

MEMO

TO: Terry Countryman, Supervisor
Town of Lyme

FROM: Grace DeSantis
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RE: Assessment of the Town of Lyme’s Zoning Ordinance
(2017 Local Law No. 3) & Subdivision Law

DATE: June 2, 2022

Barton & Loguidice has prepared this Assessment to serve as a documented audit of the Town of Lyme’s Zoning Ordinance (2017 Local Law No. 3) and Subdivision Law. The following is based upon our review of Steering Committee input and the Town’s 2010 Comprehensive Plan, 2017 Zoning Ordinance, and relevant Local Laws passed since 2017. We have used our knowledge of NYS Town Law, experience as zoning practitioners, and understanding of land use regulation best practices to review the Town of Lyme’s Zoning Ordinance and present issues, opportunities, and next steps for the Town to consider. This Assessment was informed by the thorough input of the Town’s officials and staff members.

This Assessment intends to provide the Town of Lyme with an informed collection of recommended Code updates and a strategy for achieving both short-term and long-term code revisions. This Assessment is broken into three main segments: a summary of Steering Committee input and previous plans and studies, a Code Assessment that outlines key issues and opportunities for various code components, and a framework for next steps.

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SUPPORTING INFORMATION & MATERIALS

1. STEERING COMMITTEE INPUT

A Steering Committee consisting of several Town officials and staff members was convened in order to guide and inform the development of this Code Assessment. The Steering Committee met twice with the Barton & Loguidice Consultant Team throughout the development of this Assessment: February 15 and April 14, 2022. During the first Steering Committee meeting, the Consultant Team provided an overview of preliminary Code observations and facilitated a discussion with the Committee regarding key issues and opportunities within the Code. After the meeting, Committee members were provided a worksheet to provide additional comments on Code issues and opportunities. During the second Steering Committee meeting, the Consultant Team reviewed the Draft Code Assessment and solicited feedback from the Committee regarding recommendations they felt should be changed, added, or removed. Again, Committee members were provided an opportunity to submit written feedback following the meeting. Common themes gleaned from the comments at and following the first and second Steering Committee meetings are summarized below.

1.1. ZONING DISTRICTS

WATERFRONT

1. Large-scale developments along the waterfront may benefit from additional regulatory oversight, perhaps through revising the Floating Planned Overlay District.
2. The Code's Waterfront District does not currently enhance the walkable, mixed-use character of Three Mile Bay, the area surrounding the Village of Chaumont, and Point Peninsula; a hamlet zoning district could be beneficial.
3. The Waterfront District's 500 ft buffer is not accurate and, in some areas, the Waterfront District may make more sense than the AR District (Three Mile Bay, Point Peninsula, and Point Salubrius); adjusting this boundary, changing the boundary to parcel-based in some areas, and/or creating two distinct waterfront districts may be beneficial.
4. The Waterfront District could permit parkland, but perhaps not multifamily.
5. Multifamily dwellings, hotels/motels, boat storage facilities, and commercial campgrounds may need to be re-worked into Sections 410 and 412.

OTHER

1. The zoning map should be reviewed and updated.
2. Cabins and cabin colonies may need to be addressed in the use schedule.
3. Defining the location of commercial and industrial uses would help to regulate the growth of these uses; restricting these uses along the waterfront is important.
4. Requiring planned development for all large resort/entertainment venues both inside and outside of the Waterfront District may be beneficial (currently the FPOD only applies to the Waterfront District).
5. The Wind Overlay district is not appropriate in any locations of the Town.

1.2. ADDITIONAL USE REGULATIONS

EXISTING USE REGULATIONS

1. While the original intent of Section 750: Recreational Vehicles is valid, the application of its regulations may be overly burdensome for many residents; significant review and revision may be warranted.

2. The permitted number of RVs per acre could be reduced.
3. Stronger restrictions on solar regulations – such as where they are permitted and specific landscaping, berms, and screening regulations – may help to preserve farmland and wildlife habitat.
4. Section 770: Wind Energy Conversion Systems could be made into a separate law.
5. 5G towers and the density requirements for wireless communication facilities are a concern.
6. Regulations related to mobile homes, duplexes, and flag lots should be reviewed and reconsidered.
7. Additional signs could be permitted on larger lots.

NEW USE REGULATIONS

1. Regulations may need to be added/updated for multiple uses per lot and the number of the same uses allowed per lot.
2. Cannabis establishments, large-scale solar farms, and changing housing trends may warrant additional attention in the Code.
3. The Code is lacking regulations for short-term rental units (STRU) and may benefit from regulations on the maximum density of STRUs.
4. The Code may benefit from strict, practical, and enforceable sewer laws.
5. Regulations for junk, bees, chickens, sewer, and cemeteries should be reconsidered.
6. The Code lacks property maintenance regulations and enforcement beyond that of NYS laws, resulting in instances of poor property maintenance, such as outdoor refuse and junk.

OTHER

1. The Code should be responsive to new uses that are not listed in the Code.

1.3. DEVELOPMENT STANDARDS

1. A certain percentage of open space could be required to build a second building on a lot.

1.4. REVIEW & ADMINISTRATION

1. Definitions may need to be clarified.
2. Lot line definitions should reflect the type of road (private, public, etc.).
3. Regulations for public notices may need to be clarified for Sections 918: Planning Board and 920: Zoning Board of Appeals.
4. Section 918: Planning Board may benefit from following the format of Section 920: ZBA.
5. The Code may benefit from including a standardized process for site plan review.
6. The fine/fee schedule could be revised to support enforcement.
7. Design standards could be added to the Code.

