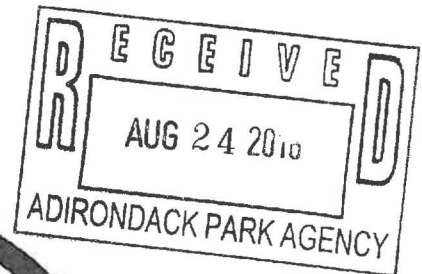


# TOWN OF HORICON WARREN COUNTY, NEW YORK



## ZONING LAW

EFFECTIVE DATE: TBD

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## **ARTICLE 1 -- INTRODUCTORY PROVISIONS**

### ***Section 1.10 - Authority.***

Enactment of this Local Law by the Town is pursuant to Article 16 of the Town Law of the State of New York and Article 27 of the Executive Law of the State of New York.

### ***Section 1.20 - Short Title.***

This Local Law shall be known as the "Town of Horicon Zoning Law." The Town of Horicon is sometimes hereinafter referred to as the "Town."

### ***Section 1.30 - Purpose and Objective.***

The purpose of this Local Law is to promote the health, safety, and general welfare of the community and protect the property values and aesthetics of the community by channeling and directing growth and by regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yard, courts and other open spaces, the density of population and the location and use of development, structures and land for commercial, industrial, residential and other purposes, to the extent permissible within the proper exercise of the police power.

It is the further purpose and objective of this Local Law to ensure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park and to preserve the beauty and character of the Adirondack Park setting to the benefit of the community; and to retain the natural vistas of the Adirondacks to the benefit of the residents and visitors to the community.

## **ARTICLE 2 – GENERAL PROVISIONS**

### ***Section 2.10 - Applicability to Land Use or Development within the Town.***

No land use or development shall be undertaken or maintained except in conformity with all provisions contained in this Local Law relating to both the zoning district and the land use area in which the land, water, site, structure or use is located, or is proposed to be located, and in conformity with the permit requirements of this Local Law. Where this Local Law is more restrictive than covenants or agreements between parties or other plans or rules or regulations of the Adirondack Park Agency, the provisions of this Local Law shall control.

### ***Section 2.20 - Authority of the Adirondack Park Agency.***

Nothing in this Local Law shall be deemed to supersede, alter, enlarge, or impair the jurisdiction of the Adirondack Park Agency, pursuant to the Adirondack Park Agency Act, Freshwater Wetlands Act, and Wild, Scenic and Recreational Rivers System Act to review and approve, approve subject to conditions, and disapprove those land uses and developments and subdivisions of land defined therein as Class A regional projects, jurisdictional wetlands activities or rivers projects, or otherwise supersede, alter or impair the statutory function, duties and responsibilities of that Agency with regard to matters involving a town in which an Agency-approved local land use program has been validly adopted or enacted. Provided that, the Adirondack Park Agency cannot, in the context of its Class A regional project review, override a local decision not to allow a given land use or development.

### ***Section 2.30 - Misrepresentation.***

Any permit, variance or approval granted under this Local Law which is based upon or granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This Section shall not be construed to affect the penalties and remedies available to the Town under any enforcement provisions hereof.

## ARTICLE 3 -- DEFINITIONS

### ***Section 3.10 - General.***

For the purpose of this Local Law, certain terms and words shall be interpreted to have the following meaning; words used in the present tense include the future, the plural includes the singular; the word "plot" includes the word "lot"; the word "building" includes the word "structure"; the word "occupied" includes the words designed; intended or arranged for occupancy; and the word "person" may include more than one, an association, a co-partnership or a corporation.

Unless otherwise specifically denoted below, words or phrases used in this Local Law shall be interpreted so as to attribute to them the meaning they have in common usage and to accord this Local Law its broadest and most reasonable application.

### ***Section 3.20 - Definitions.***

**ACCESSORY STRUCTURE:** Any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling. See Section 8.01.

**ACCESSORY USE:** A use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including in the case of residential structures, professional, commercial and artisan activities carried on by the residents of such structures.

**ADIRONDACK PARK:** Land lying within the area described in Subdivision One of Section 12-0101 of the Environmental Conservation Laws of the State of New York including any future amendments thereto.

**ADIRONDACK PARK AGENCY:** The Adirondack Park Agency was created by Section Eight Hundred Three of Article 27 of the Executive Law of the State of New York.

**ADULT ENTERTAINMENT ESTABLISHMENT:** A public or private establishment, or any part thereof, which presents any of the following accommodations, entertainments, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or service; topless hair care or massages; service or entertainment where the servers or entertainers wear pasties or G-strings or both; and sexual encounter centers. Adult entertainment establishments customarily exclude persons seventeen years of age and younger.

**AGENT:** Any person authorized by the owner of record to represent such owner in the request for a zoning action or project review.

**AGRICULTURAL SERVICE USE:** Any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.



**AGRICULTURAL USE:** Any management of any land primarily for agriculture, raising of cows, horses, pigs, poultry and other livestock; or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

**AGRICULTURAL USE STRUCTURE:** Any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with an active agricultural use.

**ALL WEATHER, DUSTLESS MATERIAL:** Any material or treatment that serves to reduce or eliminate dust generation on road surfaces. Such material or treatment need not contain any bituminous materials, but must provide a type of surface which will remain durable through all types of climatic conditions.

**ALTERATION:** As applied to a building or structure, means a change or rearrangement in the internal parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another.

**AREA, FLOOR:** The total sum of the areas of all floors of a structure measured on a horizontal plane of the principal building on a lot, exclusive of uncovered porches, terraces and steps.

**AREA, LAND:** The total surface area of a lot, excluding open water bodies, derived by computations based on the deeded external dimensions of said lot.

**AREA REGULATIONS:** The regulation of building size, setbacks or yards, parking and loading requirements and similar regulations, but excluding performance standards.

**BASEMENT:** That space of a building that is partly below grade which has more than half of its height measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building. Cellars are included in this definition.

**BED AND BREAKFAST:** A dwelling with one or more rooms for overnight accommodation to transient paying guests, and that satisfies the standards of Section 8.04.

**BITUMINOUS MATERIAL:** Any material or treatment containing a mineral pitch or asphalt base and which provides a durable road surface able to withstand all types of climatic conditions.

**BOATHOUSE:** A covered structure with direct access to a navigable body of water which:

- A. is used only for the storage of boats and associated equipment;
- B. does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind;
- C. does not contain kitchen facilities of any kind;
- D. does not contain a heating system of any kind;
- E. does not contain beds or sleeping quarters of any kind;
- F. does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and all rigid roof surfaces have a minimum pitch of 4 on 12, or, alternatively, 1 flat roof covers the entire structure; and
- G. has a footprint of 1,200 square feet or less measured at the exterior walls (or in the absence of exterior walls, at the perimeter of the roof), and a height of 15 feet or less. For the purpose of this definition, the height of a boathouse shall be measured from the surface of the floor serving the boat berths to the highest point of the structure. See Section 8.06.

**BUILDING:** Any structure which is permanently affixed to the land and is covered by a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.

**BUILDING, ASSEMBLY:** A building for exhibits, stage productions, speeches and special uses, where the general public may assemble.

**BUILDING COVERAGE:** The percentage of the plot or lot area covered by the building area.

**CAMP:** Any area of land or water on which are located two or more cabins, tents, travel trailers, houseboats or other accommodations of a design or character suitable for seasonal or temporary recreational oriented occupancy, regardless of whether such accommodations are actually occupied on a seasonal basis or otherwise.

**CAMPGROUND:** A parcel of land used or intended to be used, let, or rented for campers or for occupancy or for trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

**CAMP, GROUP:** Any land or facility for seasonal housing and recreation, educational or business related use by private or semi-public groups, such as a boy or girl scout camp, fraternal lodge or university or college conference center.

**CEMETERY:** Any area set aside for burial or interment of the dead.

**CENTRAL PRIVATE UTILITY:** A sewage or water system which serves a development and is paid for without public or special district administrations or funding.

**CHANNEL:** A natural or artificial watercourse of perceptible extent with a definite bed and banks to confine and conduct continuously or periodically flowing water.

**CLASS "A" REGIONAL PROJECT:** A land use or development classified and defined as such in Appendix A of this Law.

**CLASS "B" REGIONAL PROJECT:** A land use or development classified and defined as such in Appendix B of this Law.

**CLEAR-CUTTING:** Cutting all or substantially all trees over 6 inches in diameter at breast height over any 10 year cutting cycle.

**CLUSTER DEVELOPMENT:** A planned development in which lots are plotted with less than the minimum lot size and dimension requirements, but which shall have access to common open space which is a part of the overall development plan approved by the Planning Board.

**COMMERCIAL USE:** Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee. The following are specific types of COMMERCIAL USE:

**AUTO BODY SHOP:** The use of an area or portion of any lot or plot whether inside or outside a building for the repair or painting of an auto body.

**AUTOMOBILE SERVICE STATION:** A form of commercial use which includes any building, land area or other premises, or portion thereof, used or intended to be used for the repair, storage and servicing of motor vehicles or for the retail dispensing or sales of vehicular fuels; which may include as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

**BOAT STORAGE, COMMERCIAL:** Property used for the storage of boats for a fee with no service or maintenance permitted on the premises.

**FUNERAL HOME:** See Retail Services, Professional.

**GARDENS AND NURSERIES, COMMERCIAL:** Any exterior space whose primary function is the growing and sale of flowers or horticultural items for profit.

**GREENHOUSE, COMMERCIAL:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

**LAUNDROMAT:** A Commercial use which is a business premises equipped with individual clothes washing machines and dryers for the use of retail customers. Other personal clothes cleaning services may be available.

**OFFICE BUILDING:** A commercial use which is a building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale.

**PROFESSIONAL OFFICE:** A commercial use which is an office or place to conduct licensed activities normally associated with their field for those engaged in a professional occupation, including all members of the field of medicine, a lawyer, architect, engineer, surveyor, licensed beautician or barber, real estate broker, insurance agent, accountant or planner.

**RESTAURANT:** A commercial use which is a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**RETAIL BUSINESS:** The offering, for a fee, of goods or merchandise to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise.

**RETAIL SERVICES, COMMERCIAL:** Establishments providing, for a fee, services or entertainment, as opposed to products, to the general public, where the sale of goods or merchandise is clearly incidental to the service provided.

**RETAIL SERVICES, PROFESSIONAL:** Establishments providing, for a fee, licensed professional services to individuals and where the provision of any goods or merchandise are clearly incidental to the service provided.

**TAVERN:** An establishment used primarily for the serving of liquor, by the drink, to the general public and where food or packaged liquors may be served or sold only as accessory

to the primary use and where entertainment may be provided.

**COMMON OPEN SPACE:** Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

**COMPREHENSIVE PLAN:** The long range plan intended to guide growth and development of the Town, expressing official contemplations on the course of its housing, public utilities, community facilities, transportation and land use distribution and intensity.

**CONDITIONAL USE:** Any use so listed in Section 11.20 of this Law.

**CONDOMINIUM:** A building or a group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis which meets the intensity requirements of this Law. The purchaser has title to his/her interior space in the building and an undivided interest in parts of the interior, the exterior and other common elements. This use may involve single family or multiple family structures. The property is identified in a master deed and recorded on a plot with the local jurisdiction.

**COOPERATIVE:** A multi-family project of one-family dwelling units, offices or commercial shops which may include one or more buildings on the same lot or property. These dwelling units, offices, shops or spaces, common areas and facilities which are owned by an organization, independent corporation, partnership or other enterprise are in turn owned and operated for the benefit of those using or occupying the property. This use may involve single family or multiple family structures.

**COVERAGE:** That percentage of a lot covered by the building area.

**DECK:** Any and all open platforms, excluding docks, which are:

- A. placed above ground whether supported by post, concrete blocks or footings or any other means; or,
- B. placed at natural ground level if railings, walls or other raised elements are affixed thereto.

**DEVELOPER:** Shall mean the legal or beneficial owner or owners of all the land proposed to be included in a development proposal. The holder of an option or contract to purchase, a lease having a remaining term of not less than 20 years or other person having an enforceable propriety interest in such land, shall be deemed to be a developer for the purpose of this Local Law.

**DOCK:** A floating or fixed structure that:

- A. extends into or over a lake, pond, or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse;
- B. is no more than 8 feet in width; or in the case of interconnected structures intended to accommodate multiple watercraft or other authorized use, each element of which is no more than 8 feet in width; and
- C. is built or used for the purposes of securing and/or loading or unloading water craft and/or for swimming or water recreation. A permanent supporting structure located

within the applicable setback area which is used to suspend a dock above water level for storage by means of a hoist or other mechanical device is limited to not more than 100 square feet, measured in the aggregate if more than one such supporting structure is used. A dock must remain parallel with the water when suspended for storage, unless the size of the total structure does not exceed 100 square feet. Mechanisms necessary to hoist or suspend the dock must be temporary and must be removed during the boating season. See Section 8.08.

**DOCK, MULTIPLE ACCESS:** A waterfront facility which provides either docking or mooring facilities for more than four boats. The term shall not include the noncommercial docking or mooring of boats which are owned or registered in the name of the owners of the waterfront facilities or their immediate family. The term shall include a waterfront facility which provides either docking or mooring for more than four boats upon property owned by a corporation or association or by two or more individuals not related by blood or marriage. See Section 8.09.

**DRIVEWAY:** A private way which affords a means of access to a single residence or lot.

**DWELLING, DETACHED:** A dwelling which is not attached to any other dwelling by any means.

**DWELLING, MULTIPLE FAMILY:** A single building owned by one entity consisting of three (3) or more dwelling units, which meets the intensity requirements of this Law. These often have more than one owner, see inserted APA definition of "DWELLING, MULTIPLE FAMILY".

**DWELLING, SINGLE FAMILY:** A detached building (not including a mobile home) of one or more stories in height which is designed or used exclusively as living quarters for one family or household.

**DWELLING, TWO-FAMILY:** A structure on a single lot owned by one entity containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. A two family dwelling is a form of a multiple family dwelling under the APA Act.

**DWELLING UNIT:** One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household.

**ELECTRICAL DISTRIBUTION SUBSTATION:** A place with or without a building where equipment is assembled or placed and designed to receive energy from a high voltage distribution supply system, so as to convert it to a form suitable for local distribution and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.

**ERECT A SIGN:** Means to build, construct, alter, enlarge relocate, attach, place, affix or maintain any sign, and includes the painting of wall signs.

**EXCAVATION:** Any extraction from the land of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits.

**FAMILY:** One or more persons occupying a dwelling unit and living as a single housekeeping unit.

**FARM POND:** As distinguished from swimming pool, any standing body of water used for the purposes of watering livestock, fish pond or wildlife marsh.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other bodies of water.

**FLOOD HAZARD AREA:** The area of the flood plain that is likely to be flooded as determined by the Federal Emergency Management Administration.

**FLOOD PLAIN:** A land area adjoining a river, stream, watercourse, or lake that is likely to be flooded.

**FLOOD PROOFING:** Any combination of structural and nonstructural additional, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, buildings and structures, and the contents thereof.

**FLOODWAY:** The channel of a river or other watercourses and the adjacent land areas required to carry and discharge a flood of a given magnitude.

**FORESTRY USE:** Any management, including logging, of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landing, fences and forest drainage systems. This definition does not include the harvesting of trees solely for use as firewood.

**BUILDING FRONT OR FACE:** The outer surface of a building, which is visible from any private or public street or highway. In the case of a corner lot, the major street shall be considered the front or face of the building. Any conflict shall be resolved by the Planning Board.

**GARAGE, RESIDENTIAL:** A residential detached garage means a shelter for motor vehicles, allowing bathroom facilities of a toilet and hand sink and/or utility sink only along with a proper septic system approved by the Town of Horicon Zoning Administrator. Detached garage not to be habitable space and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted.

**GOVERNMENT OFFICE OR AGENCY:** Any department, commission, independent agency or instrumentality of the United States, New York State, Warren County, or the Town of Horicon.

**GRADE-MEAN FINISHED:** The mean finished grade is the average grade level of the ground measured at the front wall of the building.

**GROSS ACRE:** An acre of land, including internal roadways. Gross acreage includes internal roadways.

**GUEST COTTAGE:** Not more than one residential structure which is associated with a single family dwelling; and which:

- A. is used only on an occasional basis;
- B. is used only by guests of the resident(s) of the single family dwelling;
- C. is not for rent or hire separately from the single family dwelling;
- D. contains one-half or less of the enclosed floor space of the associated single family dwelling or 2,000 square feet, whichever is less;



- E. can contain kitchen facilities and bathroom facilities described as a sink, toilet, shower or tub;
- F. otherwise meets the definition of accessory structure;
- G. and in no case can a guest cottage be a mobile home. See Section 8.14.

**HOME OCCUPATION:** A commercial use conducted within a residential structure that meets the following:

- A. involves the employment at one time of not more than two persons not residing on the premises;
- B. involves the use of not more than two signs, non-illuminated and not larger in the aggregate than 5 square feet in size;
- C. does not change the residential character of the principal land use or development; and
- D. otherwise meets the definition of accessory use. See Section 8.15.

**INDUSTRY, LIGHT:** A manufacturing or maintenance facility where any process is used to alter the nature, size or shape of articles or where articles are assembled and where said goods or services are consumed or used at another location.

**JUNK AUTOMOBILE:** Any unregistered, old or second-hand motor vehicle, no longer intended or in condition for legal use on public highways. The term "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or for use in agricultural activities.

**JUNKYARD:** Any open lot area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rag, used or salvaged building materials, or other discarded material.

**LANDFILL:** A lot or part thereof used primarily for the storage or disposal by abandonment, dumping, burying or any other means and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts of vehicles. A landfill is a "waste disposal area" under the APA Act.

**LANDSCAPING:** The act of changing or enhancing the natural features of a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, etc.

**LAND USE AREA:** Those areas delineated on the official Adirondack Park Land Use and Development Plan Map adopted under Article 27 of the Executive Law of the State of New York and designated thereon as "Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use, Resource Management and Industrial," and such portions of those areas as are located within the Town and delineated on the Adirondack Park Land Use and Development Map incorporated in this Local Law.

**LAND USE OR DEVELOPMENT OR USE:** Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or rises.

**LAND USE AND DEVELOPMENT PERMIT:** Land use and development permit as use in this Local Law includes the following types of approvals: Zoning Compliance Certificate, Site Plan Approval, Conditional Use Approval, Class A and Class B Regional Project Permits.

**LARGE SCALE PLANNED DEVELOPMENT:** A tract of land which is developed as a unit with a grouping of residential, commercial or industrial buildings together with their accessory buildings, areas, open spaces and service buildings and facilities.

**LOADING SPACE:** An off-street space, area or berth, with an appropriate means of access to street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise or materials.

**LOT:** A defined contiguous parcel of land considered as a unit, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as are required by this Law. The division of a lot by a public road, railroad, or right-of-way shall not create two separate parcels.

**LOT, CORNER:** A lot situated at the intersection of two or more streets or highways.

**LOT DEPTH:** The mean horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

**LOT, DOUBLE FRONT:** A lot situated on two existing or proposed streets, but not an intersection.

**LOT, FRONT LINE:** The lot line which abuts upon one street or highway right-of-way boundary.

**LOT LINE:** The established division line between different parcels of property.

**LOT, WIDTH:** The mean horizontal distance measured at right angles to its depth along the front lot line.

**MARINA, COMMERCIAL:** A commercial waterfront facility including docks, wharves and moorings which provides accommodation services for boats by engaging in any one of the following:

- A. the sale of marine products or services;
- B. the sale, lease, rental or charter of boats of any type;
- C. the sale, lease, rental or any other provision providing for the docking, mooring or storage of more than two boats or for the launching of boats.
- D. The term "commercial marina" shall include facilities with or without supply and repair services. See Section 8.07.

**MAXIMUM SIZE, OF RETAIL BUSINESS OR RETAIL SERVICE:** The total area of buildings that occupy one lot, measured by ground area plus any protruding overhangs, canopies or other such building projections.

**MEAN HIGH WATER MARK:** The average annual high water level, except for Schroon Lake, where the elevation is established at 811 feet above sea level.

**MEAN LOW WATER MARK:** The average annual low water level.

**MINING:** The act of removing any natural resources, except water from the land. This includes, but is not limited to, the removal of rock, gravel, sand, top soil, and underground materials.

**MOBILE HOME COURT:** A mobile home court is any parcel of land which is planned and improved for the placement of two or more mobile homes.

**MOBILE HOME:** Any self-contained dwelling unit, but not including travel trailers, which is designed to be transported to its site on its own wheels or those of another vehicle. A MOBILE HOME may contain the same water supply, kitchen facilities and plumbing, on-site wastewater treatment and electric system as immobile housing and is designed to be used exclusively for residential purposes. A modular home or other dwelling unit that is constructed in two or more main sections and transported to and permanently assembled on the site is not considered a mobile home.

**MOBILE HOME LOT:** A mobile home lot is a designated site of specific total land area which is located within a mobile home court for the accommodation of one mobile home and its occupants.

**MOBILE HOME STAND:** A mobile home stand is a durable surface located on a mobile home lot which is to be used for placement and capable of supporting a mobile home.

**MODULAR HOUSE:** A housing unit constructed off-site consisting of more than one segment and designed to be permanently anchored to a foundation to become a fixed part of the real estate.

**MOORING:** Any anchor, chain, buoy, pennant, or other object by which a boat is secured at one point.

**MOTOR HOME:** A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage.

**NATURAL GROUND:** The surface of ground prior to any grading or filling.

**NON-CONFORMING BUILDING:** A building or structure existing at the time of enactment of this Local Law or as a result of amendments thereto, which does not conform to the area regulations of the zoning district in which it is situated.

**NON-CONFORMING USE:** A use of land existing at the time of enactment of this Law or as a result of amendments thereto, which does not conform to the use regulations of the zoning district in which it is situated. The filing or approval of a map or plan prior to the effective date of this Local Law shall not constitute a "use of land" within the meaning of this definition.

**OPEN SPACE:** Land not covered by buildings, or parking lots, open storage, mining operations, or any other use that visually obscures the natural or improved landscape, except for recreational facilities.

**PARKING SPACE, OFF-STREET:** Any space for the storage of more than three vehicles on a continuing basis, such space either being for hire or accessory to an existing building or use of land.

**PERSON:** Any individual, corporation, partnership, association, trustee, municipality or other legal entity. This definition shall include county, town or other forms of local governmental entities but shall not include the State or any State agency.

**PLAN:** The design of a project including; a plot or subdivision, showing location and bulk of buildings and other structures, intensity of, use or density of development, private streets, ways and parking facilities.

**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 (1/10<sup>th</sup>) 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 (1/10<sup>th</sup>) 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.

**PROHIBITED USE:** Any use which is not permitted by right or after Site Plan Approval or Conditional Use Approval in a given zoning district, or which is not an accessory use to such a use permitted by right or after Site Plan Approval or Conditional Use Approval.

**PUBLIC OR SEMI-PUBLIC BUILDING AND GROUNDS:** Any component building of a college, public or private school, hospital, animal hospital, library, museum, research center, rehabilitation center, or similar facility, or municipal building for the use of federal, state or local governments, including memorials, monuments, and cemeteries. The following are specific types of PUBLIC or SEMI-PUBLIC BUILDING and GROUNDS:

**MEMORIALS AND MONUMENTS:** Buildings, enclosures or statuary defined as memorials by an act of the Town Board, State or Federal Government.

**RELIGIOUS BUILDINGS AND FACILITIES:** A structure or portion thereof or area used by persons of a recognized sect for the conducting of activities or ceremonies associated with that sect. This is a "public or semi-public building" under the APA Act.

**PUBLIC UTILITIES:** Public utility structures and facilities, such as electric lines and poles, gas mains and telephone lines.

**PUBLIC UTILITY USE:** A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, gas, electric, telephone or other public utility service.

**SAND AND GRAVEL EXTRACTION, COMMERCIAL:** Any extraction from the land of more than 50 cubic yards in any 2 year period of sand, gravel or topsoil for the purpose of sale or use by persons other than the owner of the land or for the purpose of use by any municipality.

**SCREENING:** Fences, bushes, trees and other natural or artificial material which obscures the visible character of any given building or use of land.

**SEWAGE, COMMUNITY:** An on-site method of sewage treatment usually a septic tank and a drainage field or fields designed, installed, operated and maintained by the owner or an association for more than one home/business and maintained by the owner or association for more than one premise in accordance with the requirements and standards of the State Department of Health.

**SEWAGE, INDIVIDUAL:** An on-site method of sewage treatment (usually a septic tank and a drainage field or fields) designed, installed, operated and maintained by the owner of the premises in accordance with requirements and standards of the State Department of Health and the Town of Horicon Sanitary Regulations.

**SEWAGE, PUBLIC:** A system whereby water-born wastes from toilets, wash laundry and/or other facilities in dwellings, accessory buildings, business or industrial establishments or any combination thereof are conducted through pipes to a treatment plant (other than a septic tank) where wastes are treated, the solids and liquids separated and the effluent, which has been treated to a state approved level, is discharged through an outfall sewer into an acceptable stream or other permanent body of water.

**SHORELINE:** That line at which land adjoins the waters of lakes, pond, rivers or streams within the Town at mean high water.

**SHORELINE STRUCTURE SETBACK:** The shortest distance, measured horizontally, between any point of a structure and the shoreline of any lake or pond, or the shoreline of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe.

**SHORELINE RETAINING WALL:** A permanent structure of cribbing, wood, masonry, stone, concrete or other material that supports a mass of soil, and which is located within the required shoreline structure setback.

**SIGN:** Any inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, flutter apparatus, or other visually communicative or expressive device that is visible from an out-of-doors position, and is used to advertise or call the public's attention to any business, activity, object for sale or lease, person, or place, or to bear any kind of message.

The meaning of sign shall also include any sign currently in disuse but still visible from an out-of-doors position, and any farm or support structure erected specifically to bear or uphold a sign. The meaning of sign shall not include any sign erected by the Federal, State, or County (or

Town, government or any department or any agency thereof, any poster placed temporarily to advertise a civic event or an event sponsored by a house of worship, school, library, museum, social club, or society, or any patriotic flag or banner not used for commercial advertising purposes.

The meaning of sign shall also not include any sign having a sign area of 3 square feet or less that is used simply to mark property boundaries, give directions regarding roads or trails, exclude hunting, fishing or other activities, offer farm products for sale, warn of any hazard or condition, or denote the name and address of the occupants of the premises on which the sign is located. Real estate for sale or lease signs are not considered signs within the definition of sign in this Local Law unless they exceed 16 square feet in area, do not exceed two such signs, and are removed from the premises within 30 days of the sale or lease of the premises.

The following are specific types of signs:

**SIGN, ADVERTISING:** A sign which directs attention to a business, industry, profession, commodity, service or entertainment not conducted, sold or offered upon the same premises where the sign is located. Billboards are included in this definition.

**SIGN, ANIMATED:** Any sign designed to give forth sound or movement or any portion thereof, either by the use of lights or a mechanical device that simulates movement.

**SIGN AREA:** The total area of all faces or surfaces of a sign anywhere upon which writing or any illustrative, emblematic or other artistic or expressive matter appears, or in the case where writing or illustrative emblematic, or other artistic or expressive matter is not set against any face or surface, the total area within a single continuous rectangular perimeter enclosing the extreme limits of such writing or illustrative, emblematic, or other artistic or expressive matter. The sign area of a sign having more than one face or surface where writing or illustrative, emblematic, or other artistic or expressive matter appears shall be the total area of all such faces or surfaces; but if a sign consists of two such faces or surfaces placed back-to-back, the sign area of the side having the greater sign area shall constitute the total sign area. The sign area of a group of connected or related signs shall be the sum of the sign areas of the signs belonging to it.

**SIGN, BUSINESS:** A sign which directs attention to a business, industry, profession, commodity, service or entertainment sold or offered upon the same premises where the sign is located.

