

## 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. 2 of the year 2011

A local law to amend Section 750 of the 1989 Zoning Law and to introduce language on pre-existing  
(Insert Title)  
conditions as related to nonconforming situations

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 #2 of 2011: AMENDMENT TO THE TOWN OF LYME ZONING ORDINANCE**

#### **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 STATEMENT OF FINDINGS AND PURPOSE**

To correct and clarify Section 750 of the 1989 Zoning Law of The Town of Lyme so that it reflects current conditions. It also introduces the concept of pre existing conditions as related to non conforming situations and provides a means and timetable for cessation of such uses.

#### **ARTICLE 3 ENACTMENT**

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:

**CAMPING:** An outdoor recreational activity involving the spending of one or more nights in a tent, primitive structure, a travel trailer or recreational vehicle.

**CESSATION:** The termination period of a ZBA approved (valid) pre-existing condition as set by the specific law as related to such condition.

**PRE-EXISTING CONDITION:** A presently existing condition which was valid when established but is not in compliance with current law. A grace period, as set by the specific violation, shall be granted for valid pre-existing conditions. See CESSATION. A pre-existing condition is classified in three categories;

- a) Pre-existing nonconforming use
- b) Pre-existing nonconforming building
- c) Pre-existing nonconforming lot

**PRIMARY RESIDENCE:** A dwelling unit in which is conducted the main, dominant or principal use of the lot on which such structure is located.

**PRINCIPAL USE:** The primary or predominant purpose, for which any lot, land, building or structure is used, utilized, employed or occupied. When the principal use is agricultural, any dwellings occupied by the owner, operator or full-time employee engaged in agricultural work on the premises, and their immediate families, shall be deemed part of the principal use. In the Agricultural and Rural Residence and Resort District, when the principal use of a lot is a commercial business, additional use of the lot as a single-family dwelling used by the owner/operator shall be deemed part of the commercial business use. In the Resort District only, those uses defined as permitted accessory uses may be principal uses subject to site plan review.

**SEASONAL OCCUPANCY:** A period of use defined as being between April 1<sup>st</sup> and October 31<sup>st</sup>

**SEMI PERMANENT RESIDENCY:** Any occupancy of a semi permanent structure on a seasonal occupancy basis.

**SEMI PERMANENT STRUCTURE:** Any primarily mobile vehicle such as a travel trailer which retains its mobility but has a fixed location

**TRAVEL TRAILER:** A unit whose original design required registration and licensing for public road use with transportation to be provided by towing by a car, van or pickup by means of a bumper or frame hitch and designed to serve as self-contained living quarters for camping or other recreational activities. The travel or recreational trailer definition shall exclude a mobile home or any other form of recreational vehicle.

**CHANGE THE FOLLOWING TO READ:**

**DWELLING UNIT :** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**RECREATIONAL VEHICLE:** Shall include motor homes, truck campers, camping trailers, travel trailers, pop-up trailers, watercraft, ATV's, snowmobiles and similar licensed vehicles and their trailers used for recreational, travel and occasional dwelling purposes.

**REPLACE SECTION 750 AS FOLLOWS:**

**Section 750- Recreational Vehicles**

Purpose: (Add)

The Town Board of the Town of Lyme recognizes that zoning regulations are necessary in all Districts for the regulation of recreational vehicles, particularly travel trailers, that exists in the town of Lyme. Of special interest is the potential negative impact on neighboring property by the placement of travel trailers whose use is inconsistent with their intended design. This law is intended to provide property owners an alternative to the existing occupancy limitation while providing for standards to maintain neighborhood integrity. This and current law are not intended to restrict the appropriate storage of unoccupied recreational vehicles for which the intended use is off site recreation. Travel trailers may be used only for the purpose for which they were intended i.e. temporary residential occupancy only, not for storage.

**CHANGE A TO READ:**

A: Recreational vehicles (see definitions) may be stored unused and without external modifications or additions on a driveway or similar appropriate site while not in use off-site, on a lot with a primary residence and occupied by the real property owner, an on-premises tenant, or an immediate family member of that owner or tenant. RVs which do not meet NYS motor vehicle inspection are not permitted.