1.5. SUBDIVISION LAW

1. The Subdivision Law's 5:1 lot size ratio requirement can be difficult to achieve, particularly for existing parcels between the right-of-way and waterfront that are very narrow and deep.
2. The Subdivision Law could address flag lots and include a reduced fee for lot line adjustments.

3. The Subdivision Law's Major and Minor definitions may benefit from being changed to the number or size of the lots.

1.6. OTHER

1. The Comprehensive Land Use Plan's zoning recommendations are still relevant.

2. PREVIOUS PLANS & STUDIES

2.1. 2010 COMPREHENSIVE PLAN

The Comprehensive Plan is one of a Town's most important documents. It identifies the Town's existing conditions, establishes the community's vision and goals, and sets a framework for achieving its objectives and desired development patterns. The contents of a Comprehensive Plan are particularly important in the context of local land use law, as NYS Law requires a Town's Zoning Ordinance to be in conformance with the Comprehensive Plan. Ultimately, the Zoning Ordinance is a tool used to implement the Comprehensive Plan.

We have taken a deep dive into the 2010 Comprehensive Plan to identify the main goals, community input, and recommendations related to land use and zoning. This section of the Memo summarizes these findings.

GOALS

The Town of Lyme's 2010 Comprehensive Land Use Plan goals are to:

1. Preserve existing jobs and encourage small scale and large scale economic development where suitable/appropriate and feasible to foster a diverse local economy.
2. Expand municipal services, recreation and/or park opportunities where needed to address town and community needs.
3. Enhance traffic flow in congested areas and address parking needs.
4. Enhance and protect lake, creek and wetland water quality.
5. Enhance and protect the priority character and scenic resource areas throughout the town.
6. Foster development in suitable/appropriate areas that enhances town and community character, quality of life and preserves property values.
7. Preserve and enhance the priority character areas through the Town by encouraging appropriate and compatible development in scale and type.

COMMUNITY SURVEY

The Comprehensive Plan included a community survey, part of which asked residents which type of land uses they felt were appropriate for the different areas of the Town. The top three land uses per area are listed below:

Area A:

1. Single-Family Residential
2. Farming
3. Mobile Homes

Area B:

1. Single-Family Residential
2. Farming
3. Office Professional

Area C:

1. Single-Family Residential
2. Farming
3. Business/Commercial

Area D:

1. Farming
2. Single-Family Residential
3. Light Industry

Area E:

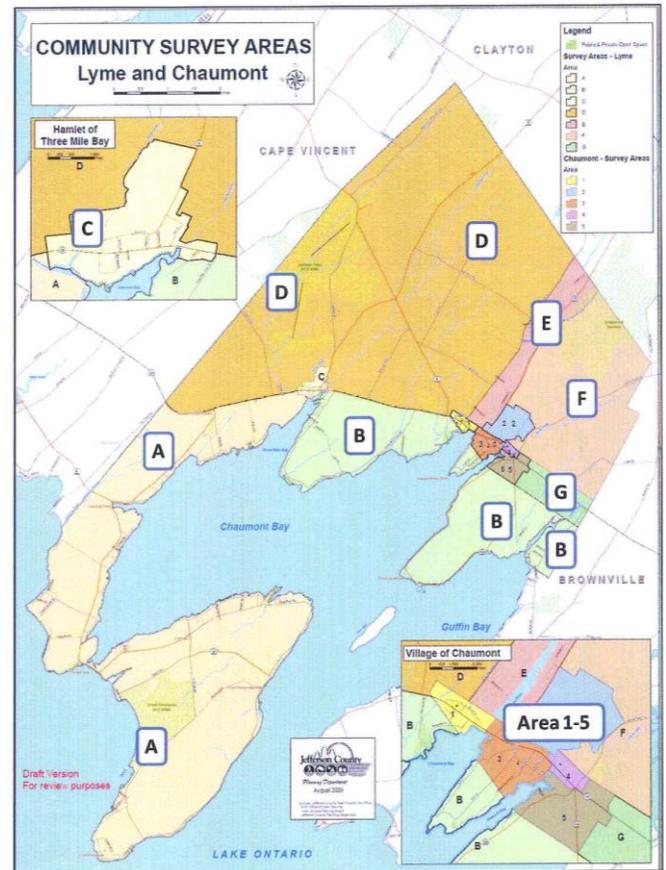
1. Single-Family Residential
2. Farming
3. Mobile Homes

Area F:

1. Farming
2. Single-Family Residential
3. Light Industry

Area G:

1. Single-Family Residential
2. Business/Commercial
3. Farming



WIND SURVEY

The Comprehensive Plan was amended with the results of a 2011 Wind Survey, which suggested that 58% of residents do not want any industrial wind turbines within the Town, while 35% felt that Area D was appropriate and 23% felt that Area F was appropriate.

