

**TOWN OF LANSING**  
**LAND USE ORDINANCE**

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## ARTICLE I: TITLE

This Ordinance shall be known and cited as the Town of Lansing Land Use Ordinance, or herein as the “Ordinance.”

## ARTICLE II: PURPOSES

The purposes of this Ordinance are (i) to promote the health, safety and general welfare of the community; (ii) to reduce congestion on streets and highways and prevent the overcrowding of land; (iii) to avoid undue concentration of population; (iv) to facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public services; (v) to conserve the value of property; and (vi) to establish zones wherein regulations concerning the use of land and structures, the density of development, the amount of open space that must be maintained, the minimum size of yards, the provision of parking, the control of signs, and other provisions will be set forth to encourage the most appropriate development of the Town in accordance with the principles and objectives of the Town’s Comprehensive Plan.

## ARTICLE III: DEFINITIONS

Certain words and terms used in this Ordinance shall be as defined and interpreted in this Article III. The word “shall” is mandatory; the word “may” is permissive. Words used in the present tense shall include the future tense.

**Adult Residential Care Facility.** Residential facilities for adults where minimal medical care and personal hygiene are provided to residents on a 24-hour basis for persons, who, by reason of limitations associated with age or physical disability, are unable to live independently. There are two types of facilities:

1. Facilities licensed and periodically inspected by Tompkins County for three (3) or less adults.
2. Facilities licensed and periodically inspected by the State of New York for four (4) or more adults.

**Agriculture.** The production or raising of agricultural products such as, but not limited to, crops, plants, vines, trees, livestock or poultry, and accessory uses customarily incidental to such activity. (See also Farm.)

**Appeal.** A formal request to the Zoning Board of Appeals for a review of the Code Enforcement Officer’s interpretation of any provision of this Ordinance or a request for a variance.

**Banquet Hall / Reception Venue.** A building or space to host small gatherings, special events, weddings, parties, retirement ceremonies, etc.

**Basement.** That portion of a building that is partly or completely below grade (see “Story Above Grade”).

**Bed and Breakfast.** Owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten (10) transient lodgers, and containing at least three but not more than five bedrooms for such lodgers.

**Boathouse,** A structure at edge of river or lake; used to store boats.

**Buffer Strip.** A strip of land, generally adjacent to a property line, upon which a screen of plantings dense enough and high enough to be a visual buffer between properties is installed and maintained by the land owner. (See “Landscaping”)

**Building.** Any structure where space is covered or enclosed.

**Building, Accessory.** A building subordinate to the principal building on the same lot and used for purposes that are clearly related but incidental to those of the principal building.

**Building, Alteration of.** Any construction or renovation or addition to an existing structure, other than a repair or addition that requires a building or other permit. Also, a change in a mechanical system that involves an extension, addition, or change to the arrangement, type or purpose of the original installation that requires a building or other permit.

**Building Area.** The total area, as measured on a horizontal plane at the main grade level, of the principal building and all accessory buildings, but excluding uncovered porches, terraces, steps and paved areas.

**Building Code.** New York State Uniform Fire Protection and Building Code.

**Building Height.** The vertical distance measured from finished grade to the highest point of a roof. On a hillside lot the finished grade should be considered as the average finished grade on the uphill side of the structure.

**Building Line.** The line established by law, beyond which a building shall not extend, except as specifically provided by law.

**Building, Nonconforming.** A structure or building the size, use, dimension, or location of which was lawful prior to adoption or amendment of this Ordinance, but which fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which the said building is located. (See also “Use, Nonconforming”).

**Building, Principal.** A building, including covered porches, within which is conducted the principal use of the lot on which the building is situated. In a residential district, any dwelling shall be deemed the principal building for the lot on which it is situated.

**Cabana.** A shelter on a beach or at a swimming pool used as a bathhouse. Also, a small cabin or a hut.

**Cabin or Cottage.** A building designed for seasonal occupancy and not suitable for year-round living, whether or not such building is actually occupied seasonally or otherwise.

**Cellar.** (See “Basement”)

**Church or other Place of Public Worship.** A building or space for public worship and used by an organization that is recognized or registered as a religious institution by the State of New York or by law. In the event of any ambiguity or doubt, the rights and privileges afforded religious institutions and persons as codified in federal law, and related regulations and state laws, by The Religious Land Use and Institutionalized Persons Act (and, if applicable, the Religious Freedom Restoration Act of 1993) shall be applied to any such proposed land use.

