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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 ☒Town ☐Village
(select one:)

of Montgomery

Local Law No. 6 of the year 2022

A LOCAL LAW AMENDING CHAPTER 235 OF THE CODE OF THE TOWN OF MONTGOMERY TO INCLUDE AMENDMENTS AND ADDITIONAL REGULATIONS, NEW OFFICIAL ZONING MAP OF THE TOWN OF MONTGOMERY AND ASSOCIATED TABLE OF USE REGULATIONS, TABLE OF BUSINESS AND INDUSTRIAL DISTRICTS DIMENSIONAL REGULATIONS AND TABLE OF RESIDENCE AND AGRICULTURAL DISTRICTS DIMENSIONAL REGULATIONS

Be it enacted by the Town Board of the Town of Montgomery as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF MONTGOMERY

LOCAL LAW NO. 6 OF 2022

A LOCAL LAW AMENDING CHAPTER 235 OF THE CODE OF THE TOWN OF MONTGOMERY TO INCLUDE AMENDMENTS AND ADDITIONAL REGULATIONS, NEW OFFICIAL ZONING MAP OF THE TOWN OF MONTGOMERY AND ASSOCIATED TABLE OF USE REGULATIONS, TABLE OF BUSINESS AND INDUSTRIAL DISTRICTS DIMENSIONAL REGULATIONS AND TABLE OF RESIDENCE AND AGRICULTURAL DISTRICTS DIMENSIONAL REGULATIONS

Be it enacted by the Town Board of the Town of Montgomery, County of Orange, State of New York as follows:

Section 1. Purpose and Intent.

The purpose of this local law is to incorporate some of the recommendations from the newly adopted Town of Montgomery Comprehensive Plan. By incorporating the recommendations from the Town of Montgomery Comprehensive Plan, the Town Board aims to further protect the health, safety and welfare of the public.

It is the intent of the Town Board that this local law be the first of several phases of zoning amendments implementing the Comprehensive Plan.

Section 2. Amendments to Chapter 235.

Section § 235-5.1 is hereby repealed and replaced with as follows:

§ 235-5.1 Classes of districts. For the purposes of this chapter, the Town of Montgomery is hereby divided into districts as follows:

A. Residence and agriculture districts.

RA-CE District (residential agricultural – conservation easement)

RA-.5 District (residential agriculture – one-family residences)

RA-1 District (residential agriculture – one- and two-family residences)

RM-1 District (multi-family)

R - MHC District (mobile home court)

MHP-AR District (Mobile home park – age-restricted floating district)

RA-1/PAC District (planned adult community)

B. Business and industrial districts.

B-1 District (regional commercial)

B-2 District (community commercial)

B-3 District (tourist commercial)

I-1 District (general industry)

I-2 District (airport industry)

I-3 District (tech industry)

C. Environmental overlay subdistricts.

*FP Floodplain District
A Airport District*

D. Overlay districts.

*Crossroads Commercial Overlay Zone
Water Supply Overlay Zone
Gaming Facility Overlay (GO) Zoning District*

E. Special districts.

*Biomass Gasification-to-Energy District
Mining District*

Section 235-3.2 of the Zoning Law of the Town of Montgomery is hereby amended to add the the following definitions, or where comparable terms are already defined under the code, to repeal those definitions and replace those definitions as follows:

ANTIQUE, CRAFT AND SPECIALTY FOOD SHOPS – A building or portion thereof, containing less than 2,500 square feet and where more than 50% of the sales floor area is devoted to the display of items not regularly available in grocery stores, or area retail department stores. Such stores are intended to generally appeal to tourists and often offer locally produced food and products, artisan-crafted goods, and other similar items.

ARENA – A building with tiers of seats for spectators of athletic activity, recreation, educational instruction or artistic performance.

ASSEMBLY HALL – A building or portion of a building in which facilities are provided for civic, educational, political or social purposes. An assembly hall used for religious purposes shall be deemed a “Church.”

BED AND BREAKFAST – A single-family detached dwelling occupied as the primary residence of the operator offering no more than four overnight accommodation guest units and including breakfast service as part of the guest unit rental fee.

BREWERY - Any place or premises where beer is manufactured for sale, and all offices, granaries, mashrooms, cooling rooms, vaults, yards, and storerooms connected therewith or where any part of the process of manufacture of beer is carried on. Such use may include tastings or operate a food or drinking establishment on site.

BUSINESS INCUBATOR FLEX SPACE – A building designed to accommodate varying types of commercial, manufacturing, laboratory or industrial uses otherwise permitted by the zoning district in which it is located and offering time-limited leases at below market-rate rents in order to lower the startup costs for new businesses.

