

## ***Local Law Filing***

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**County**  
**City**  
**of**            Walden  
**Town**  
**Village**

**Local Law No.   1   of the year  2014**

**A local law**    to amend Chapter 305 of the Code of the Village of Walden  
*(Insert Title)*

**Be it enacted by the**    Village Board  
*(Name of Legislative Body)*

**of the**  
**County**  
**City**  
**of**            Walden as follows:  
**Town**  
**Village**

**Section 1.**    Amendments to Chapter 305 of the Code of the Village of Walden entitled “Zoning.

**Section 2.**    Legislative Intent and Findings of Fact:

### **A. Background**

This Local Law represents the implementation of certain Zoning Map and Zoning Text Amendments recommended by 2013 Comprehensive Plan for the Village of Walden duly adopted by the Village Board of Trustees on February 26, 2013. The Board of Trustees of the Village of Walden, NY has determined the adoption of these Zoning Map and Zoning Text Amendments as recommended in the 2013 Comprehensive Plan would enhance the land use policies of the Village and have a positive impact on the environment. These revisions to the Chapter 305 (ZONING) will strengthen the protection of natural resources, preserve historic resources, stimulate the reuse of underutilized industrial areas, expand housing choices and provide new economic opportunities in Walden.

## **B. Legislative Intent**

The purpose of this Local Law is to protect the public health, safety, and welfare by incorporating changes to Chapter 305 (ZONING) consistent with the recommendations of the Village's 2013 Comprehensive Plan. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic, historic and natural beauty of the Village of Walden.

In accordance with the legislative intent of this Local Law, Chapter 305 of the Code of the Village of Walden is hereby amended as follows with those items with ~~strikethrough~~ deleted and those underlined added thereto:

### **ARTICLE III Districts and Boundaries**

#### **§305-8. Zoning Map Amendments**

The Official Zoning Map of the Village of Walden, dated July 2008 and as thereafter amended in March of 2011, shall be amended to provide therein as follows:

- M. The Zoning Map of the Village of Walden is hereby amended to rezone the following parcels from the RM-2 (Multifamily) Zoning District to the R-5 (One-Family) Zoning District: **[Added 10-10-2006 by L.L. No. 7-2006]**

S-B-L: 309-1-1, 309-2-1, 309-2-2, 309-2-3, 309-2-4, 309-2-5, 309-2-6, 309-2-7, 309-2-8, 309-2-9, 309-2-10, 309-2-11, 309-2-12, 309-2-13, 309-2-14, 309-2-15, 309-3-1, 309-3-2, 309-3-19, 309-3-20, 309-3-21, 309-3-22, 309-3-23, 309-4-1, 309-4-2, 309-4-3, 309-4-4, 309-4-5, 309-4-6, 309-4-7, 309-4-8, 309-22-1, 309-22-2.1, 309-22-2.2, 309-22-3, 309-22-4, 309-22-5, 309-22-6, 309-22-7, 309-22-8, 309-22-9

- Q. The changes in land classifications of the following parcels located in the Village of Walden and identified by the Town of Montgomery Tax Map reference (2009/2010) are as follows: **[Added 3-8-2011 by L.L. No. 3-2011]**

(1) From the current ~~RM-2~~ R-5 to the B-3:

Premises designated as Section 309, Block 3, Lot 2 (Lands N/F Walden United Methodist Church) located on the south side of West Main Street and premises designated as Section 309, Block 3, Lot 23 (Lands N/F Walden United Methodist Church) located on the east side of Pine Street.

- R. The changes in land classifications of the following parcels located in the Village of Walden and identified by the Town of Montgomery Tax Map reference (2012/2013) are as follows: **[Amended 10- -13 by L.L. No. 9-2013]**

(1) From the current R-5 to the B-3:

S.B.L: 309-3-1, 309-3-2, and 309-3-23.

- (2) From the current RM-1 to the R-4:

Premises designated as Section 316, Block 1, Lot 1 located on the east side of Edmunds Lane.

- (3) From O-LI to B-4:

Premises designated as Section 315, Block 5, Lots 2 & 11 located on the east side of NYS Route 208.

- (4) From MX & R-4 to entire parcel within the MX-Mixed Use District:

Premises designated as Section 310, Block 1, Lots 1.1, 1.21, 6.1 & 6.22 located in the vicinity of Elm Street and Union Street.

- (5) From the current R-3 and R-5 Districts to the TH-Townhouse Zoning District:

Premises designated as Section 302, Block 8, Lots 1 through 49; 318-1-1 through 13; 318-2-1 through 13; and 318-3-1 through 18.

- (6) From the current RM-1 to the TH-Townhouse Zoning District:

Premises designated as Section 301, Block 1, Lots 1 through 44.