**SIGN, ILLUMINATED:** The term shall mean any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent matter.

**SIGN, DIRECTIONAL:** A sign which gives directions to a business, industry, profession, commodity, service, event, activity, or entertainment not sold or offered upon the same premises where the sign is located.

**SIGN LUMINOUS:** A sign which gives forth its own light, or any transparent or translucent sign through which artificial light is emitted, including, without limitation, any neon sign, fluorescent sign, or advertising light display.

**SIGN, PORTABLE FREE STANDING "A" TYPE:** Shall mean a sign that is designed to be movable and is not structurally attached to the ground, a building, a structure or any other sign. Such signs may or may not be in the configuration of an "A".



**SIGN, ROOF:** Shall mean a sign erected upon a roof or parapet of a building or structure.

**SIGN, WALL:** Any sign permanently or temporarily attached or affixed to any exterior wall or projection of a structure.

**SIGN, WINDOW:** A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of a structure through a window.

**SKI CENTER:** Any trail or slope for alpine or cross-country skiing including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings, and structures directly and customarily related thereto.

**STATE LAND:** Any land owned and maintained by the State of New York and so filed in the Warren County Real Property Office.

**STREAM IMPROVEMENT STRUCTURES FOR FISHERY MANAGEMENT PURPOSES:** Structures and improvements, including, but not limited to: fish barrier dams, small rock or log dams, fish passage structures, minor diking, cribbing, bank stabilization and stream deflectors and other structures or improvements designed solely for fishery management purposes which do not materially alter the natural character of the waterway.

**STREET:** A public or private way which affords a means of access to abutting properties, including any "highway."

**STREET, ARTERIAL:** A street or road officially designated for the high speed movement of large volumes of traffic between major points of activity.

**STREET, COLLECTOR:** A street or road officially designated for the movement of traffic between arterial streets and local streets as well as for serving adjacent land uses.

**STREET, MINOR:** A street or road officially designated to provide access to abutting property, not intended for through traffic movement.

**STRUCTURE:** A combination of materials to form an object constructed, installed, erected and placed above or below the surface of land or water to facilitate land use and development or subdivision of land.

**STRUCTURE, HEIGHT OF:** The vertical distance from the natural or finished grade, whichever is lower, to the highest point of a structure.

**STRUCTURE LINE:** The point from which all yard requirements are measured from and which is determined by a line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of a building on any site. In the case of a cantilevered section of a building, the vertical plane will coincide with the most projected surface to include porches and decks.

**SUBDIVISION:** Any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction installation of utilities or other improvements or any

other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include condominium and cooperative types of ownership. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

**SWIMMING POOL:** Any body of water or receptacle for water having a depth at any point greater than 2 feet, used or intended to be used for swimming, and constructed, installed or maintained in or above the ground. A swimming pool shall be deemed a structure for all purposes under the provisions of this Local Law. See Section 8.34.

**THEATER:** A place of assembly for the showing of movies and the production of plays and special events.

**TOURIST ACCOMMODATION:** Any hotel, motel, resort, tourist cabin or similar facility designed to house the general public. The following are specific types of Tourist Accommodations:

**BOARDING HOUSE:** A form of tourist accommodation which is a dwelling or part thereof to which lodging and meals are provided for a fee by the owner or operator to one or more boarders.

**HOTEL:** A building or any portion thereof, which contains living and sleeping accommodations for transient occupancy and has a common exterior entrance or entrances for at least 75% of the rooms, and which may also include dining rooms, kitchens, serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of the personal needs of its occupants.

**INN:** A facility, resembling in character traditional residential construction providing lodging and meals to transients, with no more than 12 guest rooms, which is characterized by a common leisure room and a common dining area, primarily used by the lodgers, secondary use by the general public.

**MOTEL:** A form of tourist accommodation providing transient accommodations containing six or more rental units with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**RESORT:** A lodging facility, charging a fee, for transient guests where the primary attraction is generally recreational features or activities primarily for patrons, such as restaurant, tennis courts, swimming or bathing, golf or convention facilities.

**TRAVEL TRAILER:** Any operable vehicle, including a tent camper, truck camper, or motor home, which is designed to be transported on its own wheels which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes and which may or may not include one or all of the accommodations and facilities customarily included in a mobile home. No travel trailer shall consist of any vehicle exceeding 8 feet in width or 35 feet in length or any combination of vehicle exceeding 8 feet in width or a total of 55 feet in length.

**TRAVEL TRAILER CAMP:** A parcel of land under single ownership which is designed and improved for use by three or more travel trailers for no more than 120 days per year.

**USES PERMITTED BY RIGHT:** Any use so listed in Article 5 of this Local Law.

**WAREHOUSE:** A building designed or used as a wholesale distribution center.

**WATERSHED MANAGEMENT PROJECT:** Any dam, impoundment, dike, rip rap, or other structures or channelization or dredging activity designed to alter or regulate the natural flow or condition of rivers or streams or the natural level or condition of lakes or ponds.

**WATER SUPPLY, ALL-WEATHER:** A water supply which is designed and constructed to provide year-round, uninterrupted water service to individual sites within a travel trailer camp.

**WATER SUPPLY, PRIVATE:** A supply of potable water from a reliable source adequate to meet the daily needs of a dwelling and its permitted accessory buildings or a business or an industry on a lot or parcel of land meeting the area and frontage requirements for such use in the district in which it is located, and approved as to potability and reliability and adequacy by the State Department of Health. Such private water supply may be from an on-site well or from a spring, stream, river, lake or other permanent source of water.

**WATER SUPPLY AND DISTRIBUTION SYSTEM, COMMUNITY:** A supply of water from a reliable source adequate to meet the daily needs of dwellings and their permitted accessory buildings or business or industrial establishments or any combination thereof on two or more lots or parcels of land and having a system of intake conduits or pipes, pumps, purification mains and pipes whereby the potable water is conducted to the dwellings, accessory buildings, business or industrial establishments or any combination thereof located on the lots served by the system.

**WETLANDS:** Any land which is annually subject to periodic or continual inundation by water and commonly referred to as bog, swamp or marsh which are either:

- A. one (1) acre or more in size;
- B. located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.

**YARD:** An open, unoccupied space on the same lot with a building or structure.

**YARD, FRONT:** A space on the same lot with the principal building between the front building line of the principal building and the front line of the lot and extending the full width of the lot. In the case of a corner lot, a front yard setback shall be required for both streets. For a double front lot, a front yard setback shall be required for both streets.

**YARD, REAR:** A space on the same lot with the principal building, between the rear building line of the principal building and the rear line of the lot, and extending the full width of the lot. In the case of a corner lot, the rear yard of that lot shall be deemed to be opposite the front/face as defined.

**YARD, SIDE:** A space on the same lot with the principal building, situated between the side building line of the principal building and the adjacent side line of the lot, and extending from the rear line of the front yard to the front line of the rear yard.

**ZONING ADMINISTRATOR:** Individual appointed by the Town Board for the purpose of administering and enforcing the provisions of this Local Law.

## **ARTICLE 4 – ZONING DISTRICTS and ZONING MAP**

### ***Section 4.10 - Zoning Districts.***

For the purposes of this Local Law the Town of Horicon is hereby divided into the following zoning districts as indicated on the map entitled “Town of Horicon Zoning Map, 2012” The Vision for each district provided by the Town of Horicon Comprehensive Plan adopted July 2010 is described below.

#### **A. RESIDENTIAL 1 (R1-20,000, R1-1.3, R1-2, R1-3.2 and R1-10).**

This district is predominately residential interspersed with tourism and resort establishments, as well as other small businesses that serve the year round and seasonal population. It is intended that that this district: (a) promote and protect the residential character and physical environment of lakeshore areas, (b) prohibit mobile homes and incompatible commercial and industrial uses, (c) provide for tourism and resort oriented businesses consistent with traditional land uses found along the town's lakeshores, and (d) provide for small and/or home based businesses that would support but not detract from the scenic residential environment.

#### **B. RESIDENTIAL 1A (R1A-3.2 and R1A-5).**

This district is envisioned as lower density residential neighborhoods that provide affordable rural building lots and which would accommodate both conventional and manufactured home development. It is intended that this district: (a) promote and protect the rural residential character and physical environment, (b) prohibit incompatible commercial and industrial uses, and (c) allow for small and/or home based businesses that would support but not detract from the rural residential environment.

#### **C. RESIDENTIAL 2 (R2-2, R2-3.2, R2-5 and R2-10).**

This district is envisioned as lower density residential neighborhoods that provide affordable rural building lots which would accommodate both conventional and manufactured home development as well as a variety of home based and small businesses. It is intended that this district allow for traditional rural lifestyles while protecting the rural residential environment.

#### **D. COMMERCIAL/RESIDENTIAL (CR-20,000 and CR-3.2).**

The two hamlets (Brant Lake and Adirondack) that comprise this district are intended to continue to serve as community focal points and service centers within the Town of Horicon, and to provide for business development as well as affordable housing opportunities. Growth is envisioned to consist of in-fill housing and commercial structures of design compatible with existing buildings and the town's historical architectural heritage.

#### **E. LAND CONSERVATION (LC-10 and LC-42.6).**

This district is envisioned as open space interspersed with sparse, scattered housing on larger lots. It is intended that this district: (a) promote and protect the open space character of the environment, (b) allow for recreation, agriculture, forestry and other open space uses of land, and (c) allow for low density rural residential development and home based businesses.

**F. RECREATIONAL RIVER DISTRICT (RRD-3.2, RRD-5 and RRD-10).**

This district is envisioned as mixed use rural residential areas and open lands where protection and use of the river and riverfront are a primary concern. It is intended that this district protect and preserve the environment, and manage land development within the Recreational River corridor as defined by the Adirondack Park Agency consistent with State rules and regulations governing a Recreational River.

**G. INDUSTRIAL (I).**

This area will serve as an industrial and commercial zone especially suited for uses that would be incompatible in other areas of town.

**H. DESIGN REVIEW OVERLAY (DRO).**

The core areas of Brant Lake and Adirondack hamlet are envisioned as retaining the visual features characteristic of their Adirondack historical heritage while providing opportunities for appropriate in-fill development to enhance their role as community centers. New development is intended to be compatible with the "Design Guidelines for Brant Lake and Adirondack Hamlets," prepared in conjunction with the "Town of Horicon Community Development Strategic Plan" of 2008.

**I. MILLPOND OVERLAY (MP).**

The Millpond District is intended to remain as the scenic core and focal point of activity in Brant Lake Hamlet, and to be reinforced in this role by incorporating design review requirements of the Design Review Overlay Zone.

***Section 4.20 - Town Zoning Map.***

Zoning districts are located and bounded as shown on the "Town of Horicon Zoning Map, 2012" which, with all explanatory matter, is hereby made part of this Local Law.

***Section 4.30 - Interpretation of Zoning District Boundaries.***

In making a determination where uncertainty exists as to boundaries of any of the zoning districts shown on the Town Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the centerline of right-of-way line of streets, alleys, highways, such lines shall be construed to be district boundaries.
- B. Where district boundaries are indicated as approximately following a stream, lake or other body of water, such stream centerline, lake or body of water shall be construed to be such district boundaries (unless otherwise noted).
- C. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be district boundaries.
- D. Where zoning district boundaries are indicated as approximately following the boundaries between land use areas on the official Adirondack Park Land Use and Development Plan Map, the boundary line between zoning districts shall be construed to be such boundary line.

- E. Where district boundaries are not indicated as approximately following the items listed in A, B, C and D above, the boundary lines shall be determined by the use of the scale designated on the Town Zoning Map.
- F. Whenever any street, alley or other public way is abandoned in the manner authorized by law, the district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the abandoned right-of-way shall henceforth be subject to all regulations in the extended districts.
- G. In the event that none of the above rules are applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

***Section 4.40 - Parcels Located in More Than One Zoning District.***

When a parcel is located in more than one zoning district, the following restrictions apply.

**A. Use Controls.**

In these instances, the use regulations applicable to each particular zoning district govern that portion of the parcel situated in that zoning district subject to the following limitations.

- 1. A proposed use on the parcel shall be deemed an allowable use if:
  - a. It is classified as an allowed use in the zoning district applicable to that portion of the parcel in which it is proposed to be located; and
  - b. If the entire parcel is of sufficient size to meet the intensity requirement for that particular zoning district.
- 2. If the proposed use is located on a portion of the parcel in which the zoning district does not allow that use, then no such use may be undertaken without a use variance.
- 3. If a use or structure is proposed at a location such that the proposed use and/or structure is itself situated in more than one zoning district (i.e. the zoning line runs through the proposed use/structure), then the use and/or structure must comply with all applicable provisions of the more restrictive zoning district or obtain a use and/or area variance from the Zoning Board of Appeals.

**B. Intensity and Dimensional Controls.**

In these instances, the intensity and dimensional regulations applicable to the particular zoning district shall also govern, but compliance shall be based on the entire parcel rather than only the portion of the lot on which the use/structure is situated in that zoning district. Therefore, a particular use may be conducted on any portion of a property which is zoned to allow that use subject to the following limitations.

- 1. Intensity Controls.
  - a. The allowed number of principal buildings for the entire parcel shall be the sum of the number of principal buildings as calculated from the portion of land area in each zoning district and the intensity therein allowed.
  - b. If the proposed use is allowed, but the parcel does not meet: (i) the minimum intensity requirement as determined in Part B.1.a.; or (ii) dimensional requirements for that zoning district in which the use is proposed; then no such use may be undertaken without an area



- variance.
- 2. Dimensional Controls.  
The dimensional requirements of the zoning district in which the use/building/structure is located shall apply.
- 3. For the purpose of creation of new lots by subdivision, the following restrictions apply:
  - a. Any new lot to be created must meet the minimum intensity requirement of any and all of the zoning districts in which any portion of the lot is to be situated.
  - b. No new lot shall be created nor shall creation of any new lot be approved by the Town Planning Board if the lot fails to meet the minimum lot size of each and every zoning district in which any portion of the lot is situated without first obtaining an area variance from the Zoning Board of Appeals.
- C. Deed restrictions, scenic or conservation easements or similar devices, approved by the Planning Board, will be used to assure that any land subject to permit restrictions prohibiting construction of principal buildings as a result of the intensity transfer will remain undeveloped permanently.
- D. Any initial determination regarding the applicability of these provisions or their interpretation shall be made by the Town Zoning Administrator and anyone aggrieved by this determination may appeal it to the Zoning Board of Appeals.

***Section 4.50 - Recreational River District Special Provisions***

All proposed uses that occur in the Recreational River District are subject to special regulations, according to the provisions of Section 8.25.

***Section 4.60 - Adirondack Park Land Use and Development Plan Map.***

The boundaries within the Town of the land use areas established by the official Adirondack Park Land Use and Development Plan Map, as may be from time to time amended, pursuant to subdivision 2 of Section 805 of the Adirondack Park Agency Act, are indicated by the separate map entitled Adirondack Park Land Use and Development Plan which accompanies this Local Law, and which is hereby adopted and declared to be a part of this Local Law. Any change of the boundaries within the Town of a land use area by an amendment of the official Adirondack Park Land Use and Development Plan Map pursuant to subdivision 2 of Section 805 of the Adirondack Park Agency Act shall take effect for the purposes of this Local Law concurrently with that amendment without further action, and the Park Plan Map shall be promptly changed in accordance with that amendment. The amendment provisions of Section 18 of this Local Law do not apply to the Park Plan Map, which is amended only pursuant to the provisions of the Adirondack Park Agency Act. Copies of the Park Plan Map which may from time to time be published and distributed are accurate only as of the date of their printing and shall bear words to that effect.

## ARTICLE 5 -- USE REGULATIONS

### *Section 5.10 - Regulation of Use by Type.*

- A. Uses Permitted by Right with Zoning Compliance Certificate. A use shall be allowed by right in a district if it is listed in the schedules of regulations as an allowed use for that district, or is a forestry use or an essential service, provided all other requirements of this Local Law are met.
- B. Uses Allowed with Site Plan Approval with Zoning Compliance Certificate. A use listed in the following schedules of regulations as subject to site plan review for a given zoning district shall be allowed in that district when approved in accordance with Article 11 hereof, provided all other requirements of this Local Law are met.
- C. Uses Allowed with Conditional Use Approval with Zoning Compliance Certificate. A use listed in the following schedules of regulations as subject to conditional use approval for a given zoning district shall be allowed in that district when approved in accordance with Article 11 hereof, provided all other requirements of this Local Law are met.
- D. Prohibited Uses. Any use which is not an allowed use by right, by Site Plan Approval, or by Conditional Use Permit, in a given zoning district or which is not an accessory use shall be a prohibited use in that zoning district. Any applicant wishing to undertake any such prohibited use shall always have the right to seek authorization from the Town Board through appropriate amendment of this Local Law, which the Town Board shall review with consideration for the economic opportunities, health, safety, and general welfare of the residents of the Town of Horicon. Any such proposed amendment must be referred to the Adirondack Park Agency.

**Section 5.20 - Land Use Regulations by Zoning District.**

The following land use regulations apply to all land use or development within the Town of Horicon. Any use which is not listed shall be considered prohibited in that district.

**A. RESIDENTIAL 1 (R1-20,000, R1-1.3, R1-2, R1-3.2 and R1-10).**

1. Uses Permitted by Right with Zoning Compliance Certificate:
  - a. Boathouse
  - b. Dwelling, Single Family
  - c. Dwelling, Two-Family (Only in R1-20,000 Zone)
  - d. Home Occupation
2. Conditional Uses:
  - a. Dock, Multiple Access
  - b. Dwelling, Multiple family (Only in R1-20k, R1-1.3, R1-2 Zones)
  - c. Dwelling, Two-Family
  - d. Public or Semi-public Building and Grounds
  - e. Inns (Only on parcels over 3.2 acres in size)
  - f. Camp, Group
3. Site Plan Approval:
  - a. Bed and Breakfast
  - b. Dwelling, Multiple Family (Only in R1-3.2, R1-10 Zones)
  - c. Dwelling, Two-Family (Only in R1-1.3, R1-2, R1-3.2, R1-10 Zones)
  - d. Public Utility Use

**B. RESIDENTIAL 1A (R1A-3.2 and R1A-5).**

1. Uses Permitted by Right with Zoning Compliance Certificate:
  - a. Boathouse
  - b. Dwelling, Single Family
  - c. Home Occupation
  - d. Keeping of Livestock
  - e. Mobile Home
2. Conditional Uses:
  - a. Camp, Group
  - b. Dwelling, Multiple Family (Only in R1A-3.2 Zone)
  - c. Forestry Use
  - d. Gardens, Nurseries, Corn
  - e. Inn
  - f. Dock, Multiple Access
  - g. Professional Office
  - h. Public and Semi-Public Building and Grounds
  - i. Religious Building and/or Facility
3. Site Plan Review:
  - a. Dwelling, Multiple Family (Only in R1A-5 Zone)
  - b. Dwelling, Two-Family
  - c. Public Utility Use

**C. RESIDENTIAL 2 (R2-2, R2-3.2, R2-5 and R2-10).**

1. Uses Permitted by Right with Zoning Compliance Certificate:
  - a. Agricultural Use
  - b. Agricultural Use Structure
  - c. Boathouse
  - d. Dwelling, Single Family
  - e. Home Occupation
  - f. Keeping of Livestock
  - g. Mobile Home
2. Conditional Uses:
  - a. Camp, Group
  - b. Dock, Multiple Access
  - c. Dwelling, Multiple Family
  - d. Forestry Use
  - e. Greenhouse, Commercial
  - f. Boarding House
  - g. Hotel
  - h. Motel
  - i. Resort
  - j. Inn
  - k. Mobile Home Court
  - l. Professional Office
  - m. Public and/or Semi-Public Building and Grounds
  - n. Religious Building and/or Facility
  - o. Resort
3. Site Plan Approval:
  - a. Bed and Breakfast
  - b. Dwelling, Two-Family
  - c. Gardens, Nurseries, Commercial
  - d. Public Utility Use
  - e. Retail Business (Only if less than 2,500 square feet)
  - f. Retail Services, Commercial (Only if less than 2,500 square feet)

**D. COMMERCIAL/RESIDENTIAL (CR-20,000 and CR-3.2).**

1. Uses Permitted by Right with Zoning Compliance Certificate:
  - a. Boathouse
  - b. Dwelling, Single Family
  - c. Dwelling, Two-Family (Only in CR-20,000 Zone)
  - d. Home Occupation
  - e. Mobile Home
2. Conditional Uses:
  - a. Auto Body Shop
  - b. Automobile Service Station
  - c. Camp, Group
  - d. Boat Storage, Commercial
  - e. Dock, Multiple Access
  - f. Dwelling, Multiple Family (Only in CR-20,000 Zone)
  - g. Forestry Use
  - h. Greenhouse, Commercial
  - i. Industry, Light
  - j. Laundromat
  - k. Marina, Commercial
  - l. Office Building
  - m. Public or Semi-Public Building and Grounds
  - n. Religious Building or Facility
  - o. Restaurant
  - p. Retail Business (Only if between 2,500 square feet and 20,000 square feet)
  - q. Retail Services, Commercial (Only if between 2,500 square feet and 20,000 square feet)
  - r. Tavern
  - s. Theater
  - t. Boarding House
  - u. Hotel
  - v. Inn
  - w. Motel
  - x. Resort
3. Site Plan Approval:
  - a. Bed and Breakfast
  - b. Dwelling, Multiple Family (Only in CR-3.2 Zone)
  - c. Dwelling, Two-Family (Only in CR-3.2 Zone)
  - d. Gardens and Nurseries, Commercial
  - e. Professional Office
  - f. Public Utility Use
  - g. Retail Business or Retail Service, (Only if less than 2,500 square feet)



**E. LAND CONSERVATION (LC-10 and LC-42.6).**

1. Uses Permitted by Right with Zoning Compliance Certificate:
  - a. Agricultural Use
  - b. Agricultural Use Structure
  - c. Dwelling, Single-Family (Only in LC-10 Zone)
  - d. Forestry Use
  - e. Home Occupation
  - f. Keeping of Livestock
  - g. Mobile Home (Only in LC-10 Zone)
2. Conditional Use:
  - a. Adult Entertainment Establishment
  - b. Camp, Group
  - c. Campground
  - d. Boat Storage, Commercial (Only in LC-10 Zone)
  - e. Dock, Multiple Access
  - f. Hotel (Only in LC-10 Zone)
  - g. Motel (Only in LC-10 Zone)
  - h. Boarding House (Only in LC-10 Zone)
  - i. Inn
  - j. Mining (Only in LC-10 Zone)
  - k. Mobile Home Court
  - l. Public or Semi-Public Building and Grounds
  - m. Religious Building or Facility
  - n. Resort (Only in LC-10 Zone)
  - o. Sand and Gravel Extraction, Commercial (Only in LC-10 Zone)
  - p. Ski Center
  - q. Travel Trailer Camp
3. Site Plan Approval:
  - a. Bed and Breakfast (Only in LC-10 Zone)
  - b. Dwelling, Multiple Family
  - c. Dwelling, Single Family (Only in LC-42.6 Zone)
  - d. Dwelling, Two-Family
  - e. Gardens and Nurseries, Commercial
  - f. Greenhouse, Commercial
  - g. Mobile Home (Only in LC-42.6 Zone)
  - h. Public Utility Use
  - i. Retail Business (Only if less than 2,500 square feet and in LC-10 Zone)
  - j. Retail Service, Commercial (Only if less than 2,500 square feet and in LC-10 Zone)

**F. RECREATIONAL RIVER DISTRICT (RRD-3.2, RRD-5 and RRD-10).**

1. Uses Permitted by Right with Zoning Compliance Certificate:
  - a. Agricultural Use
  - b. Agricultural Use Structure
  - c. Home Occupation
  - d. Keeping of Livestock
2. Conditional Uses:
  - a. Boathouse
  - b. Boat Storage, Commercial
  - c. Camp, Group
  - d. Dock, Multiple Access
  - e. Forestry Use
  - f. Gardens, Nurseries, Commercial
  - g. Greenhouse, Commercial
  - h. Inn
  - i. Marina, Commercial
  - j. Public or Semi-Public Building and Grounds
  - k. Religious Building or Facility
  - l. Resort
  - m. Retail Business (Only if less than 2,500 square feet)
  - n. Retail Service, Commercial (Only if less than 2,500 square feet)
  - o. All additional uses and activities described in the Recreational River District Special Provisions in Section 4.50.
3. Site Plan Approval:
  - a. Bed and Breakfast
  - b. Dwelling, Multiple Family
  - c. Dwelling, Single Family
  - d. Dwelling, Two-Family
  - e. Mobile Home
  - f. Public Utility Use

**G. INDUSTRIAL (I).**

1. Uses Permitted by Right with Zoning Compliance Certificate:
  - a. None
2. Conditional Uses:
  - a. Industry, Light
  - b. Junkyard
  - c. Landfill
  - d. Retail Business (Only if between 2,500 and 20,000 square feet)
  - e. Retail Service, Commercial (Only if less than 2,500 square feet)
  - f. Sand and Gravel Extraction, Commercial
3. Site Plan Approval:
  - a. Office Building
  - b. Professional Office
  - c. Public Utility Use

**H. DESIGN REVIEW OVERLAY (DRO).**

Underlying Zones controls use.

All allowable uses subject to Design Guidelines for Brant Lake and Adirondack Hamlets.

**I. MILLPOND OVERLAY (MP).**

1. Uses Permitted by Right with Zoning Compliance Certificate:

- a. Dwelling, Single Family
- b. Dwelling, Two-Family
- c. Home Occupation

2. Conditional Uses:

- a. Bed and Breakfast
- b. Hotel
- c. Motel
- d. Boarding House
- e. Inn
- f. Office Building
- g. Professional Office
- h. Public or Semi-Public Building and Grounds
- i. Religious Building or Facility
- j. Resort
- k. Restaurant
- l. Retail Business (Only if between 2,500 and 20,000 square feet)
- m. Retail Service, Commercial (Only if less than 2,500 square feet)
- n. Tavern
- o. Theater

3. Site Plan Approval:

- a. Dwelling, Multiple Family
- b. Public Utility Use

## ARTICLE 6 -- INTENSITY AND DIMENSIONAL REQUIREMENTS

### **Section 6.10 - Schedule of Intensity and Dimensional Requirements.**

The following intensity and dimensional requirements apply to all projects within the Town of Horicon except as authorized in Section 11 of the Subdivision Regulations (cluster development provision), and except those projects in the Industrial District, where no intensity is prescribed. See Schedule of Intensity and Dimensional Requirements below.