**Club.** Any organization, premises, or building catering exclusively to members and their guests and containing no merchandising or commercial activities except as required for the membership or purposes of such club. A sportsman’s club (sometimes called a “rod and gun” club) is subcategorized in Schedule I and has special requirements.

**Cluster Development.** The subdivision of an area into lots that are smaller than would normally be permitted in the district where such lots are located, but where the density of development is no greater than would be permitted in the district by conventional development, and where the residual land produced by the smaller lot size is preserved and used for common open or recreation space.

**Commercial or Business Activity.** An establishment or use that provides goods, merchandise, services or entertainment to the general public for gain.

**Commercial Recreation.** A recreation facility operated as a business and open to the public for a fee; includes both indoor and outdoor facilities as listed in SCHEDULE I of this Ordinance.

**Communication Tower.** Any tower, pole, or other structure designed to be used for the commercial transmission or reception of television, radio, cellular telephone or data signals, microwave, or similar electronic impulses. For purposes of this Ordinance “communication tower” does not include amateur radio (HAMS) installations.

**Community Residence, State Required.** Any residential facility operated by the State or which is operated by a State-certified or licensed provider of services and which is designed to assist mentally disabled individuals in the transition from institutional to independent living in the community, to provide a long-term supervised residence for individuals whose mental disability is such that independent living is improbable, to provide temporary shelter for short periods of time in order to offer an alternative for admission to an institution, to provide a brief-stay substitute home to mentally disabled individuals, or to allow respite or vacation to such individual’s families or legal guardians. A community residence shall include, but not be limited to, halfway houses and hostels.

**Comprehensive Plan.** A document showing past, present, and proposed future planning goals and land use and traffic circulation systems, including materials, written or graphic, that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long range protection, enhancement, growth, and development of the Town of Lansing, as is from time-to-time updated and amended.

**Condominium.** A building or group of buildings, in which units are owned individually and the structure, common areas, and facilities are used or owned by all the unit owners on a proportional or undivided basis. This definition refers to a legal form of ownership or leasing and not a specific building style, and may refer to residential, commercial, or a mix of occupancies and uses.

**Congregate Housing.** Living arrangements designed to integrate the shelter and service needs of persons in which residents have their own apartments, are generally served meals in a central dining room, and where continuous supervision of residents is not provided. However, services that help residents maintain their independence may be provided by onsite staff or by community providers. (See “Retirement Housing”). Includes all “Congregate Housing” facilities as also defined by and under the Building Code.

**Contractor’s / Landscaping Yard.** Any space whether inside or outside a building, used for the storage or keeping of construction supplies, building materials, landscaping supplies (rock, stone, bricks, fencing, Mulch, etc.), construction equipment, machinery of vehicles or parts thereof which are in operable condition and active in use by a construction contractor.

**Convenience (Mini) Mart.** A small commercial activity that may offer for sale convenience goods, beverages, and sundries, including motor fuel.

**Customary Household Pet.** A domesticated or tame animal that is customarily domiciled and cared for in a dwelling or accessory building, or is confined in an outdoor space on the same lot as a dwelling, which care or confinement shall not be provided for monetary gain or as a business. Includes only such animals as are legal to own per the laws of the State of New York, whether by permit or otherwise. All permits must be current, valid, and all permit conditions and related requirements must be continuously met and adhered to.

**Day Care Facility.** As used in the New York Social Services Law, day care shall mean the care provided for three or more children or adults away from their own homes for less than twenty-four (24) hours per day in a family home or day care center that is operated for such purpose, for compensation or otherwise, for more than five (5) hours per week. A permit or certificate, as appropriate, is issued by the New York State Department of Social Services to regulate this type of day care.

**Deer Fencing.** A fence commonly used to protect gardens, vegetation and yards from deer and constructed so that at least 85% of its face is open when viewed from a position that is at a right angle to the fence. Notwithstanding the foregoing, chain link fences shall not be considered deer fences.

**Dependent Relative.** A person who, for economic or medical reasons, is dependent on another person who is related by blood, marriage or adoption.

**Development.** A man-made change to the natural condition of a site including, but not limited to, the addition to, or erection of, one or more structures or buildings, grading, dredging, filling, excavating, paving, clearing or providing a means of ingress and egress to, from, or through said site, whether already improved or unimproved.