- (7) From the current O-LI and R-3 to placing the entire parcel in R-3:

Premises designated as Section 313, Block 1, Lot 3.12.

- (8) From the current B-2 and R-5 to placing the entire parcel in B-2:

Premises designated as Section 305, Block 10, Lots 4 through 8; Section 305, Block 11, Lots 2-4; Section 305, Block 12, Lots 1, 2, 3.1 and 3.2; and Section 308, Block 2, Lots 3 through 8.

### **§305-9. Incorporation of Zoning Map; district boundaries.**

The boundaries of each of the districts listed in §148-7 are hereby established as shown on the duly adopted Zoning Map, which is printed to show a revised date of ~~July 2008~~ September 2013 and which accompanies this chapter, and which, with all notations, references and other matters shown thereon, is hereby declared a part of this chapter.

*Editor's Note: The Zoning Map is on file in the office of the Village Clerk. [Amended 10-16-1975 by L.L. No. 5-1975; 5-25-1993 by L.L. No. 3-1993; 2-14-2006 by L.L. No. 2-2006; 6-12-2007 by L.L.*

**No. 4-2007; 10-9-2007 by L.L. No. 6-2007; 6-24-2008 by L.L. No. 2-2008; 3-8-2011 by L.L. No. 3-2011; and 10- - 13 by L.L. No. 9-2013].**

## **ARTICLE IV Use and Dimensional Regulations**

### **§148-11. Uses in business, mixed use and industrial districts**

Within any business, mixed use or industrial district, a building, structure or lot shall only be used for uses indicated in the Table of Use Regulations. The Business, Mixed Use and Industrial Districts – Table of Use Regulations (305 Attachment 2) is hereby amended to no longer permit car washes and filling stations as Special Exception (SE) uses within the B-1, B-2 and B-3 Zoning Districts; to add gas stations as a Special Exception (SE) use within the O-LI Office Light Industry District; and to remove dry cleaning and laundry plants from the Table of Use Regulations.

The amended Business, Mixed Use and Industrial Districts – Table of Use Regulations (305 Attachment 2) is provided in Exhibit A, which is attached to this Local Law.

**Section 3.** This local law is enacted pursuant to the authority of the Municipal Home Rule Law and General Municipal Law §103(1).

### **Section 4. SEQRA**

4.1 This local law represents the implementation of the Village of Walden Comprehensive Plan duly adopted by the Village Board on February 26, 2012. The Comprehensive Plan was the subject of a full and thorough review pursuant to the implementing regulations of the Environmental Conservation as set forth at 6 NYCRR 61 et seq. Said review included the preparation of a draft Generic Environmental Impact Statement and the adoption of a Findings Statement. This local law is in furtherance of and pursuant to the said Comprehensive Plan and, accordingly, no further review under SEQRA is necessary or required.

### **Section 5. Severability**

5.1 The invalidity or unenforceability of any particular provision of this local law shall not affect the validity or enforceability of other provisions of this local law, which such provisions shall continue to be both enforceable and valid.

### **Section 6. Effective Date**

6.1 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.

# ZONING

## 305 Attachment 2

### Village of Walden

**Business, Mixed Use and Industrial Districts – Table of Use Regulations [Amended 10-27-1981 by L.L. No. 13-1981; 2-14-1984 by L.L.O. No. 2-1984; 5-28-1985 by L.L. No. 6-1985; 4-13-1993 by L.L. No. 1-1993; 5-25-1993 by L.L. No. 3-1993; 10-22-1996 by L.L. No. 4-1996; 4-1-1997 by L.L. No. 2-1997; 9-14-1999 by L.L. No. 4-1999; 3-11-2003 by L.L. No. 2-2003; 2-14-2006 by L.L. No. 2-2006; 3/8/2011 by L.L. No. 4-2011; 1-7-2014 by L.L. No. 1-2014]**

