



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino

FROM: Kathy Regan

DATE: September 8, 2016

RE: Town of Horicon Local Land Use Program Amendment

The Town of Horicon seeks Agency review and approval to amend its local land use program. The Town proposes to update the Town of Horicon Zoning Law.

The Town of Horicon has administered an Agency-approved Local Land Use Program since 1978. The Town Zoning Law was last amended in 2013 and the proposed program amendment is a rewrite of the entire code.

Proposed Changes

The Town of Horicon proposes a repeal and replacement of their existing zoning code, following adoption of the Town's updated comprehensive plan in 2010. The full text of the zoning law, dated August 16, 2016 is attached for reference.

Horicon submitted the proposed amendment to the Agency for review and approval pursuant to APA Act §807 by Town Resolution on August 16, 2016, and received by the Agency on August 24, 2016. A copy of the resolution is also attached.

Staff Review and Comment

Agency staff began working with the Town of Horicon on its revised zoning code in 2012. The proposed Town zoning law builds upon the foundation of the Town's existing code which was approved by the Agency in 1978 and last amended in 2013.

The Town proposed zoning law incorporates the Agency's current terminology and methodology which allows for consistency between Town and Agency review. An integral component of ALLUPs is incorporation of the shoreline restrictions from 806 of the APA Act. The Agency's 2008 regulatory changes that addressed boathouses, docks and non-conforming shoreline structures have been incorporated into the proposed Town code.

Ensuring a reasonable application of the compatible use lists of the APA Act is a requirement of an ALLUP. Staff worked with the Town to account for the forty different

types of uses identified by the Act and compared those to the different types of uses as defined by the Town. The proposed zoning law includes Agency terms, which had been omitted from the prior law and has amended key definitions to match those used by the Agency. Towns often choose to further define types of commercial uses in order to specify where such uses are appropriate. Given the Agency's singular definition of "Commercial Use," and for ease in determining the appropriate level of review, the fourteen separately defined Town commercial uses have been grouped together in the definitions under a heading of "Commercial Use."

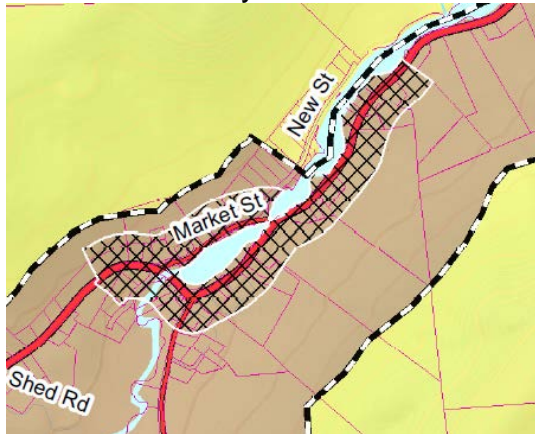
The determination as to what constitutes a Principal Building is important when considering reasonable application of the overall intensity guidelines. The proposed law incorporates a revised definition of "Principal Building" that reorganizes the Agency's definition in a more user friendly manner.

PRINCIPAL BUILDING: Any one of the following:

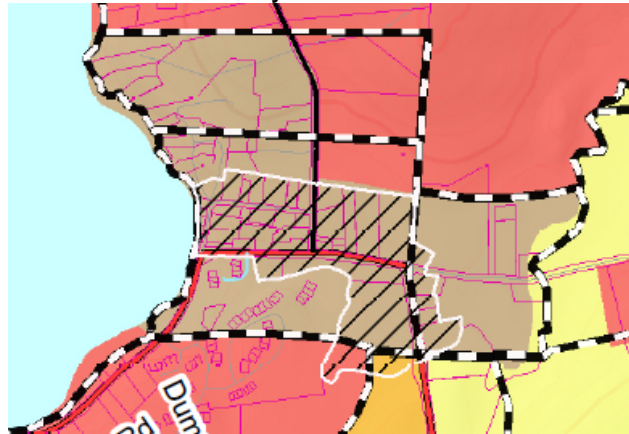
- A. A single family dwelling constitutes one principal building;
- B. A mobile home constitutes one principal building;
- C. Each dwelling unit of a multiple family dwelling constitutes one principal building;
- D. A tourist cabin or similar structure for rent or hire involving 300 square feet or more of floor space constitutes one principal building, and any tourist cabin or similar structure involving less than 300 square feet of floor space constitutes one-tenth (1/10th) of a principal building;
- E. Each motel unit, hotel unit or similar tourist accommodation unit that is attached to a similar unit by a party wall constitutes one-tenth (1/10th) of a principal building;
- F. Each commercial use structure in excess of 300 square feet constitutes one principal building, except that for a commercial use structure involving the retail sale or rental or distribution of goods, services or commodities, each 11,000 square feet of floor space or portion thereof constitutes one principal building;
- G. A structure that contains a commercial use and is also used as a single family dwelling constitutes one principal building;
- H. Each industrial use structure in excess of 300 square feet constitutes one principal building;
- I. All agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use, and members of their respective immediate families together constitute one principal building;
- J. Any other structure that exceeds 1,250 square feet of floor space and is not an accessory structure constitutes one principal building.

The Town's 2010 comprehensive plan identified key areas around the Mill Pond and Adirondack Hamlet areas. The proposed zoning law sets up overlay districts for these areas and prescribes design guidelines for proposed development.

Mill Pond Overlay District



Adirondack Overlay District



Conclusion

Based on its review, Agency staff believe that the Town of Horicon's proposed Zoning Law complies with the standards for approval set forth in APA Act §807(2) and NYCRR §582.2(e). Accordingly, Agency staff recommend approval of the proposed amendment to the Town's Agency-approved local Land Use Program.