SCHEDULE OF INTENSITY & DIMENSIONAL REQUIREMENTS							
-- Minimum Requirements --							
District Symbol	Intensity: Lot size per Principal Building	Road Front- age	Structure Setbacks				Shoreline Lot Width
			Front Yard (measured from the centerline of the road)	Side Yard	Rear Yard	Shoreline from MHWM	
R1-20,000 CR-20,000	20,000 square feet	100 feet	50 feet	10 feet	20 feet	50 feet	50 feet
R1-1.3	1.3 acres	100 feet	60 feet	15 feet	50 feet	50 feet	100 feet
R1-2 R2-2	2 acres	200 feet	60 feet	15 feet	50 feet	75 feet	100 feet
R1A-3.2 R2-3.2 RRD-3.2 CR-3.2	3.2 acres	250 feet	60 feet	15 feet	50 feet	75 feet 150 feet in RRD	125 feet
R1A-5 R2-5 RRD-5	5 acres	300 feet	60 feet	15 feet	50 feet	75 feet 150 feet in RRD	125 feet
R1-10 R2-10 RRD-10 LC-10	10 acres	400 feet	60 feet	15 feet	50 feet	100 feet 150 feet in RRD	125 feet
LC-42	42 acres	500 feet	60 feet	15 feet	50 feet	100 feet	200 feet
I - Industrial	none prescribed						
All subdivisions shall be in accordance with both the minimum lot size and intensity requirements. Lots that include shoreline shall be subject to the additional restrictions in Article 9 Maximum Lot Coverage - see Section 6.40 Maximum Structure Height - see Section 6.50							
				Minimum Road Frontage - see Section 6.60			

Enacted Date \_\_\_\_\_;

Proposed Draft accepted by TB 8-16-16 for formal APA review

### **Section 6.20 - Intensity and Lot Calculation**

- A. All subdivisions shall be in accordance with the intensity designations and minimum lot sizes specified in Section 6.10 hereof.
- B. For purposes of calculating minimum lot requirements and intensity under this Section, no waterbodies or land located within the right-of-way of a public highway or of a proposed street which is intended to be dedicated to the Town shall be counted.
- C. Pre-existing Development. If a parcel is improved with one or more existing principal building(s) as of August 1, 1973, a lot may be created around the principal building and related land or buildings to that use, such that at a minimum, the created lot satisfies the minimum lot size requirements of this Local Law. Such lot and the principal building thereon shall not be considered for purposes of the intensity calculation, which shall apply only to the remaining unimproved land on the parcel.
- D. Vacant Lot Development. For a parcel not improved with one or more existing principal buildings as of August 1, 1973, it may be subdivided into additional lots, provided that
  1. Each new principal buildings is placed on a lot which satisfies the applicable minimum lot size requirement, and
  2. The total number of lots does not exceed the number of principal buildings allowable with respect to the parcel to be subdivided. The number of principal buildings allowable shall be calculated using applicable intensity designations.
- E. Where a purely mathematical application of the Town zoning district intensity requirement to the parcel, minus if any land area necessary to create a lot around a pre-existing principal building, results in a fractional number of permissible principal buildings, that number shall be rounded to the nearest whole number, which shall be the arithmetically permissible number of principal buildings on the parcel.
- F. The Planning Board shall establish and the applicant shall show on the plat the following information:
  1. The number of lots containing one principal building that may be created on the entire parcel to be subdivided.
  2. The number of permissible resubdivisions, if any, shall also be marked on each lot or on a table shown on the plat. Plat notations shall indicate, in substance, that either "This lot may contain only one principal building (as defined in the Town of Horicon Zoning Law) and may not be further subdivided" or "This lot may contain a maximum of {insert number} principal buildings (as defined in the Town of Horicon Zoning Law) and may be subdivided into a total of no more than {insert number} lots." Upon resubdivision of any lot, such notations shall be made for each new lot.

### **Section 6.30 - Maximum Lot Coverage**

- A. Maximum lot coverage shall be 30 percent for all lots 2 acres or less in size, including non-conforming undersized lots. (There is no maximum lot coverage requirement for lots more than 2 acres in size.)



- B. Lot coverage shall mean the percentage of a lot that is covered by buildings and structures.

#### ***Section 6.40 - Maximum Structure Height***

- A. Nothing in this Section is intended to alter the APA's jurisdiction over structures over 40 feet in height as measured by the Agency for the purpose of determining Class A jurisdiction.
- B. Maximum Height. The maximum height of a structure in any zoning district shall be 40 feet.
- C. Measurement. The vertical distance from the natural or finished grade, whichever is lowest, to the highest point of a structure, not including chimneys, antennas, or other small elements.
- D. Exemptions. The following structures are exempt from the Town maximum height requirement contained in this Local Law: houses of worship, flagpoles, agricultural structures, electrical transmission poles and lines, telecommunications towers, wind generating facilities, and towers for fire, police, and emergency communications. APA Class A regional project permit jurisdiction may still apply.

#### ***Section 6.50 - Minimum Road Frontage***

- A. In the case of a corner lot, such lot shall meet the minimum road frontage requirement along both roads.
- B. In the case of a lot that fronts upon two roads but is not a corner lot, such lot shall meet the road frontage requirements along at least one of the roads.
- C. In the case of a lot that has a road through it, the length of the road through it (not double the length) shall be deemed to constitute the frontage.

#### ***Section 6.60 - Parcel Divided by a Public Right-of-Way (ROW)***

The division of any parcel by a public road or other ROW, does not constitute a subdivision of the tax map parcel.

## ARTICLE 7 -- BASIC PROCEDURAL REQUIREMENTS

### ***Section 7.10 - Basic Procedural Requirements***

The procedure to be followed for the purpose of obtaining a permit and approvals under this Local Law shall be as follows:

- A. Zoning District. Examine the map entitled "Town of Horicon Zoning Map" to determine the zoning district in which the project is located and if any overlay district requirements apply. The district name consists of two parts: (1) the land use designation and (2) the intensity designation.
- B. Use Regulations. Refer to Article 5 for the pertinent Use Regulations. Uses not listed in the zoning district as: Permitted by Right; Conditional Use; Conditional Use on lot > 3.2 acres; or Site Plan Approval; are prohibited in those zoning districts. The following permits or approvals are required for new land use and development in accordance with this Local Law:

<b><u>Use allowed by:</u></b>	<b>Land use and development permit required</b>
Permitted by Right	Zoning Compliance Certificate (ZCC)
Conditional Use	Conditional Use Approval & ZCC
Conditional Use on lot > 3.2 acres	Conditional Use Approval & ZCC
Site Plan Approval	Site Plan Approval & ZCC

- C. Intensity and Dimensional Requirements. Refer to Article 6 for the pertinent intensity and dimensional requirements. All subdivisions shall be in accordance with both the minimum lot size and intensity requirements.
- D. Flood Hazard Area. Refer to the official FEMA map to determine if the project lies within a flood hazard area. Flood hazard area regulations are contained in Section 8.13.
- E. The proposed land use and development project may involve a special procedural and review standards, or the project may involve activities that require additional controls. Those special cases are specifically treated in Article 8, 9, 11, 12, and 13.
- F. Proposed land use and development projects may require approvals from other government entities. It is the applicant's responsibility to check with Warren County, New York State agencies and Federal Agencies, to obtain all necessary approvals prior to beginning the project.
- G. The Zoning Administrator may require an applicant submit a jurisdictional determination to the Adirondack Park Agency as part of any application for land use and development within the Town.

## ARTICLE 8 -- SUPPLEMENTAL REGULATIONS

### ***Section 8.01 - Accessory Buildings and Structures Special Regulations.***

The following regulations shall be applicable in all zoning districts. See also Article 5.

- A. All accessory buildings and structures shall meet the minimum side yard setbacks as called for in these regulations in Section 6.10.
- B. The rear yard setback for an accessory building or structure shall be one and a half (1.5) times the side yard setbacks. Where the rear yard line is bounded by water, the rear yard setback is the shoreline setback as shown in Section 6.10 shall prevail.
- C. Any accessory building or structure must meet the minimum front yard setbacks as required for in Section 6.10.
- D. Any guest cottage must meet all setbacks required of any principal building.
- E. In no case can a guest house be a mobile home.
- F. More than five residential accessory buildings or structures shall require Site Plan Approval. More than five non-residential accessory buildings or structures shall require Conditional Use Approval.

### ***Section 8.02 - Adult Entertainment Establishment***

- A. All adult entertainment establishments shall require Conditional Use Approval.
- B. No adult entertainment establishment shall be located within 1000 feet of the property line of any: public or semi-public building or grounds; dwelling; religious building, facility, or grounds; school; group camp; or campground.
- C. No adult entertainment establishment shall be located within 500 feet of any property line.
- D. Any adult entertainment establishments shall be set back at least 500 feet from any highway right-of-way.
- E. The adult entertainment activities shall be conducted entirely within an enclosed building. No adult entertainment activity or photograph of such activity shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
- F. No outside displays or advertising other than an approved sign shall be permitted.
- G. The serving of alcoholic beverages shall be prohibited unless specifically permitted by the Planning Board in their review of the Conditional Use Approval.

***Section 8.03 - Automobile Service Station.***

- A. No fuel pump shall be located within 40 feet from centerline of any street line or side lot line, measured from the outside edge of the fuel island.
- B. No access drive shall be within 200 feet of and on the same side of the street as a public or semi-public use as defined herein, unless a street lies between the commercial garage and the public or semi-public use.
- C. All major repair work shall be done within a completely enclosed building.
- D. Curbing to regulate the location of a vehicular traffic shall be installed at the street line of the lot, except for access drives.

***Section 8.04 - Bed And Breakfast.***

- A. The business shall be conducted within a single-family dwelling that is the principal residence of the operator.
- B. A bed and breakfast establishment shall have accommodations for not more than 12 guests.
- C. If meals are offered, they shall be offered only to registered lodgers.
- D. Facilities and services shall be offered solely to registered lodgers and not to the general public.

***Section 8.05 - Boat Storage, Commercial.***

- A. Setbacks for commercial boat storage areas shall be the same as structure setbacks for the zone that the commercial boat storage occurs.
- B. The Planning Board may at its discretion impose reasonable conditions as it deems necessary based on a particular site plan, including but not limited to greater setbacks, vegetative screening or fencing.

**Section 8.06 - Boathouses.**

No boathouse shall be constructed having a side yard setback of less than 20 feet. See Boathouse definition for structure requirements.

**Section 8.07 - Commercial Marinas.**

Commercial Marinas shall be subject to the following additional requirements:

- A. Any and all gasoline sales storage facilities shall be installed in accordance with applicable state laws.
- B. Two (2) off-street parking spaces shall be provided for each berth or mooring contained in a marina. Parking spaces shall be no less than 10 by 20 feet in size.
- C. No docking facility shall have a side yard setback of less than 25 percent of the shoreline width of the property in question, and in any event, no less than a 15 foot setback.
- D. Adequate safety or traffic control devices (buoys) shall be placed to ensure safe ingress and egress of boats.
- E. No dock, docking facility, or obstacle to navigation shall extend more than 40 feet into any body of water, measured from the mean low watermark.
- F. No dock or docking facility shall contain more than 400 square feet of surface area. A minimum of 250 feet of vacant shorefront measured at mean high water shall be required for the construction of each dock or docking facility.
- G. Four (4) commercial moorings shall be allowed per 250 feet of shoreline width with two moorings permitted for each additional 100 feet of shoreline width in excess of 250 feet. In the event, however, that docking facilities are present and/or being constructed, the allowable surface area of the docking facility shall be reduced by 50 square feet for each such mooring.
- H. Any owners or operators of record shall maintain said facility in a safe and clean manner and shall be responsible for the removal, clean-up and/or repair of decayed and loose materials and/or other debris.
- I. On-shore toilet facilities shall be provided and such facilities shall meet all existing New York State as well as Town statutes, ordinances and regulations.
- J. Any plans for such marina facility shall have the approval of the NYS Department of Health, the NYS Department of Environmental Conservation and any other applicable agency prior to the final approval of the Planning Board or Zoning Board of Appeals.
- K. Any facility thus approved shall comply with these and any other conditions set forth by the approving board, and shall be subject to periodic review inspection by the zoning officer and the appropriate approving board and/or its authorized members.
- L. All commercial marinas shall have a land area of at least 3.2 acres.

- M. The local Planning Board or the Adirondack Park Agency can require additional distances, etc. in cases where it is deemed necessary, in order to make the required findings to grant a permit.

**Section 8.08 - Docks.**

The following regulations shall be applicable in all zoning districts unless more stringent requirements for docks are identified in other sections of this Local Law. (See Section 8.09 for Docks, Multiple Access)

- A. No dock or docking facility shall contain more than 3 square feet of surface area for each foot of shoreline width up to a maximum of 400 square feet of surface area. Dock width shall not exceed 8 feet in width.
- B. No dock shall be constructed having a side yard setback of less than 15 feet. On shoreline lots less than 38 ft. wide the side yard setback shall be 20% of the shoreline lot width. In no event shall the side yard setback be less than 5 feet.
- C. In general, no dock, docking facility or obstacle to navigation shall extend more than 40 feet into any body of water, measured from the MEAN LOW WATER MARK. However, if lake bottom conditions are such that adequate water depth cannot be provided for boat mooring at a dock 40 feet in length, the owner may request an extension of the specified dock length. In making their determination regarding the extension of the specified dock length, the Planning Board shall consider the following:
1. Survey information provided by the applicant that shows lake bottom conditions in relation to the MEAN LOW WATER level of the lake and ownership thereof
  2. Locations and lengths of other docks within 500 feet of the owner's property lines as provided by the owner.
  3. The potential that the proposed dock will create an obstacle to navigation.
  4. If the dock extends more than 40 feet from the MEAN LOW WATER MARK, the maximum depth of water at the furthest end of the dock should not exceed 3 feet when compared to the MEAN LOW WATER elevation of the lake. In no case shall a dock extend more than 100 feet from the MEAN LOW WATER MARK in accordance with the provisions of the NYS Department of Environmental Conservation.
  5. In the event the width of any body of water measured at the shortest distance from shoreline to shoreline from the mean low water mark is less than 500 feet, then and in that event, no dock docking facility or obstacle to navigation or any part thereof shall be located beyond a point measured from the mean low water mark of either shoreline equal to 20 percent of the measured distance from the mean low water mark of the one shoreline to the mean low water mark of the other shoreline.

**Section 8.09 - Docks, Multiple Access.**

Multiple access docks shall be subject to the following special regulations:

- A. For multiple access docks associated with subdivisions approved after May 3, 1963 and before November 12, 1987, their design should take into account the general health, safety and welfare of the public with an emphasis on maintaining acceptable navigation. In order to ensure this the Planning Board shall consider the following general dock design parameters:



1. Any dock design parameters specified as part of the subdivision's original approval;
  2. Width of shoreline in relation to the size of the proposed dock;
  3. Dock locations on adjacent parcels;
  4. Lake bottom conditions; and the impact the proposed dock will have on general navigation.
- B. For all other multiple access docks, the multiple access dock and other appropriate dock standards (Section 8.08) shall apply.
1. Docking facilities or moorings shall be limited to seven boats per 100 feet of shoreline width, measured at mean high water, but may be increased for shorefront widths in excess of 100 feet on the basis of one boat for each additional 15 feet of shorefront width.
  2. The maximum width of docks and docking facilities shall not exceed 50 percent of the total shorefront measured at mean high water.
  3. Adequate safety or traffic control devices, including buoys, shall be placed to ensure safe ingress and egress of boats.
  4. Any multiple access docking facility which is approved shall at all times comply with all regulations applicable thereto and with all conditions of approval established by the Planning Board and such facility shall be subject to periodic review or inspection by the Zoning Administrator.

**Section 8.10 - Dwellings, Multiple Family.**

Multiple family dwellings shall be subject to the following additional requirements:

- A. The minimum land area necessary per each individual dwelling unit shall be the minimum lot area in Section 6.10 hereof for the zoning district in which the multiple family dwelling is to be located, except in the Hamlet land use area, where the minimum land areas necessary for the respective type multiple family dwellings shall be 7,500 square feet per dwelling unit.
- B. Adequate off-street parking shall be provided therefore.

**Section 8.11 - Excavations.**

Any excavation not associated with the erection of a building shall be subject to the following additional requirements:

- A. The excavation shall not adversely affect the natural drainage of adjoining properties not in the same ownership, or the structural, safety of buildings on such adjoining properties.
- B. The top of any slope of the excavation shall not be closer than 50 feet from the boundary line of any adjoining property not in the same ownership used for residential purposes, nor closer than 50 feet from any such property not used for residential purposes, nor closer than 75 feet of any public street or highway.
- C. At least 50 feet of natural vegetation shall be left undisturbed adjoining any public street or highway or any adjoining property not in the same ownership used for residential purposes. The Town Board may in its discretion require additional measures to provide suitable screening of the excavation, such as planting or fencing.

- D. The applicant must submit plans for reasonable rehabilitation of the land involved, during and after cessation of removal of excavating operations. Such plans should include regrading to ensure effective slope and soil stabilization with a slope no greater than one vertical foot per two horizontal feet, and seeding to provide an effective cover crop during the first growing season thereafter. The Town Board may require the posting of a performance bond of an amount sufficient to guarantee compliance with such plans.

#### ***Section 8.12 - Fencing and Screening.***

- A. All fencing erected or placed in the Town shall comply with the following standards and requirements:
1. All fences require a Zoning Compliance Certificate.
  2. All fencing erected or placed in the Town shall be of wood, vinyl, metal or masonry construction.
  3. These standards and requirements shall apply to fences as regulated by the Local Law unless specifically exempted.
  4. Fencing or screening shall not be placed in the right-of-way of any road or within 25 feet from center of any road, whether State, County, Town or Subdivision unless specifically approved by the proper Highway Department. In no situation shall fencing be constructed in any manner that would impair traffic safety.
  5. Any fence within 40 feet of the center line of any road shall be of see-through design.
  6. In no event may a fence exceed 10 feet in height.
  7. The finished side of the fence shall face neighboring property and/or right of way.
  8. Property survey documentation or written agreement by affected landowners may be required for any fence placed within 5 feet of a property line at the discretion of the Zoning Administrator. The Zoning Administrator may require a property survey to ensure the placement of a fence does not trespass on neighboring property.

#### ***Section 8.13 - Flood Hazard Areas.***

Conditional Use Approval is required for all proposed uses that occur in the flood hazard area as designated on the official FEMA map prior to the issuance of a land use and development permit, and such uses shall comply with the following provisions:

- A. Establishment of Area Boundaries. The boundaries of the flood hazard areas are based on Federal Emergency Management Administration. This Local Law does not imply that lands outside the flood hazard area or land uses permitted within this area will be free from flooding or flood damages. All land uses within the flood hazard area shall conform to the provisions of this Section in addition to all other requirements of this Local Law including all provisions governing land use within any zoning district created under Article 5 of this law in which the land involved is located, and including the provisions of Article 11.
- B. Special Requirements:
1. New or replacement water supply systems shall be so designated as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

2. On-site waste disposal systems shall be located so as to avoid impairment or contamination from the systems during flooding.
3. Residential structures shall have the lowest habitable floor elevated to at least 2 feet above the estimated flood hazard area flood level.
4. In addition to the above, any such use shall meet the following requirements:
  - a. Such use shall include flood-proofing measures consistent with the flood protection elevation and associated flood facts for the particular area in which construction is to take place; or
  - b. Any structure built on pilings shall be constructed with the lowest floor elevated to at least 2 feet above the estimated flood hazard areas flood level; or
  - c. Any structure built on solid fill shall be constructed at an elevation of the estimated flood hazard area flood level within the lowest floor elevated to at least 2 feet above the estimated flood hazard area flood level.

**Section 8.14 - Guest Cottage.**

- A. Not more than one residential structure which is associated with a single family dwelling and which:
  1. Is used only on an occasional basis.
  2. Is used only by guests of the resident(s) of the single family dwelling.
  3. Is not for rent or hire separately from the single family dwelling.
  4. Contains one-half (1/2) or less of the enclosed floor space of the associated single family dwelling or 2,000 square feet, whichever is less; and
  5. Can contain kitchen facilities and bathroom facilities described as a sink, toilet, shower or tub.
  6. Otherwise meets the definition of accessory structure
  7. In no case can a guest cottage be a mobile home.
- B. Pursuant to this Section, in order to qualify as an accessory structure a guest cottage must be customarily incidental and subordinate to a principal land use or development and must be used only by guests of the residents of the primary dwelling on the property. To be considered incidental and subordinate, the size of the structure must be one half or less of the enclosed floor space of the associated single family dwelling or 2,000 square feet whichever is less. The occasional occupancy of the guest cottage must occur at infrequent and irregular intervals. The guest cottage may not be used for rent or hire separate from the single family dwelling, cannot be sold separately from the main house, nor may the guest cottage be used for permanent or seasonal residency.
- C. The deed to property improved by any accessory structure guest cottage should include a covenant which runs with, touches and concerns the land, is expressly enforceable by the Town, which restricts the use of the guest cottage as described above and prohibits the conveyance of the guest cottage as a separate principal building without prior Town approval.

### **Section 8.15 - Home Occupation.**

- A. The office of a physician, dentist, lawyer, architect, engineer, realtor, insurance agent, or other professional person who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods shall be deemed to be home occupations; as well as the occupations of seamstress, tailor, child care, barber, beautician, tutoring, the giving of music or dance instruction limited to two pupils at one time. Occupations such as cabinet making, furniture repair, animal hospital, or kennel, florist, auto repair shop, vehicle sales, restaurant, tavern, store, funeral home, mortuary, or other similar uses shall not be deemed to be home occupations.
- B. Furthermore:
  - 1. No more than one-half of the floor area of the principal building shall be used.
  - 2. In the conduct of said activity no more than one person outside of the family residing on the premises shall be employed.
  - 3. In the conduct of such activity, there shall not be any exterior storage of materials or equipment.
  - 4. No exterior sign or display shall be permitted except as permitted by this Law and in any case shall be less than 5 square feet.

### **Section 8.16 - Junkyards**

Junkyards shall be subject to the following additional requirements:

- A. The minimum lot area necessary for any junkyard shall be 40,000 square feet, unless the minimum lot area in Section 6.10 hereof for the zoning district in which the junkyard is to be located is larger, in which case the larger area shall be the minimum area.
- B. No junkyard shall be located within 100 feet of any residential building (except that belonging to the owner of the junkyard), public park, church, educational facility, nursing home, public building or other place of public gathering, or any stream, lake, pond, marsh, swamp or other body of water.
- C. The junkyard shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.
- D. There must be erected and maintained an 8 foot high fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junkyard. All the materials dealt with by the operator of the junkyard shall be kept within such fence at all times. Whenever the junkyard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. Where a junkyard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junkyard from view. As an alternative, the Planning Board may permit such screening by adequate planting of evergreen trees or shrubbery. The Board may also waive the requirement of fencing where topography or other natural conditions effectively prohibit the entrance of children and others.
- E. Adequate means of fire protection shall be maintained on the premises at all times.

- F. The junkyard shall not be used as a dump area by the public and there will be no burning of other materials except in connection with the periodic crushing and removal of other materials from such yards in compliance with applicable New York State law regarding outdoor burning.

**Section 8.17- Keeping of Livestock.**

The purpose of this Section is to protect the health, safety and general welfare of the citizens of the Town, as well as to provide for the safety and health of horses and livestock. For purposes of this Section, "livestock" shall mean horses, cows, pigs, sheep, goats, deer, llamas, alpacas, emus, ostriches, chickens, ducks, geese and similar animals and birds.

- A. Buildings, pens, or other structures are required to house or contain livestock and shall be located at least 50 feet from any lot line or roadway (as measured from the edge of the driving surface), and at least 100 feet from any well or waterway.
- B. Any refuse pile, compost or waste material pile from livestock shall be located at least 50 feet from any lot line or roadway (as measured from the edge of the driving surface), and at least 100 feet from any well or waterway.

**Section 8.18 - Lighting.**

- A. General Requirements. Outdoor lighting shall be the minimum required to meet any legal requirements and ensure patron safety. Lighting devices shall be oriented and shielded to minimize disturbance on surrounding properties. Lighting shall be directed onto the lot in such a manner that no direct beam of light or excessive glare shines onto other properties or the highway.
- B. Specific Requirements. Lighting requirements contained in other sections of this Local Law apply to those specific situations.

**Section 8.19 - Mobile Home Courts.**

Mobile home courts shall be subject to the following additional requirements:

- A. Site.
  - 1. The mobile home court shall be located in an area where grades and soil conditions are suitable for use as mobile home sites.
  - 2. The court shall be located on a well-drained site which is properly graded to ensure adequate drainage and be free at all times of stagnant pools of water.
  - 3. The court shall be at least 2 acres in size, with 250 feet frontage on a public road
- B. Mobile Home Lot.
  - 1. The mobile home court shall be marked off into mobile home lots.
  - 2. Number of Lots.
    - a. In the Hamlet land use areas the total number of mobile home lots in a mobile home court shall not exceed 4 per gross acre.
    - b. In other land use areas, the total number of mobile home lots in a mobile home court shall not exceed the quotient of the total area of the court divided by the intensity for the zoning district in which the court is proposed to be located.

3. Size. A mobile home lot shall have a total area of not less than 7,500 square feet and a minimum width of 75 feet.
- C. Mobile Home.
1. No mobile home shall be parked or otherwise located nearer than a distance of 40 feet from an adjacent mobile home in any direction, 60 feet from an adjacent property line of any third party, 75 feet from the right-of-way line of a public street or highway, and 20 feet from the nearest edge of any street within the court.
  2. Only one mobile home shall be permitted to occupy any one mobile home lot.
- D. Mobile Home Stand and Skirting.
1. Each mobile home lot shall have a mobile home stand which will provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures, and the retention of the home on the lot in a stable condition.
  2. The stand shall be of sufficient size to fit the dimensions of the anticipated mobile homes and their appurtenant structures or appendages.
  3. The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.
  4. The stand shall be suitably graded to permit rapid surface drainage.
  5. The stand shall be equipped with an anchor or tie-down at each corner thereof to provide adequate security for the mobile home against wind loading.
  6. The mobile home shall be enclosed with a desirable and attractive skirt made of sturdy materials, which will hide all wheels, chassis, and other appurtenances under the mobile home.
- E. Accessibility.
1. The mobile home court shall be easily accessible from an existing public highway or street.
  2. Where a mobile home court has more than 15 mobile home lots, two points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four.
    - a. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the court, and to minimize friction with the free movement of traffic on a public highway or street.
    - b. All entrances and exits shall be approximately at right angles to the existing public highway or street.
    - c. All entrances and exits shall be free of any material which would block their visibility from the public highway or street to which they have access.
    - d. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.
  3. The mobile home court shall have graded and surfaced streets to provide for the convenient access to all mobile home lots and other important facilities within the court:
    - a. The street system shall be so designed to permit safe vehicular circulation within the court



- b. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety;
    - c. All streets shall have the following minimum widths: one-way traffic movement - 12 feet, and two-way traffic movement - 20 feet.
    - d. Except in cases of emergency, no parking shall be allowed on such streets.
  - 4. An improved driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of 9 feet.
  - 5. Each court shall provide a system of internal walkways to provide safe, convenient pedestrian access of adequate width to common facilities, service areas and open areas.
- F. Utilities and Service Facilities.
- 1. The following utilities and service facilities shall be provided in each mobile home court which shall be in accordance with the regulations and requirements of the New York State Department of Health and/or New York State Department of Environmental Conservation:
    - a. An adequate supply of pure waters for drinking and domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the court. Each mobile home lot shall be provided with proper water connections.
    - b. Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive the waste from the shower, tub, flush toilets, lavatory and kitchen sink in such homes. The sewer shall be connected to a septic tank and leach field or other suitable drainage system or public or private sewer system, so as to comply with the Town sanitary code.
    - c. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
    - d. Durable refuse containers with tight fitting covers shall be maintained in sufficient number and volume capacity to permit the disposal of all garbage and rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no further than 200 feet from any mobile home lot. Garbage and rubbish shall be collected and disposed of by the court owner or manager as frequently as may be necessary to ensure that such containers shall not overflow.
    - e. If the mobile homes are to be oil heated, a 55 gallon or greater than storage facility shall be provided in each mobile home lot. Where economically feasible, this storage facility shall be placed underground.
  - 2. Other service buildings including storage areas shall be provided as deemed necessary for the normal operation of the court, such buildings are to be maintained by the owner or manager of the court in a clean, sightly, and sanitary condition.
  - 3. Each mobile home lot shall be provided with weatherproof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

G. Open Space.

1. The mobile home court shall provide common open space for the use by the residents of such court for recreational and other appropriate purposes.
2. Common open space shall be conveniently located in the mobile home court. Such space shall have a total area equal to at least 10 percent of the gross land area.

H. Landscaping.

1. Lawn and/or other suitable permanent ground cover shall be provided.
2. Planting shall be provided to the extent needed in order to provide for the year-round screening of objectionable views. Views which shall be screened include non-residential uses, garbage storage and collection areas, and fuel tanks.

