

*Clerk's copy*

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of ..... Lyme  
~~Town~~  
~~Village~~

Local Law No. 3 of the year 1989

Amending, In Part, Local Law No. 1 of the Year 1989, Providing For Comprehensive Zoning Regulations for Recreational Vehicles And Certain Other Technical Corrections

A local law .....  
(Insert title)

Town Board

Be it enacted by the ..... of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of ..... Lyme  
~~Town~~  
~~Village~~ ..... as follows:

Section 1. Local Law No. 1 of the Year 1989 is amended, in part, to read as follows:

A. Section 210 of Local Law No. 1 for the Year 1989 is amended to read, in part, as follows:

Commercial Campground: Any lot or parcel of land, or part thereof, used or occupied by one or more tents or other similar temporary living quarters, by persons other than the owner of the real estate, or his immediate family, for commercial or business purposes.

Recreational Vehicle: A vehicle which is: 1. Built on a chassis; 2. 400 square feet or less when measured at the largest horizontal projection; 3. Self propelled or permanently towable by a light duty truck; and 4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational Vehicle Parks: Any lot or parcel of land, or part thereof, used or occupied by one or more recreational vehicles or similar temporary living quarters, by persons other than the owner of the real estate or his immediate family, for commercial or business purposes.

Restaurant: Any establishment, however designated at which food and/or alcoholic beverages are sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand that is an accessory to a pool, playground, park or other recreational facility and is operated for the convenience of the patrons of such facility, shall not be deemed to be a restaurant.

(If additional space is needed, please attach sheets of the same size as this and number each)

**B. Section 405 of the Local Law No. 1 for the Year 1989 is amended to read as follows:**

Section 405: Agricultural and Rural Residence District - AR

A. Intent

The Agricultural and Rural Residence Districts - AR are primarily for agricultural and suburban residential uses.

B. Permitted Uses

In the AR District, no building or other structure shall be built, altered or erected to be used for any purpose other than the following, except by special permit as hereinafter provided:

1. Agricultural Operation
2. One-family dwelling
3. Two-family dwelling
4. Multi-family dwelling
5. Individual mobile home
6. Home occupation
7. Accessory Building/Structure or Accessory Use
8. Sign
9. Recreational Vehicles (as provided in Section 750)

C. Special Permit Uses

The following uses require a special permit, according to the procedure outlined in Article V. These uses may be subject to additional regulations. See Articles VI and VII.

1. Motel/Hotel
2. Mobile Home Park
3. Airstrip
4. Heliport
5. Animal Hospital
6. Institutional Use
7. Essential Service
8. Quarry
9. Riding Academy
10. Automobile Service Station
11. Junkyard
12. Light Industry
13. Large Product Retail
14. Small Product Retail
15. Warehouse
16. Restaurant
17. Bar
18. Commercial Campground
19. Commercial Recreation
20. Commercial Hog, Poultry or Fur Farm
21. Office
22. Recreational Vehicle Parks (as provided in Section 765)

D. Dimensional Regulations

SECTION 405.D, DIMENSIONAL REGULATIONS \*

USE	MINIMUM LOT AREA (IN SQ. FT.)	MINIMUM FRONT SETBACK (IN FEET)	MINIMUM REAR SETBACK (IN FEET)	MINIMUM SIDE SETBACK (IN FEET)	MINIMUM LOT WIDTH (IN FEET)
Agricultural Operation	40,000	30 from front lot line	50 from rear lot line	60 from side lot line. Additional 2 feet for each foot building exceeds 35 feet in height.	200
Accessory Building for Agricultural Operation	40,000	"	30 from rear lot line or 50 from the nearest residential lot line, whichever is greater.	30 feet from side lot line, 50 from nearest residential lot line, whichever is greater.	200
Single-Family Dwelling, Two-Family Dwelling Individual Mobile Home	20,000	"	50 from rear lot line	15 from side lot line	100
Sign (See Section 605)	N/A	5 from lot line	N/A	15 from side lot line	N/A
Multi-Family Dwelling	10,000 (per unit)	30 from front lot	50 from rear lot line	15 from side lot line	150
Accessory Bldg. ** for Residential Use	20,000	"	15 from rear lot line	15 from side lot line	100
Special Permit***	20,000	"	50 from rear lot line	60 from side lot line. Additional 2 feet for each foot building exceeds 35 feet in height.	150
Accessory Bldg. Special Permit	20,000	"	15 from rear lot line	30 from side lot line. Additional 2 feet for each foot building exceeds 35 feet in height.	150

\* All dimensional regulations are minimums. Greater areas or setbacks may be required to meet NYS regulations governing on-site septic systems.

\*\* Accessory buildings on a lot with no principal use or structure require the minimum lot size. If they are located on the same lot as a principal use or structure they require no additional lot area.

\*\*\*Unless otherwise specified in Article 805.

**C. Section 410 of Local Law No. 1 for the Year 1989 is amended to read as follows:**

Section 410: Resort District - RES

A. Intent

The Town recognizes that its most important and sensitive resource is its extensive shoreline. Development of, access to, and scenic views of this resource are issues of major interest to the Town.