Local Solar Energy Recommendations

<u>Roof Mounted Panels</u>	<u>Ground Mounted Panels</u>
Consider a roof vertical projection standard	Consider rear yard placement or within side yards if setbacks can be met
Bldg height limits – shouldn't effect panels	Consider placement directly adjacent to building
Consider setting a maximum roof coverage	Consider setbacks from rear and side lines
	Consider a maximum height standard
	Maximum lot area – proportion of lot size
	Consider screening at the base of ground mounted systems with short fencing pruned vegetation
Shading: some municipalities prohibit new structures and landscaping from shading existing solar energy systems on adjacent lots which depend on exposure to the sun.	
As part of a site plan review project – the review should consider the location, arrangement, size, design and general site compatibility of proposed solar collectors.	

LOCAL WIND TURBINE RECOMMENDATIONS

<u>Private\Small Wind Turbines</u>	<u>Industrial Wind Turbines</u>	<u>Standard transmission lines</u>
Typical height: less than 100 ft.	Typical height: less than 500 ft.	Typical height: 110 ft. or less
Capacity: less than 100 kW	Capacity: less than 5 Megawatts	Capacity: 115 - 230 kV
Power use: for residential, small businesses, or farm use onsite	Power use: commercial for sale to the grid for profit	Use: transmit industrial wind project power to the grid
<u>Private\Small Wind Turbine Standards should address:</u>	<u>Industrial Wind Turbine Standards should address:</u>	<u>Transmission Line Standards should address:</u>
Noise standard at property line	Noise standard at property line and building for both audible and low frequency	Routes set back away from scenic highway corridors
Safety setbacks from roads & buildings	Safety setbacks from roads & buildings	Underground lines preferred by the Town
Compatibility with nearby uses	Compatibility with nearby uses	Use existing corridors
Limit "ice throw" by moving blades	Limit visual impacts in recognized scenic priority areas with adequate setbacks	Prefer underground installation with no visual impact.
	Limit shadow flicker affects, Limit "ice throw" by moving blades	Monopole or wood designs have less visual impact than least preferred steel lattice
Falling tower concern - setbacks	Falling tower concern - setbacks	
	Adequate setbacks from: buildings, off-site property lines, wildlife roost and habitat areas,	Adequate setbacks from: recognized scenic priority areas

ZONING RECOMMENDATIONS

The 2010 Comprehensive Plan identifies these specific zoning recommendations:

1. Include definitions and regulations for large retail, small retail, offices, self-storage facilities, kennels, multi-family residential, boat storage and repair facilities, marinas, restaurants, night clubs, adult uses, light industrial, home occupations, and solar and wind energy facilities (personal, municipal, and industrial).
2. Consider establishing a Hamlet zoning district for Three Mile Bay and possibly Point Peninsula Village as well.
3. Consider removing larger business uses from the AR zoning district into a Commercial or Mixed Use zone.
4. Establish an overlay district for the Priority Character Area.

OTHER OBSERVATIONS

Due to the age of the Town's 2010 Comprehensive Plan, it does not address some more recent land use challenges, including cannabis establishments, large-scale solar farms, and changing housing trends. The exclusion of these topics from the Comprehensive Plan can have implications on Town-wide development patterns, as the Comprehensive Plan is intended to inform amendments to the Zoning Ordinance.

Cannabis Establishments

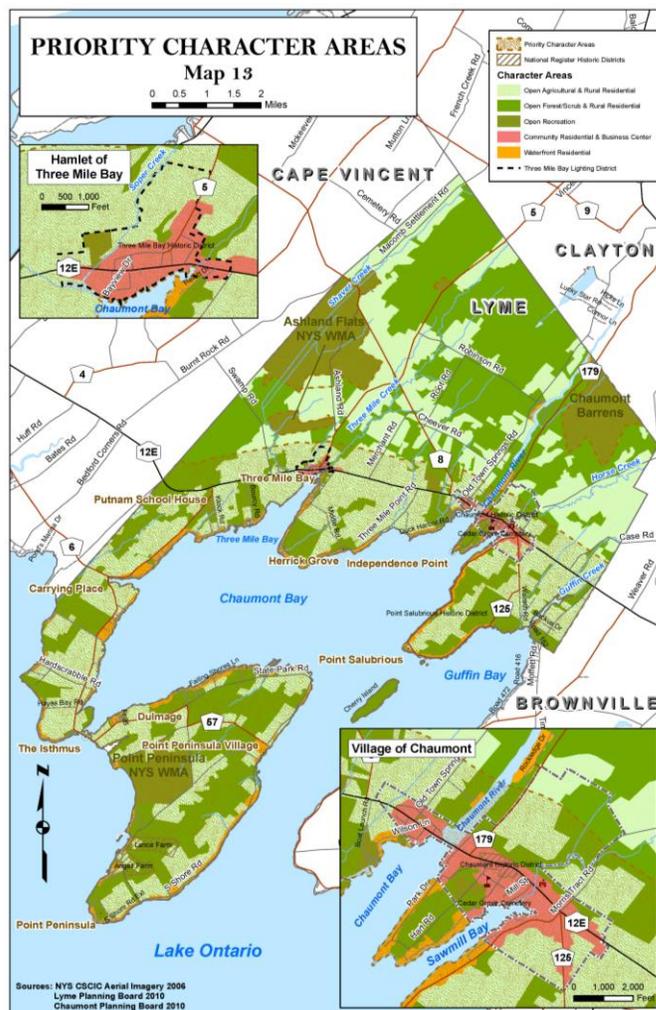
While the Town of Lyme opted out of permitting cannabis dispensaries and on-site consumption of cannabis, it may still be beneficial to address the production and distribution of cannabis through land use law.

