

A LOCAL LAW to amend Kensington Code Chapter 151 entitled “Zoning.”

BE IT ENACTED by the Kensington Board of Trustees as follows:

Section One. Kensington Code §151-15 entitled “Professional offices” is hereby repealed in its entirety.

Section Two. Kensington Code Chapter 151 is hereby amended by the addition of a new §151-15 entitled “Professional offices” to read as follows:

§151-15. Professional offices and studios.

- A. Professional offices and studios shall be permitted as an accessory use in legal single-family dwellings in the Village provided the owner obtains a special use permit from the Board of Trustees and complies with the following conditions:
1. This accessory use is limited to one professional per dwelling, or two professionals if spouse, child or parent of resident, provided that such professional resides in the dwelling in which such office or studio is located and such accessory use shall be incidental and subordinate to the use of such dwelling for residential purposes
 2. No display of advertising and no exterior sign shall be permitted except the name of the professional and letters or abbreviations indicating the nature of the profession. The sign shall not exceed 8” x 24” and shall not be illuminated except as set forth in §151-19.
 3. On-premises parking shall be provided for all employees and residents. Not more than one assistant or associate licensed practitioner and not more than one nurse or assistant or associate worker may be employed in such office.
 4. A special use permit granted by the Board of Trustees for such accessory use of a dwelling shall apply only to the use described in the permit and to the named permittee, and such permit may not be transferred and shall expire upon the termination or modification of the permitted use by the permitted user.

5. The professional office or studio shall not be rented to a third party.
6. "Professional Office or Studio," as used herein, shall not be construed to include or mean kindergarten, child's nursery, dance school, music school, art school, or other private school. For the purposes of this section, the instructing or teaching of more than three persons at any time shall constitute the maintenance of a kindergarten, nursery, or other school.
7. No such use shall commence without a permit. . The owner seeking such permit shall file a special use permit application in addition to any documents as reasonably may be requested by the village and shall pay the required fee. Such use shall not deviate from the approved permit prior to an amended permit being submitted and approved by the village.
8. The hours of operation for such professional office or studio shall be stated in the special use permit application and approved by the Board of Trustees.
9. There shall be no excessive shipping of materials to and from the premises
10. There shall be no overnight accommodations provided or maintained on the premises related to the professional office or studio use.
11. The Board of Trustees may impose reasonable conditions on the use to promote the general standards set forth in §151-15(C) below.

B. Termination of all legal non-conforming uses.

1. All professional office or studio uses which lpre-existed on the effective date of this section may be continued, without conforming to the provisions of this section, until September 30, 2014.
2. On October 1, 2014, no professional office or studio use shall be permitted, notwithstanding the fact that it may have lexisted prior to the effective date of this section, unless the

Board of Trustees has granted a special permit pursuant to the standards and procedures set forth in this section.

C. General standards.

The Board of Trustees shall consider the following factors when reviewing a special use permit application:

1. The use does not create a condition which is offensive, annoying or harmful to public health, safety and general welfare including, but not limited to, by reason of noise, glare, vibration, odor, dust, fumes or undue human or vehicular traffic.
2. The use will be in harmony with and promote the general purposes and intent of this chapter.
3. The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.
4. The proposed use will not prevent the orderly and reasonable use of adjacent properties, particularly where they are in a different district.
5. The site is particularly suitable for the location of such use in the Village.
6. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a house of worship, school, theater, recreational area or other place of public assembly.
7. In addition to the on-premises parking required pursuant to subsection 151-15A6, there are sufficient on-street parking spaces to accommodate the anticipated number of patrons or visitors.
8. That the layout of the on-premises parking spaces and driveway is convenient and conducive to safe operation.
9. Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses.

10. Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.

D. Exemption.

This section shall not apply to a resident who works from home, however, this exemption is limited to uses where the resident does not have any employees, or special equipment other than a home office computer and typical appurtenances such as a printer or facsimile machine. All other commercial uses of a single family residence are expressly prohibited.

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

Section Four. This local law shall take effect immediately upon filing with the Secretary of State.