**Drive-Thru.** An establishment which, by design, physical facilities, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**Dwelling.** A building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied, for living purposes.

**Dwelling, Factory Manufactured.** A dwelling that meets all applicable New York State building codes and is constructed by a method or system of construction whereby the basic structure or its components are wholly, or in a substantial part, manufactured in a remote facility and designed to be transported to a lot for assembly and permanent installation on a foundation. For purposes of this Ordinance, a “Dwelling, Mobile Home,” as defined below, is not a factory manufactured dwelling.

**Dwelling, Apartment.** That portion of a larger dwelling consisting of one or more rooms, and occupied by the members of a family, which group of rooms is separated from all other groups within the dwelling.

**Dwelling, Accessory.** A dwelling in or adjacent to a structure which has a different primary use.

**Dwelling, Mobile Home.** A dwelling that complies with the definitions of a manufactured home as defined by regulations of New York State and the U.S. Department of Housing and Urban Development.

**Dwelling, Multiple Family.** A building or group of buildings on one lot containing three (3) or more dwelling units.

**Dwelling, Townhouse.** A building containing two (2) or more dwelling units, each of which has one or two sidewalls in common with sidewalls of abutting units and are party, or lot-line, walls. May contain rental or for-sale housing. Also see “Dwelling, Multiple Family” for more than one building.

**Dwelling, Two-Family.** A detached building containing no more than two (2) dwelling units. Also see “Dwelling, Multiple Family” for more than one building.

**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.

**Dwelling, ECHO Housing (Elder Cottage Housing Opportunity).** Self-contained, portable housing units that are designed for temporary use by one or two occupants and are placed in the rear or side yards of an existing one-family dwelling.

**Excavating Business.** See “Contractor’s / Landscaping Yard.”

**Family.** An individual, or two or more persons occupying a dwelling unit and living as a single household. Limited to six (6) unrelated people living in a family unit.

**Farm.** A parcel of land that is used for the production of agricultural products, including the necessary structures and equipment for the operation thereof, that: (i) complies with the regulations of the NYS Board of Equalization and Assessment; and (ii) meets the definition of an agricultural operation under the Agriculture and Markets Law.

**Flood, Flooding.** A general and/or temporary condition of partial or complete inundation of normally dry areas from an overflow of a stream or other body of water caused by severe storms or unusual and rapid surface water runoff.

**Flood, 100-Year.** The highest level of flooding that, on average, is likely to occur every 100 years, including the flood plain maps of New York State and federal agencies that identify 100-year floodplain areas and map the same.

**4H / Educational Husbandry.** Opportunities for young people desiring agricultural experience available through participation in a recognized educational program.

**Frontage.** (See "Lot, Width").

**Garage, Service and Repair.** An enclosed building for the indoor storage or repair of motor vehicles including painting and the sale of parts and accessories. A junk yard or salvage yard is not to be construed as a garage.

**Garage, Private.** A carport or enclosed building for use by the inhabitants of a dwelling.

**Garbage.** Discarded materials generated from the activities of a household, business, institution, or public or quasi-public facility, consisting of:

1. Food wastes, including but not limited to kitchen and table scraps, decaying or spoiled vegetable, fruit and animal matter, and fallen fruit.
2. Any other used or discarded waste materials such as paper, plastic, metal, rags, food wrappings and containers, sweepings, rubber, leather, cloth, clothing, waste materials from normal maintenance and repair activities, pasteboard, crockery, shells, dirt, ashes, wood, and glass.

Garbage does not include properly prepared and stored recyclable materials, properly prepared and stored collectible yard waste, and properly stored and maintained composting materials, rubble, bulk items, industrial waste, hazardous materials, automobile or other motor vehicles tires, or any other material that a private hauler has specified will not be picked up at a property as part of the regular garbage and refuse collection system or services regulated by the State of New York and County of Tompkins, regardless of whether the hauler is public or private.

**Gasoline Service Station.** See "Motor Vehicle Service Station."

**Greenhouse.** Any building or structure in which light, temperature and humidity can be controlled for the growing and protection of flowers and other plants.

**Habitable Area.** A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**Home Occupation or Business.** Any business activity customarily conducted entirely within a dwelling or structure accessory to a dwelling and meeting the performance standards in Sec. 802.4 of this Ordinance.