Large-Scale Solar Farms

Large-scale solar facilities are becoming more popular, often at the expense of farmland. However, they are also an opportunity to increase the Town's tax base and participate in the green innovation economy. The Town may want to consider appropriate locations for solar farms. According to the 2019 Solar Local Law, large-scale solar facilities are permitted by special permit throughout the AR District.

Changing Housing Trends

Accessory dwelling units (i.e. in-law suites, granny flats) and short-term rentals (e.g. AirBNBs) are becoming increasingly commonplace. Appropriate land use regulations can ensure that these residential uses continue to provide a diversity of housing options while aligning with the desired neighborhood character. While a Short-Term Rental Local Law was passed in 2021, they are not discussed in the Comprehensive Plan. Additionally, the Short-Term Rental Law does not address



placing a limit on the total number of allowed short-term rentals in the Town, which should be considered during this zoning assessment.

Due to changing demographics and housing preferences, rental units and multifamily living options are also experiencing an increase in demand throughout New York State. This is partially driven by the aging of the United States' population, and the need for senior-friendly housing. The Town may find it beneficial to consider how it can respond to these trends through land use law.

CODE ASSESSMENT

The Town of Lyme Code Assessment process included the Town's Zoning Ordinance, Subdivision Law, and all relevant Local Laws that were enacted since the Zoning Ordinance was adopted in 2017. The review of these documents focused on the following five topics, as outlined in this section of the Memo:

1. Zoning districts
2. Additional use regulations (zoning)
3. Development standards (zoning)
4. Administrative and review procedures (zoning)
5. Subdivision Law

For each Code topic, key issues and opportunities were identified based on the Barton & Loguidice team's professional review as well as input provided by the Steering Committee. These issues and opportunities are summarized below.

1. ZONING DISTRICTS

The Town of Lyme currently has four zoning districts established:

- Agriculture & Rural Residential (AR)
- Waterfront (WF)
- Floating Planned Development (FPD) Overlay
- Wind Overlay (WO)

1.1. ISSUES

AGRICULTURE & RURAL RESIDENTIAL (AR) DISTRICT

- The Comprehensive Plan classifies Three Mile Bay and the Village of Chaumont as "Community Residential & Business Centers." However, neither commercial nor industrial uses are permitted by right in the AR District; rather, they must go through a special permit process. In addition, mixed uses are neither permitted nor specially permitted.
- The AR District covers the vast majority of the Town. However, trying to properly manage the varying types of potential rural development (i.e. different density residential, industrial, community facilities, etc.) within the AR District may become too restricting without a tiered approach to rural development areas.
- Many uses require a special permit, which indicates that the AR District is more of a "catch-all," rather than planning ahead for varying types of rural development.

WATERFRONT (WF) DISTRICT

- The Comprehensive Plan cites the waterfront as one of the Town's key assets and suggests that community members are in support of additional waterfront parkland. However, the WF District does not permit or specially permit public parks and open space, and there is little green/open space remaining within the District.
- The Comprehensive Plan suggests that the protection of scenic resources is the second most important concern to residents. However, several uses that typically are not compatible with waterfront uses are supported in the WF District, such as offices, biomass energy systems, and ground-mounted solar energy systems.

- The Comprehensive Plan suggests that commercial and mixed-use development is supported in the Hamlet of Three Mile Bay and around the Village of Chaumont. However, new commercial development is not supported in the WF District, as few commercial uses (bars, restaurants, offices) are permitted by special permit only and mixed-use development is not permitted.
- The WF District is designated as “within 500 ft. of the mean high water mark of Lake Ontario, all of its bays, and the Chaumont River.” Non-parcel-based district delineations may cause confusion and conflict regarding permitted uses and bulk and dimensional regulations.
- Several uses that are existing or have been proposed within the WF District are either missing from the use schedule or not permitted, such as multi-family dwellings, hotels/motels, boat storage facilities, camping cabins, cabin colonies, and commercial campgrounds.

FLOATING PLANNED DEVELOPMENT (FPD) OVERLAY DISTRICT

- The FPD Overlay District is limited to the boundaries of the Waterfront District but could be applicable in other districts.
- Applications within the FPD District are reviewed and approved by the Town Board, but this responsibility may be better suited for the Planning Board, which also reviews Special Permit applications.

WIND OVERLAY (WO) DISTRICT

- The 2011 Wind Survey, which was incorporated into the Comprehensive Plan, suggested that the majority of residents do not support the placement of wind turbines in any part of the Town. However, the WO district supports the development of wind energy conversion systems (WECS) in the northern and eastern corners of the Town.

USE SCHEDULE

- The use schedule includes mobile home as a use. However, by NYS Law, individual mobile homes cannot be regulated any differently than single-family homes.

Note: Mobile home parks, however, may be regulated within the Zoning Ordinance.

- Several relevant uses are missing from the use schedule, such as short-term rental units, keeping of live animals (bees, poultry), cemeteries, kennels, mixed uses, and multiple uses of the same type.