CATERING HALL – A commercial establishment primarily engaged in providing food and drink to large gathered groups. Catering halls differ from restaurants in that large groups of people occupying multiple tables are provided a common service scheduled and usually requiring at least a partial payment at least several days in advance of the service.

CHURCH – A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body. A church may include other accessory uses customarily associated with religious worship including classrooms for religious education, gymnasiums, libraries, offices, and specialized spaces designed to accommodate religious ritual. Churches may also include a dwelling or dwellings restricted to occupancy by clergy, their direct families and guests, but such spaces shall not be offered for rent or sale. Church shall also be interpreted to include synagogues, mosques and temples.

CIDERY - Any place where cider is manufactured for sale, and includes all offices and storerooms connected with any part of the manufacture process. Such use may include tastings or operate a food or drinking establishment on site.

CONFERENCE CENTER – A commercial facility where spaces are demised for use for business and professional conferences and seminars. Overnight accommodations for occupancy solely by conference attendees and their immediate families, including sleeping, eating and recreational facilities are often part of conference centers. A conference center is not designed to be utilized by the general public nor for non-transient occupancy.

CONVENIENCE STORE – A retail store with a floor area of less than 2,500 square feet that sells groceries, prepackaged prepared foods, periodicals and household items.

CONTRACTOR BUSINESS OFFICE – A facility with one or more structures that are used for the conduct of a service trade where the principal point of service is off-site, including but not limited to general contractors, carpenters, painters, plumbers, HVAC, masons, roofers, electricians, landscapers, constructors, metalworkers, and glaziers. Facilities may be used as offices, storage, fabrication spaces, vehicle parking, breakrooms, and for any other non-nuisance use deemed traditionally associated with the trade. Outdoor storage shall be considered an accessory use to a contractor business

office only where the storage is located in a district that allows contractor storage and/or equipment yard as a principal use.

DATA CENTER/SERVER CENTER – A facility primarily used to house computer, telecommunication, digital storage and/or network infrastructure.

DISTILLERY - Any place where liquor is manufactured for sale, and includes all offices and storerooms connected with any part of the manufacture process. Such use may include tastings or operate a food or drinking establishment on site.

DELICATESSEN – A convenience store that also prepares food items to order and may include a small area of no more than 150 square feet for consumption of food on-site.

DWELLING, SINGLE-FAMILY ATTACHED - A building containing two or more dwelling units, none of which have common floors or ceilings between units, and which have one party or common wall. Single-family attached dwellings within a building containing two dwellings are commonly referred to as a "duplex." Single-family attached dwellings within a building containing three or more dwelling units are commonly referred to as "townhomes" where such units are located on individual fee-simple lots.

EATING ESTABLISHMENTS: DRIVE-IN, OPEN-FRONT, OR CURB SERVICE – A restaurant receiving 51% of its gross sales receipts of food and beverages from patrons that consume food and beverages on-site but outside the principal structure.

FOOD LINKAGE, LOCAL/REGIONAL – A facility used for the aggregation, distribution and marketing of source-identified food products primarily from local and regional producers.

GENERAL STORE – See convenience store.

GLAMP – A semi-permanent structure or structures consisting of one or more platforms upon which a fabric tent is erected for use as an overnight accommodation guest unit. No glamp may contain more than five overnight accommodation guest units and guest units shall not be visible from any public right-of-way.

GUEST UNITS, OVERNIGHT ACCOMMODATION – Any habitable room or demised group of rooms designed to be rented as a single unit, accessed via a single key and used as a separate overnight accommodation on a transient basis only.

HOTEL - A commercial building containing overnight accommodation guest units which share common entrances and are accessed via a common hallway. Conference rooms, restaurants, bars, lounges, gift shops, sundries shops, business centers, fitness centers and recreational amenities are considered accessory to a hotel, so long as they are primarily intended for use by hotel guests. A hotel may include up to one overnight accommodation to be utilized by staff and/or employees and their family on a non-transient basis.

INN – A hotel or motel having up to 25 guest rooms.

MOTEL - A commercial building or buildings containing overnight accommodation guest units which are accessed directly from the building exterior. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar appellations. A motel may include up to one overnight accommodation to be utilized by staff and/or employees and their family on a non-transient basis.

PARKING SPACE, TRUCK – A parking space intended for occupancy by a commercial vehicle or commercial vehicle and trailer over 20 feet in length. Each loading berth, truck dock, truck bay, or fueling position concurrently available to such vehicles shall also be deemed to be a truck parking space.

REGIONAL SPORTS TRAINING FACILITY – A facility used for the training of athletes engaged in competitive sports other than firearm shooting sports and comprised of indoor and/or outdoor athletic fields and/or courts, classrooms, and accessory facilities such as gymnasiums, physical therapy spaces, medical facilities, snack bars and spectator arenas and grandstands. Such a facility does not include overnight accommodations and is limited to one residential dwelling unit for non-transient occupancy by a caretaker. Regional sports training facilities may also be used for hosting regional sports tournaments.