**Junk.** Any scrap, waste paper, rags, scrap metal, white goods, junked vehicles and boats or parts therefrom, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

**Junkyard.** A lot or building, or part thereof, used for the collecting, storage or sale of junk as defined above or similar discarded or waste material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not licensed and not in running condition, or for the sale or storage of parts thereof. Includes an auto salvage yard.

**Keeping of Chickens.** Any use involving hatching, feeding, caretaking or otherwise keeping chickens for the exclusive, non-commercial use of the owner or occupant of the premises on which such chickens are located and not kept as part of a farm.

**Kennel.** Any premises, including structures, cages and runs, wherein are harbored more than four domestic animals that are at least four months old and are not owned by the property owner or lessee, for boarding, breeding, grooming, training or selling, whether or not for a fee.

**Laboratory.** A building or group of buildings within which are located facilities for research, investigation, testing or experimentation, but not facilities for manufacturing or selling of products except as may be necessary for prototype development or as incidental to the main purpose of the laboratory.

**Landscaping Business.** See “Contractor’s / Landscaping Yard.”

**Landscaping, Landscaped.** The use of lawns, trees, plants, or other natural or decorative features, usually with an intent to create a finished or stylized look for a yard or other area, including for buffering or decoration.

**Land Use Activity.** Any action that occurs on land or in a structure that affects the use or appearance of said land or structure or the intensity of use of said land or structure. Includes, but is not limited to, new structures, expansions of existing structures, new uses, changes in or expansion of existing uses, the deposits of more than 500 cubic yards of material, and excavations for the purpose of commercial extraction of soil, gravel or mineral deposits.

**Living Space.** Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

**Lot.** Any parcel, plot, site, or tract of land separated from other parcels, plots, sites, or tracts by description, such as upon subdivision maps, assessment records, survey maps, or deed or land descriptions, for the purposes of demarking ownership, boundaries, or identifying land for sale, lease, or any separate use.

**Lot Area.** The total area within the property lines of a lot, exclusive of streets, rights-of-way, and other public open space.

**Lot, Corner.** A lot or parcel of land abutting on two or more roads at their intersection, or on two sections of the same road.

**Lot Coverage.** That percentage of a lot actually covered by the ground level area of a building excluding terraces, decks and porches that are not enclosed or covered by a roof.

**Lot Depth.** The ground-level distance from the road line of the lot to its opposite, or rear, line as measured along the approximate median between the two side lot lines.

**Lot, Flag.** A lot that meets, as a minimum, the area requirements of this Ordinance which is connected to a public road right-of-way by a strip of land at least twenty (20) feet wide and containing a private access drive. (See illustration at the end of these definitions). Generally called a flag lot as the shape is often like a

flagpole with flag, with the main lot being the “flag” and the connection to a street or access-way being the “flagpole.”

**Lot, Interior.** A lot other than a corner lot.

**Lot Line.** A line of record bounding a Lot which divides one Lot from another or from a public or private road or other public space.

**Lot Line, Front.** The line of a Lot corresponding with, or approximately parallel with and nearest to, the road on which the Lot faces, as determined by the Town assessment roll. Notwithstanding the above, the front lot line of lakeshore property on Cayuga Lake shall be upon the shoreline of said property.

**Lot, Nonconforming.** A lot of record, existing on the date of adoption or amendment of this Ordinance, which does not meet the minimum area or dimensional requirements of the zoning district in which such lot is located or for the land use which is proposed.

**Lot, Width.** The horizontal distance between side lot lines, measured approximately parallel to the front lot line at a distance determined by the front yard setback requirement as set forth in SCHEDULE II of this Ordinance.

**Manufacturing Establishment.** An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products.

**Mobile Home.** A structure transportable in one or more sections that, in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, and that was built on or after June 15, 1976, on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term Mobile Home shall include a "manufactured home" and any structure that meets all the requirements of this definition, except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the federal Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

**Mobile Home Park.** A parcel of land which is designed and improved in compliance with Lansing mobile home park regulations for the placement of three or more mobile homes for non-transient use.

**Motel.** A commercial facility designed to be used by transients for overnight or short stay habitation, where access to individual rooms is by a common corridor or outside entrance and where off-street parking facilitates baggage handling by guests.

**Motor Vehicle Service Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuels, and oil and other lubricating substances, and which may include the sale of motor vehicle accessories, the provision of NYS inspection services, and facilities for washing, lubricating or otherwise servicing motor vehicles, but not including the painting thereof, body and fender work, or the dismantling, repair, or replacing of engines, vehicle frames, or interiors.