1.2. OPPORTUNITIES

AGRICULTURE & RURAL RESIDENTIAL (AR)

- Perhaps breaking up the AR District into tiers to manage the potential varying types of development while preserving the Town’s open space and agricultural lands would provide greater flexibility to the Town while also encouraging the proper type of smart growth the Town desires in areas outside of the WF or PDD districts. The Town could explore the idea of having the following:
 - Agricultural (A) District (A) – intended to provide primarily for agricultural uses and active farmsteads on large lots (minimum acreage TBD).
 - Agriculture & Rural Residential (AR) District – intended to provide greater flexibility for rural, large-lot residential subdivisions while also preserving agricultural lands and open space.
 - Agriculture & Rural Residential 40 (AR-40) District – intended to provide for conservation-based residential subdivisions on minimum 1-acre lots.

- If public water and sewer are ever provided within the Town outside of the immediate areas adjacent to the Village, then a smaller lot rural residential zoning district could be created to better respond to that type of development.

WATERFRONT (WF) DISTRICT

- Consider creating two separate waterfront zoning districts: (1) supporting open space, parkland, low-density residential, and other low-impact uses in appropriate locations; and (2) supporting light commercial and mixed uses in appropriate locations.
 - Or, in lieu of two different districts, make clear the intent within the existing district to enhance public access to the Town's waterfront areas, at a minimum.
- Review and revise the boundary of the WF District to be parcel-based where appropriate; for example, where the depth of a parcel from the waterfront is greater than 500'.
- Revise the bulk and dimensional regulations to require that a certain percentage of each parcel be preserved as green/open space.

FLOATING PLANNED DEVELOPMENT (FPD) OVERLAY DISTRICT

- Consider extending the geographic scope of the FPD Overlay District to cover all zoning districts. This would give the Town and development applicants more flexibility in design and layout if the FPD Overlay District can be applied to other areas of the Town.
- Transfer the responsibility of reviewing and approving FPD applications from the Town Board to the Planning Board.

WIND OVERLAY (WO) DISTRICT

- Consider removing this district in alignment with the findings of the 2011 Wind Survey.
- Alternatively, consider only permitting small-scale wind turbines for private, on-site use where they are deemed appropriate within the Town (e.g. outside of the Priority Character Area).

POTENTIAL NEW DISTRICTS

- Consider establishing a new district – or two new districts – that supports heavy commercial and industrial uses in appropriate areas of the Town.
- Consider establishing a new zoning district, which supports the existing walkable, mixed-use character of the Hamlet of Three Mile Bay, Point Peninsula Village, and the area surrounding the Village of Chaumont.

USE SCHEDULE

- Revise the use schedule to ensure mobile homes and mobile home parks are appropriately regulated by NYS Law.
- Include/reassess camping cabins, cabin colonies, multi-family dwellings, hotels/motels, boat storage facilities, commercial campgrounds, short-term rental units, kennels, mixed uses, and multiple uses of the same type in the use schedule, as appropriate.

Note: Any new uses added to the use schedule must also be defined in the definitions section and, where appropriate, accompanied by additional use regulations.

2. ADDITIONAL USE REGULATIONS

2.1. ISSUES

RECREATIONAL VEHICLES

- Section 750: Recreational Vehicles includes two different purposes; is regulations related to RV ownership, storage, and permitting could be condensed and streamlined.
- Definitions for Recreational Vehicles and the intent of the use of Recreational Vehicles uses should be revisited to align with the Town's goals for RVs and RV parks.
- In Section 765: Recreational Vehicle Park, the maximum density requirement of 14 RVs/acre and minimum distance of 25 ft between RVs may not reflect the overall low-density development pattern within the AR District.
- Park models, a type of RV classified by the RV Industry Association in 2012, is not defined or included within the RV regulations.

WIRELESS COMMUNICATIONS FACILITIES

- Wireless Communications Facilities, which are only permitted in the AR District, are prohibited in the Hamlet of Three Mile Bay and within 1,500 ft of NYS Route 12E, the shorelines of Lake Ontario and its bays, the Chaumont River, Ashland Wildlife Preserve, and the Barrens. This still leaves much of the Town open to the development of Wireless Communications Facilities, despite the Comprehensive Plan citing scenic views as an essential component of the Town's character and identity.

SOLAR ENERGY SYSTEMS (SES)

- The protection of scenic views is cited as an essential component of the Town's character and identity. However, large-scale solar facilities are permitted by special permit throughout the AR District.
- Existing screening regulations for large-scale solar facilities are vague and allow for up to 75% of existing vegetative screening within the setback to be removed. This conflicts with the Comprehensive Plan's recommendations to protect scenic views, particularly within the Priority Character Area.

2.2. OPPORTUNITIES

RECREATIONAL VEHICLES

- Revise Section 750: Recreational Vehicles to include a single purpose statement and succinct regulations related to RV ownership, storage, and permitting.
- Revise Section 765: Recreational Vehicle Park to incorporate a lower maximum density threshold and/or higher minimum distance between RVs.

WIRELESS COMMUNICATIONS FACILITIES

- Consider establishing a maximum density requirement and/or including the Comprehensive Plan's Priority Character Area in the list of locations where Wireless Communications Facilities are prohibited.