RESORT – A hotel or motel that offers recreational attractions such as golf courses, swimming pools, horseback riding trails, boating, water parks and usually provides access to those facilities typically as part of a single fee.

RESTAURANT – A commercial establishment where food and beverages are prepared and served on-site and where beverage sales constitute less than 50% of the gross sales receipts of food and beverages.

TAVERN – A commercial establishment where food and beverages are prepared and served on-site and where beverage sales constitute more than 50% of the gross sales receipts of food and beverages.

TRANSIENT – Occupied for no more than 29 consecutive days or 29 days in any calendar year.

VACATION COTTAGE – A structure designed as a single-family detached dwellings, but used as a single overnight accommodation guest unit.

WAREHOUSE, INTENSIVE – A warehouse, whether the principal or accessory use on the site having more than one truck parking space per 7,500 square feet of floor area or averaging more than 24 arrivals per day or 24 departures per day by commercial vehicles 25 feet in length or greater over any 45-day period.

WAREHOUSE, NON-INTENSIVE – A warehouse other than an intensive warehouse.

WINERY - Any place or premises wherein wines are manufactured from any fruit or brandies distilled as the by-product of wine or other fruit or cordials are compounded. Such use may include tastings or operate a food or drinking establishment on site.

Section 235-4.4 shall be amended to add the following:

- D. A Planned Adult Community with an approved and unexpired special use permit, and an approved and unexpired site plan shall not be subject to Introductory Local Law 9 of 2021, .*

Section 235-5.2(B) hereby repealed and replaced with the following:

- B. The district boundary lines, unless shown otherwise, are intended generally to follow street center lines, stream channel center lines, railroad right-of-way lines, lot lines, boundaries of subdivisions or municipal boundary lines, all as shown on the Zoning Map. Where a district boundary line does not follow such a line, but is shown parallel to such a line on the Zoning Map, the distance between the parallel lines shall be as dimensioned on the Zoning Map. Such dimensions shall be construed to read from the outside edge of all rights-of-way rather than from their center lines.

Section 235-6.2 hereby repealed and replaced with the following:

§ 235-6.2. Residence and agriculture districts: Table of Use Regulations.

See the Table of Use Regulations included at the end of this chapter.”

Section 235-7.2 is hereby repealed and replaced with the following:

§ 235-7.3. Business and industrial districts: Table of Dimensional Regulations.

See the Table of Use Regulations included at the end of this chapter

Section 235-7.7 (Uses requiring Town Board Special Use Approval) is hereby repealed in its entirety and should instead be designated as “Reserved.”

Section 235-11.2 is hereby repealed and replaced with the following:

- A. In all districts, the lot frontage at the street line shall not be less than 40 feet (40) at any point between the front lot line and the point at which the lot width is measured as elsewhere set forth in this chapter, except in the RM-1 District where lot frontage at the street line shall not be less than 20 feet for single family attached dwellings, except in a Planned Adult Community (PAC) and/or in a clustered subdivision where the lot frontage requirements shall be prescribed by the Planning Board during the review of those types of projects. Additionally, the area of each lot between the building site and the public street must contain land that is usable for customary vehicular access to and from the public street.
- B. For purposes of calculating minimum lot area or maximum lot coverage for residential and non-residential uses, or for calculating residential density, the following areas shall be subtracted from the gross lot area of a parcel:
 - (1) Utility rights-of-way and designated streets. Fifty percent of any land within easements or rights-of-way for overhead utilities of 69 kilovolts or greater, or within a designated street line, shall not be counted as part of any minimum lot area requirement.
 - (2) Land under water (applicable prior to development). One hundred percent of that portion of a lot subject to the following shall not be counted as part of any minimum lot area requirement: ponds, freshwater wetlands regulated by the Army Corps of Engineers;

streams; and any freshwater wetland regulated by the New York State Department of Environmental Conservation.

- (3) Floodplains. Fifty percent of any land contained within the 100-year floodplain as designated on Federal Emergency Management Agency maps shall not be counted as part of any minimum lot area requirement.
- (4) Steep slopes (applicable prior to development). Fifty percent of the horizontal land area containing slopes with a grade in excess of 25% and 100% of the horizontal land area containing slopes with a grade in excess of 50%. Except as otherwise directed by a competing provision herein, grades shall be measured utilizing contours vertically separated by no more than two feet.
- (5) Rock outcrops (applicable prior to development). Fifty percent of the horizontal area with rock outcrops larger than 50 square feet each.