**Section 8.20 - Mooring.**

One mooring shall be allowed per 50 feet of shorefront width measured at mean high water with one additional mooring allowed for each additional 50 feet of shorefront measured at mean high water in excess of 50 feet. In the event that docks or docking facilities are present and/or being constructed upon the parcel of real property, the allowable surface area of the dock or docking facility shall be reduced by 30 square feet for each such mooring.

**Section 8.21 - New Principal Buildings on the Same Lot (a.k.a. Subdivision into sites).**

Where more than one principal building exists or is proposed to be located on the same lot, any construction, alteration or relocation of structures shall occur through site plan review in accordance with the following regulations:

A. Access.

1. A right-of-way must be provided for access to each principal building. Such access shall consist of a right-of-way not less than 20 feet wide with a roadway width of 12 feet. If such roadway terminates without connecting to a public road or highway, a properly designed turnaround shall be provided.
2. Maximum grade of such access roadway shall not exceed 12 percent.
3. Dead-end access roadways greater than 200 feet shall terminate in a turnaround.
4. Parking shall be provided on the site in accordance with Section 8.23 of this Local Law.

B. Setbacks. Setbacks for apartment buildings, single-family, attached dwellings, town houses, and other principal buildings shall be as follows:

Front yard to lot line	same as zoning district in which lot is located
Side yard to lot line	same as zoning district in which lot is located
Rear yard to lot line	same as zoning district in which lot is located
Distance between structures	double the side yard setback of the zoning district in which the lot is located
Distance to common access right-of-way	the front yard setback of the zoning district in which the lot is located

C. Intensity. The new principal buildings shall comply with the intensity requirements in the zoning district in which they are located.

**Section 8.22 - Overlay Zones Special Regulations for Mill Pond and Design Review Overlay.**

- A. **Applicability.** This Section shall apply to the Mill Pond Overlay Zone and the Design Review Overlay Zone. Any change in land use involving new buildings or building additions or extensions 144 square feet or larger in ground area, excepting single family and two family dwellings and their accessory structures and any additions or extensions thereto, shall be subject to design review and approval by the Town of Horicon Planning Board pursuant to this Section. The document titled "Design Guidelines for Brant Lake and Adirondack Hamlets" shall be used to evaluate compliance with this Section.
- B. **Purpose and Intent.** The Town of Horicon has prepared "Design Guidelines for Brant Lake and Adirondack Hamlets" in order to implement the Town of Horicon Comprehensive Plan and Community Development Strategic Plan, and to maintain and improve the community character and quality of life within the Hamlets of Brant Lake and Adirondack. The future economic success of the Town is dependent in part upon efforts to preserve and enhance the image of the community and its streetscape. The intent of the guidelines is to encourage development that is sited and constructed with a form and appearance that is compatible with its surroundings and is in keeping with the traditional architectural styles found in the hamlets, as well as providing appropriate landscaping and protecting scenic and aesthetic values.
- C. **Conformance with Guidelines.** The Design Guidelines are intended to provide substantive direction while providing for reasonable flexibility in their application. The Planning Board shall not approve a design unless it finds that the building and landscaping plan reasonably complies with the said guidelines.
- D. **Circumstances that may warrant modification of the Guidelines as applied to a site** include, but are not limited to: physical constraints such as the location of existing buildings or changes in grade between adjacent properties; excessive cost; or inability to obtain an agreement or permit that is required for the implementation of the Guidelines. In reviewing any proposed modification, the Planning Board shall consider whether granting the modification will be consistent with the purposes of this Section, and the following principles:
1. Visual compatibility of the proposal with surrounding properties. The general design and character of the proposal is not drastically different from the vision presented on the Conceptual Improvement Plans and will not negatively impact the aesthetics or access to important public spaces and community facilities.
  2. The architectural value and significance of the structure and its relationship to the surrounding area and the general appropriateness of the exterior design, arrangement, texture and materials proposed to be used; including height, setback, roof shape, window and door arrangements, and the orientation or the building in relation to the street.
  3. The provision of safe, convenient and adequate vehicular and pedestrian access to and from the use and adequate, but not excessive, points of ingress and egress.
  4. The provision of streetscape improvements including adequate landscaping and screening of all parking, dumpsters, storage and service areas so that

such areas are screened at all seasons of the year from the view of adjacent lots and streets.

- E. Procedures. If Site Plan Approval or Conditional Use Approval is also required for the proposed land use change, Design Review and Approval shall be undertaken as part of said Site Plan Approval or Conditional Use Approval process. If the proposed land use change is allowed "by right" (no Planning Board review or approval otherwise required), then the procedures for Site Plan Approval of this Local Law shall apply.

### ***Section 8.23 - Parking, Off-Street Parking and Loading***

The purpose of this Section is to safeguard property values, create a more attractive climate for tourism and other business, protect open country scenery along highways, and generally provide a more aesthetically pleasing community and region. Further purposes are to reduce obstructions and distractions that may contribute to traffic accidents, and to minimize hazards that may be caused by vehicles parked in a manner that obstructs traffic.

- A. Off-Street Parking.
1. Off-street parking space shall be required for all uses except single family dwellings that are constructed, altered, extended and engaged in use after the effective date of this Local Law. Each off-street space shall consist of at least 200 square feet and shall be at least 10 feet wide by 20 feet long and shall be reached by an access driveway at least 20 feet clear in width. In addition, space necessary for aisles, maneuvering and drives shall be provided. Parking requirements are specified in this Section.
  2. The Planning Board shall determine the number, configuration and location of parking in its review of Site Plan Approval for project.
- B. Off-Street Loading.
1. At least one off-street loading space shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet, computed as described below. Space for off-street loading shall be in addition to space for off-street parking.
  2. Each off-street loading space shall be subject to the following minimum requirements:
    - a. Each berth shall be not less than 12 feet wide, 40 feet long and 14 feet in height when covered.
    - b. Off-street loading space (or spaces) located within 50 feet of a residential property shall be shielded by wall, fencing, or other suitable material which shall serve to screen noise and uncontrolled entrance.

### ***Section 8.24 - Public Utility Use.***

- A. Major installations of public utilities shall be reviewed by the Planning Board where proposed in any residential district. The Planning Board shall have the power to require any reasonable change in the site plan in order to protect the residential nature of adjoining properties.
- B. Underground utilities including telephone and electric facilities are encouraged. Developers may be asked to provide justification if underground utilities are not provided in the site plan. Major installations are not to include the installation of standard electric and telephone poles, lines, underground cables, or electric connections.

- C. Public utility uses shall be fenced from public view with a 6 foot minimum fence.
- D. Electrical distribution substations shall be fenced with a 10 foot minimum fence and screened.
- E. All public utility uses and electrical distribution substation locations shall meet all the setback requirements of Section 6.10, regardless of size.
- F. Notwithstanding the above, pole mounted equipment and terminals used in conjunction with underground facilities not in excess of 20 cubic feet are excluded from these regulations.

**Section 8.25 - Recreational River District.**

The following special provisions apply to any new land use and development within the Recreational River District:

- A. Additional Uses and Activities in the Recreational River District that require a Conditional Use Approval:
  - 1. The harvesting, cutting, culling removal, thinning or other disturbance of vegetation inside the mean high water mark of the river or within 100 feet of such mean high water mark, other than the removal of the dead or diseased vegetation or of rotten or damaged trees or of other vegetation that present safety or health hazards, or the cutting of up to a maximum of 5 percent of the total basal area of timber per acre during any 10 year period for the purpose of clearing the river or tributaries thereof of fallen trees or trees which pose a threat of bank undercutting or erosion, or for the undertaking of permitted activities.
  - 2. Wood roads inside the mean high water mark of the river or within 100 feet of such mean high watermark.
  - 3. Every new public or private road (together with necessary bridges) located inside the mean high watermark of the river or within 150 feet of such mean high watermark.
  - 4. Boathouses.
  - 5. Bridges over recreational rivers associated with new trails for open space recreation use which do not require a permit from the Department of Environmental Conservation pursuant to Article 15 (Water Resources) of the Environmental Conservation law.
  - 6. Special river area utility uses not subject to review pursuant to Article VII or Article VIII of the Public Service Law which (a) constitute major public utility uses, or which (b) cross the river or are proposed to be located inside the mean high water mark of the river or within 150 feet of such mean high water mark.
  - 7. All such subdivisions of land within resource management areas, and subdivisions of land within the following land use areas which do not meet the following areas and lot widths for each and every lot, parcel or
  - 8. For the purpose of this part, the term "lot involving shoreline" shall mean any lot, parcel or site (a) including or adjoining the mean high water mark of a wild, scenic or recreational river, or (b) located within 100 feet of such mean high watermark.

9. Stream improvement structures for fishery management purposes not constructed by or pursuant to a permit from the Department of Environmental Conservation.
  10. Activities in recreational rivers which would require a permit pursuant to Article 15, Title 5 of the Environmental Conservation Law if the river in question is a classified stream referred to in subdivision 2 of Section 15-0501 of the Environmental Conservation Law.
- B. Findings and Determinations for Conditional Use Approval for Activities and Uses within the Recreational River District. The Planning Board shall not issue a Conditional Use Approval unless it shall first determine that the proposed activity would be consistent with the purpose and intent of the Recreational River District. It shall further determine that:
1. If the proposed activity is the harvesting, cutting, removal or other disturbance of vegetation inside the mean high water mark of the river or within 100 feet of such mean high water mark, such vegetative cutting is for:
    - a. compelling purposes as would be consistent with recognized sound forestry practices and would cause no undue adverse environmental impact, particularly in the river shoreline, or
    - b. in recreational river areas, selected and dispersed cutting of vegetation to the extent necessary to create a view of the river from any new structure or from any lawfully existing structure lacking such a view where such cutting would cause no undue adverse environmental impact, particularly in respect to the aesthetic character of the river shoreline, and where adequate screening of the structure from view of the river is maintained or provided for.
  2. If the proposed activity is a new public or private road or a trail for motorized open space recreation uses (including necessary bridges), or a new wood road, such new road or trail will be so located, designed and constructed as to minimize its visibility from the river, minimize alteration of the natural environment and avoid undue adverse environmental impact. The activity must be reasonable and necessary and its use effectively restricted to those specified by the applicant. Any such bridges over a scenic or recreational river shall not interfere with the recreational use of the river.
  3. If the proposed activity is a new structure other than a dock or boathouse, such structure will comply at a minimum with the respective restrictions and standards in Section 8.25, Subsection C for activities and uses in the Recreational River District not requiring a permit, and will be so located, designed, and constructed so as to avoid undue adverse environmental impact.
  4. If the proposed activity is a new dock or boathouse, such structure is reasonable and necessary, will not impede the natural flow of the river, and will be so located, designed and constructed as to minimize its intrusion into the water body and avoid undue adverse environmental impact.
  5. If the proposed activity is a single family dwelling, individual mobile home, or other principal building, such activity shall meet the appropriate setback restrictions and standards for structures contained in Section 6.10 of this ordinance.
  6. If the proposed activity is a bridge associated with a new trail for open space recreations use, such bridge shall be constructed of naturally occurring



materials such as wood and stone, to the extent feasible, and does not interfere with the recreational use of the river involved.

7. The proposed activity is a new special river area utility use, such use will be located, designed, and constructed as to avoid undue adverse environmental impact and to minimize visibility from the river and the river area of support structures, lines, cables, pipes and other associated equipment and accessories.
8. If the proposed activity is an activity which would require a permit pursuant to Article 15, Title 5 of the Environmental Conservation Law were the river a classified stream referred to in subsection 2 of Section 15-0501 of the Environmental Conservation Law, such activity shall meet the criteria for the issuance of a permit set forth in that title.

For the purposes of this Part, the term "undue adverse environmental impact" shall mean an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making its determination as to undue adverse environmental impact, the Planning Board shall consider those factors contained in the Development Objectives in Section 11.40 of this Local Law which are pertinent to the activity in question.

C. **Restrictions and Standards for Activities within the Recreational River District that Do Not Require Conditional Use Approval.** Permitted activities not requiring Conditional Use Approval in the Recreational River District shall be governed by the following restrictions and standards:

1. **Forest Management and Vegetative Cutting.**
  - a. Inside the mean high water mark of the river, or within 100 feet of such mean high water mark, no trees or other vegetation shall harvested, cut, culled, removed, thinned, or otherwise disturbed other than:
    - i. the cutting and removal of up to a maximum of 5 percent of the total base area of timber per acre during any ten year period for the purpose of clearing the river of fallen trees or trees which pose a threat of bank undercutting or erosion or for the undertaking of permitted activities or
    - ii. in accordance with the terms of a Conditional Use Approval granted by the Town Planning Board pursuant to the terms of Article 11 of this Ordinance. Provided that, nothing herein shall be deemed to prevent the removal of vegetation that presents safety or health hazards.
  - b. Between 100 feet from the mean high-water mark of the river and the exterior boundary of the river area, the cutting and removal of trees and other vegetation shall be allowed for the undertaking of permitted activities to the extent necessary for such purposes.
  - c. Between 100 feet from the mean high water mark of the river and the exterior boundary of the river area, forest management shall conform to recognized silvicultural systems as defined in "Terminology of Forest Science, Technology, Practice and Products" (Washington: Society of American Foresters, 1971) appropriate to the site, and shall be in accordance with the terms of a pamphlet entitled, "Timber Harvesting Guidelines for New York" published in June, 1975, by the

New York Section of the Society of American Foresters, or any modification of either as may be approved by the Agency. These two publications, together with any modifications thereof by the Society which may be approved by the APA, are on file at the APA headquarters at Ray Brook, New York. Provided, that if an even aged stand of commercial timber species is present within this area, one recognized regeneration cutting that removes the main crown canopy of such stand shall be permitted upon not more than one-third of the total area of the stand within this portion of the river area during any 10 year period, if undertaken as part of a deliberate plan to regenerate the stand. In no event, however, shall more than 15 contiguous acres in the same ownership be clear-cut, or more than 50 percent of the basal area of timber in any tract of 30 contiguous acres in the same ownership, be cut during any 10 year period.

- d. No trees shall be felled into or across the river where avoidable, and logging debris which may enter the river shall be removed. Any logging debris which may enter the area inside the mean high water mark of the river or within 100 feet of such mean high water mark shall be removed, or shall be lopped, for hardwoods, in such fashion that no such debris measures higher than four feet from ground level, and for conifers, in accordance with Section 9-1113 of the Environmental Conservation Law.
  - e. No new landings shall be established inside the mean high water mark of the river or within 200 feet of such mean high water mark. Adequate provisions shall be made after timber harvesting to stabilize soil on all landings, skid trails, and wood trails in the river area.
  - f. All timber harvesting operations shall be subject to the requirements of Article 15 Water Resources of the Environmental Conservation Law governing among other things, disturbances, modification, and crossing of rivers and streams. Additionally, skidding of logs or trees across rivers shall not be permitted except where no feasible alternative exists and permit therefore has been obtained pursuant to such article.
  - g. Logging equipment shall not be stored within 100 feet of the river, or abandoned within the river area.
  - h. Wood roads shall be located so as to minimize their visibility from the river.
2. Structures. New structures, except for fences, poles, lean-tos, docks, boathouses and bridges, shall not be permitted inside the mean high water mark of the river or within 150 feet of such mean high water mark. This provision shall not apply within those portions of the river district in hamlet and moderate intensity areas, in which areas the setback restrictions contained in Section 6.10 of this ordinance shall apply.
3. Water Quality.
- a. No new direct discharge of any substance into the river shall be permitted unless consistent at a minimum with applicable water quality standards assigned by the Department of Environmental Conservation.
  - b. The existing water quality of the river shall be maintained or improved.
4. Stream Improvement Structures for Fishery Management Purposes. Stream improvement structures for fishery management purposes in the river shall be



constructed principally of naturally occurring materials such as wood and stone, and shall be so designed and constructed as to avoid materially altering the natural character of the waterway.

5. Bridges. Any bridges associated with new open space recreation uses shall be constructed, to the extent feasible, of naturally occurring materials such as wood and stone, and shall not interfere with the recreational use of the river.
6. Special River Area Utility Uses. In the river district, special river area utility uses subject to review pursuant to Article VII or VIII of the Public Service Law shall be limited to locations where support structures, lines, cables, pipes, and other associated equipment and accessories will be substantially invisible from the river and in any case, except for crossings, not inside the mean high water mark or within 150 feet of such mean high water mark, and where visual impact on other parts of the river area can be minimized. River crossings, if any, shall be minimized.
7. Roads, Trails and Motorized Access:
  - a. New public or private roads shall not be permitted except for wood roads for which a Conditional Use Approval has been obtained.
  - b. New trails for non-motorized open space recreation shall be permitted.
  - c. The use of motor vehicles shall not be permitted within the river area, except as necessary for forest management undertaken in accordance with the restrictions and standards set forth in this Section.
  - d. All motor vehicles and motorized equipment shall have mufflers in good working order to minimize noise.

D. Special Vegetative Cutting Provisions.

1. Nothing in this part shall be deemed to invalidate the vegetative cutting restrictions contained in Section 806 of the Adirondack Park Agency Act.
2. The forest management and vegetative cutting restrictions and standards contained in Section 9.3, Subsection C of this Local Law notwithstanding, vegetative cutting upon lands directly associated with any structure lawfully in existence on the date upon which this Local Law shall become effective, may be undertaken in any river area to the extent otherwise permissible under the vegetative cutting restrictions contained in Section 806 of the Adirondack Park Agency Act, to the extent necessary that existing view of the river from such structure may be preserved.
3. The forest management and vegetative cutting restrictions and standards contained in Section 9.3, Subsection C of this Local Law notwithstanding, the cutting of firewood inside the mean high water mark of the river or within 100 feet of such mean high watermark may be undertaken in any river area by the resident of a dwelling within such river area for personal use in such dwelling, provided that such cutting is in compliance with the vegetative cutting restrictions contained in Section 806 of the Adirondack Park Agency Act, and that alternative sites for cutting of such firewood are not readily available to such resident.

### **Section 8.26 - Restaurant.**

- A. Parking and exterior food consumption areas shall be reviewed by the Horicon Planning Board for appropriate placement.
- B. If a "drive-in" window is proposed, special consideration should be given to segregating drive-in window traffic from other internal site circulation.
- C. Landscape buffering berms may be required to ensure compatibility with surrounding uses.
- D. Lighting should be low level and directed downward and into the project parcel. Lighting should not impact adjacent properties.
- E. The hours of operation of the proposed facility may be limited at the discretion of the Planning Board to ensure compatibility with adjacent uses.

### **Section 8.27 - Roadway Access.**

- A. Roadway Access.
  - 1. In the case of a proposed future street for a subdivision of back lot property, the minimum frontage regulation may be varied by the Planning Board subject to the following considerations:
  - 2. There must be sufficient back lot property for division into three or more lots.
  - 3. The property so designated must be 50 feet in the same ownership as the back lot property and so marked on the subdivision map.
  - 4. Where so designated all setbacks shall be measured from the proposed street.
  - 5. No structures shall be permitted on the proposed street.
  - 6. The location of the future street must take into account required sight distances as specified in American Association State Highway and Transportation Officials (AASHTO), Geometric Design of Highways and Streets.
- B. Site Considerations-Road Access.
  - 1. A certificate of compliance shall be issued by the Zoning Administrator with the stipulation written upon the compliance form that proper access will be provided from an existing town road onto any lot, parcel or tract of land before any construction authorized by the certificate of compliance may commence. All access roads, driveways or ways shall be planned and installed to logically relate to the existing town highway and the soils, topography and vegetation of the site.
  - 2. All access roads, driveways and ways shall include the installation of a culvert at the point of intersection of town road and the access route. A culvert shall be provided under the access roads, driveways and ways to provide a continuous waterway so that collected water is not pooled above the obstruction. All culverts shall be corrugated metal (minimum 16 gauge) or equal, and shall consist of a minimum diameter of 12 inches and a maximum diameter of 30 inches unless waived by the specific written approval of the highway superintendent. The culverts shall include the installation of head

- walls, the construction of which shall be approved by the highway superintendent.
3. All access roads, driveways and ways must be constructed so as to meet at grade with the shoulder of the existing town highway at the point of the culvert installation. All culverts shall be placed a minimum of 1 foot below the surface and shall be set with Item #4 gravel or as approved by the highway superintendent.
- C. Obstructions at Street Intersections. On a corner lot in any district, any fence or wall built within 50 feet of the intersecting street lines shall be of open construction, such as wire, wood, picket, iron, or vinyl and shall not exceed 4 feet in height, except for such fences as may be installed as a safety precaution surrounding swimming pools.

### ***Section 8.32 - Shoreline Retaining Wall***

- A. A shoreline retaining wall that meets the following criteria requires a land use and development permit and/or variance from the Town of Hopicon.
1. The retaining wall is constructed of dry laid stone or untreated natural logs, is smaller than 200 square feet in size, and does not exceed 2 feet in height above the mean high water mark.
  2. The retaining wall is designed to control an on-going erosion problem, is limited to the area necessary to control such erosion, and follows the existing natural elevation and contour of the shoreline.
- B. Retaining walls shall be measured either in elevation (face) view or plan (top) view, whichever is larger.

### ***Section 8.33 - Storage and Dumping.***

- A. On any lot or plot, no storage of junk shall be permitted in front, side or rear yards.
- B. All spaces between structures shall be kept sufficiently free and clear of materials of every nature for the purpose of providing adequate light, air, and protection against fire.
- C. Dumping of refuse or waste material at places other than the Town Transfer Station is absolutely prohibited in all districts.

### ***Section 8.34 - Swimming Pools.***

- A. The following regulations shall be applicable in all zoning districts.
1. All swimming pools must meet all setbacks in Section 6.10 of this ordinance.

### ***Section 8.35 - Tourist Accommodations.***

Tourist Accommodations shall be subject to the following additional requirements:

- A. Land Area.
1. Tourist Accommodations, except Tourist Cabins and Inns. For each motel, hotel 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 300 square feet of floor space, the minimum land area necessary, shall be one-tenth the minimum lot area in Section 6.10 for the zoning district in which the motel, hotel or tourist accommodation is to be located, or shall be 4,000 square feet, whichever is larger.

2. Tourist Cabins. The minimum land area for a tourist cabin or similar structures for rent or hire involving more than 300 square feet of floor space shall be the minimum lot area in Section 6.10 hereof for the zoning district in which the cabin or structure is to be located. Provided that, this subparagraph shall not apply to the Hamlet land use area where the minimum land area shall be the lot size per principal building as stated in Section 6.10.
3. Inns. The following requirements shall apply for Inns.
  - a. The facility shall resemble in character traditional residential construction providing lodging and meals to transients with no more than 12 guest rooms, which is characterized by a common leisure room and a common dining area, primarily used by the lodgers, secondary use by the general public.
  - b. The property shall be a minimum of 3.2 acres.
  - c. The Inn may include a beach with swimming use but shall not include motorized boat launching and or docking facilities.

- B. Parking. Adequate off-street parking shall be provided for all tourist accommodations.
- C. No portion of a tourist accommodation shall be closer than 50 feet from the boundary line of any adjoining property not in the same ownership, nor closer than 100 feet from the shore of any lake or pond, or any river or stream navigable by boat, including canoe.
- D. Where a tourist accommodation involves the shoreline of any lake or pond, or any river or stream navigable by boat, including canoe, the following shoreline frontages shall be required per room or unit, unless the minimum shoreline lot width in Section 6.10 hereof for the zoning district involved is greater, in which case the greater lot width shall be required; 100 feet for the first 10 accommodation units; for each additional unit, up to 20 units, 8 additional feet; for each additional unit, up to 40 units, 5 additional feet; for each additional unit thereafter, 3 additional feet.

### ***Section 8.37 - Travel Trailers***

- A. No travel trailer shall be parked or located overnight within the Town except:
  1. On the property of the owner; or upon the property owner's consent for a period of not more than 30 consecutive days, or 45 days aggregate, in any one calendar year; or
  2. In a travel trailer park, or;
  3. On the premises of a travel trailer sales or rental establishment

### ***Section 8.38 - Travel Trailer Camps***

Travel trailer camps shall be subject to the following additional requirements.

- A. Site.
  1. The travel trailer camp shall be located in an area where grades and soil conditions are suitable for use as travel trailer sites. Town Slope and Soil Conservation Service soil data shall provide the necessary information.

2. The camp shall be located on a well-drained site which is properly graded to ensure adequate drainage and be free at all times of stagnant pools of water.
  3. The camp shall be at least 2 acres in size, with 250 feet frontage on a public road.
  4. No travel trailer camp may furnish all-weather water supply or sewage disposal connections at individual sites.
  5. Travel trailer camps shall provide sewage pump-out facilities.
- B. Travel Trailer Lot.
1. Each travel trailer camp shall be marked off into travel trailer lots.
  2. The total number of travel trailer lots in each camp shall not exceed 10 per gross acre.
  3. Each travel trailer lot shall have a total area of not less than 3,000 square feet with a minimum width of 30 feet.
- C. Travel Trailer.
1. No travel trailer shall be parked or otherwise located nearer than a distance of:
    - a. 20 feet from an adjacent travel trailer in any direction.
    - b. 60 feet from an adjacent property line of any third party.
    - c. 75 feet from the right-of-way line of a public street or highway.
    - d. 20 feet from the nearest edge of any street within the camp.
  2. Only one travel trailer shall be permitted to occupy any one travel trailer lot.
  3. No travel trailer camp shall permit permanent structural additions to any travel trailer.
  4. No travel trailer camp shall permit the removal of wheels from travel trailers located within the travel trailer camp.
- D. Travel Trailer Stand.
1. Each travel trailer lot shall have a travel trailer stand, which will provide for the practical placement on and removal from the lot of the travel trailer, and the retention of the trailer on the lot in a stable condition.
  2. The stand shall be of sufficient size to fit the dimensions of the anticipated travel trailers.
  3. The stand shall be constructed of an appropriate material which is durable and adequate for the support of the maximum anticipated loads.
  4. The stand shall be suitably graded to permit adequate surface drainage.
- E. Accessibility.
1. The travel trailer camp shall be easily accessible from an existing public highway or street.
  2. Where a travel trailer camp has more than 15 travel trailer lots, two points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four.
    - a. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the camp, and to minimize friction with the free movement of traffic on a public highway or street.
    - b. All entrances and exits shall be approximately at right angles to the existing public highway or street.

- c. All entrances and exits shall be free of any material which would block their visibility from the public highway or street to which they have access.
- 3. All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with travel trailers attached.
- 4. The travel trailer camp shall have convenient access ways to all travel trailer lots and other important facilities within the camp; such access ways shall be designed to permit safe vehicular circulation within the camp, shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety, shall intersect at approximately right angles, and shall be of sufficient width.