SOLAR ENERGY SYSTEMS (SES)

- Consider establishing an overlay district that restricts the development of large-scale solar facilities to appropriate areas of the Town; for example, those areas which are outside of the Comprehensive Plan's Priority Character Area.
- Build out the screening regulations for large-scale solar facilities to require more specific, effective screening processes and measures, such as berms; particular plant species; minimum vegetation density/height; a maximum transparency level; allowable and prohibited fencing types; and/or a viewshed analysis.

OTHER

- While not typically addressed within the Zoning Ordinance, consider developing and adopting a local Property Maintenance Law that builds upon existing NYS laws. For example, the Town could include permitting and time limit regulations for outdoor storage of refuse and junk, refuse containment specifications, and fines for noncompliance. For an example of a local Property Maintenance Law, see the Village of Chaumont: <https://www.villageofchaumont.com/document-center.html>

3. DEVELOPMENT STANDARDS

3.1. ISSUES

OFF-STREET PARKING REQUIREMENTS

- Some of the minimum parking requirements are larger than recent national standards (i.e. two spaces per dwelling unit as compared to a common practice of 1 space per unit).
- There are no provisions for accommodating pedestrians within parking areas (designated travel lanes from parking areas to entranceway, etc.).

LANDSCAPING & SCREENING

- There is a lack of general landscaping and screening requirements for non-residential uses.

DESIGN STANDARDS

- There are no non-residential (or residential) design standards within the Zoning Ordinance; this may result in development that contradicts desired community character.

3.2. OPPORTUNITIES

OFF-STREET PARKING REQUIREMENTS

- Adjust minimum parking requirements to reflect recent national standards, and include provisions for shared/joint parking.
- Incorporate provisions for pedestrian accommodations within parking areas.

LANDSCAPING & SCREENING

- Incorporate general landscaping and screening requirements for non-residential uses.

DESIGN STANDARDS

- Consider incorporating non-residential (and/or residential) design standards applicable to areas where the Town may aim to preserve or establish a particular community character, such as the Hamlet of Three Mile Bay, Point Peninsula Village, and the area surrounding the Village of Chaumont.

4. ADMINISTRATIVE & REVIEW PROCEDURES

4.1. ISSUES

DEFINITIONS

- Adult-use cannabis cultivators, nurseries, processors, distributors, and cooperatives cannot be prohibited per current guidance from the NYS Office of Cannabis Management. While these facilities should not be regulated any differently than similar non-cannabis uses, they may warrant including in the Zoning Ordinance's definitions.
- As noted in the Comprehensive Plan, definitions for large retail, small retail, offices, self-storage facilities, kennels, multi-family residential, boat storage and repair facilities, marinas, restaurants, night clubs, adult uses, light industrial, home occupations, and solar and wind energy facilities (personal, municipal, and industrial) are also excluded from the Zoning Ordinance.
- Lot line definitions do not reflect private vs public roads.

ZONING OFFICER, PLANNING BOARD, & ZONING BOARD OF APPEALS

- Sections 915: Zoning Officer, 918: Planning Board, and 920: Zoning Board of Appeals do not have consistent structure and content, which decreases the legibility of these parties' roles and responsibilities.
- The role and responsibilities of the Town Board are not identified within the Zoning Code.

ORGANIZATION/GENERAL REQUIREMENTS

- Requirements for public hearings, application and review processes, etc. are contained under each review procedure separately, reducing the overall legibility of the Zoning Ordinance.

SITE PLAN REVIEW

- Site Plan Review is referenced in several sections of the Zoning Ordinance, however, there is no specific section outlining the general requirements, application procedures, and review procedures/criteria. This may cause potential confusion for applicants and conflict in regards to what and how the review board considers each application.

VIOLATIONS & PENALTIES

- Code enforcement efforts are hindered by slight fine amounts.

4.2. OPPORTUNITIES

DEFINITIONS

- Incorporate adult-use cannabis cultivators, nurseries, processors, distributors, and cooperatives into the definitions, as well as large retail, small retail, offices, self-storage facilities, kennels, multi-family residential, boat storage and repair facilities, marinas, restaurants, night clubs, adult uses, light industrial, home occupations, and solar and wind energy facilities (personal, municipal, and industrial).

Note: New definitions of uses may also warrant the inclusion of such uses in the use schedule and, where appropriate, the development of respective additional use regulations.

- Revise the lot line definition to address public vs private roads.

ZONING OFFICER, PLANNING BOARD, & ZONING BOARD OF APPEALS

- Restructure Sections 915: Zoning Officer and 918: Planning Board to reflect the format and content of Section 920: Zoning Board of Appeals.
- Include a new section that identifies the role and responsibilities of the Town Board in relation to implementing the Zoning Code.

ORGANIZATION/GENERAL REQUIREMENTS

- Consolidate the regulations that pertain to several review processes (public notices, public hearings, applications, etc.) in a central location to reduce confusion and repetition.

SITE PLAN REVIEW

- Standardize site plan review procedures and consolidated them into one section of the Zoning Ordinance.

VIOLATIONS & PENALTIES

- Increase fine amounts, where appropriate (e.g. short term rental violations), and publish a fee and fine schedule on the Town website to raise awareness of ramifications of noncompliance with the Code.