Section 235-15.4C(28) is hereby repealed and replaced with the following:

- (28) Motel, Resort, Inn and/or hotel.
 - (a) There shall be at least two acres of lot area plus an additional 1,500 square feet for each additional overnight accommodation guest unit beyond the first 75.
 - (b) Accessory uses to a motel, inn and/or hotel on the same lot may include a related office, restaurant facilities, conference rooms, bars, lounges, gift shops, sundries shops, business centers, fitness centers, recreation facilities solely for use by guests and off-street parking, and which shall not exceed 25% of the total floor area.
 - (c) Motels, resorts, inns and hotels shall be occupied only on a transient basis, with the exception of a single overnight accommodation guest unit, which may be used for occupancy by employees.
 - (d) Resorts shall provide at least 200 square feet of accessory interior recreational, restaurant, bar, lounge, or fitness floor area or at least 5000 square feet of exterior recreational amenities per guestroom or any combination thereof.

Section 235-15.4C(31)(a) is hereby repealed and replaced with the following:

- (a) A planned adult community (PAC) only may be approved by the Planning Board of the Town of Montgomery for the entirety of those certain two (2) tax parcels presently known as Town of Montgomery Tax Map Section 29, Block 1, Lots 10, 32.11 and 32.12, together with tax parcel 29-1-22.222, if said parcel is acquired to be a part of the PAC, which Tax Map parcels consist of 191 contiguous acres more or less, situate on the north side of Goodwill Road in the Town of Montgomery and are indicated on the Zoning Map of the Town as RA-1/PAC.

Section 235-15.4C(39)(d) [certain conditions relevant to retail industry special use permits] is hereby repealed.

Section 235-15.4C(47) is hereby repealed and replaced with the following:

- (47) Truck terminals and intensive warehouses and non-intensive warehouses.
 - (a) Loading bays may not face street frontage area.
 - (b) Truck storage, parking or running areas shall not be located within three hundred (300) feet of a lot containing a residence located in a zoning district which permits residences as a use-by-right or by special use permit.
 - (c) Truck terminals and intensive warehouses shall be located on lots in excess of five (5) acres in area.
 - (d) Intentionally omitted.

Section 235-15.4C is hereby amended to include a new Subsection 50 to read as follows:

- (50) Single-family residences in I-2 Airport District.
 - (a) No new single-family residence will be permitted to be constructed within the I-2 Airport District west of Route 211 and north of the Wallkill River except for “hangar homes” which provide an accessory hangar for storage of an aircraft owned by the residential occupant, and which maintains a “residential through the fence” agreement with Orange County Airport and complies with all relevant rules and regulations of the United States Federal Aviation Administration.
 - (b) Single-family homes in the I-2 District shall meet the dimensional requirements of the RA-1 Medium Density Zoning District.

Section 235-15.4C is hereby amended to include a new Subsection 51 to read as follows:

- (51) Conference Centers.
 - (a) Conference Centers offering overnight accommodations shall conform with all special permit use requirements applicable to hotels, except that there shall be no limitation on the percentage of floor area that may be devoted to conference rooms.

Section 235-15.4(D)(7) hereby repealed and replaced with the following:

- (7) Building permits authorized by Planning Board actions on special use permit and/or site plan applications, including site plan applications approved by the Building Department, shall be obtained within 18 months and shall automatically expire if construction under the permit is not started within 90 days of issuance and completed within one year from the date site construction and/or site disturbance begins, or as otherwise indicated in the site plan approval or any approved phasing plans. If no building permit is received within 18 months, or that building permit expires, three extensions of 12

months each may be granted by the Planning Board where good cause is shown, after which a new application must be submitted for re-approval of the site plan and special use permit if any. The Planning Board is authorized to waive or lower the special use permit and/or site plan review fee for reapproval of a special use permit and/or site plan, where it finds that the application for re-approval is substantively identical to a previously approved permit and/or plan, and where there are no or limited changes to background conditions and the regulatory environment, thereby only requiring a cursory review. Any site plan that has been approved prior to October 1, 2020, and that has been given an extension by the Planning Board (or the Town Board for special uses that were subject to Town Board approval) shall be subject to the terms of that extension, after which upon expiration of the approved extension shall be permitted to apply to the Planning Board for up to three extensions of 12 months each subject to the terms of this requirement.

Section 3. Amendments to the Table of Use Regulations.

The tables referred to by sections 235-6.2 and 235-7.2 are hereby repealed and replaced with the Table of Use Regulations annexed hereto as Attachment A.

Section 4. Table of Dimensional Regulations.

The tables annexed hereto as Attachment B are hereby adopted as the official Table of Dimensional Regulations for all zoning districts of the Town of Montgomery unless otherwise specified in Chapter 235. Any reference to the "Table of Dimensional Regulations for the Residence and Agriculture Districts" or to the "Table of Dimensional Regulations for the Business and Industrial Districts" shall refer to the tables annexed hereto as Attachment B.