F. Utilities and Service Facilities.

- 1. The following utilities and service facilities shall be provided in each travel trailer camp which shall be in accordance with the regulations and requirements of the New York State Department of Health, Department of Environmental Conservation and/or the Town Sanitary Code:
  - a. An adequate supply of pure-water for drinking and domestic purposes shall be supplied by pipes to all buildings and to every 10 trailer lots within the camp to meet the requirements of such camp. Each 10 lots shall be provided with a cold water tap, the waste from which shall be emptied into a drain connected to an approved disposal system, such as a septic tank and drainage bed.
  - b. Toilet and other necessary sanitary facilities for males and females shall be provided in permanent structures. Such facilities shall be housed in either separate buildings or in the same building; in the latter case, such facilities shall be separated by soundproof walls. The male and female facilities shall be marked with appropriate signs and have separate entrances for each.
  - c. Such toilet and other sanitary facilities for males shall consist of not less than one flush toilet for every fifteen travel trailers and one lavatory for every ten travel trailers; female facilities shall consist of not less than one flush toilet and one lavatory for every ten travel trailers.
  - d. Lavatory facilities shall be supplied with hot and cold running water.
  - e. The buildings housing such toilet and sanitary facilities shall be well-lighted at all times of the day and night, shall be well-ventilated with screened openings, shall be constructed of moisture-proof materials, and shall be clean and sanitarily maintained at all times. The floors of such buildings shall be of water impervious material.
  - f. Such buildings shall not be located nearer than 50 feet from any travel trailer.
- 2. Other service facilities and buildings shall be provided as deemed necessary for the normal operation of the camp, such facilities or buildings to be maintained by the owner or manager of the camp in a clean, sightly, and sanitary condition.
- 3. Metal or plastic garbage cans with tight fitting covers shall be used in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The cans shall be located no further than 200 feet from any travel trailer lot. Garbage and rubbish shall

- be collected and disposed of as frequently as may be necessary by the camp owner or manager to ensure that such cans shall not overflow.
4. Waste from all buildings and trailer lots shall be discharged into an approved septic tank and leach field or other suitable drainage field, or into a public or private sewer system, so as to comply with the Town sanitary code.
- G. Open Space.  
The travel trailer camp shall provide common open space conveniently located within the camp for recreational and other appropriate purposes, such space to have a total area equal to at least 10 percent of the gross land area of the park.
- H. Landscaping
1. Lawn or other suitable permanent ground cover shall be provided.
  2. Planting shall be provided to the extent needed to provide summer shade, and to provide year-round screening of objectionable views, including views of garbage and storage areas and adjacent non-residential uses. Screen planting shall be provided along those areas within the camp which front upon or are visible from public highways and streets or abutting yards of adjacent residential properties so as to substantially screen the camp from public view at all seasons of the year.

***Section 8.39 - Vehicles: Abandoned, Junked and Unregistered.***

- A. Abandoned Vehicles. No motor vehicle, automobile, automobile trailer or other vehicle shall remain outside of a fully enclosed structure, upon any property, within the Town when such vehicle has been so dismantled or parts removed therefrom or otherwise abandoned so that such vehicle may be incapable of operation of use under its own power, for a period of 30 continuous days, except that travel trailers not used for dwelling purposes may be stored in rear yards when not in use.
- B. Unregistered Vehicles. No more than one unregistered motor vehicle may be stored in an unenclosed area in any district for more than three months unless otherwise restricted by this Law.
- C. Individual Junked Vehicles. No individual junk automobiles shall be so located as to be visible from public roads, trails, or boat or canoe routes, or from neighboring properties.



## ARTICLE 9 -- SHORELINE REGULATIONS

### ***Section 9.10 - Purpose.***

The purpose of these regulations is to allow reasonable access and use of the Town's waterfront with concern for the public health, welfare and safety. It is the Town's intent to minimize the impact to the shoreline environment and its natural character. These regulations are in addition to other applicable federal, state, and local regulations.

### ***Section 9.20 - Applicability.***

For the purpose of this Section, any lot, parcel or site that adjoins a shoreline, includes a shoreline or, in whole or in part, is located at or within the minimum setback requirement as provided in Article 6, and any land use or development on such a lot, parcel or site, shall be deemed to involve that shoreline.

### ***Section 9.30 - Shoreline Regulations.***

In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied as a wild, scenic or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including canoe, the following restrictions shall apply:

- A. Lot Width.
  - 1. Shorefront lot widths are to be measured along the shoreline as it winds and turns at the mean high water mark.
  - 2. See Article 6 Intensity and Dimensional Requirements for shoreline lot width requirements.
- B. Structure Setbacks.
  - 1. Building or structure setbacks shall be measured along the shortest line between any point of the structure, including any attached accessory structures, and any point on the mean high water mark.
  - 2. The shoreline structure setback requirements of Article 6 - Intensity and Dimensional Requirements apply.
- C. Removal of Vegetation. The removal of vegetation, including trees, shall be permitted on shorefront lots provided the following standards are met:
  - 1. Within 35 feet of the mean high water mark not more than thirty percent of the trees in excess of 6 inches in diameter at breast height existing at any time may be cut over any 10 year period.
  - 2. Within 6 feet of the mean high-water mark no vegetation may be removed, except that up to a maximum of thirty percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to (1) above.
  - 3. The above cutting standards shall not be deemed to prevent the removal of vegetation that present safety or health hazards.
- D. On-Site Sewage Facilities.
  - 1. The minimum setback of any on-site sewage wastewater treatment leaching facility shall be 100 feet from the mean high-water mark irrespective of zoning district. The local body or officer having jurisdiction, or the Adirondack Park Agency in its review of a Class A regional project, shall have authority to

require a greater setback of any on-site sewage drainage field or seepage pit wastewater treatment leaching facility than the minimum hereinabove set forth, if it or he shall determine that soils or other pertinent conditions require such greater setback to reasonably protect the water quality of the water body involved.

2. The setback of all on-site wastewater treatment leaching facilities shall be measured along the shortest line between any point of the drainage field or leaching facility thereof and the mean high water mark.

#### **Section 9.40 - Exemptions.**

The following structures are exempt from the shoreline structure setback, provided they are in compliance with all requirements of this Local Law.

- A. Docks and Boathouses. Docks and boathouses are exempt from the shoreline structure setbacks provided they are not attached to any other structure.
- B. Patios or Decks. Patios or decks that are flush with the natural ground level without raised elements such as railings or walls on the ground are exempt from the shoreline structure setbacks provided they are not attached to any other structure.
- C. Structures 100 Square Feet or Less in Size. Structures 100 square feet or less in size are exempt from the shoreline structure setbacks provided:
  1. The structure is not attached to any other structure.
    - a. For the purpose of this Section, structures are considered attached if they are i) physically attached or ii) functionally connected. Structures may be considered functionally connected if separated by a distance of less than 5 feet.
    - b. When such structure is attached to, or functionally connected to other structure(s), the aggregate of all adjoining structures will be counted toward the determination of the overall structure size.
  2. The determination of the size of the structure shall be measured in either plan view (from above) or elevation view (side view) whichever is larger.
  3. All structures considered for these exemptions shall require land use and development permit(s) based on the total number of such structures existing or proposed within the shoreline setback on any parcel or lot, according to the following schedule:
    - a. One (1) or two (2) structures, 100 square feet or less in size, require a Zoning Compliance Certificate
    - b. Three (3) or more structures, 100 square feet or less in size, require Site Plan Approval.
- D. (1) The following changes to the dimensions of a lawfully existing structure within the shoreline setback area require a variance, whether the changes occur through expansion or replacement:
  - (a) location of the structure any closer to the mean high water mark;
  - (b) any increase in height;
  - (c) any increase in footprint; or
  - (d) any increase in width(2) However, a variance is not required for
  - (a) an increase of up to two feet in height of a single family dwelling or mobile home;
  - (b) an increase of up to 250 square feet of footprint to the rear (non-

- shoreline side) of a single family dwelling or mobile home; and/or
- (c) the addition of a stoop no larger than 25 square feet providing access to the rear or side of a single family dwelling or mobile home.

#### **Section 9.50 - Waterfront Access Lots**

The following requirements and minimum shoreline frontages shall be required for deeded, easement, right-of-way or any other contractual access to all such lakes, ponds, rivers, or streams for two or more lots, parcels or sites or multiple-family dwelling units not having separate and distinct ownership of shore frontage.

- A. General Requirements.
1. Site Plan Approval by the Planning Board pursuant to the standards set forth in this Local Law.
  2. Such use shall not significantly impair the natural appearance of said parcel; would not overcrowd the parcel or the adjacent water surface; would not produce unreasonable noise or glare to the surrounding properties; and does not pose any substantial hazards.
  3. Waterfront access lots may be provided for contractual access only for residential lots or units and only if such lots or units are located in the Town of Horicon.
  4. No structures other than toilet, changing facilities, or picnic shelters shall be constructed on the waterfront access lot. Any structure must meet the setback requirements of this Local Law. Provisions for sanitary facilities shall be assured by the Planning Board and shall comply with the Town of Horicon Sanitary Code.
  5. Commercial activities of any kind are prohibited.
  6. Boat launch for trailered boats is prohibited.
- B. Dimensional Requirements. The following minimum shoreline frontages and lot areas shall be required for Waterfront Access Lots.
1. At least 1.3 acres in size and have at least 100 feet of shorefront measured at mean high water.
  2. At least 1,000 square feet of additional area and at least 15 feet of additional contiguous waterfront for each additional dwelling unit served in excess of seven.
  3. In all cases the acreage of this area shall not include any other determinations such as easements, right-of-ways or other rights of usage.
  4. Each parcel used for contractual access shall have a minimum average depth of 100 feet from the mean high-water mark in addition to the dimensional requirement in this Section.
- C. Design Standards for Waterfront Access Lots.
1. A plan that demonstrates compliance with the provisions of this Section shall be submitted showing areas for swimming, recreation, docking, building placement, parking, landscaping and provision for long-term management of the waterfront access lot.
  2. Parking areas shall be landscaped, and shall be set back from the shoreline a minimum of 75 feet. The requirements of Section 8.24 shall be adhered to.
  3. Vegetative screening shall be provided and maintained between waterfront access lots and adjoining waterfront residential lots.

4. No development or vegetative cutting shall occur within 10 feet of any boundary of any such lot lateral to the shoreline. The Planning Board may require additional measures or combinations thereof to include planting, fencing, or the creation of a berm, so as to protect adjoining property.
5. The provisions of this Section shall not be modified by the fact of availability of a private community or public water supply and distribution system and/or a private community or public sewerage system.

## ARTICLE 10 -- SIGN REGULATIONS

### ***Section 10.10 - Purpose.***

The purpose of this Section is to safeguard property values, create a more attractive climate for tourism and other business, protect open country scenery along highways, and generally provide a more aesthetically pleasing community and region. Further purposes are to reduce obstructions and distractions that may contribute to traffic accidents, and to minimize hazards that may be caused by signs hanging or projecting over public rights of way.

### ***Section 10.20 - Signs Not Requiring a Land Use and Development Permit.***

The following signs may be erected and maintained without a Land Use and Development Permit provided that they comply with NYS DOT standards and are non-illuminated (unless indicated otherwise below). Such signage shall be erected and maintained only on the same parcel of land where the subject of the sign is located, and not more than 200 feet from the principal location thereof. For purposes of this regulation, the principal location of the subject of a sign shall be deemed to include the principal private access road connecting the subject with a public highway.

- A. Signs advertising the sale or rental of the premises upon which the sign is located, limited to two per property, and that are removed within 30 days of closing of sale or rental.
- B. Signs denoting the architect, engineer, or contractor where construction, repair, or renovation is in progress, limited to one per property, and that are removed within 30 days of completion of project.
- C. Professional and trade name plates and home business signs. Such signs may be illuminated by external white light only and shall be limited to one per person or business.
- D. Signs that mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing, or off-road vehicles, or warn of hazards.
- E. Any sign erected by the federal, state, county, or town government or any department or agency thereof. Such signs are not limited in size.
- F. Signs giving the name of the residents of a dwelling and/or its address. Such signs may be illuminated by external white light only and shall be limited to one per dwelling.
- G. Temporary signs, including banners or pennants, relating to garage, lawn, or other individual, non-recurring sales, or for a church bazaar, political campaign, fund drive, parade, fair, fireman's field day, or other event or undertaking conducted by a political, civic, religious, charitable, or educational organization. Such signs shall be removed by the sponsor within one day after the close of the event. Such temporary signs are not limited in size.
- H. Two signs placed temporarily to advertise a garage sale, yard sale, tag sale, or similar sale on the site of the sale. Such signs may be placed no earlier than 7 days

prior to the event, and shall be removed by the sponsor within one day after the close of the event.

- I. Temporary signs, customarily of paper or cardboard, placed in the windows of grocery stores and supermarkets to advertise weekly specials. Such temporary signs are not limited in size or number.
- J. Signs intended to slow traffic in residential areas for purposes of preventing traffic accidents involving children, pedestrians, bicyclists, or others. Such signs shall be erected no closer than 2 feet from the edge of the driving surface.

***Section 10.30 - Signs Allowed After Issuance of a Permit from the Zoning Administrator.***

On-premise signs meeting the standards of Section 10.50 below are allowed after the issuance of a permit by the Zoning Administrator. An on-premise sign shall be considered to be a sign that is erected and maintained only on the same parcel of land where the subject of the sign is located, and not more than 200 feet from the principal location thereof. For purposes of this regulation, the principal location of the subject of a sign shall be deemed to include the principal private access road connecting the subject with a public highway.

***Section 10.40 - Signs Allowed after Site Plan Approval by the Planning Board and Issuance of a Permit from the Zoning Enforcement Officer Administrator.***

The Planning Board, in accordance with the Site Plan Approval procedure set out in Article 11 herein, may grant approval for an off-premise sign. Such sign shall meet all the requirements of the State Department of Environmental Conservation for the grant of a permit for such sign pursuant to Section 9-0305 of the Environmental Conservation Law. As a condition to approval of an off-premises sign, the Planning Board shall find that the sign:

- A. Is a non-illuminated off-premise directional sign not exceeding 4 square feet in sign area, or a shared off-premise sign pursuant to Section 10.70 of this Section.
- B. Meets all the applicable standards of Section 10.50 below.
- C. Will be useful in providing information not otherwise reasonably available to the public.
- D. Will be visually compatible with its surroundings.
- E. Will not pose a traffic hazard or otherwise endanger the health, safety, or welfare of the public.
- F. Has been subject to a jurisdictional determination by the Adirondack Park Agency.

***Section 10.50 - Standards.***

The provisions contained in this Section shall apply to all signs, including illuminated, luminous, portable, free standing, roof, wall, or window signs, regardless of their location with respect to any zoning district:

- A. No sign shall be illuminated by or contain flashing intermittent, rotating, or moving light or lights. All luminous signs, illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity, except in the case of digital street clocks and temperature indicators.

- B. No luminous sign, illuminated sign, or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall in its construction employ any mirror or mirror-like surface, nor any day-glowing or other fluorescent paint or pigment.
- C. No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. The said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of any sign. No sign or part thereof may rotate or move back and forth.
- D. No sign shall be placed upon or be supported by any tree, rock, or natural object other than the ground.
- E. No sign shall be erected or maintained upon the roof of any building or structure.
- F. No motor vehicle on which is placed or painted any sign shall be parked or stationed in a manner primarily intended to display the sign.
- G. Not more than one pole sign may be erected or maintained upon the premises of any gasoline or other automotive service station; and no such pole sign shall have a sign area greater than 15 square feet.
- H. No sign shall exceed 20 feet in overall height, measured from the highest level of natural ground immediately beneath the sign to the highest point of the sign or the supporting structure thereof.
- I. No sign shall project more than 3 feet from the wall of any building, nor shall any sign project from the roof of any building or into any public way.
- J. No sign shall be erected or maintained having a sign area greater than 40 square feet. No luminous sign shall be erected or maintained having a sign area greater than 15 square feet.
- K. No sign shall be erected or maintained within the right-of-way, nor within 10 feet of the road bed of any public street or highway; nor shall any sign exceeding 20 square feet in the sign area be erected or maintained within 20 feet of the road bed of any public street or highway. These minimum setback distances shall not apply to signs erected upon any building entirely housing the business or activity with which the signs are principally associated, nor to safety signs as provided in Section 10.20 (J). For the purposes of this provision, the road bed shall mean the trafficable portion of a road, street, or highway, bounded on either side by the outer edge of the shoulder or guardrail, whichever extends farthest. Where there is no shoulder or guardrail, there shall be deemed to be a shoulder extending 4 feet from the outer edge of the pavement or unpaved traffic lanes.
- L. No sign shall be erected or maintained more than 200 feet from the business or activity with which it is principally associated. For the purposes of this provision, the location of a business or activity shall include all of the principal private



access road connecting the actual place of that business or activity with a public street or highway.

- M. Not more than 2 signs may be erected or maintained advertising or otherwise relating to a single business or activity, except for directional signs that do not exceed 2 square feet in sign area and are limited to such texts as "Office", "Entrance", "Parking", and "No Parking". The total sign area of these 2 signs shall not exceed 60 feet. For the purposes of this provision, a single business or activity shall include all businesses or activities subordinate to or integrated with that business or activity, located on the same premises as that business or activity.
- N. No off-premise sign shall have a sign area of more than 10 square feet, nor shall any such sign be a luminous sign. All off-premise signs shall conform to all applicable requirements of the State Department of Environmental Conservation for off-premise signs within the Adirondack Park.

***Section 10.60 - Provisions Pertaining to Certain Zoning Districts.***

- A. No sign may be erected or maintained associated with residential land uses within the Residential R1 zoning district, other than the following permitted signs:
  - 1. Professional name plates that do not exceed 3 feet in sign area.
  - 2. Signs denoting the architect, engineer, or contractor, placed upon premises where construction, repair, or renovation is in progress, provided that the sign does not exceed 3 square feet in sign area.
  - 3. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, and societies, provided that the sign does not exceed 15 square feet in sign area.
  - 4. Signs advertising commercial or other enterprises legally permitted to be carried on, provided that the sign does not exceed 15 square feet in sign area.

***Section 10.70 - Shared Off-Premise Signs.***

- A. The Planning Board may require that two (2) or more individual off-premise signs be mounted on a single structure in order to reduce the amount of sign clutter at intersections.
- B. Shared off-premises signs shall require Site Plan Approval by the Planning Board.
- C. Maximum sign area for each sign is 4 square feet in sign area.
- D. Maximum number of individual signs mounted on an individual structure is 4.
- E. The applicant for each individual sign shall be responsible for its maintenance and removal.
- F. The applicant for the structure upon which the signs are mounted shall be responsible for its maintenance and removal.

**Section 10.80 - Sign Variances.**

Any variance from the requirements of this Article shall be considered an "area variance" and not a "use variance."

**Section 10.90 - Unsafe, Illegal and Obsolete Signs.**

- A. In any case where the Zoning Administrator shall find any sign unsafe and a potential danger to persons or property, or if he/she shall find any sign which in his judgment has been erected, installed, attached, established, painted or otherwise created in violation of this Local Law, he shall follow the procedures in respect to violations set forth in Article 17 herein, and the provisions of said Article shall apply in respect to prosecution, penalties and punishment for such violations.
- B. In the case of an unsafe sign that the Zoning Administrator believes to be an immediate peril to persons or property, he/she may order and arrange for the removal of such sign, without notice to the owner thereof.
- C. Such sign shall be declared obsolete and in violation of this Local Law, and the Zoning Administrator shall forthwith follow the procedures in respect to violations as set forth in Article 17 and the provisions of the said article shall apply in respect to prosecution, penalties and punishment for such violation.
- D. In any case where the Zoning Administrator finds it necessary to cause the removal of a sign because of the failure to do so by the owner thereof or of the premises on which such sign is located, the cost of any other expense incidental thereto shall be charged against the owner of the property and such charge shall be a lien against the property until paid.

## **ARTICLE 11 -- SITE PLAN APPROVAL & CONDITIONAL USE APPROVAL PERMITS**

### ***Section 11.10 - Site Plan Approval.***

- A. Purpose. The purpose of Site Plan Approval is to ensure that the design, layout and operation of an allowed use within a district: (1) minimizes adverse impacts upon neighboring properties, the natural and man-made environment, roadways, and the community in general, (2) is in keeping with the character of the area in which it is located, and (3) is consistent with the goals and objectives of the Town of Horicon Comprehensive Plan.
- B. Planning Board Authority. The Planning Board is hereby authorized to review and approve site plans, approve with modifications or disapprove site plans prepared to specifications set forth in this Local Law. The Planning Board shall approve no site plan unless it finds that the standards stated in this article are satisfied, and that adverse impacts are mitigated to the extent practicable.
- C. Public Hearing. A public hearing is optional, at the discretion of the Planning Board, for uses requiring Site Plan Approval, unless the project is a Class B regional project that as designated a Class B regional project shall require a public hearing.

### ***Section 11.20 - Conditional Use Approval.***

- A. Purpose. The purpose of a Conditional Use Approval is to allow the proper integration into the community of the conditional uses listed in Article 5 and as otherwise specified in this Local Law, which may be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located and planned with respect to the objectives of this ordinance, their effect on surrounding properties, and the ability of the Town to accommodate the growth resulting from the proposed use without undue adverse effect on the Town and its citizens and taxpayers, and the protection of health, safety and welfare of the Town and its citizens.
- B. Planning Board Authority. The Planning Board is hereby authorized to issue Conditional Use Approval for conditional uses. No Conditional Use Approval shall be issued unless the board finds that the standards stated in this article are satisfied. A Conditional Use Approval shall be denied if a significant adverse impact is found to exist that cannot be adequately mitigated so as to render the impact non-significant.
- C. Public Hearing. A public hearing is required for uses requiring a Conditional Use Approval.
- D. Site Plan Review. All uses requiring Conditional Use Approval shall also require Site Plan Review and Approval.

### ***Section 11.30 - General Site Plan Approval Standards.***

The following general standards shall apply to all uses requiring Site Plan Approval and/or, Conditional Use Approval in any zoning districts.

- A. Impact Upon Surrounding Properties.
1. Land use and development shall be planned and undertaken so as to avoid adverse impacts on adjoining and nearby land uses, and shall not adversely affect the character of the neighborhood.
  2. The proposed use shall not create a significant adverse impact upon nearby properties by reason of traffic, noise, fumes, odors, vibration, flashing lights, litter, surface water or groundwater contamination, air pollution, drainage, visual impact, excessive night time lighting, creation of a safety hazard, risk of fire or explosion, or any other cause.
  3. The location, nature and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent land and buildings, nor significantly impair their value.
- B. Vehicular Access.
1. Proposed vehicular access points shall be adequate in width, grade, alignment and visibility; not located too near road intersections or places of public assembly; and meet similar safety considerations. Intersections with entries onto any public highway shall be located so as to provide adequate sight distance in each direction. Driveways and other points of entry near curves or hills that obscure visibility shall be avoided.
  2. If the location of one or more proposed driveways is such that a traffic hazard is created on an existing roadway due to inadequate sight distance, the Planning Board may require an alternative lot arrangement making use of a shared driveway or short access road which enters the existing roadway at a safer location.
  3. This Section is intended to ensure that the best location for a driveway or entrance to a roadway is chosen based upon the unique circumstances of the lot to be subdivided. It is not intended to prevent the subdivision of a lot, but to minimize any possible hazard.
- C. Emergency Vehicle Access. All proposed buildings, structures, equipment and materials shall be readily accessible for fire and police protection.
- D. Buffers and/or Screening. The Planning Board may require that any use which has a potential significant adverse visual impact upon another property, or upon the view from a public highway or waterway, be substantially screened from view of neighboring properties and/or public highways or waterways at all seasons of the year by vegetation or by fencing of a design and type approved by the Planning Board.
- E. Landscaping Plan. The Planning Board may require that a landscaping plan be submitted and approved that shows size of species to be planted and/or to be retained on the site. The Planning Board may require that such plan be prepared by a professional architect, engineer, landscaper, or planner.
- F. Drainage and Erosion Control. Adequate provision shall be made for drainage of the site, and to ensure that stormwater runoff does not create an adverse impact upon nearby lands or water bodies or water courses. Appropriate erosion control measures shall be taken to prevent the pollution of waterways by silt and sediment. The Planning Board may require that an erosion and stormwater control plan be prepared by a licensed engineer or other person with expertise in erosion and stormwater control. All

NYS Department of Environmental Conservation rules and regulations pertaining to erosion and runoff control shall be satisfied.

- G. Water Quality Protection. Adequate provision shall be made to ensure that any leak, spill or other discharge of petroleum based products or other chemical potentially harmful to surface water or groundwater supplies are contained and are prevented from being introduced into such waters. Approval may require that potentially harmful materials be stored on an impervious pavement, enclosed by an impervious dike high enough to contain the volume of liquid kept in the storage area, and/or be separated from any shoreline, watercourse, or storm water runoff channel by adequate setbacks.
- H. Lighting. Exterior lighting shall be directed down and away from adjoining residential properties and public roads, and shall not constitute a traffic hazard. Lighting shall be shielded from shining into the nighttime sky so as to prevent light pollution. High intensity lighting shall be minimized.
- I. Water supply. Adequate provision shall be made for water supply.
- J. Wastewater Treatment. On-site wastewater treatment systems shall comply with all applicable state and local regulations.
- K. Noise. The Town of Horicon Noise Ordinance shall apply.

***Section 11.40 - Development Considerations and Objectives for use in Regional Project Review.***

In their review of site plan for Class B regional projects as defined in the Adirondack Park Agency Act, the Planning Board shall also evaluate the project in relation to the Development Considerations set forth in Appendix D and Development Objectives set forth in Appendix E and the requirements of Section 11.40 and Article 12.

***Section 11.50 - Site Plan Approval and Conditional Use Approval Standards.***

In order to approve a Conditional Use Approval the Planning Board shall find that the following standards are satisfied.

- A. General site plan review standards (Section 11.50).
- B. Special requirements for certain uses (Section 11.80 and Article 8), if applicable.
- C. Shoreline site plan review standards (Section 8.25 and Article 9), if applicable.
- D. Requirements for Design Review Overlay Zone (Section 8.22), if applicable.
- E. Requirements for Class B Regional Project approval (Section 12.4), if applicable.

***Section 11.60 - Application for Site Plan and/or Conditional Use Approval.***

One or more persons may initiate a request for Site Plan Approval and/or Conditional Use Approval by filing an application with the Planning Board using forms supplied by the Board, and which shall include such information reasonably sufficient for the Board to make its findings under this Article of this Local Law supplied by the applicant and including a legal description of the property, a map showing the property and all properties within a radius of 500 feet of the exterior boundaries thereof and the owners thereof, plans and elevations necessary to show the

proposed development, and other drawings or information, including a detailed site plan, that the Board reasonably considers necessary to an understanding of the proposed use and its relationship to surrounding properties. When required by Section 239-m of the General Municipal Law, the Board shall promptly refer an application to the county or regional planning agency having jurisdiction, for its report and recommendation. A copy of such complete application shall also be filed simultaneously with the Town Board by the Planning Board.

**Section 11.70 - Procedure.**

- A. Application Deadline. Applications for Site Plan Approval and/or Conditional Use Approval must be received by the Application Date in order to be reviewed at the next scheduled Planning Board meeting. The Application Date is the date set by the Planning Board as the deadline for submission of applications to the Board, which shall be clearly stated on all application forms and which shall not be less than 10 days prior to the date of the Board meeting at which the application is to be considered.
- B. Application to Zoning Administrator. After receipt of a completed project application listed as Site Plan Approval or Conditional Use Approval as designated in Article 5 herein, the Zoning Administrator shall notify the Planning Board. The Planning Board shall determine its completeness at its next scheduled meeting and the Zoning Administrator shall notify the Adirondack Park Agency of such receipt, as required, shall furnish each body a copy of the project application, and shall furnish the Adirondack Park Agency such pertinent information as that Agency may deem necessary and shall afford each body the opportunity for comment.
- C. Application for Area Variance. Notwithstanding any provision of law to the contrary, where a proposed site plan contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination of the Zoning Administrator.
- D. County Referral. In accordance with General Municipal Law §239-m, the Planning Board shall furnish the Warren County Planning Board with a full statement of the following proposed actions for its review and recommendation. This requirement shall apply to applications within 500 feet of (1) the boundary of any City, Village or Town; (2) the boundary of any existing or proposed County or State park or any other recreation area; (3) the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; (4) the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines; (5) the existing or proposed boundary of any County or State owned land on which a public building or institution is situated; or (6) the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law. Within 30 days after receipt of a full statement of the referred matter, the Warren County Planning Board shall report its recommendations to the Town Planning Board. If the County fails to report within 30 days, the Planning Board may act without such report unless it is received at least 2 days prior to final action by the Planning Board. If the County recommends modification or disapproval of a proposed action, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all members and after the adoption of a Resolution fully setting forth the reasons of such contrary action. Within 30 days after final action by the Planning Board, a report of its final action shall be filed with the Warren County Planning Board. The referral of



projects under this Section may be subject to modification as may be mutually agreed upon by the Town Board and the Warren County Board of Supervisors.