5. SUBDIVISION LAW

5.1. ISSUES

- The Subdivision Law's 5:1 lot size ratio requirement can be difficult to achieve, particularly for existing parcels between the right-of-way and waterfront that are very narrow and deep.
- Flag lots are not addressed in the Subdivision Law, resulting in a lack of guidance for subdivisions including flag lots (e.g. how to measure the lot frontage).
- The Subdivision Law's Major and Minor definitions may not reflect the scale of proposed subdivisions.

5.2. OPPORTUNITIES

- Consider changing the Subdivision's 5:1 lot size ratio requirement to exclude parcels over a particular area or width.
- Add language to the Subdivision Law that more clearly defines and addresses flag lots. For examples, see:
 - Town of Stanford Article V Section 140-18A(7): Flag Lots
<https://ecode360.com/12908412>
 - Town of Forestburgh Article VII Section 148-22: Lots, Flag lots and shared driveways
<https://ecode360.com/34604416>
- Consider revising the Subdivision Law's definitions of Major and Minor to include a threshold related to the number or size of parcels, rather than or in addition to the existing definitions which relate to the type of subdivision project.

NEXT STEPS

A full update of a Zoning Ordinance (and Subdivision Law) is a process that typically takes over a year to complete. This process can also be lengthened if the Comprehensive Plan must be first updated to better inform land use law. In the case of the Town of Lyme, addressing the Comprehensive Plan (which is over a decade old) is an important step to take before updating the Zoning Ordinance.

However, recent development pressure and the desire to respond appropriately have increased the urgency of strategizing and implementing Zoning Ordinance amendments. Therefore, it is recommended that the Town take a two-step approach to update its Zoning Ordinance. First, implementing short-term zoning amendments that will address immediate land use and development concerns. Second, developing a long-term strategy for updating the Comprehensive Plan and undertaking a comprehensive Zoning Ordinance update. This approach will enable the Town to support desired development and investment in the immediate future while being adequately prepared to address land use concerns and opportunities later down the road.

1. SHORT-TERM ACTIONS

Based on discussions with the Town and Steering Committee, the following Zoning Ordinance amendments are recommended to occur within the short-term to address current development pressures.

1.1. UPDATE DEFINITIONS & USE SCHEDULE

- Include/reassess camping cabins, cabin colonies, multi-family dwellings, hotels/motels, boat storage facilities, commercial campgrounds, short-term rental units, mixed uses, and multiple uses of the same type in the use schedule and, where necessary, in the definitions section as well. For examples, see:
 - Town of Verona Article II: Definitions
<https://ecode360.com/31289672>
 - Town of Lysander Article II: Terminology
<https://ecode360.com/30923076>
 - For an example of a cabin colony definition and regulations, see the Town of Bolton Zoning Code
<https://ecode360.com/8471469>

1.2. UPDATE SOLAR REGULATIONS

- Strengthen the requirements for all types of solar facilities. For examples, see:
 - Town of Verona Article VII: Solar Energy
<https://ecode360.com/32339032>
 - Town of Lysander Article XXIX: Solar Energy Systems
<https://ecode360.com/32940976>
- Adopt a solar overlay district where large-scale solar facilities are appropriate within the Town.

1.3. UPDATE RV REGULATIONS

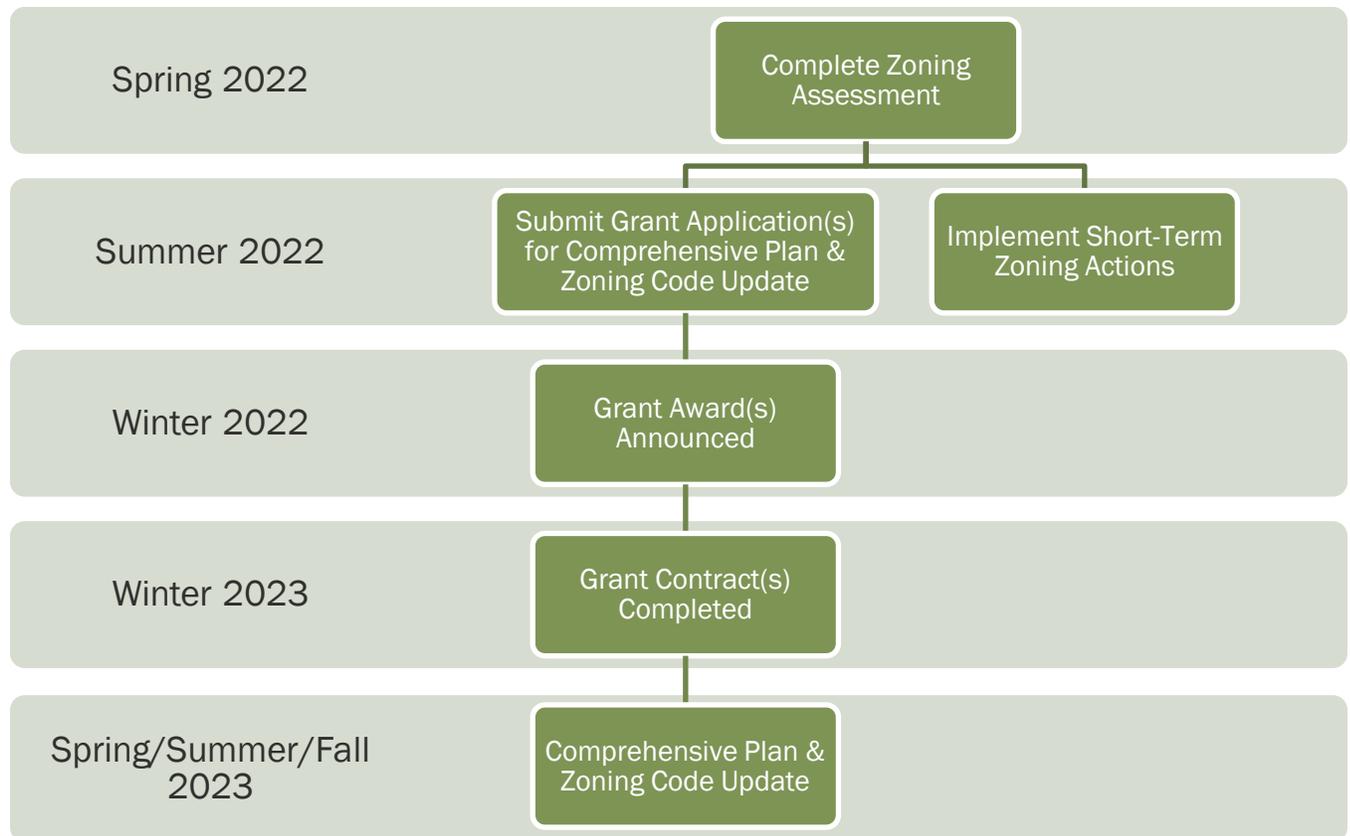
- Revise Section 750: Recreational Vehicles to clarify the purpose, align regulations with the Section's intent, and streamline the Recreational Vehicle permit process. For examples, see:
 - Village of Pittsford Part II Section 150-3: Outside Storage of Recreational Vehicles