**Nonconforming Lot or Use.** See “Lot, nonconforming” or “Use, Nonconforming.”

**Nursery School.** An activity designed to provide daytime care or instruction for five or more children from two to five years of age, which is operated on a regular basis.

**Nursing or Convalescent Home.** Any licensed establishment where persons are lodged and furnished with meals and nursing and/or custodial care, for gain or as a not-for-profit operation.

**Occupancy, Seasonal.** Occupancy of a structure, building or space for a total or cumulative period that does not exceed six (6) months in any calendar year.

**Open Space.** That part of the gross lot area that is not used for building, parking or service. Open space may include lawns, shrubbery, garden areas, footpaths, play areas, pools, water courses, floodable land, wooded areas and paved surfaces used as access drives, but not used for vehicular parking except in conjunction with one and two family dwelling units.

**Open or Outdoor Storage.** The holding of any material in such a way that the material is uncovered or exposed to the elements of nature.

**Parking Space.** An area for the temporary storage and parking of motor vehicles and which has at least nine (9) feet of width, eighteen (18) feet of length and seven (7) feet of clear height, together with adequate provision for maneuvering and access thereto.

**Planned Development Area.** A parcel of at least five (5) acres in area, in one ownership, designed as a single unit providing a street system and water and sewer facilities as necessary, and used primarily for residential purposes but may also be used for special commercial or industrial development or a combination of residential types and commercial or industrial development. (See Sec. 706.0).

**Plant / Landscape Nursery, Greenhouse & Garden Center for Commercial / Retail.** The growing, producing, storage and sale to the public, at retail, of nursery and greenhouse stock, garden and house plants, trees and shrubs, whether grown on the premises or not, and the accessory storage and sale of seeds, bulbs, packaged insecticides, fertilizer and other soil nutrients, mulches, topsoil, stone, and similar materials used in the care and maintenance of lawns, gardens and plants, in bulk or in bags. The accessory sale and display of lawn chairs, tables, benches and other similar outdoor furniture and other lawn and garden –related products such as garden ornaments, pots and pottery products shall be permitted

**Professional Office.** The office of a member of a recognized profession (a vocation requiring specialized knowledge of some aspect of learning, science, or art) and maintained for the conduct of that profession.

**Public Sewers.** A sewerage system owned and operated by a public agency, and providing for the collection and treatment of liquid wastes. For purposes of determining minimum lot size under this Ordinance, the Zoning Board of Appeals may, upon appeal, declare a privately-owned sewerage system to be the equivalent of a public sewer if said private system is approved by the NYS Department of Environmental Conservation and the County Health Department.

**Restaurant.** A permanent structure used for the serving of meals, with table and chair and/or counter facilities, but not including drive-thru facilities and services. (See “Drive-thru”)

**Retirement Housing.** Self-contained housing development designed for, and marketed to, elderly people, which may or may not provide minimal services.

**Road, Private.** A vehicular way used to provide access to two or more residences owned by unrelated parties and meeting the provisions of Sec. 704 of this Ordinance.

**Road, Street or Highway Line.** The line that is the common boundary line between the lot and a road, street or highway right-of-way.

**Roadside Stand.** A stall or booth used for commercial purposes, where farm or other products are offered for sale on a seasonal basis.

**Rooming House.** Dwelling or that part of a dwelling in which rooming units are offered for gain. A tourist home. Includes rooming houses, boarding houses, and similar structures as defined in the Building Code.

**Rooming Unit.** A room or rooms, located in a dwelling, and used to provide private living and sleeping quarters but without cooking facilities available to, or being part of, the rooming unit.

**School.** Any building or part thereof, designed, constructed and used for general education purposes under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body, or a corporation or entity meeting applicable educational or school requirements of the State of New York. In the event the school is part of a religious institution or relates to the exercise of practice of any religion, then and in such event the rights and privileges afforded religious institutions and persons as codified in federal law, and related regulations and state laws, by The Religious Land Use and Institutionalized Persons Act (and, if applicable, the Religious Freedom Restoration Act of 1993) shall be applied to any such proposed land use.

**Seasonal Occupancy or Use.** A use or activity that is carried on for only part of the year, usually six (6) months or less. If a structure is involved, such structure would lack one or more of the basic amenities or utilities required for all-year or all-weather occupancy.