- E. Review. In considering the approval of the project, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and residents of the immediate neighborhood in particular and shall find that the proposed development meets all the requirements of this Local Law. The Planning Board shall also consider other impacts of the proposal including:
1. Impacts to and/ or from adjacent and nearby land uses, both public and private.
  2. Impacts to and/ or from existing and proposed traffic patterns.
  3. Impacts to existing and proposed water supply, sewage disposal and other service capabilities.
  4. Impacts to the community's ability to provide adequate recreation, education, fire protection and similar facilities and services to its residents and visitors.
  5. Visual compatibility with surroundings.
  6. Effect on air and water quality standards applicable primarily to industrial site development plans.
  7. Effect on energy consumption and conservation.
  8. An Environmental Impact Statement (EIS) will be required if the project is subject to the State Environmental Quality Review Act (SEQRA) and the Planning Board deems the proposal to have potentially significant environmental impacts.
- G. Planning Board Schedules Optional Hearing.
1. Within 62 days following the determination of a complete application by the Planning Board, the Planning Board shall, if it deems necessary, hold a public hearing. In the event such a public hearing is deemed necessary, public notice of such hearing shall be published in a newspaper of general circulation in the town at least 5 days prior to the date thereof, with no other notice necessary to adjoining landowners. In determining whether a public hearing is necessary, the Planning Board shall be guided by the expected level of public interest in the project and the possibility of eventual disapproval. No Site Plan Approval and/or Conditional Use Approval application may be disapproved unless a public hearing shall have first been held on the project application. Notice of such hearing shall be mailed to the County or regional planning agency as required under Section 239-m of the General Municipal Law, and to the applicant at least 10 days prior to such hearing.
  2. In the case of Class B Regional projects, as defined in this Local Law, a copy of the public hearing notice shall be mailed to the Adirondack Park Agency. The Adirondack Park Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to this Article.
- H. State Environmental Quality Review Act (SEQRA). The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR Part 617. Regional Projects (Class A and B Projects as defined by the Adirondack Park Agency Act) are type II actions pursuant to SEQRA implementing regulations, 6 NYCRR Part 617, and are therefore exempt from SEQRA review.



- I. **Planning Board Decision.** Within 62 days after a required public hearing or within 62 days after the receipt of a complete application by the Planning Board where no public hearing is held, the Planning Board shall render a decision. Said decision shall be in the form of an approval, approval with conditions or disapproval, based on the criteria and procedures provided in this Local Law. In the event of approval, a designated representative of the Planning Board shall date and sign the approved site plans. The decision shall include Site Plan Approval and/or Conditional Use Approval with findings. The Planning Board, in conjunction with its approval of any project review application, may impose such requirements and conditions as are allowable within the proper exercise of the police power, and are directly related and incidental to a proposed site plan, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to ensure that guidelines as to intensity of development as provided in this Local Law shall be respected.
- The Planning Board may also impose reasonable conditions to ensure that the proposed project will be adequately supported by services and improvements made necessary by the project, and to ensure that the project will be completed in accordance with the requirements and conditions authorized under this article. In addition, the Planning Board may require that the Zoning Administrator incorporate any such requirements and conditions in any permit issued with regard to such approved project.
- J. **Filing of Decision.** The decision of the Planning Board shall be filed in the office of the Town Clerk within 5 business days after such decision is rendered and a copy thereof mailed to the applicant.
- K. **Performance Bond or Other Security.** The Planning Board may require an applicant to post a performance bond or other security. Such bond or other security posted by the applicant shall guarantee to the Town that required infrastructure improvements which are an integral part of the proposed plan will be constructed in accordance with any construction deadline that has been set.
1. A performance bond or other security estimate will be prepared by a licensed professional engineer retained by the Town for such a review. The Planning Board shall pass a resolution either approving or adjusting the performance bond or other security estimate and will provide copies signed by the Chairman, for use by the applicant in obtaining and posting a bond or other security.
  2. The applicant shall present the proposed performance bond or other security with signed copies of the said estimate attached, to the Town Counsel, at least one week prior to any Town Board meeting for approval as to form and sufficiency, by the Town Board.
  3. The Town Counsel shall notify the Town Clerk prior to the Board meeting that the performance bond or other security can be added to the agenda.
  4. The Town Board shall either approve or disapprove the performance bond or other security as presented by the Town Counsel. If the performance bond or other security is approved, one copy will be forwarded to the Town Clerk for the record and one copy shall be forwarded to the Planning Board along with the Town Board resolution.
  5. The Chairman of the Planning Board shall receive the approval of the performance bond or other security by the Town Board prior to final approval of the proposed project.

6. Upon completion of the construction of the changes or improvements covered by the performance bond or other security and prior to the termination of the bond or other security period, the applicant shall prepare a set of the approved plans and drawings, amended to indicate "as Built" information, certified by a licensed professional engineer, and shall apply to the Zoning Administrator for final inspection of the work.
  7. The Zoning Administrator shall report to the Planning Board and the Town Board on the condition of the work and recommend that the performance bond or other security shall be modified, released, extended, or declared in default. The Town Board shall act on the release, extension, modification or default of the performance bond or other security.
  8. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed 3 years) shall be set forth in the bond or other security, within which required improvements must be completed. The term of such performance bond or other security may be extended by the Planning Board with the consent of the parties thereto. Any such bond or other security shall comply with the requirements of Section 277 of the Town Law and further be satisfactory to the Town Board and the Town Counsel as to form, sufficiency, manner of execution and surety.
- L. Expiration. Unless otherwise specified or extended by the Planning Board a decision on any Site Plan Approval and/or Conditional Use Approval application shall expire if the applicant fails to undertake the proposed action or project, to obtain any necessary building permits to construct any proposed new building(s) or to change any existing building(s) or to comply with the conditions of said authorization within 2 years from the filing date of such decision.

#### ***Section 11.70 - Hearing and Decision.***

- A. Site Plan Approval without public hearing. The Planning Board shall render its decision within 62 days after the receipt of a complete application.
- B. Conditional Use Approval or Site Plan Approval with required public hearing: Within 15 days of receipt of a complete application for Conditional Use Approval or Site Plan Approval, the Planning Board shall give notice of public hearing under Section 11.70 (G) of this Local Law; such hearing to be held on the application not less than 15 days after the notice, nor more than 62 days after the receipt of a complete application. Within 62 days of the final adjournment of a public hearing called, the Planning Board shall approve, approve subject to condition, or disapprove the proposed conditional use. The decision of the Board shall be in writing, and shall contain such findings of fact as required by Article 11.

#### ***Section 11.80 - Special Requirements for Site Plan Approval and Conditional Use Approval Permits.***

In order to approve any Site Plan Approval and/or Conditional Use Approval governed by this Section, the Planning Board shall find that the applicable specific requirements set forth in Article 8 for that use, structure or activity, have been met.

## **ARTICLE 12 -- CLASS A AND CLASS B REGIONAL PROJECT REVIEW**

### ***Section 12.10 - Purpose.***

The purpose of this Section is to further the general purposes, policies and objectives of this Local Law and the Adirondack Park Agency Act setting forth the criteria for review of Class A and Class B Regional Projects by the Adirondack Park Agency and the Town of Horicon. This Section establishes requirements and administrative procedures for the review of Class A and Class B Regional Projects by the Planning Board or the Adirondack Park Agency, and sets forth the Town's role when Class A or Class B Regional Projects are reviewed by the Adirondack Park Agency.

### ***Section 12.20 - Applicability.***

- A. Class A Regional Project. No person shall undertake a Class A regional project unless and until the Adirondack Park Agency shall have reviewed and approved, or approved subject to conditions, such project, and has issued an Agency permit with respect thereto pursuant to the terms of the Adirondack Park Agency Act and the pertinent Agency rules and regulations. If such project is also listed as a conditional use under Article 5 of this Local Law, no person shall undertake the project unless and until the Planning Board shall have reviewed and approved, or approved subject to conditions, such project and the Zoning Administrator has issued a land use and development permit with respect to the project pursuant to Article 16.
- B. Class B Regional Project. No person shall undertake a use permitted by right, Site Plan Approval, Conditional Use Approval, or prohibited use for which a use variance has been granted pursuant to Section 15.70(B) of this Local Law, which use is also a Class B regional project, unless and until the Planning Board shall have reviewed and approved, or approved subject to conditions, such project, and the Zoning Administrator has issued a permit with respect thereto pursuant to the terms of Article 16 hereof.

### ***Section 12.30 - Authorization to Approve and Disapprove Class B Regional Projects.***

- A. The Planning Board is hereby authorized to approve, approve subject to conditions, or disapprove all Class B regional projects proposed to be located within the territory of the Town pursuant to and in accordance with the requirements and procedures set forth in this Section.
- B. If a Class B regional project is also a Class A regional project or Class A subdivision, the project will be deemed to be a Class A regional project or Class A subdivision in its entirety, and subject to the review authority of the Adirondack Park Agency.

### ***Section 12.40 - Requirements for Class B Regional Project Approval.***

The Planning Board shall not approve a Class B regional project unless it first determines that such project meets the following criteria:

- A. The project would comply with all provisions of this Local Law.
- B. The use would be in harmony with the general purpose and intent of this Local Law, specifically taking into account the location, character, and size of the proposed use and the description and purpose of the district in which such use is proposed, the

nature and intensity of the activities to be involved in or conducted in connection with the proposed use, and the nature and rate of any increase on the burden of supporting public services and facilities which will follow the approval of the proposed use.

- C. The establishment, maintenance or operation of the proposed use would not create public hazards from traffic, traffic congestion, or parking of automobiles or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the Town.
- D. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, the Planning Board shall consider those factors pertinent to the project contained in the Development Considerations set forth in Appendix D.
- E. The Planning Board shall make a net overall evaluation of the principal natural and public resource aspects of a project to be considered in connection with the determination required by this Section, together with representative means for avoiding undue adverse impact thereupon shall include the considerations in Appendix E - DEVELOPMENT OBJECTIVES.

***Section 12.50 - Application for Class B Regional Project Approval.***

- A. Application for project approval shall be made to the Zoning Administrator, who shall review the application for completeness, and, if in his reasonable judgment, the application is complete, shall refer it to the Planning Board.
- B. All applications shall be made on forms prescribed by the Planning Board, and furnished by the Zoning Administrator, which forms when completed shall include such information as may be reasonably necessary to determine whether the requirements for approval set out in Section 12.40 above have been satisfied.
- C. In determining the content of these application forms, the Planning Board may provide for different informational requirements for different classes or types of projects, but with each certain class or type of project, the same information shall be required of every applicant. Such information required by these various application forms may include any or all of the following: a detailed description of the natural features of the project site, a detailed description of the land use plan of the project and its components, including all proposed roads and accesses, water supply and on-site wastewater treatment leaching facilities, and their relationship to natural features, an analysis with supporting data of impact of the project on the environment both during construction and thereafter, an analysis with supporting data of the ability of the public to provide supporting services and facilities which can reasonably be anticipated to be required following the approval of the project, an analysis with supporting data of any benefits that might derive from the project, any plans the applicant may have for future development related to the project

and information describing the applicant, his or its financial capacity to complete the project as planned, and any professional advisors or consultants engaged in respect to the project.

***Section 12.60 - Procedures for Review and Decision Regarding Class B Regional Projects.***

- A. Not later than 10 days following receipt of a complete application for a Class B regional project, the Zoning Administrator shall notify the Adirondack Park Agency and the Planning Board of such receipt, shall furnish to each body a copy of the project application, and shall furnish to the Agency such further pertinent information as the Agency may deem necessary, and shall afford each body the opportunity to comment thereupon. When required by Section 139-m of the General Municipal Law, the Zoning Administrator shall also promptly refer an application to the Warren County Planning Board.
- B. Not later than 30 days following receipt by the Zoning Administrator of a complete application for a Class B regional project, the Planning Board shall review the said application and shall determine in its discretion whether a public hearing shall be held in regard thereto. In the exercise of its discretion, the Planning Board shall be guided by the expected level of public interest in the project, the relative size and significance of the project, and the possibility of an eventual disapproval. No Class B regional project may be disapproved unless a hearing shall have first been held on the project application. If the Planning Board determines that a public hearing shall be held, the hearing shall be scheduled for a date not less than 15 days thereafter, nor later than 45 days following receipt of a complete application. The Planning Board shall give public notice of the date, time and place of the hearing as provided by Section 11.80 (G) hereof and shall also mail a copy of the public notice to the Adirondack Park Agency and the Zoning Board of Appeals. The Adirondack Park Agency shall be a full party of interest withstanding to participate in any and all proceedings conducted pursuant to this Section.
- C. If the Planning Board determines that a public hearing shall not be held, then not later than 60 days following receipt by the Zoning Administrator of the complete application, the Planning Board shall approve, approve subject to conditions, or disapprove the project.
- D. If the Planning Board holds a public hearing pursuant to paragraph B of this Section, then not later than 45 days after the completion of said hearing the Planning Board shall approve, approve subject to conditions, or disapprove the project.
- E. Every Class B regional project decision rendered by the Planning Board shall be in writing, and shall contain such findings of fact as are required by Section 12.40 above hereof. The Planning Board in conjunction with its approval of any Class B regional project, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to ensure that guidelines as to intensity of development as provided in this Local Law shall be respected, and the imposition of reasonable conditions to ensure that the project will be adequately supported by services and improvements made necessary by the project and to ensure that the project will be

completed in accordance with the terms of the application and any permit, and including, without limitation, the requirements and conditions authorized under Article 11 of this Local Law. In addition, the Planning Board may require that the Zoning Administrator incorporate any such requirements and conditions in any permit issued with regard to such Class B regional project.

***Section 12.70 - Limitations on Adirondack Park Agency Authority to Approve Class A Regional Projects.***

- A. The Adirondack Park Agency shall have jurisdiction to review and approve, approve subject to conditions, or disapprove all Class A Regional Projects proposed to be located within the territory of the Town, pursuant to and in accordance with Section 809.9 of the Adirondack Park Agency Act, the applicable Agency Rules and Regulations, and the criteria hereinafter set forth.
- B. The Adirondack Park Agency shall not approve a Class A Regional Project unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the project, that the project would comply with all provisions of this Law, and of such other ordinances or regulations as shall be components of the Town Land Use Plan.

***Section 12.80 - Planning Board Authority Regarding Class A Regional Projects.***

- A. All Class A regional projects plans shall be referred to the Adirondack Park Agency for review. The Planning Board is hereby designated and appointed to consult with the APA with regard to its review of Class A regional projects involving Site Plan Approval or Conditional Use Approval. Upon receipt of a complete application for a Class A regional project, the APA shall refer the application to the Town Planning Board for its advisory recommendation.
- B. Copies of all initial applications for Class A regional projects shall be submitted to the Planning Board. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A regional project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the project application and formulating advisory recommendations as to whether the project meets all of the pertinent requirements and conditions of the Town land use program
- C. Not later than 30 days following receipt of a notice of application completion, the Planning Board shall provide the Agency with its advisory comments and recommendations.



## ARTICLE 13 -- GENERAL EXCEPTION TO MINIMUM LOT REQUIREMENTS

### ***Section 13.10 - Pre-Existing Lots and Subdivisions.***

- A. Any lot on record as of December 29, 1977 which does not meet the minimum lot area and/or lot width requirement of this Local Law for the zoning district in which such lot is situated shall be considered as complying with such minimum lot requirements, and no variance from those standards shall be required. For the purpose of this exemption, such a lot must not adjoin other lots in the same ownership, provided however, that all such adjoining lots in the same ownership shall be deemed to have merged into one undivided lot.
- B. "Pre-existing subdivision of land" or "pre-existing subdivision" means any subdivision or portion of a subdivision lawfully in existence prior to December 29, 1977. For the purposes hereof, "lawfully" means in full compliance with all applicable laws, rules and regulations, including without limitation, possession of and compliance with any permit or other approval required under the Public Health Law, the Environmental Conservation law and any local or other governmental regulation. "In existence" means that such subdivision or portion has been substantially commenced and that substantial expenditures have been made for structures or improvements directly related thereto.
- C. No permit is required under this Law for the conveyance of a lot or lots in a pre-existing subdivision provided no individual lot is subdivided. The shoreline structure building and on-site wastewater treatment system setbacks and the vegetative cutting restrictions of Section 6.10 and Article 9 of this Local Law apply to all new land uses or developments on lots in pre-existing subdivisions; the minimum shoreline lot width requirements of Section 6.10 and Article 9 apply to pre-existing subdivisions which have not received Department of Health approval.
- D. For the purpose of determining whether a subdivision or portion thereof was in existence as of December 29, 1977, the following will be considered among other relevant factors: (1) the number of lots sold prior to such date relative to the total number of lots in the subdivision; (2) the locations of such lots sold; (3) the nature, extent and cost of structures and improvements directly related to the subdivision completed or commenced prior to such date relative to all such necessary improvements related to the subdivision; (4) the location of such completed or commenced improvements; and (5) demonstrated efforts to sell such lots prior to such date.
- E. Subdivisions that qualify as "pre-existing subdivisions" under this Local Law are listed in Appendix E. Any additions to the list in Appendix E will be added in accordance with this Local Law, Article 18.

### ***Section 13.20 - Gifts, Devises and Inheritances.***

This Section is intended for long-term use or benefit of the individual receiving the land.

- A. The proposed division of vacant land resulting from *bona fide* gift, devise or inheritance by and from natural persons shall not require Planning Board approval as a major or minor subdivision. Such proposed division shall be submitted to the Planning Board for its confirmation that it constitutes a gift, devise or inheritance, in which case the division shall be deemed non-jurisdictional. New land use or development on lots, parcels or



sites conveyed by individuals, who, on the date of December 29, 1977, owned such land, to members of their immediate families by bona fide gift, devise or inheritance, shall be exempt from the minimum lot size criteria specified in Article 6 for the purpose of constructing one single-family dwelling or mobile home on any such lot, parcel or site, providing the construction of said use is permissible in the district within which it is located.

- B. To qualify for such development, the minimum size of lots created by gift, devise or inheritance shall be 1.3 acres in all zoning districts except R1-20,000 and CR-20,000 where the minimum lot size shall be 20,000 square feet and the minimum frontage shall be 100 feet. The minimum front yards, side yards and rear yards for development on such lots shall meet the standards listed for the R1-1.3 zoning district, except that new development on such lots in the R1-20,000 and CR-20,000 zoning districts shall meet the standards in Section 6.10 for those zoning districts.
- C. All other permit requirements and restrictions of this Local Law shall apply.

## **ARTICLE 14 -- NON-CONFORMING USES AND STRUCTURES**

### ***Section 14.10 - Continuation.***

Subject to the provisions of this Article, any lawful building, structure or use of premises substantially existing at the time of enactment of this Local Law or any subsequent amendment thereof applying to such building, structure or use of premises may be continued although such building, structure or use of premises does not conform to the provisions of this Local Law, provided, however:

- A. No nonconforming use may be expanded, enlarged, increased or extended or placed on a different portion of the parcel it occupies without obtaining a use variance.
- B. No nonconforming structure shall be enlarged, expanded, extended, increased in bulk or moved to a different portion of the lot it occupies unless such modification is in conformance with this Local Law or an area variance is obtained.
- C. A nonconforming use shall not be changed to any other use which does not conform to the provisions of this Local Law without obtaining a use variance.
- D. In no case shall any increase or expansion violate or increase noncompliance with the minimum setbacks of the shoreline restrictions contained in this Local Law without obtaining an area variance.
- E. This Article shall not be construed to permit any unsafe use or structure, or to affect all proper procedures to regulate or prohibit any unsafe use or structure.

### ***Section 14.20 - Discontinuance.***

- A. When any nonconforming use has been discontinued for a period of 5 years, further use of the property or structure shall conform to this Local Law.
- B. If a nonconforming use is replaced by another use, such use shall conform to the provision of this Local Law or require a use variance.
- C. Any use, or any building, structure or land which is used or occupied by a nonconforming use and which is changed to or replaced by a conforming use under this Local Law shall not thereafter be used for or occupied by a nonconforming use without first obtaining a use variance.

### ***Section 14.30 - Completion of Structure.***

Nothing contained in this Local Law shall require any change in plans, constructions, alteration or designated use of a structure for which substantial construction work has lawfully commenced prior to the adoption of this Local Law.

### ***Section 14.40 - Destruction of Non-Conforming Use/Structure.***

If a non-conforming structure or a structure containing or constituting a nonconforming use is destroyed or demolished by any cause, the structure or use may be replaced or resumed to the same extent and on the same building footprint, providing such rebuilding or repair occurs within 5 years. This time limitation does not apply to single-family structures.

## **ARTICLE -- 15 - ZONING BOARD OF APPEALS**

### ***Section 15.10 - Membership, Terms of Office.***

The Zoning Board of Appeals shall consist of five members, each of whom shall be a resident of the Town of Horicon. Members of the Board and the chairperson thereof shall be appointed by the Town Board for staggered 5 year terms of office, and appointment, succession, removal and filling of vacancies shall be as provided in Chapter 62, Article 16, Section 267(4) and (5) of the Consolidated Laws of the State of New York, as amended. The Town Board shall also appoint a legal counsel and clerk-secretary to the Board and shall provide an office and/or a meeting room for the Board.

### ***Section 15.20 - Organization and Procedure.***

- A. The Zoning Board of Appeals shall hold its meetings, organize and adopt rules of procedure in accordance with the provisions of this Local Law and said Section 267.
- B. Meetings shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may determine. Meetings shall be held at the said Board's office or at locations convenient and accessible to property owners whose appeals are under consideration by the said Board.
- C. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public.
- D. The Zoning Board of Appeals shall keep minutes of proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the offices of the said Board and the Town Clerk within five business days and shall be a public record. All actions by the Zoning Board of Appeals shall be by resolution.
- E. The Zoning Board of Appeals may request information or assistance from any officer, agency or department of the Town, and it shall be the duty of such officer, agency or department to furnish such information or assistance as may reasonably be required.

### ***Section 15.30 - Powers of the Zoning Board of Appeals.***

- A. Unless otherwise provided by this Local Law, the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of this Local Law. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the Town.
- B. The Zoning Board of Appeals is empowered to:
  - 1. Grant use and area variances from the strict application of the provisions of this Local Law pursuant to the standards hereinafter set forth.

2. Hear appeals from decisions of the Zoning Administrator as provided in NYS Town Law.

#### ***Section 15.40 - Appeals.***

- A. Appeals shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this Local Law by filing with such administrative official, and with the Board of Appeals a notice of appeal specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. A processing and advertising fee in cash or check payable to the Town of Horicon in an amount established by the Town Board shall accompany such application for appeal.
- C. In accordance with General Municipal Law Section 239-m, the Board of Appeals shall furnish the Warren County Planning Board with a full statement of the following proposed actions for its review and recommendation. This requirement shall apply to applications within 500 feet of (1) the boundary of any City, Village or Town; (2) the boundary of any existing or proposed County or State park or any other recreation area; (3) the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; (4) the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines; (5) the existing or proposed boundary of any County or State owned land on which a public building or institution is situated; or (6) the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law (except for the granting of area variances). Within 30 days after receipt of a full statement of the referred matter, the Warren County Planning Board shall report its recommendations to the Board of Appeals. If the County fails to report within 30 days, the Board of Appeals may act without such report unless it is received at least 2 days prior to final action by the Board of Appeals. If the County recommends modification or disapproval of a proposed action, the Board of Appeals shall not act contrary to such recommendation except by a vote of a majority plus one of all members and after the adoption of a Resolution fully setting forth the reasons of such contrary action. Within 30 days after final action by the Board of Appeals, a report of its final action shall be filed with the Warren County Planning Board. The referral of projects under this Section may be subject to modification as may be mutually agreed upon by the Town Board and the Warren County Board of Supervisors.

#### ***Section 15.50 - Appeals: Hearing and Decision.***

- A. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town and posted at the Town Hall at least 5 days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Town of Horicon prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

- B. The Board of Appeals shall decide upon the appeal within 62 days after the conduct of the hearing, which time period may be extended by mutual consent of the applicant and the Board.
- C. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within 5 business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- D. At least 5 days before such hearing, the Board of Appeals shall mail notices to the parties; to the Regional State Park Commission having jurisdiction over any State Park or Parkway within 500 feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by Section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration as defined in subdivision one of Section 239-m of the General Municipal Law.
- E. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act, under Article 8 of the Environmental Conservation Law and its implementing regulations.

***Section 15.60 - Rehearing.***

A motion for the Board of Appeals to hold a rehearing to review any order, decision or determination of the Board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board then present shall be required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will not be prejudiced thereby.

***Section 15.70 - Variances.***

- A. Application for Variance.
  - 1. Variances shall be instituted by filing an application with the Zoning Administrator on behalf of the Zoning Board of Appeals.
  - 2. A variance application provided by the Zoning Administrator shall be used by the applicant, plus any additional information required by the Board of Appeals as necessary to make its findings according to this Section. The Zoning Administrator shall include with the variance application the Variance Checklist as provided by the Board of Appeals.
  - 3. The applicant shall supply the Zoning Board of Appeals with the following:
    - a. A legal description of the property.
    - b. A map showing the property and all properties within a radius of 500 feet of the exterior boundaries thereof.
    - c. Plans and elevations necessary to show the proposed variance.
    - d. A long form EAF or short form EAF if the proposal is subject to the State Environmental Quality Review Act (SEQRA).
    - e. Other drawings or information considered necessary by the Zoning Board of Appeals to make an informed decision.

B. Use Variances.

1. The Zoning Board of Appeals, upon appeal from the decision or determination of the administrative official charged with the enforcement of this Local Law shall have the power to grant use variances. Use variances are defined as the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this Zoning Local Law.
2. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that this Zoning Local Law has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals:
  - a. that for each and every permitted use under this Zoning Local Law for the particular district where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - b. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - c. that the requested use variance, if granted, will not alter the essential character of the neighborhood and the health, safety and welfare of the community;
  - d. that the alleged hardship has not been self-created.
3. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Area Variances.

1. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of this Zoning Local Law to grant area variances. Area variances are defined as the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of this Zoning Local Law.
2. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
  - a. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - b. whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - c. whether the requested area variance is substantial;
  - d. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

- e. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
  3. The Board of Appeals in the granting of area variances shall grant the minimum variance that it shall deem necessary and at the same time preserve and protect the character of the neighborhood and the health safety and welfare of the community.
- D. Imposition of Conditions. The Board of Appeals in the granting of both use variances and area variances shall have the authority to impose such reasonable conditions and restrictions as are directly related and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Local Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- E. Expiration of Variance. Generally, if a project for which a land use and development permit has been issued is not in existence within 2 years after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued, unless a new variance has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of a variance, unless the terms of the initial land use and development permit for the project provide for a longer period of time, in which case the variance shall expire at the end of that longer period.
- F. Jurisdiction of Adirondack Park Agency.
1. The following variances shall be subject to Agency review pursuant to Section 808.3 of the Adirondack Park Agency Act, if outside Hamlet areas:
    - a. Variances from local shoreline restrictions;
    - b. Variances from the local controls governing intensity of development, such as minimum lot areas;
    - c. Variances from use restrictions which would allow a use other than those on the classification of compatible use lists in the Adirondack Park Agency Act for the official map land use area in which it would be located; and
    - d. Any other variances which involve the provisions of the land use and development plan, except variances for front, side or rear yard setbacks or road frontage.
  2. In reviewing applications for variances which are subject to Agency review, the Board of Appeals shall consider the criteria in Sections 806.3a and 809.11 of the Adirondack Park Agency Act in addition to the criteria for variance approval set forth above.
  3. The Zoning Board of Appeals shall advise the applicant of the Adirondack Park Agency's review authority as set forth herein and that the variance does not take effect until 30 days from the Agency's receipt of the Board's complete record of decision as noted below. The Board shall notify the Adirondack Park Agency, of such decision. The Agency shall be provided a full record of the decision, including at a minimum, the parcel's tax map number, all maps, diagrams and pictures, written statements, minutes of the Zoning Board of Appeals meeting and a copy of the Board decision, including any conditions. Said decision of the Board shall not be final until 30 days after the Agency receives a full record of the decision. If, within such 30 day



period, the Agency determines that such variance involves the provisions of the land use and development plan including any shoreline restriction and was not based upon the appropriate statutory basis, the Agency may reverse the local determination to grant the variance.