<https://ecode360.com/5126358>

- Draft Town of Lyme RV Regulations (currently being drafted)
- Revise the density and spacing requirements of Section 765: Recreational Vehicle Parks to more accurately reflect desired low-density development patterns.

2. LONG-TERM IMPLEMENTATION FRAMEWORK

While the above short-term actions will support the Town in addressing immediate land use concerns, the other opportunities listed in this Code Assessment are equally as important. A comprehensive update of the Zoning Ordinance, guided by an update to the Town’s Comprehensive Plan, will ensure that the Town is equipped to support appropriate development patterns in the long-term. Here, a long-term implementation framework is proposed to assist the Town in completing an informed, comprehensive Zoning Ordinance update.



Note: This schedule assumes that the Town would be applying for grant programs through the NYS Consolidated Funding Application (CFA).

2.1. GRANT OPPORTUNITIES

Several grant programs may financially support the Town in undertaking a Comprehensive Plan and Zoning Code Update. All grant opportunities described in this section are part of the NYS CFA and would follow the general schedule described above.

CLIMATE SMART COMMUNITIES | COMPREHENSIVE PLAN WITH SUSTAINABILITY ELEMENTS

The Climate Smart Communities (CSC) program is administered by the NYS DEC and aims to support communities in planning and implementing projects that mitigate climate change and increase climate resiliency. After a community passes a Climate Pledge via resolution, they are registered in the CSC program and may apply for funding to complete several of the program's pre-defined action items. As a community completes action items, they may file for certification (bronze, silver, gold).

One of the CSC action items that is eligible for funding is a Comprehensive Plan with Sustainability Elements. For planning actions, such as the Comprehensive Plan with Sustainability Elements, the CSC program provides awarded applications with up to 50% matching grants of \$10,000-\$100,000. For example, if a municipality commits \$25,000 towards a Comprehensive Plan with Sustainability Elements, the NYS DEC will provide an additional \$25,000 in support of the project.

SMART GROWTH COMPREHENSIVE PLANNING

The Smart Growth Comprehensive Planning program is administered by the NYS DOS and aims to support communities in developing a comprehensive plan that reflects the State's smart growth principles. This program provides awarded applications with up to 90% matching grants of up to \$100,000. For example, if a municipality commits \$5,000 towards a Smart Growth Comprehensive Plan, the NYS DOS will provide an additional \$45,000 in support of the project.

LOCAL WATERFRONT REVITALIZATION PROGRAM

The Local Waterfront Revitalization Program (LWRP) is administered by the NYS DOS and aims to support communities in addressing resource protection, development, and public access along waterways and waterbodies. The first step in participating in the LWRP is to develop an approved LWRP plan, which consists of several sections including an inventory of existing conditions, new/updated policies, proposed land and water uses and projects, and implementation techniques. The process of developing an LWRP plan often includes the development and implementation of updates to local land use law (zoning). Once a community has developed an approved LWRP plan, they may then apply for implementation funding through the program.

The LWRP provides awarded applications with up to either 75% or 85% matching grants (depending on the presence of Potential Environmental Justice Areas) of \$50,000-\$5,000,000. For example, if a municipality commits \$17,000 towards an LWRP plan, the NYS DOS will provide either an additional \$51,000 or \$96,333 (depending on the presence of Potential Environmental Justice Areas).

Note: Some communities choose to adopt their LWRP plan as their Comprehensive Plan.