep: The exterior of all workforce units within a development shall be maintained at the original builder's specifications.

(d) Tax Assessment: The Assessor shall consider the limited increase in the resale value of a workforce housing unit when determining the appropriate assessment on such units.

(e) Deed Restrictions: The original deed and any subsequent deeds or instruments used to transfer title to a workforce housing unit shall include a provision indicating that the unit is a workforce housing unit subject to restrictions on occupancy and resale. Evidence of the inclusion of such restrictions on the filed subdivision map shall be made prior to issuing a Certificate of Occupancy for any unit in the subdivision. The following language shall be recorded in the deed: "*This dwelling unit has been constructed for use by moderate income families pursuant to a special housing program established by the Town of Monroe and must be the principal dwelling of the homeowner. All future sales or resale of this dwelling unit must be to a person who is determined to be eligible pursuant to the income limitations set forth by the Town Board and at a price determined to be in accordance with the Town's workforce housing program."*

(f) Transfer of affordable housing units through Estate: There shall be no restriction to the right to inherit a workforce housing unit, however, any

subsequent resale of the unit must be to an eligible person.

(g) Administration: The Town Board shall oversee the administration of the workforce housing program.

(i) **The Town Board shall set annual income limits and resale values.**

(ii) **The Town Supervisor and/or Workforce Housing Committee appointed by the Town Board shall accept and review applications for workforce housing units. Applications shall be scored and ranked with an eligibility list maintained on file.**

(iii) **A lottery procedure to select applicants that have equal priority points shall be created, when needed.**

(iv) **The Town Supervisor or designee shall maintain a list of all workforce units in the Town.**

(v) **The Town Supervisor or designee shall review all deed restrictions for workforce housing units to ensure compliance with this Local Law.**

(vi) **The Town Supervisor or designee shall prepare an annual report to the Town Board on the status of its workforce housing units.**

(h)Fees: To offset the cost of administering the workforce housing program the following shall apply:

(i) **Developer shall pay one-quarter of one percent of the sale price of the workforce housing unit.**

(ii) **On resale, the homeowner shall pay one-quarter of one percent of the sales price of the workforce housing unit.**

(iii) **Each owner of a workforce housing unit shall provide proof of residency in a form acceptable to the Town Attorney.**

(6) Development standards.

(a) Physical integration. Workforce housing units shall be physically integrated with the design of the overall subdivision/ site plan so that they are compatible in appearance to the market-rate units or structures. Exterior building finish materials and exterior architectural style and trim elements including, but not limited to, roofline, siding, porches and decorative trim elements shall be compatible in appearance and application on all units throughout the subdivision/ site plan, in the sole determination of the Planning

Board. Interior finishes, hardware and appliances in affordable units need not be identical to those incorporated in market-rate units so long as the substitution would not impair the function of the workforce units.

(b) Workforce housing unit type, size and layout.

(i) Workforce housing units shall be provided according to the proportion of market-rate units within the development (townhouse, single family, single family semi-detached) except that, in order to more seamlessly integrate workforce housing units into a subdivision/ site plan of large single family detached dwellings, workforce units may be incorporated into semi-detached houses that are designed to appear as a single family detached dwelling in the development. The Planning Board shall modify lot lines within the subdivision/ site plan as set forth in Section A65-2B of the Town of Monroe Code in order to ensure that the resulting lot sizes throughout the subdivision/ site plan are appropriate to the size and layout of each dwelling.

(ii) Workforce housing units shall be distributed throughout the subdivision/ site plan and in phased developments and shall be constructed in numbers proportionate to that required pursuant to paragraph C(1) of this Article. Where this would result in an odd number, in cases where semi-detached workforce units are planned, then the number of workforce units in a given phase shall be rounded upwards.

(iii) Workforce housing units may be provided with two bedrooms fewer than comparable market-rate units within the subdivision/ site plan but in no case shall workforce units be provided with less than two bedrooms.

(7) Minimum gross floor area requirements for workforce units shall be as follows:

Unit Type	Minimum Sq. Ft. Floor Area per unit
4 Bedroom	1,500
3 Bedroom	1,100
2 Bedroom	900

(8) Phasing.

(a) For any project that will be built in phases, the following schedule shall apply for all workforce units:

Percentage of Market-Rate Units Receiving Certificates of Occupancy	Percentage of Workforce Units Receiving Certificates of Occupancy
Up to 25%	**0 (none required)**
25% + 1 unit	**At least 10%**
50%	**At least 50%**
75%	**At least 75%**
100%	**100%**

(b) Certificates of occupancy shall be issued for market-rate units when the required percentage of workforce housing units for the respective phase has been completed.

Section 54. Applicability

The provisions of Section 6 of this Local Law shall not apply to any subdivision or site plan that has received either a preliminary approval or has achieved either a Negative Declaration or has an adopted Findings Statement concluding the SEQR review process.

Section 55. Severability.

If any clause, sentence, paragraph, section or part of this local law be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have be -rendered.

Section 56. Effective Date.

This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with the Municipal Home Rule Law.