Section 5. Amendments to Zoning Map.

The Official Zoning Map of the Town of Montgomery is hereby repealed and shall be replaced with the Zoning Map as annexed hereto as Attachment C.

Section 6. Severability.

The provisions of this local law are declared severable, and if any section or subsection of this local law is held to be invalid, such invalidity shall not affect the other provisions of this local law that can be given effect without the invalidated provision.

Section 7. Repeal.

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing in the office of the New York

State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Attachment A:

Table of Use Regulations

Use Classification	RA-CE	RA-0.5	RA-1	RM-1	R-MHC	MHP-AR	Crossroads Overlay	B-1	B-2	B-3	I-1	I-2	I-3	WS
A. Residential Uses														
Single family detached dwelling		P	P	P						P ⁽¹⁾		SU		
Two family detached dwelling; One family semi-detached dwelling			P	P						P ⁽¹⁾				
Single family attached dwelling			SU	SU										
Multiple dwelling				SU										
Conversion of existing residential structure into a multi-family dwelling		SU	SU	SU										
Age-Restricted Mobile Home Parks						SU								
Licensed mobile home court					SU									
Planned Adult Community(PAC)			SU											
Campground		SU	SU	SU						SU		SU		
Integrated Residential, Agricultural and Light Industrial Community	SU													
Notes:														
(1) Subject to the dimensional requirements of the RA-0.5 Zoning District														
B. Residential Community Facilities														
Church or similar place of worship, parish house, seminary, convent, dormitory	SU	SU	SU	SU	SU	SU				SU		SU		
Daycamp		SU	SU	SU	SU							SU		
Fire station, municipal office or other governmental building		SU	SU	SU	SU					SU		SU	SU	SU
Golf course, country club on site of not less than 50 acres		SU	SU	SU	SU							SU		
Municipal Public Works Building		P	P	P	P	P				P		P	P	P
Nursery school	SU	SU	SU	SU	SU	SU						SU		
Park, Playground or recreational area operated by the municipality	SU	P	P	P	P	P				P		P	P	P
Public library, museum, community center	SU	SU	SU	SU	SU	SU				SU			SU	SU
School, elementary or high, public, denominational or private	SU	SU	SU	SU	SU	SU						SU		
Senior Assisted Care Facility		SU	SU	SU	SU							SU		

P = Permitted Use; SU = Special Use Permit (and Site Plan Approval) Required;

SP= Site Plan Approval Required; All other uses are prohibited

Attachment A:

Table of Use Regulations

Use Classification	RA-CE	RA-0.5	RA-1	RM-1	R-MHC	MHP-AR	Crossroads Overlay	B-1	B-2	B-3	I-1	I-2	I-3	WS
C. General Community Facilities														
Airport														
Bus Passenger Shelter	SU	SU	SU	P				P	P	SU	P	P	P	
Cemetery	SU	SU	SU	SU							SU	SU	SU	
College, university		SU	SU	SU				SU	SU	SU	SU	SU	SU	
Heliport											SU	SU		
Hospital, sanitarium, nursing home, rest home		SU	SU	SU				SU	SU	SU			SU	
Membership club - non-profit and philanthropic, fraternal, social or education institution office or meeting room, non-profit		SU	SU	SU				SU	SU	SU		SU		
Philanthropic, fraternal or social organization office or meeting room		SU	SU	SU				SU	SU	SU		SU		
Public passenger, transportation station or terminal								SU			SU	SU	SU	
Public utility structure or right-of-way, excluding business office, repair or storage of equipment excluding wastewater treatment plants, water storage tanks and related accessory improvements	SU	SU	SU	SU	SU	SU		SU	SU	SU	SU	SU	SU	
Sewage or Wastewater Treatment Plant	SU	SU	SU	SU	SU	SU		SU	SU	SU	SU	SU	SU	
Small utility structures located partially or wholly above ground (see §235-11.11)	P	SP	SP	SP	SP	SP		SP	SP	SP	SP	SP	SP	
D. Accessory Uses to Agricultural, Community Facility, and Residential Uses														
Customary structure and/or use accessory to a residence	P	P	P	P	P	P				P		P	P	
Agricultural workers housing accessory to a farm operation in an Agricultural District as provided for under NYS Ag & Markets Law	P	P	P	P	P	P		P	P	P	P	P	P	P
Home veterinarian office or breeding kennel, including open space pens, for the treatment and/or housing of domestic pets.		SU								SU				
Accessory Dwelling Use incl. Tiny Homes and ECHO Housing		P	P	P	P						P			
Antique shops or craft shops in existing historic outbuildings		SP	SP	SP	SP					SP		SP		
Aviation related hangars, taxways, and other ancillary support structures and equipment accessory to a single-family detached residence maintaining a residential through the fence agreement with the Orange County Airport.												SP		
Home occupation														
Home professional office		P	P	P	P	P				P		P		
Private garage or private offstreet parking area pursuant to §235-12		P	P	P	P	P				P		P		
Private swimming pool	P	P	P	P	P	P				P		P		
Roadside markets for the sale of farm products produced on the premises accessory to a farm operation in an Agricultural District	P	P	P	P	P	P		P	P	P	P	P	P	P
Signs pursuant to §235-13	SP	SP	SP	SP	SP	SP				SP				

