

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. 5 of the year 2021

A local law Amending Chapter 305 of the Code of the Village of Walden entitled “Zoning” to the extent of amending Article III, entitled “Districts and Boundaries” and amending Article IV, entitled “Use and Dimensional Regulations.”
(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. Title

1.1 A local law Amending Chapter 305 of the Code of the Village of Walden entitled “Zoning” to the extent of amending Article III, entitled “Districts and Boundaries” and amending Article IV, entitled “Use and Dimensional Regulations.”

Section 2. Purpose and Intent:

2.1 In January of 2020 the Village of Walden adopted an update to the Village’s Comprehensive Plan. The Vision Statement set forth on page iv of this plan update stated that the purpose of the Comprehensive Plan update was to “define the attributes that give Walden its unique sense of place, including its place within the region, and to provide a clear vision for guiding future growth and development in a manner that respects the Village’s character, so that its unique sense of place within the region is enhanced, its historic, cultural and natural resources protected, and its social and economic vitality ensured for years to come.”

Among the recommendations set forth in the updated Comprehensive Plan was to re-zone certain lands along Montgomery Street starting from New York State Route 52 to directly across from George Street from R-3 to R-5 (See Section 9.2.2 of the updated Village of Walden Comprehensive Plan at Page 76) and to amend the Village Table of Use Regulations for Business, Mixed Use and Industrial Districts to allow additional uses, including breweries and wineries, college satellite campuses and dance and art studios so as to encourage economic development (See Section 9.2.1 of the updated Village of Walden Comprehensive Plan at Page 76).

The purpose of this Local Law is to implement these recommendations from the January 2020 updated Village of Walden Comprehensive Plan.

Section 3. Amendment to Article III, Zoning Ordinance Section 305-8

3.1 The existing Code Section 305-8 is hereby amended by the addition of the following Section:

T. Changes in land classifications of the following parcels located in the Village of Walden and identified by the Town of Montgomery Tax Map reference (2020/2021) are as follows:

From the current R-3 to R-5:

306-3-1.1 , 306-1-3.1, 306-1-4
306-1-5, 306-1-6, 306-1-7
306-1-8, 306-1-9, 306-1-10
306-1-11, 306-1-12
306-1-13, 306-1-14
306-1-15, 306-1-16
306-1-17, 306-1-18
306-1-19, 306-1-20.2
306-1-21 and 306-1-22

306-18-37, 306-18-38
306-18-39, 306-18-40
306-18-41, 306-18-42
306-18-43, 306-18-44
306-18-45, 306-18-46
306-18-47 and 306-18-48

Section 4. Amendment to Article IV, Zoning Ordinance Section 305-11

4.1 The uses permitted in the Business, Mixed Use and Industrial Districts as authorized by Code Section 305-11 pursuant to Attachment 2 are hereby amended by deleting the

existing Attachment 2 in its entirety and replacing the existing Table of Use Regulations with the revised Attachment 2 that is set forth below.

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. 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; 1-21-2014 by L.L. No. 1-2014; 9-30-2014 by L.L. No. 6-2014]

Key:

P – Permitted

SE – Special Exception

All other uses are prohibited

| Use Classification | B-1 | B-2 | B-3 | B-4 | OLI | I-2 | MX |
|--|-----------------------|------------------|------------------|--------------------|-----------------------|------------------|-----------|
| | Neighborhood Business | Village Business | Central Business | Service Commercial | Office Light Industry | Village Industry | Mixed Use |
| A. Residential Uses | | | | | | | |
| 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. Residential Community Facilities | | | | | | | |
| 1. Church, temple, or similar place of Worship | SE | SE | SE | SE | SE | SE | SE |
| 2. Day-Care Center | SE | SE | SE | SE | SE | SE | SE |
| 3. Fire Station, police station or government building | SE | SE | SE | SE | SE | SE | SE |
| 4. Nursey 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, public or private, including colleges, satellite campuses and adult education | SE | SE | SE | SE | SE | SE | SE |
| C. General Community Facilities | | | | | | | |
| 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 |
| D. Business Uses | | | | | | | |
| 1. Agriculture, horticulture, truck farming, animal livestock | | | | | P | | |
| 2. Arena, assembly hall | | | SE | SE | | | |
| 3. Car Wash | | | | SE | | SE | |
| 4. Bakery | P | P | P | P | P | P | P |
| 5. Bank | P | P | P | P | P | | P |
| 6. Bed-and-breakfast | P | P | P | P | | | P |
| 7. Bowling Alley | | | | P | | | SE |
| 8. Indoor or outdoor commercial recreation uses not otherwise permitted | | | | SE | | | |
| 9. Eating establishments: drive-in, open front or curbside service | SE | | | SE | | | |
| 10. Gas Station | | | | SE | SE | | |
| 11. Funeral Home | P | P | P | P | | | |
| 12. Hotel | | | SE | | SE | | SE |
| 13. Laundromat | | | | SE | | | SE |
| 14. Motel | | | | SE | | | |
| 15. Motor vehicle, mobile home or boat salesroom or outdoor sales lot | SE | | | SE | | | |
| 16. Office; business professional, utility | P | P | P | P | P | P | P |
| 17. Parking garage | | | SE | | SE | | SE |
| 18. Personal Service shop (less than 4,000 square feet) | P | P | P | P | | | SE |
| 19. Radio or television broadcasting | P | P | P | P | P | P | SE |
| 20. Repair Garage | | | | SE | | P | |
| 21. Repair shops for household and/or personal appliances | | P | P | P | P | P | SE |
| 22. Restaurant | P | P | P | P | SE | | P |
| 23. Retail store or shop | P | P | P | P | | | P |
| 24. Studio for teaching art, music, dance, martial arts or yoga | P | P | P | SE | SE | | P |
| 25. Shop for custom work and for making articles to be sold on premises | P | P | P | P | | | SE |
| 26. Taverns | P | P | P | P | | | SE |
| 27. TBA Store | P | | | P | | | |
| 28. Temporary training quarters | | | | | SE | | |
| 29. Theater or performing arts facilities, other than drive-in | | | SE | SE | SE | | SE |
| 30. Veterinarian | SE | SE | SE | SE | | | SE |
| 31. Vocational School | | P | P | P | P | P | SE |
| 32. Wholesale Store | P | | | P | P | P | |
| 33. Health Club | P | | | | | | SE |
| E. Industrial Uses | | | | | | | |
| 1. Building contractor storage and/or | | | | SE | SE | SE | |

| | | | | | | | |
|--|---|---|----|----|----|----|----|
| equipment yard | | | | | | | |
| 2. Circus training facility | | | | | P | | |
| 3. Fuel oil Storage | | | | | | SE | |
| 4. Limited non-nuisance industry using machines not exceeding 5 horsepower | | | | SE | P | P | |
| 5. Liquid petroleum gas storage and transfer | | | | | SE | SE | |
| 6. Machinery repair or service plant, non-nuisance | | | | | SE | P | |
| 7. Monument works | | | | | | P | |
| 8. Non-nuisance industry | | | | | P | P | SE |
| 9. Printing and publishing plants | | | SE | P | P | P | SE |
| 10. Public utility building, plant, structure, storage yard | | | | SE | SE | SE | |
| 11. Research institute or laboratory | | | | SE | SE | SE | |
| 12. Self-service storage facilities | | | | SE | SE | | SE |
| 13. Storage yard: building material, feed or similar nonhazardous materials | | | | SE | SE | | SE |
| 14. Temporary sand and gravel removal operations | | | | SE | | P | |
| 15. Truck filling station, railroad yard | | | | | | SE | |
| 16. Warehouse | | | | | SE | SE | SE |
| 17. Wearing apparel or accessory manufacturing | | | | | P | P | |
| 18. Wholesale business | | | | SE | SE | P | SE |
| 19. Brewery or winery with or without the sale of produced products for onsite consumption | P | P | P | P | SE | SE | P |
| 20. Commercial vehicle parking | | | | | | | |
| F. Accessory Uses | | | | | | | |
| 1. Caretaker/s or owner dwelling unit | | | | P | P | P | P |
| 2. Customary access use, building or structure, except retail service | P | P | P | P | P | P | P |
| 3. Home Occupations | | P | P | | | | P |
| 4. Home professional office | | P | P | | | | P |
| 5. Outdoor Café | 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 |
| 10. Roof-top solar panels | | | | P | P | P | |
| 11. Gas station | | | | SE | SE | | |
| 12. Office | P | P | P | P | P | P | P |

Section 5. SEQRA:

5.1 This local law is a Type 1 action pursuant to the implementing regulations of the *Environmental Conservation Law* as set forth at *6 NYCRR 617 et.seq.* There are no other involved agencies, coordinated review is not required and Board of Trustees shall act as Lead Agency in connection with this local law.

Section 6. Severability

6.1 If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective Date

7.1 This local law shall take effect upon the filing with the Secretary of State.