



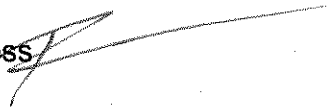
## Adirondack Park Agency

LEILANI CRAFTS ULRICH  
Chairwoman

TERRY MARTINO  
Executive Director

### MEMORANDUM

TO: Terry Martino

FROM: Robyn Burgess 

DATE: June 30, 2015

RE: Town of Arietta Local Land Use Program Amendment

The Town of Arietta seeks Agency review and approval to amend its local land use program. The Town proposes to update the Land Use Ordinance of the Town of Arietta.

The Town of Arietta has administered an Agency-approved Local Land Use Program since 1983. The Town zoning ordinance was last amended in 2007 and the proposed amendments address numerous sections of the ordinance and are in essence a rewrite of the ordinance.

#### Proposed Changes

The Town of Arietta proposes broad amendments to the Land Use Ordinance of the Town of Arietta. The proposed changes affect every article of the document and represent an essential rewrite of the ordinance. The full text of the ordinance, dated February 25, 2015, and which includes revisions dated June 9, 2015, is attached for reference.

Arietta submitted the proposed amendment to the Agency for review and approval pursuant to APA Act §807, by resolution 15-06-12 dated June 25, 2015. A copy of the resolution is also attached.

#### Staff Review and Comment

Agency staff began working with the Town of Arietta and its consultant in May of 2013 when staff was asked to start informally reviewing the document. The Town's land use code is unusually complex as it consists of 132 different zoning districts, 20 Use Designations and 5 Intensity Designations. Under each of the 132 districts in §3.060, there is an associated Use Designation and Intensity Designation. The Town uses a system of Use Designations to allocate a specific grouping of uses under each designation (§3.030). For example in the SR 1 (Single Family Residence 1) Use Designation, the following uses are permitted with Site Plan Review: Accessory Structure, Accessory Use, Guest Cottage, Home Occupation, Public Utility Use, Single

The Town has also chosen to codify a long term practice within the Town and remove the "Accessory Structures" exemption from the "Principal Building" definition. Under the APA Act (§802.50) accessory structures, such as garages, are exempted from the definition of "Principal Building" (regardless of their size) and therefore do not require additional density for their placement. Under the Town's proposal (and past practice), any accessory structure which is greater than 1,250 square feet in size would be considered a principal building and require appropriate density. Since the Town's proposed definition is stricter than that required under the APA Act, it is within the Town's authority in its implementation of their Agency-approved Local Land Use Program to adopt. Below is a comparison between the APA's definition of Principal Building from the Act and the Town's proposed definition for reference.

Principal Building Definition	
APA Act §802.50	Arietta (Proposed) §2.020
a. a single family dwelling constitutes one principal building;	A. A single family dwelling constitutes one principal building;
b. a mobile home constitutes one principal building;	C. A mobile home constitutes one principal building;
c. a tourist cabin or similar structure for rent or hire involving three hundred square feet or more of floor space constitutes one principal building;	B. A tourist cabin or similar structure for rent or hire involving three hundred (300) square feet or more of floor space constitutes one principal building. A tourist cabin or similar structure involving less than three hundred (300) square feet of floor space constitutes one-tenth (1/10) of a principal building;
d. each dwelling unit of a multiple family dwelling constitutes one principal building;	D. Each dwelling unit of a multiple family dwelling constitutes one principal building;
e. each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred feet of floor space, constitutes one-tenth of a principal building.	E. Each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall constitutes one-tenth (1/10) principal building;
	F. Each accommodation unit of a tourist home or similar structure constitutes one-tenth (1/10) of a principal building;
f. each commercial use structure and each industrial use structure in excess of three hundred square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of	G. Each commercial use structure and each industrial use structure, not involving the retail sale or rental or distribution of goods, services or commodities, in excess of three hundred (300) square feet of floor area constitutes one principal building;

## **Conclusion**

Based on its review, Agency staff believe that the Town of Arietta's proposed amendments to its Land Use Code comply 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.