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Table of Use Regulations

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E. Business Uses														
Agriculture, horticulture, truck, dairy and poultry farming, and raising of livestock	P	P	P	P	P	P		P	P	P	P	P	P	
Air services, fixed base operators, flight schools, aviation colleges, aviation repair and maintenance, hangars, aviation refueling facilities,													SP	
Animal hospital, animal boarding							SU	SP	SU		SP	SP	SP	
Antique, crafts and specialty food shops							SP			SP				
Arena								SU	SU				SU	
Assembly Hall										SU				
Automobile laundries								SP	SU					
Bank								SP	SP	SU				
Bowling alley								SP	SP	SU			SU	
Building supply, agricultural supply,		SU					SP	SP	SP				SU	
Business incubator flex space (commercial)							SU	SU	SU	SU			SU	
Catering Hall								SP	SU	SU			SU	
Commercial public recreation uses not otherwise permitted								SP	SU	SU			SU	
Conference Center								SU	SU	SU			SU	
Eating establishments: drive-in, open-front, or curb service								SP	SU					
Full service truckstops which must include a restaurant, restrooms, fuel service and motel accommodations with a minimum of 20 bedrooms. The use may include auto/truck repair facilities and/or convenience store and/or truck wash							SU				SU			
Funeral home							SP	SP	SP					
Gasoline station with or without a convenience store							SU	SP	SU	SU			SU	
General Store, Convenience Store, Delicatessens							SP	SP	SP	SP			SP	
Health clubs and fitness centers								SP	SP	SU			SU	
Hotel, Motel								SU	SU	SU			SU	
Landscape supply, nurseries, garden centers,		SU					SP		SP	SP			SU	
Liquefied Petroleum Gas (LPG) Gasoline Station								SU			SU		SU	
Motor vehicles, mobile home or boat salesroom or outdoor sales lot for products for sale and/or for hire								SP	SU					
Office: business, professional, or utility								SU	SP	SP		SP	SP	
Parking garage								SU	SU		SU		SU	
Personal service shop: barber shop, beauty parlor, dry cleaning or laundry service of less than 4,000 sq.ft, professional studio, travel agency or similar shop							SU	SP	SP	SU		SP	SP	

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Professional office, medical arts building								SP	SP			SP	SP	
Radio or TV broadcasting studio								SP	SP	SP		SP	SP	
Regional Sport Training Facilities										SU		SU	SU	
Repair garage							SU	SP	SP					
Repair shops for household and/or personal appliances							SU	SP	SP			SP	SP	
Resort, Inn, Bed and Breakfast		SU					SU		SU	SU		SU	SU	
Restaurant							SU	SP	SP	SU		SP		
Retail businesses with drive throughs including pharmacies,								SP	SP					
Retail sales of food prepared, cooked or assemble on site, including Ice Cream Shop, Retail Bakery, Candy Shop							SP	SP	SP	SP				
Retail store or shop, permitted or accessory not otherwise specifically identified herein								SP	SP			SU		
Shop for custom work and for making articles to be sold at retail on premises							SU	SP	SP	SU		SP	SP	
Shopping center								SP	SU					
Tavern							SU	SP	SP	SU		SU		
Theatre or motion picture theatre other than an outdoor drive-in theatre								SP	SP	SU				
Vacation Cottages, Glamp		SU								SU				
Vocational school								SP	SP		SP	SP	SP	
Wineries, Breweries, Distilleries, Cideries								SP	SU	SU		SU	SU	

