

# Local Law Filing

**(Use this form to file a 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  Town  Village

*(Select one.)*

of Lyme \_\_\_\_\_

Local Law No. 3 of the year 2011

A local law to regulate single lot residential access and use of property that does not have a  
*(Insert Title)*  
primary residence.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the Town Board of the  
*(Name of Legislative Body)*

County  City  Town  Village

*(Select one.)*

of Lyme \_\_\_\_\_ as follows:

See Attached

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

**PUBLIC HEARING DRAFT**

**Local Law #3 of 2011: AMENDMENT TO THE TOWN OF LYME ZONING LAW  
# 3 of 2009: SEASONAL MOBILE RESIDENCY PERMIT LAW**

**ARTICLE 1 STATEMENT OF AUTHORITY**

The Town Board of the Town of Lyme, pursuant to the authority granted under Article 16 of the Town Law and Sections 10 and 20 of Municipal Home Rule Law, hereby enacts as follows:

**ARTICLE 2 STATEMENTS OF FINDINGS AND PURPOSE**

The Town Board of the Town of Lyme recognizes that zoning regulations for limited, area sensitive, single lot residential access and use of property that does not have a primary residence does not exist under current zoning laws. To provide the Town of Lyme a means by which, including regulations, the owner(s) of property are able to make such singular use of such property by living quarters other than a permanent residence on a seasonal basis is the purpose of this law.

**ARTICLE 3 ENACTMENTS**

The Town Board of the Town of Lyme hereby amends Local Law #1 of 1989 as amended by LL #3 of 1993 and LL #1 of 1997 in the following manner: This enactment shall also apply to future zoning laws.

**Section 210: Definitions:** is hereby amended to add the following.

**FIFTH WHEEL TRAVEL TRAILER:** A unit designed to be affixed and towed by a pickup equipped with special hitch in the truck bed and designed to serve as self-contained living quarters for camping or other recreational activities.

**MOTOR HOME:** A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for camping or other recreational activities.

**SECTION 750: RECREATIONAL VEHICLES:** is hereby amended to add the following.

Purpose:

It also recognizes that the current zoning laws do not have zoning regulations for limited, area sensitive, single lot residential access and use of property that does not have a primary residence. The purpose of this law is to provide the Town of Lyme a means by which to enable the owner(s) of property to make such singular use of their property by allowing living quarters other than a permanent residence on a seasonal basis.

D. Individual single lot and single use seasonal residency shall be permitted with the following procedures and under the terms and conditions for approval stated.

1). Procedures:

(a) A seasonal permit application for seasonal residency shall be made to the Zoning Enforcement Officer (ZEO). Prior approval, by the Zoning Board of Appeals is required, after a public hearing for all permits issued under this law.

(b) Application shall include a detailed site plan and an application fee assigned by the Town Board of the Town of Lyme. The site plan shall be a drawing to approximate scale showing exact location of all structures, both fixed and mobile, including front, rear and side setbacks. Proposed and existing water, septic and electrical connections are to be shown **in** detail. A detailed description and intended use of the area shall be supplied. The vehicle (motor home, travel trailer or fifth wheel travel trailer) shall be described in detail, with year, type, and recent picture. Also required is a copy of the last registration or title showing ownership and year of manufacture.

(c) The site plan will be the basis for which the permit is issued and any changes will require a re-submission and subsequent permit amendment. The purpose of the site plan, considering the transient nature of the occupancy, is to ensure continued compliance with permit terms and conditions

(d) The seasonal permit is valid for the period, April 1 to October 31 of the current calendar year, and must be renewed annually including an annual fee set by the Town Board of the Town of Lyme.

2). Terms and Conditions for Approval:

(a) The applicant(s) must be the sole owner(s) of record for the lot for which the permit is requested and the sole seasonal resident(s) for which the permit is approved. Multiple residencies are not permitted. Subdivision for purposes of implementation of this law is not permitted.

(b) The permit is issued for the seasonal period of April 1 to October 31 and shall be renewed yearly. The permit is valid for the calendar year issued only.

(c) Approved vehicles include motor home, travel trailer or fifth wheel travel trailer. Vehicles which do not qualify for a New York State motor vehicle inspection sticker are excluded from consideration.

(d) Vehicles are not permitted on the site, for which the permit was issued, during the non seasonal period (November 1 to March 31).

(e) Suitable provision for water and septic and greywater waste shall be described in detail in the permit application. The issuance of the permit and the ZBA approved method of removal shall be a condition of the permit.

(f) Accessory structures must comply with the current zoning law and shall be detailed in the site plan submitted for the permit.

(g) The permit is not valid for transfer, i.e. ownership change, nor may it be used for commercial purpose such as rental.

(h) The existence of a pre existing condition may be considered in granting a permit.

(i) The permit shall be issued only if neighborhood appropriate by taking under consideration the following criteria which shall be met;

The permit shall be issued only if neighborhood appropriate by taking into consideration any undesirable change having an adverse effect on the physical, environmental, character, health, safety and welfare of the community.

- (j) All appropriated articles of the current zoning law apply particularly setback requirements. The seasonal permit setback requirements are by the Single Family Dwelling requirements of tables 405D and 410D. Non conforming requirements of Section 805 shall apply where applicable.
- (k) A violation of any condition, either above or set by the approved permit, is cause for immediate permit revocation.

**ARTICLE 4**            **EFFECTIVE DATE**

The provisions of this law shall take effect upon filing with the Secretary of State and upon complying with Town Law Section 264.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2011 of the ~~(County)(City)(Town)(Village)~~ of Lyme Town Board on April 13, 2011, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

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

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on 20 , in accordance with the applicable provisions of law.~~

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

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

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

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

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

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

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

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

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

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

*Kim Wallace*

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: May 4, 2011

(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.

*Mark G. Gebo*

\_\_\_\_\_  
Signature  
Mark G. Gebo, Town Attorney  
\_\_\_\_\_  
Title

~~XXXX~~  
~~XX~~ of Lyme  
Town \_\_\_\_\_  
~~XXXX~~

Date: May 3, 2011