## ARTICLE 16 -- ADMINISTRATIVE PROVISIONS

### ***Section 16.05 - Zoning Administrator.***

The Zoning Administrator shall have the power and duty to administer and enforce the provisions of this Local Law. The Zoning Administrator shall be appointed and may be removed at pleasure by the Town Board. The Zoning Administrator is hereby empowered and authorized to issue appearance tickets and to prosecute any such violations in the Town Justice Court of the Town of Horicon. An appeal from action, omission, decision or rule by the Zoning Administrator regarding a requirement of this Local Law may be made only to the Zoning Board of Appeals.

### ***Section 16.10 - Required Records.***

The original or a certified copy of all decisions, approvals, rulings and findings of any board under this Local Law, and of all permits and certificates issued under this article, shall be promptly furnished by the Zoning Administrator to the Town Clerk and retained as a permanent Town public record.

### ***Section 16.15 - Appeal from Action of Planning Board or Zoning Board of Appeals.***

An action, omission, decision or ruling of the Planning Board or Zoning Board of Appeals pursuant to this Local Law may be reviewed at the instance of any aggrieved person in accordance with Article 78 of the Civil Practice Law and Rules, but application for such review must be made no later than 30 days from filing the decision with the Town Clerk.

### ***Section 16.20 - Form of Petitions, Applications and Appeals.***

Unless otherwise stated, all petitions, applications and appeals provided for in this Local Law shall be made on forms prescribed by the Planning Board and the Zoning Board of Appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms. Any person, upon satisfactory written proof of authority to the Town, may act as an agent on behalf of such owner of record under this Local Law provided, however, that applications submitted by an agent of the owner must contain the signature of the owner of record of the land involved as co-applicant.

### ***Section 16.25 - Fees.***

Fees provided for by this Local Law shall be paid upon the submission of petitions, applications, and appeals, in such amount or amounts as shall be established by the Town Board from time to time.

- A. Fee for Site Plan Approval and/or Conditional Use Approval.  
Applications requiring review according to the provisions of this Local Law shall be accompanied by the appropriate fee according to the schedule determined by the Town Board.
- B. Fee for Variance or Interpretation Appeals.  
The proper fee shall accompany all applications for variances and interpretation appeals and shall be figured according to the schedule determined by the Town Board.
- C. Payment of Fees.
  - 1. All fees shall be paid at the time of application to the Zoning Administrator.
  - 2. No fee shall be allowed to be substituted for any other required fee.

- D. Additional Fees to Developers or Applicants for Projects Requiring Legal and/or Technical Review. In addition to the other fees provided herein, the Zoning Administrator, Planning Board or Zoning Board of Appeals may charge an additional fee to developers or applicants for projects requiring legal and/or technical review. The fee charged to the project developer shall reflect the actual costs of the reasonable and necessary legal and/or technical assistance. An appropriate escrow deposit may be required to secure payment of these review fees. Any balance remaining after review fee reimbursement to the Town shall be returned to the applicant.

***Section 16.30 - Notice of Public Hearing.***

When the Town Planning Board or Zoning Board of Appeals is required to hold a public hearing, as provided for by the terms of this Local Law, notice of the hearing shall be given in the following manner:

- A. Each notice of hearing upon an application for Class B regional project approval; for Conditional Use Approval, for Site Plan Approval with public hearing required by the Planning Board, for the granting of a variance, or upon an appeal to the Zoning Board of Appeals from an action of the Zoning Administrator, shall be published once in a newspaper of general circulation in the Town at least 5 days prior to the date of the hearing. In addition, at least 10 days prior to the date of the hearing, notices shall be mailed to the applicant and to owners of the property within 500 feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.
- B. Any hearing may be recessed by the Board holding the hearing in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.

***Section 16.35 - Site Inspections.***

The filing of an application for a land use and development permit or for any other land use or development or provision contained in this Local Law, by a person shall be deemed a granting of approval by such person to the Planning Board, the Zoning Board of Appeals, and the Zoning Administrator, and to such persons as they may designate, to conduct such examinations, tests, and other inspections of the sites which are the subjects of such applications, as the body or officer having jurisdiction deems necessary and appropriate for the purposes of this Local Law. However, entrance upon the site, where practicable, shall be made only after reasonable prior notice to the applicant and, if the owner of record is not the applicant, the owner of record of the site.

***Section 16.40 - Land Use and Development Permits.***

No person shall undertake any new land use or development unless and until the Zoning Administrator has issued a land use and development permit.

**Section 16.45 - Issuance and Form of Land Use and Development Permits.**

- A. Land use and development permits shall be issued in accordance with the standards and procedures set forth in this Section.
- B. The Zoning Administrator shall issue a land use and development permit if he determines:
  - 1. The new land use or development complies with the Town of Horicon Sanitary Regulations, if applicable.
  - 2. The new land use and development conforms with the applicable:
    - a. intensity, minimum lot size, bulk and height controls set forth in Article 6 hereof; and
    - b. supplemental regulations set forth in Article 8 hereof; and
    - c. special shoreline restrictions set forth in Article 9 hereof, Unless an area variance has been granted pursuant to Article 15 hereof; or clustering has been approved pursuant to authority granted the Town Planning Board.
  - 3. The new land use or development is one of the following:
    - a. a permissible use which is not a Class B regional project;
    - b. a use requiring Site Plan Approval that has been obtained pursuant to the terms of Article 11 hereof, and if such approval was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met;
    - c. a conditional use for which Conditional Use Approval has been obtained pursuant to the terms of Article 11 hereof, and if such approval was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met;
    - d. an accessory use, and complies with all pertinent requirements of this Local Law;
    - e. a prohibited use which is not a Class B regional project, for which a use variance has been granted pursuant to the terms of Article 15 hereof, and if such grant was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met; and complies with all other pertinent requirements of this Local Law;
    - f. a Class B regional project for which Class B regional project approval has been obtained pursuant to the terms of Article 12 hereof, and if such approval was subject to conditions to be met prior to the granting of a permit, that all such conditions have been met;
    - g. a sign, as defined in Article 10 and such sign complies with the provisions of therein.
  - 4. There are no existing conditions on the property that are in violation of this Local Law or any other law or ordinance.
- C. Land use and development permits shall contain such requirements and conditions as shall have been included in any related approval or variance decision.

***Section 16.50 - Recording or Expiration of Permits for Class A and B Regional Projects.***

A land use and development permit issued for a Class A or B Regional Project shall expire within 60 days from the date thereof unless within such 60 day period such permit shall have been duly recorded by the project sponsor in the Adirondack Park Agency Regional Project Permit Book in the office of the Warren County Clerk wherein the land use and development is proposed to be located. This requirement is in addition to that imposed on the Zoning Administrator by Article 16.

***Section 16.55 - Expiration of Land Use and Development Permits.***

Generally, if a project for which a land use and development permit has been issued is not in existence within 2 years after the issuance of such permit, said permit shall expire, and the project may not thereafter be undertaken or continued, unless a new permit has been applied for and issued in the same manner and subject to all provisions governing the initial application for and issuance of a permit, unless the terms of the initial land use and development permit for the project provide for a longer period of time, in which case the permit shall expire at the end of that longer period.

***Section 16.60 - Certificate of Occupancy.***

Upon the completion of a building erected or materially altered, for which a land use and development permit has previously been issued, a certificate permitting the occupancy of the building and the use designated in the land use and development permit shall be required, and the building may not be occupied until such certificate of occupancy has been issued. The Warren County Fire Prevention and Building Code Enforcement Department shall issue such certificate of occupancy within 10 days of a written request for inspection, if he shall determine that all conditions of the land use and development permit pertaining to that building, if any, have been fulfilled.

## **ARTICLE 17 -- ENFORCEMENT**

### ***Section 17.10 – Enforcement.***

- A. Any person owning, controlling or managing any building, structure, land, or premises therein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this Local Law, and any person who shall assist in the commission of any violation of this Local Law or any conditions imposed by a land use and development permit, or who shall build, erect, construct, or attempt the same, any structure contrary to the plans or specifications submitted to the authorized official and by him certified as complying with this Local Law, and any person who shall omit, neglect or refuse to do any act required by this Local Law, shall be guilty of offense and subject to a fine of not more than \$250 to be imprisoned for a period of not more than 6 months, or both such fine and imprisonment, or by penalty of \$250 to be recovered by the Town in a civil action.
- B. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.
- C. Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the person for the purposes of this Section.

### ***Section 17.20 - Alternative Remedy.***

- A. In case of any violation or threatened violation of any of the provisions of this Local Law, or conditions imposed by a land use and development permit, in addition to other remedies herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct or abate such violation to prevent the occupancy of such building structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- B. Further, no application, including any after the fact approval, shall be accepted for which there is an outstanding violation until and unless the violator has remedied the violation through removal, remediation as determined by the Town Board, termination and/or payment of an appropriate penalty as determined by the Town Board, which penalty shall not exceed the sum of \$12,500.00. In addition, the Town Board in its absolute discretion may prohibit the violator from making any required application for such period of time as determined by the Town Board so as to allow for the violator to implement the terms of the Board's order of remediation. For the purposes of this Section, any violation existing on any lot or parcel of land owned by the same individual or corporation, whether situated within subdivision or not, shall be considered a separate violation. For good cause shown upon a proper showing supported by relevant proof, the Town Board may waive all or any portion of said penalty.

***Section 17.30 - Stop Work Order and Notice of Violation.***

- A. The Town Board for the Town of Horicon hereby grants the Zoning Administrator the administrative authority and responsibility of immediately terminating any uses or actions according to this Article by posting a Stop Work Order and/or Notice of Violation on the premises wherein the violation has occurred.
- B. Whenever the Zoning Administrator has reasonable grounds to believe that work on any building or structure or new use of premises is being undertaken or conducted in violation of the provisions of this Local Law, the applicable building laws, Ordinances, rules or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend the use and/or all work, and such persons shall forthwith stop such use and/or work and suspend all building activities until the order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the use and/or work may be resumed and may be served upon a person to whom it is directed, either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the use and/or work is being performed and sending a copy of the same to him by certified mail at the address of the owner of record. Such notice shall also be sent to the owner of record of the property if such owner is a different entity than that notified above.
- C. If all provisions of this Local Law together with other conditions specified by the Zoning Administrator are met, then the Zoning Administrator may authorize the termination of the Stop Work Order or Notice of Violation.

***Section 17.40 - Revocation of Zoning Compliance Certificate.***

- A. The Zoning Administrator may revoke a Zoning Compliance Certificate (ZCC) in the following circumstances:
  - 1. Where the Zoning Administrator finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the certificate was based;
  - 2. Where the Zoning Administrator finds that the ZCC was issued in error and should not have been issued in accordance with the applicable law;
  - 3. Where the Zoning Administrator finds that the development being undertaken pursuant to the ZCC is not being done in accordance with the provisions of the application, plans or specifications or the conditions of approval; and
  - 4. Where the person to whom the ZCC was issued fails or refuses to comply with a stop-work order issued by the Zoning Administrator.
- B. This Section shall not be construed to diminish the penalties and remedies available to the Town under any enforcement provisions hereof.



## **ARTICLE 18 -- AMENDMENTS**

### ***Section 18.10 - Purpose.***

The purpose of this Article is to allow for amendment to this Local Law whenever the public necessity and convenience and the general welfare require such amendment, by the following the procedures of this Article.

### ***Section 18.20 - Referrals.***

When directed by the Town Board, the Town Clerk shall submit a copy of a proposed amendment to the Adirondack Park Agency for a determination as to whether the proposed amendment is subject to Agency approval under Section 807 of the Adirondack Park Agency Act. The Town Clerk shall simultaneously refer such proposed amendment to the Planning Board, and where required by Section 239-m of the General Municipal Law, to the Warren County Planning Board, for the report and recommendations by those bodies to the Town Board. Any amendment which is determined to be subject to Agency review will not be enacted by the Town Board until after it has been approved by the Agency.

### ***Section 18.30 - Hearing and Decision on Proposed Amendment.***

The procedure as to notice of public hearing and enactment of a proposed amendment shall follow and be governed by Section 265 of the Town Law, and Section 239-m of the General Municipal Law, including all subsequent amendments thereto. The procedure shall also comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law. Notice of the decision of the Town Board shall be sent promptly to the Adirondack Park Agency.

### ***Section 18.40 - Records of Amendments.***

The Zoning Administrator and Town Clerk shall each maintain records of amendments to the text of this Local Law and of the official Zoning Map and Park Plan.

## **ARTICLE 19 -- REPEAL OF PRIOR ZONING ORDINANCE**

The Local Law entitled "Town of Horicon Zoning Law" effective December 29, 1977, together with all changes and amendments thereto, is hereby repealed and declared to be of no effect, as of the effective date of this Local Law.

## **ARTICLE 20 -- DOMINANCE**

Where the conditions imposed by any provision of this Local Law are less restrictive than comparable conditions imposed by any other provisions of this Local Law or of any other ordinance, resolution or regulation or of Article 27 of the Executive Law of the State of New York, the provisions which are more restrictive shall govern.

## **ARTICLE 21 -- SEVERABILITY**

Should any action or provision of this Local Law be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole, or any part thereof, other than the part so decided to be unconstitutional or invalid.

## **ARTICLE 22 -- SAVINGS CLAUSE**

The adoption of this Local Law shall not affect or impair any act done, offense committed or right occurred or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this Local Law takes effect under the law relative to districts in the Town.

## **ARTICLE 23 -- EFFECTIVE DATE**

This Local Law shall take effect upon filing in the office of the New York State Secretary of State or as otherwise prescribed by Municipal Home Rule Law.

## APPENDICES

## APPENDIX A -- CLASS A REGIONAL PROJECTS

### A. Hamlet Areas.

1. All land uses and development and all subdivisions of land involving wetlands except for forestry uses (other than timber harvesting that includes a proposed clearcutting of any single unit of land or more than 25 acres), agricultural uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
3. All land uses and development and all subdivisions of land involving one hundred or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
4. All structures in excess of 40 feet in height, except agricultural use structures and residential radio and television antennas.
5. Commercial or private airports.
6. Watershed management and flood control projects.
7. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

### B. Moderate Intensity Use Areas.

1. All land uses and development and all subdivisions of land located in the following critical environmental areas:
  - a. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - b. involving wetlands;
  - c. at elevations of 2,500 hundred feet or more;
  - d. within one-eighth mile of tracks of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number 9 below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
3. All land uses and development and all subdivision of land involving seventy-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
4. Commercial or agricultural service uses involving 10,000 or more square feet of floor space.
5. All structures in excess of 40 feet in height, except agricultural use structures and residential radio and television antennas.

6. Tourist attractions.
7. Ski centers.
8. Commercial or private airports.
9. Timber harvesting that includes a proposed clear cutting of any single unit of land of more than 25 acres.
10. Sawmills, chipping mills, pallet mills and similar wood using facilities.
11. Mineral extractions.
12. Mineral extraction structures.
13. Watershed management and flood control projects.
14. Waste treatment plants.
15. Major public utility uses.
16. Industrial sites.
17. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**C. Low Intensity Use Areas.**

1. All land uses and development and all subdivisions of land located in the following critical environmental areas:
  - a. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - b. involving wetlands;
  - c. at elevations of 2,500 feet or more;
  - d. within one-eighth mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number 9 below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.
2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
3. All land uses and development and all subdivisions of land involving thirty-five or more residential lots, parcels or sites, or residential units, whether designed for permanent, seasonal or transient use.
4. Commercial or agricultural service uses involving 5,000 or more square feet of floor space.
5. All structures in excess of 40 feet in height, except agricultural use structures and residential radio and television antennas.
6. Tourist attractions.
7. Ski centers.
8. Commercial or private airports.
9. Timber harvesting that includes a proposed clear cutting of any single unit of land or more than 25 acres.
10. Sawmills, chipping mills, pallet mills and similar wood using facilities.
11. Mineral extractions.
12. Mineral extraction structures.

13. Watershed management and flood control projects.
14. Waste treatment plants.
15. Waste disposal areas.
16. Junkyards.
17. Major public utility uses.
18. Industrial uses.
19. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**D. Rural Use Areas.**

1. All land uses and development and all subdivisions of land located in the following critical environmental areas:
  - a. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - b. involving wetlands;
  - c. at elevations of 2,500 feet or more
  - d. within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto;
  - e. within 150 feet of the edge of the right of way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto;
  - f. within 150 feet of the edge of the right of way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision fourteen of Section eight hundred nine or in an approved local land use program, as major travel corridors by the agency or local government, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in number ten below and sand and gravel pits associated with such uses located within 150 feet of the edge of the right of way of the above-described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within 150 feet of the edge of the right of way of the above-described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.
2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
3. All land uses and development and all subdivisions of land involving twenty or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
4. Commercial and agricultural service uses involving 2,500 or more square feet of floor space.
5. All structures in excess of 40 feet in height, except agricultural use structures and residential radio and television antennas.
6. Tourist accommodations.
7. Ski centers.

8. Commercial seaplane bases.
9. Commercial or private airports.
10. Timber harvesting that includes a proposed clear cutting of any single unit of land of more than 25 acres.
11. Sawmills, chipping mills, pallet mills and similar wood using facilities.
12. Mineral extractions.
13. Mineral extraction structures.
14. Watershed management and flood control projects.
15. Waste treatment plants.
16. Waste disposal areas.
17. Junkyards.
18. Major public utility uses.
19. Industrial use.
20. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

***E. Resource Management Areas.***

1. All land uses and development and all subdivisions of land located in the following critical environmental areas:
  - a. within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation;
  - b. involving wetlands
  - c. at elevations of 2,500 feet or more
  - d. within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto;
  - e. within 300 feet of the edge of the right of way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto;
  - f. within 300 feet of the edge of the right of way of county highways designated as major travel corridors by rule or regulation of the agency adopted pursuant to subdivision fourteen of Section eight hundred nine or in an approved local land use program, except for an individual single-family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clearcutting as specified in number 11 below and sand and gravel pits associated with such uses located within 300 feet of the edge of the right of way of the above-described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within 300 feet of the edge of the right of way of the above-described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.
2. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
3. All subdivisions of land (and all land uses and development related thereto) involving two or more lots, parcels or sites.
4. Campgrounds involving fifty or more sites.



5. Group camps.
6. Ski centers and related tourist accommodations.
7. Agricultural service uses.
8. All structures in excess of 40 feet in height, except agricultural use structure and residential radio and television antennas.
9. Sawmills, chipping mills and pallet mills and similar wood using facilities.
10. Commercial sand and gravel extractions.
11. Timber harvesting that includes a proposed clear cutting of any single unit of land of more than 25 acres.
12. Mineral extractions.
13. Mineral extraction structures.
14. Watershed management and flood control projects.
15. Waste treatment plants.
16. Major public utility uses.
17. Airport/ Heliport
18. Community Facility
19. Kennel
20. Water Bottling Plant
21. Full Service Restaurant
22. Tourist Accommodation
23. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

***F. Industrial Use Areas.***

1. Mineral extractions.
2. Mineral extraction structures.
3. Commercial sand and gravel extractions.
4. Major public utility uses.
5. Waste treatment plants.
6. Waste disposal areas.
7. Junkyards.
8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

## APPENDIX B -- CLASS B REGIONAL PROJECTS

### A. *Moderate Intensity Use Areas.*

1. Subdivisions of land (and all land uses and development related thereto) involving fifteen or more but less than 75 lots, parcels or sites, other than subdivisions of land involving mobile homes.
2. Subdivisions of land (and all land uses and development related thereto) involving less than fifteen lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria:
  - a. In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 25,000 square feet in size and complies with all of the provisions of the shoreline restrictions.
  - b. In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 40,000 square feet in size.  
Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds fourteen.
3. Multiple family dwellings.
4. Mobile home courts.
5. Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.
6. Public and semi-public buildings.
7. Municipal roads.
8. Commercial or agricultural service uses involving less than 10,000 square feet of floor space.
9. Tourist accommodations.
10. Marinas, boatyards and boat launching sites.
11. Golf courses.
12. Campgrounds.
13. Group camps.
14. Commercial seaplane bases.
15. Commercial sand and gravel extractions.
16. Land use or development or subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
17. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate intensity use areas.
18. Any individual single-family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness primitive or canoe in the master plan for management of state lands.
19. All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
20. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**B. Low Intensity Use Areas.**

1. Subdivisions of land (and all land uses and development related thereto) involving ten or more but less than 35 lots, parcels or sites, other than subdivisions of land involving mobile homes.
2. Subdivisions of land (and all land uses and development related thereto) involving less than 10 lots, parcels or sites which do not meet the following criteria:
  - a. In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 50,000 square feet in size and complies with all of the provisions of the shoreline restrictions.
  - b. In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 120,000 square feet in size.  
Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.
3. Multiple family dwellings.
4. Mobile home courts.
5. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
6. Public and semi-public buildings
7. Municipal roads.
8. Commercial or agricultural service uses involving less than 5,000 square feet of floor space.
9. Tourist accommodations.
10. Marinas, boatyards and boat launching sites.
11. Golf courses.
12. Campgrounds.
13. Group camps.
14. Commercial seaplane bases.
15. Commercial sand and gravel extractions.
16. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
17. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for low intensity use areas.
18. An individual single-family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
19. All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
20. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**C. Rural Use Areas.**

1. Subdivisions of land (and all land uses and development related thereto) involving five or more but less than 20 lots, parcels or sites, other than subdivisions of land involving mobile homes.
2. Subdivisions of land (and all land uses and development related thereto) involving less than 5 lots, parcels or sites which do not meet the following criteria:
  - (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 80,000 square feet in size and complies with all of the provisions of the shoreline restrictions of the plan.
  - (b) In the case of subdivisions not involving land having shoreline, each lot, parcel or site is at least 320,000 square feet in size.  
Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.
3. Multiple family dwellings.
4. Mobile home courts.
5. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
6. Public and semi-public buildings.
7. Municipal roads.
8. Marinas, boatyards and boat launching sites.
9. Golf courses.
10. Campgrounds.
11. Group camps.
12. Commercial sand and gravel extractions.
13. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
14. All land uses and development and all subdivisions of land within one quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
15. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for rural use areas.
16. Commercial and agricultural service uses involving less than 2,500 square feet.
17. An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water described in item (d) of clause (1) of paragraph d of subdivision one or within 150 feet of a travel corridor described in such paragraph.
18. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent more of the original square footage of such structure.

**D. Resource Management Areas.**

1. Single-family dwellings.
2. Individual mobile homes.
3. Forestry use structures.
4. Hunting and fishing cabins and hunting and fishing and other private club structures involving 500 or more square feet of floor space.
5. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.
6. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for resource management areas.
7. Municipal roads.
8. Golf courses.
9. An individual single-family dwelling within one-eighth mile of tracts of forest preserve land or waters described in item (d) of clause (1) of paragraph d of subdivision one or within 300 feet of a travel corridor described in such paragraph.
10. Campgrounds involving fewer than fifty sites.
11. All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic and recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
12. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

**E. Industrial Use Areas.**

1. Sawmills, chipping mills, pallet mills and similar wood using facilities.
2. Industrial users.
3. Commercial users.
4. Agricultural service uses.
5. Public and semi-public buildings.
6. Municipal roads.
7. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for industrial use areas.
8. Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

## APPENDIX C -- CLASSIFICATION OF COMPATIBLE USES

The following compatible uses are listed in the Adirondack Park Act Section 805.3 for the purpose of guiding development in the Adirondack Park. Any use not listed below is considered to be a Class B regional project requiring a permit under of this Local Law.

### **A. Hamlet Areas.**

All land uses and development are considered compatible with the character, purposes and objectives of hamlet areas.

### **B. Moderate Intensity Use Areas.**

1. Primary uses in moderate intensity use areas:
  - a. Single family dwellings.
  - b. Individual mobile homes.
  - c. Open space recreation uses.
  - d. Agricultural uses.
  - e. Agricultural use structures.
  - f. Forestry uses
  - g. Forestry use structures.
  - h. Hunting and fishing cabins and hunting and fishing and other private club structures.
  - i. Game preserves and private parks.
  - j. Cemeteries.
  - k. Private roads.
  - l. Private sand and gravel extractions.
  - m. Public utility uses.
  - n. Accessory uses and structures to any use classified as a compatible use.
2. Secondary uses in moderate intensity use areas:
  - a. Multiple family dwellings.
  - b. Mobile home courts.
  - c. Public and semi-public buildings.
  - d. Municipal roads.
  - e. Agricultural service uses.
  - f. Commercial uses.
  - g. Tourist accommodations.
  - h. Tourist attractions.
  - i. Marinas, boat yards and boat launching sites.
  - j. Campgrounds.
  - k. Group camps.
  - l. Golf courses.
  - m. Ski centers.
  - n. Commercial seaplane bases.
  - o. Commercial or private airports.
  - p. Sawmills, chipping mills, pallet mills and similar wood using facilities.
  - q. Commercial sand and gravel extractions.
  - r. Mineral extractions.
  - s. Mineral extraction structures.
  - t. Watershed management and flood control projects.
  - u. Sewage treatment plants.
  - v. Major public utility uses.
  - w. Industrial uses.

**C. Low Intensity Use Areas.**

1. Primary uses in low intensity use areas:
  - a. Single family dwellings.
  - b. Individual mobile homes.
  - c. Open space recreation uses.
  - d. Agricultural uses.
  - e. Agricultural use structures.
  - f. Forestry uses.
  - g. Forestry use structures.
  - h. Hunting and fishing cabins and hunting and fishing and other private club structures.
  - i. Game preserves and private parks.
  - j. Private roads.
  - k. Cemeteries.
  - l. Private sand and gravel extractions.
  - m. Public utility uses.
  - n. Accessory uses and structures to any use classified as a compatible use.
2. Secondary uses in low intensity use areas:
  - a. Multiple family dwellings.
  - b. Mobile home courts.
  - c. Public and semi-public buildings.
  - d. Municipal roads.
  - e. Agricultural service uses.
  - f. Commercial uses.
  - g. Tourist accommodations.
  - h. Tourist attractions.
  - i. Marinas, boat yards and boat launching sites.
  - j. Golf courses.
  - k. Campgrounds.
  - l. Group camps.
  - m. Ski centers.
  - n. Commercial seaplane bases.
  - o. Commercial or private airports.
  - p. Sawmills, chipping mills, pallet mills and similar wood using facilities.
  - q. Commercial sand and gravel extractions.
  - r. Mineral extractions.
  - s. Mineral extraction structures.
  - t. Watershed management and flood control projects.
  - u. Sewage treatment plants.
  - v. Waste disposal areas.
  - w. Junkyards.
  - x. Major public utility uses.
  - y. Industrial uses.

**D. Rural Use Areas.**

1. Primary uses in rural use areas:
  - a. Single family dwellings.
  - b. Individual mobile homes.
  - c. Open space recreation uses.



- d. Agricultural uses.
- e. Agricultural use structures.
- f. Forestry uses.
- g. Forestry use structures.
- h. Hunting and fishing cabins and hunting and fishing and other private club structures.
- i. Game preserves and private parks.
- j. Cemeteries.
- k. Private roads.
- l. Private sand and gravel extractions.
- m. Public utility uses.
- n. Accessory uses and structures to any use classified as a compatible use.