**KEY:**

P – Permitted

SE – Special exception

All other uses are prohibited

Use Classification	B-1	B-2	B-3	B-4	OL1	I-2	MX
	Neighborhood Business	Village Business	Central Business	Service Commercial	Office Light Industry	Village Industrial	Mixed Use
<b>A. Residential Uses</b>							
1. Artist Loft; live/work space							P
2. Dwelling unit over the first floor of nonresidential use		P	P				P
3. Multiple dwelling							SE
4. Planned residential development							SE
5. Senior group residence	SE	SE	SE		SE	SE	SE
6. Senior citizen development			SE				SE
<b>B. Residential Community Facilities</b>							
1. Church, temple, or similar place of worship	SE	SE	SE	SE	SE	SE	SE
2. Day-care centers	SE	SE	SE	SE	SE	SE	SE
3. Fire station, police station or government building	SE	SE	SE	SE	SE	SE	SE
4. Nursery School	SE	SE	SE	SE			SE
5. Park, municipal	P	P	P	P	P	P	P
6. Public library, museum or community center	SE	SE	SE	SE	SE	SE	SE
7. School, elementary or high, public or private	SE	SE	SE	SE	SE	SE	SE
<b>C. General Community Facilities</b>							
1. Bus passenger shelter	P	P	P	P	P	P	P
2. Hospital, nursing home, rest home				SE	SE		
3. Membership club, nonprofit		SE	SE	SE			SE
4. Philanthropic, fraternal organization, nonprofit	SE	SE	SE	SE			SE
5. Public utility structure	SE	SE	SE	SE	SE	SE	SE
6. Public passenger transportation station or terminal		SE	SE				SE

Use Classification	B-1	B-2	B-3	B-4	OL1	I-2	MX
	Neighborhood Business	Village Business	Central Business	Service Commercial	Office Light Industry	Village Industrial	Mixed Use
<b>D. Business Uses</b>							
1. Agriculture, horticulture, truck farming, animal livestock					P		
2. Animal hospital, animal boarding							
3. Arena, assembly hall			SE	SE			
4. Car Wash				SE		SE	
5. Bakery	P	P	P	P	P	P	P
6. Bank	P	P	P	P	P		P
7. Bed-and-breakfast	P	P	P	P			P
8. Bowling Alley				P			SE
9. Commercial public recreation uses not otherwise permitted				SE			
10. Eating establishments: drive-in. open front or curbside service	SE			SE			SE
11. Gas Station				SE	SE		
12. Funeral Home	P	P	P	P			
13. Hotel			SE		SE		SE
14. Laundromat				SE			SE
15. Motel				SE			
16. Motor vehicle, mobile home or boat salesroom or outdoor sales lot	SE			SE			
17. Office; business; professional, utility	P	P	P	P	P	P	P
18. Parking garage			SE		SE		SE
19. Personal service shop (less than 4,000 square feet)	P	P	P	P			SE
20. Radio or television broadcasting	P	P	P	P	P	P	SE
21. Repair garage				SE		P	
22. Repair shops for household and/or personal appliances		P	P	P	P	P	SE
23. Restaurant	P	P	P	P	SE		P
24. Retail store or shop	P	P	P	P			P
25. Schools, business, technical, art, music and dance	P	P	P	SE	SE		P
26. Shop for custom work and for making articles to be sold on premises	P	P	P	P			SE
27. Tavern	P	P	P	P			SE
28. TBA store	P			P			
29. Temporary circus quarters					SE		
30. Theater, other than drive-in theater			SE	SE	SE		SE
31. Veterinarian	SE	SE	SE	SE			SE
32. Vocational school		P	P	P	P	P	SE
33. Wholesale store	P			P	P	P	

Use Classification	B-1	B-2	B-3	B-4	OL1	I-2	MX
	Neighborhood Business	Village Business	Central Business	Service Commercial	Office Light Industry	Village Industrial	Mixed Use
<b>E. Industrial Uses</b>							
1. Building contractor storage and/or equipment yard				SE	SE	SE	
2. Circus training facility					P		
3. Flex space office					P		
4. Fuel oil storage						SE	
5. Limited non-nuisance industry using machines not exceeding 5 horsepower				SE	P	P	
6. Liquid petroleum gas storage and transfer					SE	SE	
7. Machinery repair or service plant, non-nuisance					SE	P	
8. Monument works						P	
9. Non-nuisance industry					P	P	SE
10. Printing and publishing plants			SE	P	P	P	SE
11. Public utility building, plant, structure, storage yard				SE	SE	SE	
12. Research institute or laboratory				SE	SE	SE	
13. Self service storage facilities				SE	SE		SE
14. Storage yard: building material, feed or similar nonhazardous materials				SE	SE		SE
15. Temporary sand and gravel removal operations				SE		P	
16. Truck station, railroad yard						SE	
17. Warehouse					SE	SE	SE
18. Wearing apparel or accessory manufacturer					P	P	
19. Wholesale Business				SE	SE	P	SE
<b>F. Accessory Uses</b>							
1. Caretaker's or owner's dwelling unit				P	P	P	P
2. Customary accessory use, building or structure, except retail service	P	P	P	P	P	P	P
3. Home occupation		P	P				P
4. Home professional office		P	P				P
5. Outdoor cafe	P	P	P	P			P
6. Private garage or off-street parking area pursuant to Article VI	P	P	P	P	P	P	P
7. Private swimming pool	P	P	P	P	P	P	P
8. Signs pursuant to Article VII	P	P	P	P	P	P	P
9. Warehouse					P	P	SE