**Shared Housing.** Up to six (6) unrelated individuals occupying and sharing a one family dwelling.

**Site Plan.** A plan for the proposed development or use of a single parcel of land that is prepared and presented for site plan review pursuant to applicable provisions of Sec. 701 of this Ordinance.

**Special Conditions.** Conditions and standards applicable to certain uses listed in SCHEDULE I of this Ordinance, which conditions and standards must be complied with before a permit can be issued by the Code Enforcement Officer. (See Art. VIII).

**Special Use Permit.** A permit from the appropriate Town agency, as specified in this Ordinance, authorizing certain uses listed in SCHEDULE I herein and subject to conditions to assure that such uses will be in harmony with this Ordinance and will not adversely affect the neighborhood if such conditions are met. Such Special Use Permit shall be authorized in accordance with the provisions and standards set forth in Art. VIII of this Ordinance.

**Stable, Public.** A facility in which horses are boarded or trained for a fee or are kept and made available for hire, sale, or other type of remunerative activity.

**Storage Container, Unit.** Structures including, but not limited to, commercial transport trailers (with or without wheels attached), truck boxes, and container boxes. A storage unit shall be considered an accessory structure.

**Story Above Grade,** Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above the grade plane.
2. More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter.
3. More than 12 feet (3658mm) above the finished ground level at any point.

**Structurally Altered.** Any change or alteration in the supporting structure of a building; any enlargement of a building or moving of a building from one location to another.

**Tourist Home.** See “Rooming House.”

**Townhouse.** A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof and with open space on at least two (2) sides.

**Travel or Camping Trailer.** A vehicle specifically designed to be driven or towed and used as a temporary dwelling for travel, recreation and vacation use.

**Use.** See “Land Use Activity.”

**Use, Accessory.** A use that is incidental and subordinate to the principal use, located on the same lot therewith, and does not dominate in area, extent, use, or purpose the principal use of the said lot.

**Used Car Lot.** A lot/parcel of land having more than one motor vehicle (truck, car, motorcycle, tractor, boat, etc.) for sale or lease at a time.

**Use, Nonconforming.** An established use of a building, structure, or land lawfully existing at the time of adoption or amendment of this Ordinance that does not conform with this Ordinance as so adopted or amended. (See also “Lot, Nonconforming” and “Building, Nonconforming.”)

**Variance.** Written authority to deviate from any of the regulations of this Ordinance as granted by the Zoning Board of Appeals in accordance with applicable provisions of this Ordinance and New York State law.

**Variance, Area.** Authorization by the Zoning Board of Appeals to use land in a manner that would not otherwise be allowed due to dimensional or physical requirements and regulations set forth in SCHEDULE II, and elsewhere, in this Ordinance.

**Variance, Use.** Authorization by the Zoning Board of Appeals for the use of land or a building for a purpose that is otherwise not permitted by SCHEDULE I or other applicable regulations of this Ordinance.

**Vehicle Body Shop.** Any building or portion thereof used primarily for the repair or painting of motor vehicle bodies, frames, and interiors, whether or not such activity also includes motor service or repair or the sale of motor vehicle fuel and fluids.

**Yard.** An unoccupied space, open to the sky, on the same lot with a building or structure.

**Yard, Front.** An open space extending across the entire width of a lot, between the building line and the front property line (street or road right-of-way line) and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices, and similar structures. For purposes of this Ordinance, a lot located on Cayuga Lake shall have the front yard facing the lake.

**Yard Line.** A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard. (See SCHEDULE II)

**Yard, Rear.** An open space extending across the entire width of the lot, between the rear line of the lot and a line parallel to said rear lot line, and at a distance there from as specified in SCHEDULE II for the zoning district in which the lot is located.

**Yard, Side.** An open, unobstructed space on the same lot with a building between the building and the side line of the lot, and extending through from the front yard line to the rear yard line.

**Zoning Board of Appeals (ZBA).** The official zoning board for the Town of Lansing established pursuant to Section 267 of Town Law. (See Art. XII of this Ordinance).

**Zoning Permit.** An administrative permit issued by the Code Enforcement Officer or Building Inspector that permits certain uses or the construction and emplacement of certain improvements when the landowner or other applicant meets the requirements stated in relation to any such proposed use or structure.