**CHANGE B TO READ:**

B: This section provides for a Semi-Permanent Residency Permit as pertaining to travel trailers only. It allows for travel trailers, while maintaining mobile status, semi permanent placement when used as a dwelling unit for seasonal or camping occupancy on a lot with a primary residence. A permit is required only when determination is made by the ZBA, at the request of the ZEO, that a permit is required to maintain health and public safety standards, such as pollution control, and to insure compliance with existing zoning laws including conditions listed below. Restrictions are required to maintain the integrity of neighborhoods by limiting the negative appearance of non conforming structures. A travel trailers status as a semi permanent structure requires that the appropriate structural conditions of travel trailers shall apply and are listed below in addition to additional permit conditions approved by the ZBA prior to ZEO permit issuance. In those cases where a pre-existing condition exists (see definitions) see b) below;

- 1) One travel trailer, used for semi permanent residency as an accessory use to a principal building, may be stored outside, on the same lot, as a semi permanent structure. Ownership must be by the property owner or authorized lessee residing on the real property. Conditions are as follows:
  - a) Occupancy is limited to a cumulative total of 45 days.
  - b) The occupancy is limited for the seasonal period of April 1 to October 31 only.
  - c) Where a permit is required, the application shall include a copy of a registration or title proving ownership and providing identification i.e. make, model and year of manufacture of the trailer.
  - d) Travel trailers which do not meet NYS motor vehicle inspection are not permitted.
  - e). No external modifications or additions shall be made to any travel trailer used as a semi permanent residency.
  - f). No additional recreational vehicles, used for living quarters, shall be located in any district.
  - g). All applicable requirements including setbacks and septic/water systems of the current zoning law shall apply. The exception shall be where the unit in question shares water, sanitary facilities and electric with the primary residence on which the travel trailer is located.
  - h). Travel trailers shall be permitted with the following procedures below and under the terms and conditions for approval stated in the permit issued.
  - i) A violation of any condition set within Section 750 or set by the ZBA by an approved permit is cause for immediate permit revocation by the ZEO. Revocation is reviewable by the ZBA upon appeal.
- 2) Permit conditions:
  - a) 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.
  - b) Any permit issued is not valid for transfer, i.e. ownership change, nor may it be used for commercial purpose such as rental. (Non transferable, requires new permit upon change of ownership.)

#### **CHANGE C TO READ:**

C): In those cases where a pre-existing condition (see definitions) exists, as determined in a public hearing by the ZBA, conditions as related to travel trailers that cannot comply with 1989 and subsequent zoning laws, the following shall apply:

- 1) Beginning with the implementation of this law a grace period commences and concludes with cessation as follows: A pre-existing nonconforming use or structure (see definition) may be continued, with a Non-Conforming Continuation Permit approved by the ZBA and issued by the ZEO, for a period, beginning at the date authorized by this law and extending to the year 2018 of the same date. After the expiration of said period, any such pre-existing nonconforming use shall become an unlawful use and the permit shall be terminated. The pre-existing condition must have been found valid, at a hearing by the ZBA. For approved pre-existing conditions, at five years, after enactment of this law, in the year 2016, each property owner shall be notified by certified mail, including a required signed return receipt acknowledging receipt that two years remain in the compliance cycle. If the property changes ownership without a change in status of the non-conforming use or structure, the original date of the establishment of the pre-existing condition shall still apply
- 2) Changes to the non conforming pre existing condition may not result in an increase of the non conforming condition without the loss of pre existing status. See B) i above.

**DELETE D:**

**DELETE E:**

#### **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. 2 of 2011 of  
the ~~(County)(City)(Town)(Village)~~ XXXXXX of Lyme was duly passed by the  
Town Board  
(Name of Legislative Body) on April 13 2011, in accordance with the applicable  
provisions of law.

**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  
\_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)  
(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  
\_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)  
(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  
\_\_\_\_\_  
(Name of Legislative Body) on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)  
(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local  
(Elective Chief Executive Officer\*)  
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