The Resort District - RES is established to allow for residential development and limited commercial activity which would not harm this valuable resource, if developed according to the procedures established by this law. However, the Res District is also established to work in conjunction with the Floating Planned Development Overlay District, described in Section 415.

B. Permitted Uses

Resort Districts - RES are established primarily for the purpose of providing for residential development and limited commercial activity. In them, no building or any other structure shall be built, altered or erected for any purpose other than the following, except by special permit as hereinafter provided:

1. Single-Family Dwelling
2. Two-Family Dwelling
3. Accessory Building/Structure or Accessory Use
4. Sign
5. Recreational Vehicles (as provided in Section 750)

C. Special Permit Uses

The following uses require a special permit, according to the procedure outlined in Article V. These uses may be subject to additional regulations. See Article VI and VII.

1. Home Occupation
2. Restaurant
3. Bar
4. Institutional Use
5. Essential Service
6. Retail, Small Product
7. Retail, Large Product
8. Office
9. Marina
10. Agricultural Operation

D. Dimensional Regulations

**SECTION 410.D DIMENSIONAL REGULATIONS \***

USE	MINIMUM LOT AREA (in sq. ft.)	MINIMUM FRONT SETBACK (in feet)	MINIMUM REAR SETBACK (in feet)	MINIMUM SIDE SETBACK (in feet)	MINIMUM LOT WIDTH (in feet)
Single Family Dwelling	20,000	30 feet from front lot line.	30 from rear lot line	15 from side lot line	100
Two Family Dwelling	10,000 (per unit)	"	30 from rear lot line	15 from side lot line	20
Sign	N/A	5 from front lot line	N/A	15 from side lot line	N/A
Accessory Building for Residential Use **	20,000	30 from front lot line	15 from rear lot line	15 from side lot line	100
Special Permit Use ***	43,560 (1 Acre)	30 from front lot line, unless otherwise determined by the Zoning Board of Appeals through the Special Permit Procedure	30 feet from rear lot line.	30 from side lot line. Additional 2 for each foot building exceeds 35 feet in height.	200

\* All dimensional regulations are minimums. Greater areas or setbacks may be required to meet NYS regulations governing on-site septic system.

\*\* Accessory buildings on a lot with no principal use or structure require the minimum lot size. If they are located on the same lot as a principal use or structure they require no additional lot area.

\*\*\* Unless otherwise specified in Article 805.

**D. Section 415(A) of Local Law No. 1 for the Year 1989 is amended to read as follows:**

**Section 415: Floating Planned Development Overlay District**

**A. Intent and Applicability**

The Town recognizes that its most important and sensitive resource is its extensive shoreline. Development of, access to, and scenic views of this resource are issues of major interest to the Town.

While the Town wishes to encourage the use and development of this resource, it believes such development must be of high quality and not in conflict with adjacent land uses. Because this land, which is coterminous with the land within the RES District, can be used for a variety of uses, residential and commercial, the Town finds that its development must be monitored closely. It therefore creates this FPD - Floating Planned Development Overlay District, to review and oversee development that might otherwise cause injury to this most valuable resource.

The limits of this District are defined as coterminous with the boundaries of the RES District as defined in this law. The regulations of the Resort district shall apply until the Town Board approves the Zone change pursuant to this Article.

It is the intent of this Floating Planned Development Overlay District to provide flexible land use and design regulations so that certain uses may be developed within the Town that incorporate a variety of residential and non-residential uses, and contain both individual building sites and common property which are planned and developed as a unit. This section encourages innovations in residential and resort or retail commercial development so that the growing demands for such development may be met by greater variety in type, design, and siting of development and by the more efficient use of land in such developments. Planned developments do not require a mix of residential and non-residential uses to be considered for Planned Development Overlay District status.

While the standard zoning function (use and area) is appropriate for the regulation of land use in some areas or neighborhoods, these controls represent a type of regulatory strictness which may be inappropriate to the innovative techniques of quality land development contained in the Floating Planned Development Overlay District (FPD) concept. A rigid set of space requirements along with area and use specifications would frustrate the application of this concept. Thus, where FPD techniques are deemed appropriate through the rezoning of land to a Planned Development Overlay District by the Town Board, the use and dimensional specifications found elsewhere in this Law are herein replaced by the General Requirements and Planned Development Review Standards outlined in Article IV, Section 415.B.

**E. Section 415(b) of Local Law No. 1 for the Year 1989 is amended to read as follows:**

**B. General Requirements and Planned Development Review Standards**

The following is a list of the requirements that a proposal must meet to be considered for FPD status.

1. Minimum Area: A minimum lot size and frontage for a Planned Development use, which is less than the minimum specified by Section 410 of this law, shall be

specified at the discretion of the Town Board, provided that an innovative layout, which provides for increased common property and/or recreational areas and the maximum gross density specified for the particular use as specified by Article IV, Section 410.D is not increased. The common property created by this technique shall remain permanently dedicated to the purposes described below under Section 415.B.6.