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F. Industrial Uses														
Automobile Recycling Facility											SU			
Battery Energy Storage System - Tier 2	SU	SU	SU	SU	SU	SU		SU	SU	SU	SU	SU	SU	SU
Business Incubator flex space (industrial)											SU	SU	SU	
C and D processing facility subject to §235-7.4											SU			
Composting facility subject to §235-7.4											SU			
Contractor business office								SU	SU	SU	SP	SU	SU	
Contractor storage and/or equipment yard								SU	SU	SU	SP	SU	SU	
Data Center/Server Center											SP	SP	SP	
Dry cleaning plant of more than 4,000 sq. ft.											SU		SU	
Flex Space/Multi-Use or Multi-Tenant Building								SU			SU	SU	SU	
Fuel storage											SU	SU	SU	
General industry											SU	SU	SU	
Laundry plant of more than 4,000 sq. ft.											SU	SU	SU	
Limited non-nuisance industry											SP	SP	SP	
Liquefied Petroleum Gas (LPG) storage											SU			
Local/regional food linkages											SP	SU	SU	
Machinery repair or service plant, non-nuisance											SP	SP	SP	
Monument works											SP	SP	SP	
Municipal sanitary landfill or incinerator											SU	SU	SU	
Non-nuisance industry											SU	SU	SU	
Printing and publishing plants											SP	SP	SP	
Public utility building, plant, structure or storage yard							SU				SU	SU	SU	
Railroad yard											SP	SU	SU	
Recyclable handling and recovery facility subject to §235-7.4											SU			
Research institute or laboratory								SU	SU		SP	SP	SP	
Retail industry											SU	SU	SU	
Self Storage Facilities								SU			SU		SU	
Storage yard: building material, feed or similar non-hazardous materials								SU	SU		SP	SP	SP	
Transfer station subject to §235-7.4											SU			
Truck terminals											SU			
USDA Slaughterhouse, 5-A state plants and meat processing facilities											SU			

P = Permitted Use; SU = Special Use Permit (and Site Plan Approval) Required;

SP= Site Plan Approval Required; All other uses are prohibited

Attachment A:

Table of Use Regulations

Use Classification	RA-CE	RA-0.5	RA-1	RM-1	R-MHC	MHP-AR	Crossroads Overlay	B-1	B-2	B-3	I-1	I-2	I-3	WS
Warehouses, non-intensive.											SP	SU	SU	
Warehouses, intensive.											SU			
Waste tire storage processing subject to §235-7.4											SU			
Water Production Supply and Removal														SU
Wearing apparel or accessories manufacture											SP	SU	SU	
Wholesale business											SP	SU	SU	
Wood chipping facility subject to §235-7.4											SU			

P = Permitted Use; SU = Special Use Permit (and Site Plan Approval) Required;
 SP= Site Plan Approval Required; All other uses are prohibited

Attachment A:

Table of Use Regulations

Use Classification	RA-CE	RA-0.5	RA-1	RM-1	R-MHC	MHP-AR	Crossroads Overlay	B-1	B-2	B-3	I-1	I-2	I-3	WS
G. Accessory Uses in Non-Residential Districts														
Bus Passenger Shelter							P	P	P	P	P	P	P	P
Caretaker's or owner's dwelling unit							SP	SP	SU	SP	SP	SP	SP	SP
Customary accessory use, building or structure except retail prohibited uses, but including agricultural workers housing as provided for under the New York State Agriculture & Markets Law							SP	SP	SP	SP	SP	SP	SP	SP
Day-care facility							SP	SP	SP	SP	SU	SP	SP	
Dwelling units over or in rear of first floor non-residential uses								SU						
Fuel storage								SU			SP	SP	SP	
Home occupation									P	P		P		
Home professional office									P			P		
Liquefied Petroleum Gas (LPG) or other fuel storage for on-site use								SU			SU	SU	SU	
Personal service shop: barber shop, beauty parlor, dry cleaning or laundry service, professional studio, travel agency or similar shop within an approved or existing structure and accessory to a principal use								P			P	P	P	
Private garage or private offstreet parking area pursuant to §235-12							SP	SP	SP	SP	SP	SP	SP	SP
Private swimming pool							P			P				
Repair shops for household and/or personal appliances attached to a Primary Use								SP	SP		SP	SP	SP	
Restaurant, cafeteria attached to a Primary Use								SP			SP	SP	SP	
Retail store or shop within an approved or existing structure and accessory to a principal use								P			P	P	P	
Signs pursuant to §235-13							SP	SP	SP	SP	SP	SP	SP	SP

P = Permitted Use; SU = Special Use Permit (and Site Plan Approval) Required;

SP= Site Plan Approval Required; All other uses are prohibited

Attachment B:

Residence and Agricultural Districts - Table of Dimensional Requirements

NP = Not permitted	RA-0.5	Districts				RM-1	R-MHC (a)	MHP-AR (e)
		Distance to Business District* > 1 mi < 1 mi < 1/2 mi						
1. Lot area - minimum - sq.ft. (c)								
with NEITHER central sewer nor central water with EITHER central sewer or central water with BOTH central sewer and central water for Agriculture or Farm uses (d)	87,120	43,560	43,560	32,670	n/p	20,000	20,000	
	87,120	43,560	32,670	27,224	n/p	18,000	18,000	
	87,120	32,670	21,780	16,335	5,000	12,000	12,000	
	130,680	130,680	130,680	130,680	130,680	130,680	130,680	
2. Lot coverage - % of total lot area occupied by Main & Accessory Buildings	10	15	20	25	35	25	25	
3. Lot width - minimum at Building Line - feet (b)	200	150	125	100	50	90	90	
4. Height - maximum - feet	35	35	35	35	35	35	35	
5. Yards - minimum - feet								
Front	75	60	40	35	25	35	35	
Side - any one	40	30	20	15	10	15	15	
Side - total for both on interior lot	80	60	40	30	15	30	30	
Side - abutting side street on corner lot	75	60	40	35	25	35	35	
Rear	75	40	40	35	25	35	35	
6. Accessory Buildings								
Coverage of required rear yard - max.%	None	None	20	20	35	20	20	
Height in any required rear yard - max. ft	25	25	18	18	20	18	18	
Setback from any lot line - minimum ft.	10	10	5	5	5	5	5	
7. Lot Width on State and County Roads	250	250	200	200	50	90	90	

* Business District to be defined as Crossroads Overlay, B-1, B-2, B-3; Village of Montgomery B-1 or B-2; Village of Walden B-1, B-2, B-3 or B-4; Measured from nearest

(a) See §235-15.4C(26)

(b) No lot which serves a single family detached dwelling shall be narrower than 40 feet at any point between the front line and the point at which lot width is

(c) Lot area requirement per dwelling unit, except for two family residences which the lot area per unit may be reduced to 85% of requirement

(d) See §235-11.1A(7)

(e) Dimensional requirements are for use in the preparation and review of an overall site development plan and are not to be construed as requirements for or permission to subdivide the land for individual residential lots.

Attachment B:

Business and Industrial Districts - Table of Dimensional Regulations

	B-1	B-2	B-3	Crossroads Commercial ⁴	I-1 ^{2,3}	I-2 ⁶	I-3
1. Lot area, minimum square feet	40,000	20,000	10,000	20,000	80,000	40,000	40,000
2. Lot coverage – percentage of total lot area occupied by main and accessory buildings	25%	30%	30%	30	40%	40%	40%
3. Lot width, minimum at building line(feet)	150	150	75	75	200	150	150
4. Height, maximum (feet)	40	40	40	40	55	55	55
5. Yards, minimum (feet)							
Front (see also § 235-11.4G)	50	50 ⁵	50 ⁵	50 ⁵	75 ¹	50	50
Side – any one	20	20	20	20	30	20	20
Side – total for both on interior lot	40	40	40	40	60	40	40
Side – abutting side street on corner lot	25	25	25	25	75 ¹	50	50
Rear	30	30	30	30	50	50	30
6. Accessory buildings							
Coverage of required rear yard, maximum percentage	None	None	None	None	None	None	None
Height in required rear yard, maximum (feet)	None	None	None	None	None	None	None
Setback from any lot line, minimum(feet)	See "Yards"	See "Yards"	See "Yards"	See "Yards"	See "Yards"	See "Yards"	See "Yards"
7. Agricultural or farm uses [see § 235-11.1A(7)(d)]	3 acres	3 acres	3 acres	3 acres	3 acres	3 acres	3 acres

NOTES:

1. Parcels fronting on Bracken Road shall have a minimum front yard requirement of 60 feet.
2. See Attachment 5, Table of Bulk Requirements for Composting, Recycling Handling and Recovery Facilities, for lot area and bulk requirements per intensity of use.
3. No access for other than agricultural or normal residential purposes shall be permitted from Maple Avenue except for that portion within 1,000 feet from NYS Route 17K.
4. For uses not otherwise permitted by underlying zoning. For uses permitted by underlying zoning, the bulk requirements for the underlying zoning shall apply.
5. The Planning Board may reduce the front yard by 50%, where parking is not proposed in the front yard and doing so is consistent with the rural character of the area.
6. Bulk requirements for industrial uses as categorized on in the Table of Use Regulations. Residential uses shall conform with the requirements of the RA-0.5 District. All other uses shall conform with the requirements of the B-2 District.
7. Bulk requirements for residential uses shall conform with the requirements of the RA-0.5 District.
8. No access for commercial vehicles shall be permitted onto Beaver Dam Road north of Neelytown Road.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 6 of 2022 of the (County)(City)(Town)(Village) of Montgomery was duly passed by the Town Board of the Town of Montgomery on April 18, 2022 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. —(City local law concerning Charter revision proposed by petition.) —

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. —(County local law concerning adoption of Charter.) —

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Tara Stickle

Tara Stickle, Town of Montgomery Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: 4/19/2022