2. Secondary uses in rural use areas:

- a. Multiple family dwellings.
- b. Mobile home courts.
- c. Public and semi-public buildings.
- d. Municipal roads.
- e. Agricultural service uses.
- f. Commercial uses.
- g. Tourist accommodations.
- h. Marinas, boat yards and boat launching sites.
- i. Golf courses.
- j. Campgrounds.
- k. Group camps.
- l. Ski centers.
- m. Commercial seaplane bases.
- n. Commercial or private airports.
- o. Sawmills, chipping mills, pallet mills and similar wood using facilities.
- p. Commercial sand and gravel extractions.
- q. Mineral extractions.
- r. Mineral extraction structures.
- s. Watershed management and flood control projects.
- t. Sewage treatment plants.
- u. Waste disposal areas.
- v. Junkyards.
- w. Major public utility uses.
- x. Industrial uses.

**E. Resource Management Areas.**

1. Primary uses in resource management areas:

- a. Agricultural uses.
- b. Agricultural use structures.
- c. Open space recreation uses.
- d. Forestry uses.
- e. Forestry use structures.
- f. Game preserves and private parks.
- g. Private roads.
- h. Private sand and gravel extractions.
- i. Public utility uses.

- j. Hunting and fishing cabins and hunting and fishing and other private club structures involving less than 500 square feet of floor space.
  - k. Accessory uses and structures to any use classified as a compatible use.
1. Secondary uses in resource management areas:
    - a. Single family dwellings.
    - b. Individual mobile homes.
    - c. Hunting and fishing cabins and hunting and fishing and other private club structures involving 500 square feet or more of floor space.
    - d. Campgrounds.
    - e. Group camps.
    - f. Ski centers and related tourist accommodations.
    - g. Agricultural service uses.
    - h. Sawmills, chipping mills, pallet mills and similar wood using facilities.
    - i. Commercial sand and gravel extractions.
    - j. Mineral extractions.
    - k. Mineral extraction structures.
    - l. Watershed management and flood control projects.
    - m. Sewage treatment plants.
    - n. Major public utility uses.
    - o. Municipal roads.
    - p. Golf courses.

***F. Industrial Use Areas.***

1. Primary uses in industrial use areas:
  - a. Industrial uses.
  - b. Mineral extractions.
  - c. Mineral extraction structures.
  - d. Private sand and gravel extractions.
  - e. Commercial sand and gravel extractions.
  - f. Sawmills, chipping mills, pallet mills and similar wood using facilities.
  - g. Forestry uses.
  - h. Forestry use structures.
  - i. Agricultural uses.
  - j. Agricultural use structures.
  - k. Private roads.
  - l. Open space recreation uses.
  - m. Hunting and fishing cabins and hunting and fishing and other private club structures.
  - n. Public utility uses.
  - o. Major public utility uses.
  - p. Accessory uses and structures to any use classified as a compatible use.
2. Secondary uses in industrial use areas:
  - a. Commercial uses.
  - b. Agricultural service uses.
  - c. Public and semi-public buildings.
  - d. Municipal roads.
  - e. Sewage treatment plants.
  - f. Waste disposal areas.
  - g. Junkyards.

## **APPENDIX D -- DEVELOPMENT CONSIDERATIONS - For Use in Regional Project Review**

The following are those factors which relate to potential for adverse impact upon the Park's natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources and which shall be considered, as provided in this Local Law, before any Class A Regional Project or Class B Regional Project is undertaken in the Town of Horicon. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivision of land shall also be taken into account, as well as benefits which might be derived therefrom.

### **A. Natural Resource Considerations.**

1. Water.
  - a. Existing water quality.
  - b. Natural sedimentation or siltation.
  - c. Eutrophication.
  - d. Existing drainage and runoff patterns.
  - e. Existing flow characteristics.
  - f. Existing water table and rates of recharge.
2. Land.
  - a. Existing topography
  - b. Erosion and slippage.
  - c. Floodplain and flood hazard.
  - d. Mineral resources.
  - e. Viable agricultural soils.
  - f. Forest resources.
  - g. Open space resources.
  - h. Vegetative cover.
  - i. The quality and availability of land for outdoor recreational purposes.
3. Air.
  - a. Air quality.
4. Noise.
  - a. Noise levels
5. Critical resource areas.
  - a. Rivers and corridors of rivers designated to be studied as wild, scenic, or recreational in accordance with the environmental conservation law.
  - b. Rare plant communities.
  - c. Habitats of rare and endangered species and key wildlife habitats.
  - d. Wetlands.
  - e. Unique features, including gorges, waterfalls, and geologic formations.
6. Wildlife.
  - a. Fish and wildlife.
7. Aesthetics.
  - a. Scenic vistas.
  - b. Natural and man-made travel corridors.

**B. Historic Site Considerations.**

1. Historic factors.
  - a. Historic sites or structures.

**C. Site Development Considerations.**

1. Natural site factors.
  - a. Geology.
  - b. Slopes.
  - c. Soil characteristics.
  - d. Depth to ground water and other hydrological factors.
2. Other site factors.
  - a. Adjoining and nearby land uses.
  - b. Adequacy of site facilities.

**D. Government Considerations.**

1. Government considerations.
  - a. Ability of government to provide facilities and services.
  - b. Municipal school or special district taxes or special district user charges.

**E. Government Considerations.**

1. Governmental service and finance factors
  - a. Ability of government to provide facilities and services.
  - b. Municipal, school or special district taxes or special district user charges.

**F. Governmental Review Considerations**

1. Governmental control factors
  - a. Conformance with other governmental controls

## **APPENDIX E -- DEVELOPMENT OBJECTIVES - For Use in Regional Project Review**

The principal natural and public resource aspects of a project site to be considered in connection with the determination required by Article 12 hereof, together with representative means for avoiding undue adverse impact thereupon are included and made a part of this Local Law in this Appendix.

### **A. Soils.**

#### **1. Soils, General.**

*Objective:* Prevent accelerated soil erosion and the potential for earth slippage.

*General Guideline:* Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

#### **2. Agricultural Soils.**

*Objective:* Conserve viable agricultural soils.

*General Guideline:* Avoid activities on Class I and Class II agricultural soils presently in agricultural service which would diminish or preclude continuing use thereof for agricultural purposes.

### **B. Topography.**

*Objective:* Minimize topographic alterations.

*General Guideline:* Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

### **C. Surface Waters.**

#### **1. Water Quality and Eutrophication.**

*Objective:* Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

*General Guideline:* Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

#### **2. Surface Drainage.**

*Objective:* Retain existing surface water drainage and runoff patterns and existing flow characteristics.

*General Guideline:* Minimize alterations to existing drainage patterns and drainage courses; preserve drainage ways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

#### **3. Flood Plains.**

*Objective:* Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

*General Guideline:* Avoid the placement of buildings intended for human habitation commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites; and within any floodway fringe special zoning district conform all development plans to the floodplain regulations contained in Article VII, hereof.

**D. Ground Water.**

*Objective:* Preserve quality, infiltration rate, and levels of ground water.

*General Guideline:* Comply at a minimum with applicable government water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

**E. Shorelines.**

*Objective:* Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

*General Guideline:* Comply at a minimum with applicable government shoreline restrictions, minimize construction or development of any kind near or on the shoreline; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and developed state.

**F. Mineral Resources.**

*Objective:* Conserve existing known mineral resources.

*General Guideline:* Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

**G. Air Quality.**

*Objective:* Maintain or enhance existing air quality.

*General Guideline:* Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

**H. Noise Levels.**

*Objective:* Limit additions to noise levels.

*General Guideline:* Adhere at a minimum to applicable government noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

**I. Wetlands.**

*Objective:* Preserve the hydrologic, wildlife, vegetation, aesthetic, educational, open space and recreational values of wetlands.

*General Guideline:* Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development could result in environmental damage to the marsh, bog, swamp or periodically inundated land.

**J. Aquatic Communities.**

*Objective:* Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

*General Guideline:* Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat launching facilities and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

**K. Terrestrial Vegetation.**

1. Vegetation, General.

*Objective:* Preserve or quickly restore terrestrial vegetation.

*General Guideline:* Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wind, erosion and frost; and protect remaining vegetation during the construction period.

2. Rare and Endangered Terrestrial Plant Species.

*Objective:* Preserve rare and endangered terrestrial plant species.

*General Guideline:* Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

3. Productive Commercial Forest Land.

*Objective:* Conserve productive forest lands.

*General Guideline:* Avoid impairment of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

**L. Fragile Ecosystems at Higher Elevations**

*Objective:* Minimize disturbances of fragile ecosystems at higher elevations.

*General Guideline:* Avoid development at elevations of 2,500 feet or more.

**M. Terrestrial Wildlife.**

1. Terrestrial Wildlife, General.

*Objective:* Maximize the preservation of terrestrial wildlife species.

*General Guideline:* Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

2. Rare and Endangered Terrestrial Wildlife Species.

*Objective:* Preserve rare and endangered terrestrial wildlife species.

*General Guideline:* Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

**N. Aesthetics.**

1. Aesthetics, General.

*Objective:* Preserve and enhance, where possible, impact of the project upon the existing aesthetic qualities of the project site and its environs.

*General Guideline:* Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

2. Scenic Vistas.



*Objective:* Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

*General Guideline:* Avoid visibility of buildings and other development and land use alterations generally from vistas by employment of vegetative screening, existing topography and careful siting methods.

3. Travel Corridors.

*Objective:* Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

*General Guideline:* Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alternations.

**O. Open Space.**

*Objective:* Maintain the open space character of the project site, adjacent land, and surrounding areas.

*General Guideline:* Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling and cross-country skiing trails as well as trail bike, jeep, all-terrain vehicle and horse trails, playgrounds, public areas, campgrounds, parks, beaches and similar uses.

**P. Adjoining and Nearby Land Use.**

1. Surrounding Land Uses, General.

*Objective:* Minimize incompatibility of new development with the character of adjoining and nearby land uses.

*General Guideline:* Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

2. Adjacent State Land.

*Objective:* Preserve the wild and natural character of adjacent state lands designed as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

*General Guideline:* Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audial impact in these wilderness-like areas, thereby insuring the continued capability of State and private types of ownership.

**Q. Wild, Scenic and Recreational Study Rivers.**

*Objective:* Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

*General Guideline:* Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and preserve the free-flowing character of such rivers.

**R. Historic Sites.**

*Objective:* Protect archeological sites, historic sites, and unique historical structures for their educational and cultural value to the area, region or State.

*General Guideline:* Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

**S. Special Interest Areas.**

*Objective:* Preserve special interest areas such as unique natural features and their surrounding environs.

*General Guideline:* Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

**T. Government Considerations.**

1. Service and Finance.

*Objective:* Fully explore and assure the ability of governmental services and facilities made necessary by the project.

*General Guideline:* Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential adverse impact upon the ability of the government to provide services and facilities.

2. Regulation.

*Objective:* Conform development activities to all applicable governmental rules and regulations.

*General Guideline:* Comply with all applicable Local Laws, rules and regulations of all governmental agencies with responsibilities for such activities, including those of towns and villages, counties, the State Department of Health and Environmental Conservation, and the Adirondack Park Agency.

**U. Public Utilities and Community Resources.**

*Objective:* Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

*General Guideline:* Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; avoid necessity for major uncompensated increase in community services and activities such as recreational facilities, social, cultural and health services, and transportation facilities.

***The principal development activities associated with a project to be considered in connection with the determination required by Article 12, together with representative means for avoiding undue adverse impact include the following:***

**V. Streets and Roads.**

*Objective:* Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

*General Guideline:* Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

**W. Siting and Construction of Buildings.**

*Objective:* Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

*General Guideline:* Blend buildings with existing topography and their surrounding environs; avoid steep slopes; minimize grade alterations; and avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

**X. Sewage Disposal (on-site wastewater treatment).**

*Objective:* Select, design and locate on-site wastewater treatment systems to provide adequate treatment of effluent and to avoid contamination of surface or ground water.

*General Guideline:* Comply with all County and Town health standards; adhere at a minimum to the setback requirements for water bodies of Section 9.30 (D); employ proven design criteria for on-site wastewater treatment systems in proper working order.

**Y. Storm Drainage.**

*Objective:* Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrologic effects.

*General Guideline:* Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainage ways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands bogs and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

**Z. Water Supply.**

*Objective:* Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage patterns.

*General Guideline:* Comply with all County and Town Health standards with regard to the design, location, construction and maintenance of water supply systems.

**AA. Solid Waste Disposal.**

*Objective:* Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water and visual pollution and in a manner which will not create hazards to the health and welfare of people or wildlife.

*General Guideline:* Comply with all applicable State and Town standards for the disposal of solid waste; utility community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well drained soils and at sufficient distances from water bodies so as to prevent contamination thereof~ and avoid locating disposal areas on steep slopes.

**BB. Pesticides and Herbicides.**

*Objective:* Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.

*General Guideline:* Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

**CC. Shoreline Development.**

*Objective:* Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

*General Guideline.* Adhere at a minimum to the shoreline restrictions of 11.30. Maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize construction of docks and boathouses on shorelines; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

**DD. Noise.**

*Objective:* Minimize noise insofar as practicable.

*General Guideline:* Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

**EE. Signs.**

*Objective:* Avoid signage that detracts from aesthetic and scenic qualities.

*General Guideline:* Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man-made travel corridors, and of signs containing moving parts or flashing lights.

**FF. Utilities.**

*Objective:* Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

*General Guideline:* Where required, locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have adverse environmental impact on terrestrial and aquatic ecosystem.

## **APPENDIX F -- PRE-EXISTING SUBDIVISIONS**

The following list of subdivisions qualify as pre-existing subdivisions as determined by Article 13 of this Local Law. Each individual subdivision listed includes the lots determined to qualify within the subdivision.

### **Brant Lake Heights**

1. Date of Map: January 10, 1972
2. Location: NYS Route 8
3. Landowner when subdivision filed with County Clerk: Edward Sinkora
4. Adirondack Park Agency Land Use Area: Rural Use
5. Total number of building lots in filed subdivision: 40
6. Number of lots vested: 40
7. Lots determined to qualify as a pre-existing subdivision: All lots

### **Blue Sky Estates**

1. Date of Map: March 5, 1973
2. Location: James Street and Pine Street
3. Landowner when subdivision filed with County Clerk: Adirondack Land Corp.
4. Adirondack Park Agency Land Use Area: Moderate Intensity Use and Rural Use
5. Total number of building lots in filed subdivision: 95
6. Number of lots vested: 95
7. Lots determined to qualify as a pre-existing subdivision: All lots

### **Curtis Castner**

1. Date of Map: May 9, 1973
2. Location: Grassville Road
3. Landowner when subdivision filed with County Clerk:
4. Adirondack Park Agency Land Use Area: Rural Use
5. Total number of building lots in filed subdivision: 3
6. Number of lots vested: 3
7. Lots determined to qualify as a pre-existing subdivision: All lots

### **Deerwood Acres Subdivision**

1. Date of Map: February 7, 1973
2. Location: Padanarum Road
3. Landowner when subdivision filed with County Clerk: James Sweenie
4. Adirondack Park Agency Land Use Area: Rural Use
5. Total number of building lots in filed subdivision: 37
6. Number of lots vested: 32
7. Lots determined to qualify as a pre-existing subdivision:
  - a. All lots except: 5, 18, 20, 21, 34
  - b. Lots 5 and 18 may be sold together as a single building lot
  - c. Lots 20 and 21 may be sold together as a single building lot

**Schroon River Estates**

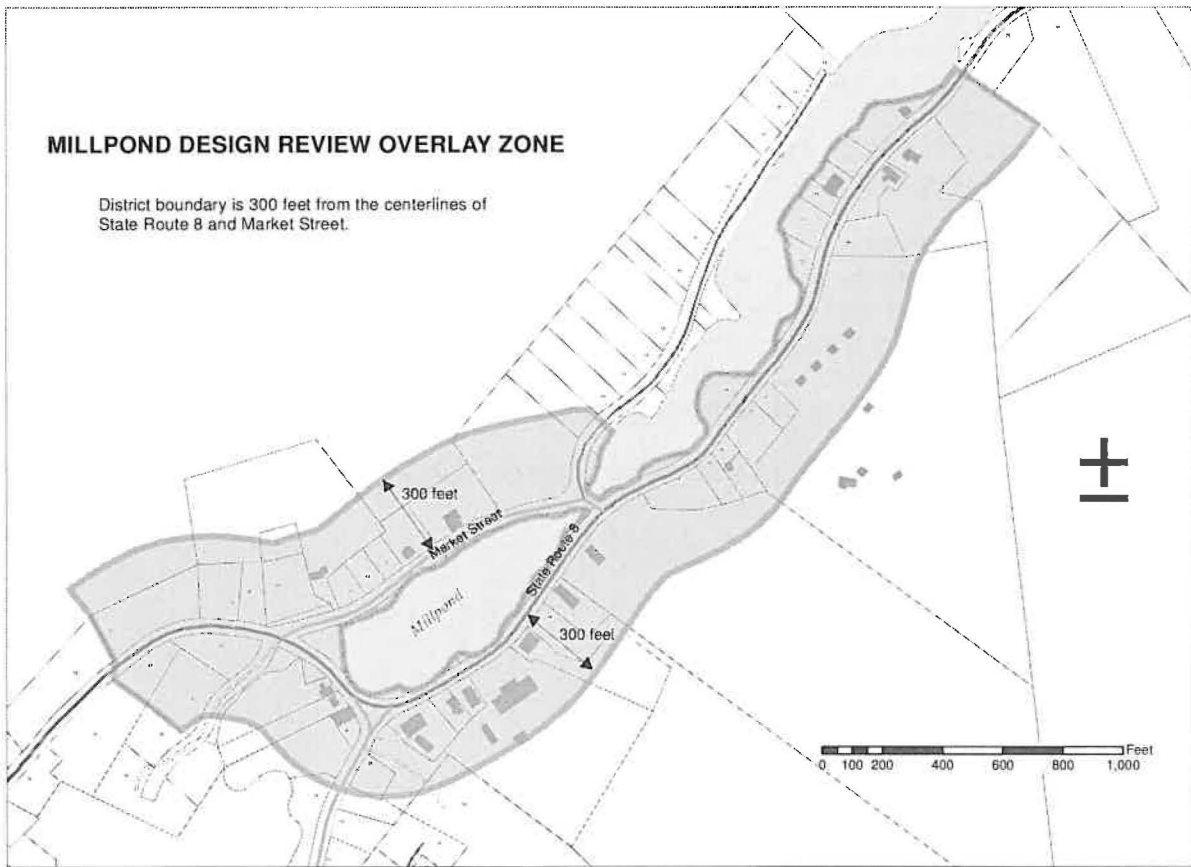
1. Date of Map: January 30, 1964
2. Location: Tannery Road
3. Landowner when subdivision filed with County Clerk: R.C. Delaney
4. Adirondack Park Agency Land Use Area: Low Intensity Use
5. Total number of building lots in filed subdivision: 41
6. Number of lots vested: 41
7. Lots determined to qualify as a pre-existing subdivision: All lots

**Horicon Birches Subdivision**

1. Date of Map: February 16, 1950
2. Location: Horicon Birches, Horicon
3. Landowner when subdivision filed with County Clerk: William and Honorine Cramer
4. Adirondack Park Agency Land Use Area: Moderate Intensity Use
5. Total number of building lots in filed subdivision: 43
6. Number of lots vested: 43
7. Lots determined to qualify as a pre-existing subdivision per: All lots

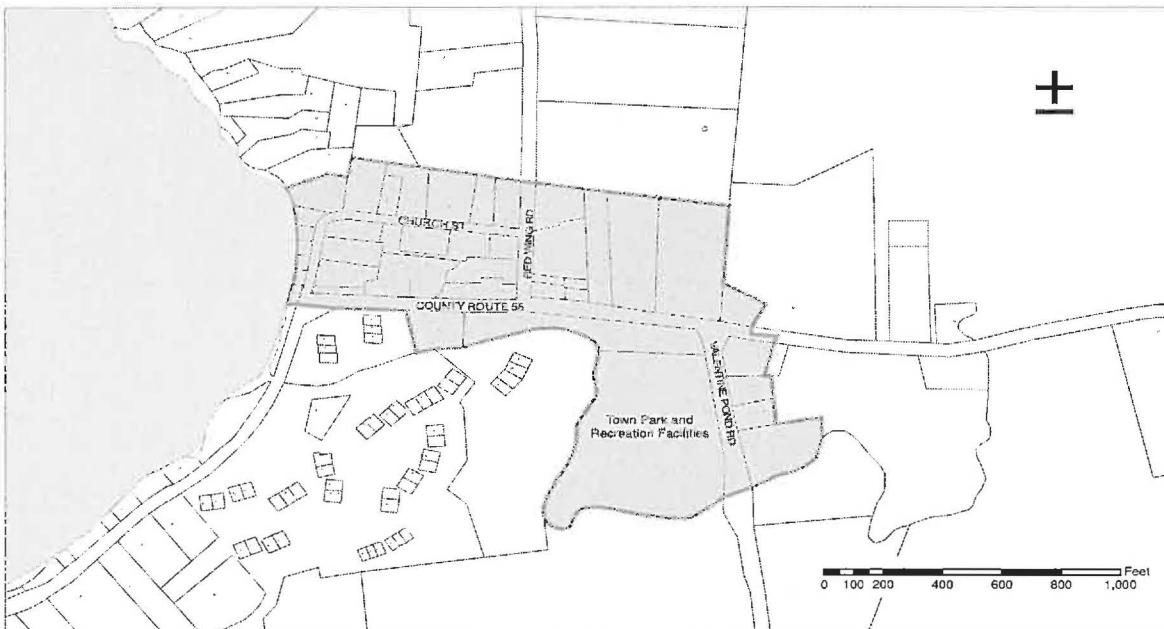


## APPENDIX G -- DESIGN REVIEW OVERLAY ZONE MAPS



### ADIRONDACK HAMLET DESIGN REVIEW OVERLAY ZONE

Zone boundaries follow lot lines.





## APPENDIX H – USE TABLE

USE TABLE	R1-20k	R1-1.3	R1-2	R1-3.2	R1-10	R1A-3.2	R1A-5	R2-2	R2-3.2	R2-5	R2-10
<b>APA land use area →</b>	<b>Hamlet</b>	<b>MIU</b>	<b>MIU</b>	<b>LIU</b>	<b>RU</b>	<b>LIU</b>	<b>RU</b>	<b>MIU</b>	<b>LIU</b>	<b>RU</b>	<b>RU</b>
<b>Intensity →</b>	<b>20k</b>	<b>1.3</b>	<b>1.3</b>	<b>3.2</b>	<b>10</b>	<b>3.2</b>	<b>5</b>	<b>2</b>	<b>3.2</b>	<b>5</b>	<b>10</b>
<b>v USES</b>	<b>sq.ft.</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>	<b>acres</b>
Adult entertainment est.											
Agricultural use								P	P	P	P
Agricultural use structure								P	P	P	P
Auto body shop											
Automobile service station											
Bed and breakfast	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA
Boat storage, commercial											
Boathouse	P	P	P	P	P	P	P	P	P	P	P
Campground											
Commercial marina											
Dock, multiple access	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Dwelling, multiple family	CU	CU	CU	SPA	SPA	CU	SPA	CU	CU	CU	CU
Dwelling, single-family	P	P	P	P	P	P	P	P	P	P	P
Dwelling, two family	P	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA
Forestry use						CU	CU	CU	CU	CU	CU
Gardens, nurseries, com.						CU	CU	SPA	SPA	SPA	SPA
Greenhouse, commercial								CU	CU	CU	CU
Group camp	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Home occupation	P	P	P	P	P	P	P	P	P	P	P
Hotel, motel, boarding house								CU	CU	CU	CU
Industry, light											
Inn	C1	C1	C1	C1	C1	CU	CU	CU	CU	CU	CU
Junk yard											
Keeping of farm animals						P	P	P	P	P	P
Landfill											
Laundromat											
Mining											
Mobile home						P	P	P	P	P	P
Mobile home court								CU	CU	CU	CU
Office building											
Professional office						CU	CU	CU	CU	CU	CU
Public or semi-public building and grounds	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Public utility use	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA
Religious building or facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Resort								CU	CU	CU	CU
Restaurant											
Retail business or retail service, large (>2,500 sf to 20,000 sf)											
Retail business or retail service, small (<2,500 sf)								SPA	SPA	SPA	SPA

Sand and gravel extraction, commercial										
Ski center										
Tavern										
Theater										
Travel trailer camp										
<b>NOTES -- Town of Horicon Land Use and Development Permit Requirements:</b> <b>CU = Conditional Use; C1 = Conditional Use on lot &gt; 3.2 acres; P = Permitted by Right; SPA = Site Plan Approval</b> <b>Uses not designated by CU, C1, P or SPA are prohibited in those zoning districts</b>										

<b>CR-20k</b>
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Hamlet	LIU	RU	RM	LIU	RU	RU	LIU	--	← APA land use area
20k sq.ft.	3.2 acres	10 acres	42.6 acres	3.2 acres	5 acres	10 acres	none listed	Over-lay	← Intensity USES v
CU									Adult entertainment establishment
		P	P	P	P	P			Agricultural use
		P	P	P	P	P			Agricultural use structure
CU	CU								Auto body shop
CU	CU								Automobile service station
SPA	SPA	SPA		SPA	SPA	SPA		CU	Bed and breakfast
CU	CU	CU		CU	CU	CU			Boat storage, commercial
P	P			CU	CU	CU			Boathouse
		CU	CU						Campground
CU	CU			CU	CU	CU			Commercial marina
		CU					CU		Commercial sand and gravel extraction
CU	CU	CU	CU	CU	CU	CU			Dock, multiple access
CU	SPA	SPA	SPA	SPA	SPA	SPA		SPA	Dwelling, multiple family
P	P	P	SPA	SPA	SPA	SPA		P	Dwelling, single-family
P	SPA	SPA	SPA	SPA	SPA	SPA		P	Dwelling, two family
CU	CU	P	P	CU	CU	CU			Forestry use
SPA	SPA	SPA	SPA	CU	CU	CU			Gardens, nurseries, commercial
CU	CU	SPA	SPA	CU	CU	CU			Greenhouse, commercial
CU	CU	CU	CU	CU	CU	CU			Group camp
P	P	P	P	P	P	P		P	Home occupation
CU	CU	CU						CU	Hotel, motel, boarding house
CU	CU						CU		Industry, light
CU	CU	CU	CU	CU	CU	CU		CU	Inn
							CU		Junk yard
		P	P	P	P	P			Keeping of farm animals
							CU		Landfill
CU	CU								Laundromat

		CU							Mining
P	P	P	SPA	SPA	SPA	SPA			Mobile home
		CU	CU						Mobile home court
CU	CU						SPA	CU	Office building
SPA	SPA						SPA	CU	Professional office
CU	CU	CU	CU	CU	CU	CU		CU	Public or semi-public building and grounds
SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	Public utility use
CU	CU	CU	CU	CU	CU	CU		CU	Religious building or facility
CU	CU	CU		CU	CU	CU		CU	Resort
CU	CU							CU	Restaurant
CU	CU						CU	CU	Retail business or retail service, large (>2,500 s.f. to 20,000 s.f.)
SPA	SPA	SPA		CU	CU	CU	CU	CU	Retail business or retail service, small (<2,500 s.f.)
		CU	CU						Ski center
CU	CU							CU	Tavern
CU	CU							CU	Theater
		CU	CU						Travel trailer camp

**NOTES --**  
**Town of**  
**Horicon Land**  
**Use and**  
**Development**  
**Permit**  
**Requirements:**  
**CU =**  
**Conditional**  
**Use; C1 =**  
**Conditional**  
**Use on lot >**  
**3.2 acres; P =**  
**Permitted by**  
**Right; SPA =**  
**Site Plan**  
**Approval.**  
**Uses not**  
**designated by**  
**CU, C1, P or**  
**SPA are**  
**prohibited in**  
**those zoning**  
**districts.**

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