**F. Section 750 of Local Law No. 1 for the Year 1989 is amended to read as follows:**

Section 750: Recreational Vehicle

- A. One recreational vehicle may be stored outside (unoccupied and not used for living quarters) as an accessory use to a principal building existing on the same lot if the recreational vehicle is duly licensed for highway use and is owned by the real property owner or his tenant, or by an immediate family member residing on the real property.
- B. No external modifications or additions may be made to any recreational vehicle. If no principal building or structure occupies the same lot or parcel, no buildings or structures defined as accessory buildings or structures may be placed on that lot or parcel.
- C. In both the Agricultural and Rural Residence District and the Resort District, one recreational vehicle may be located on any parcel of land owned by the registered recreational vehicle's owner or by a member of his immediate family for no more than thirty days in any given calendar year.
- D. No recreational vehicle shall be located in the Resort District for more than thirty days as provided in Section 750(c), unless it is an accessory use provided in Section 750(a).
- E. In the Agricultural and Rural District, a recreational vehicle which is located on any parcel of land in said district for more than 30 days shall require a recreational vehicle permit to be issued by the Zoning Enforcement Officer upon evidence that the owner can meet the following conditions:
  - (i) The recreational vehicle may not be located on the premises from December 1 until March 31;
  - (ii) Adequate potable and sanitary water supply;
  - (iii) Adequate septic or sewage facilities for the actual use and demand;
  - (iv) The lot area and setbacks of a single family dwelling in the Agricultural and Rural District must be met;
  - (v) The recreational vehicle must remain licensed, registered, and inspected for highway use;
  - (vi) At all times the recreation vehicle must remain capable of use on public highways.
  - (vii) The permit shall be for April 1 through November 30 and shall be prominently displayed on the recreational vehicle so that it may be seen from the exterior of the vehicle.

**G. Local Law No. 1 for the Year 1989 is amended to add Section 765 to read as follows:**

Section 765: Recreational Vehicle Park

- A. There shall be a minimum distance of 25 feet between recreational vehicles.
- B. The park shall be located on a well-drained site suitable for the purpose and shall provide an entrance road at least twenty (20) feet wide.
- C. Individual recreational vehicle sites shall have an area of not less than 2,500 square feet.
- D. The total number of recreational vehicle sites shall not exceed fourteen (14) per acre.
- E. Recreational vehicles located in an approved recreational vehicle park shall be exempt from the limitations of Section 750.
- F. Recreational Vehicle Parks which accommodate 25 or more recreational vehicles shall provide at least one recreational area consisting of at least eight (8) percent of the gross site area of the park for use by all patrons of the park.
- G. An adequate supply of potable water shall be provided and wastes from showers, toilets and laundries shall be discharged into a suitable septic or sewer system. The water supply system and septic or sewer disposal system must receive written approval from the New York State Department of Health and Environmental Conservation, and all other applicable agencies.
- H. Refuse shall be disposed of in a manner as required by law.
- I. The park's owner and operator shall keep a record of the name and permanent address of each occupant and allow the Zoning Enforcement Officer access to these records on reasonable notice.
- J. Before the park commences initial operation or before an expanded section of the park commences operation, the Zoning Enforcement Officer shall make an inspection of the premises to determine that all requirements of this Law have been met. If so, the Zoning Enforcement Officer shall issue a certificate of compliance. No use shall be permitted until such certificate has been issued.

**Section 2. This Local Law shall take effect upon filing with the Secretary of State and upon complying with the provisions of Town Law Section 264.**



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

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

I hereby certify that the local law annexed hereto, designated as local law No. <sup>3</sup>..... of 19<sup>89</sup>.....  
~~County~~  
of the ~~City~~ of ...Lyme..... was duly passed by the .....Town Board.....  
~~Village~~ (Name of Legislative Body)  
on .....December 6..... 19<sup>89</sup>..... in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
~~County~~  
of the ~~City~~ of ..... was duly passed by the .....  
~~Village~~ (Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
and was deemed duly adopted on ..... 19 ....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
~~County~~  
of the ~~City~~ of ..... was duly passed by the .....  
~~Village~~ (Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive thereon at the ~~general~~  
special election held on .....19 ....., in accordance with the applicable  
annual provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
~~County~~  
of the ~~City~~ of ..... was duly passed by the .....  
~~Village~~ (Name of Legislative Body)  
on ..... 19 ..... not disapproved  
and was approved by the .....  
repassed after disapproval Elective Chief Executive Officer\*  
on ..... 19 ..... Such local law was subject to a permissive referendum and  
no valid petition requesting such referendum was filed as of ..... 19 .....,  
in accordance with the applicable provisions of law.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19 ..... of the City of ..... having been submitted to referendum pursuant to the provisions of §36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special general election held on ..... 19..... became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19....., pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative. (If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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

*Daniel E. Walker*  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 6, 1989

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF ...JEFFERSON.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Bond, Schoeneck & King  
By: *Dennis G. Whelpley* Signature Dennis G. Whelpley  
..... Village Counsel .....  
Title

Date: December 6, 1989

County  
City of ...Lyme.....  
Town  
Village