## ARTICLE IV: LAND USE CONTROL AREAS

### 400.0 DISTRICTS

For the purposes specified in this Ordinance, the Town of Lansing is divided into eight land use control districts as follows:

L1 - Lakeshore	B1 - Commercial, Mixed-Use
R1 - Residential Low Density	B2 - General Commercial
R2 - Residential Moderate Density	IR - Industrial/Research
R3 - Residential, Mixed-Use	RA - Rural Agriculture

All land in the Town of Lansing shall fall within one of the established land use control districts as shown on the Land Use Control Map. Said map and all notations and references shown thereon are hereby incorporated into and made a part of this Ordinance.

### 401.0 DESCRIPTION OF DISTRICTS – INTENT

Land use control districts in the Town of Lansing have been established in furtherance of the Town's Comprehensive Plan and for the aspirational and non-regulatory purposes and intents described below.

- 401.1 Rural Agriculture (RA) District.** The intent of the RA District is to designate areas where farming and farm-related businesses are the predominant and desired land use activities. Some nonagricultural development, largely low density housing, has occurred, is anticipated in the future, and is appropriate. Measures to preserve the viability of farming activities are appropriate.
- 401.2 Lakeshore (L1) District.** The intent of the L1 District is to designate areas that are adjacent or have access to the shoreline of Cayuga Lake and are environmentally sensitive. Continued residential and limited nonresidential developments are appropriate uses for such areas. Regulations and development standards are aimed at minimizing environmental damage to natural resources, preventing erosion, and responding to potential problems related to steep slopes and inadequate water and sewer services.
- 401.3 Residential Low Density (R1) District.** The intent of the R1 District is to designate areas where agriculture has been an historic use of land, but which areas are now primarily residential. Such areas often face environmental limitations and potential water supply and sewage disposal problems that restrict the extent of development. Regulations and standards in the R1 District are intended to limit density and, based on soil conditions and land accessibility, reduce the number of uses that are considered suitable.
- 401.4 Residential Moderate Density (R2) District.** The intent of the R2 District is to designate areas where the expected and desired use of land is a mixture of varied types of residential development at a somewhat higher development density. Typically, such areas will have public water service available but may encounter sewage disposal problems. Regulations and standards should relate to the efficient subdivision of land in anticipation of future public sewage disposal service and the creation of an efficient pattern of roadways in accordance with the objectives of the Comprehensive Plan.
- 401.5 Residential Mixed Use Transitional (R3) District.** The intent of the R3 District is to designate areas where the use of the land will change from the most traditional agricultural uses of the community to a more dense residential development depending, in part, upon introduction of public water and sewerage. Regulations and standards in the R3 District are intended to guide density and establish the criteria and conditions for development of the land driven by the reality of land values.

**401.6 Commercial Mixed Use (B1) District.** The intent of the B1 District is to designate areas where development will be encouraged to occur in ways that can lead to an identifiable focal point for the Town, a center of commerce and community activity, and an efficient area for public utility and transportation services. Relatively dense development and a mixture of land uses, including residential, small scale retail commercial and office, specialty shops, personal services, light industry, recreation and public space, are appropriate and desirable development characteristics of the B1 District. To achieve the harmonious and compatible use and development of land, it is appropriate to consider each development proposal as it relates to the overall development plan of the entire district, and particularly as it affects adjacent land uses and the safe movement of traffic. Site planning concerns relate to the size and location of buildings, yards, the placement and design of roads, the size and location of parking, landscaping, buffers, control of traffic access to primary roads, and such other elements as may be reasonably related to the health, safety and general welfare of the Town.

**401.7 Commercial General Business (B2) District.** The intent of the B2 District is to designate areas where a range of retail, service and repair businesses, commercial and storage activities, light industry and similar land use activities that may not be compatible with objectives of the B1 Business District are permitted and would be appropriate. The location of B2 Districts, generally at key intersections or in limited areas along major highways, can affect important visual impressions of Town character. Regulations and development standards are aimed at accommodating a variety and mixture of commercial/industrial activities while improving land use efficiency, traffic safety and environmental quality, particularly adjacent to existing residential areas.

**401.8 Industrial-Research (IR) District.** The intent of the IR District is to designate areas where some form of light manufacturing, fabrication, assembly or research, mining and power generation/utilities are appropriate and desired land uses. These areas will become small employment centers that could contain a variety of land use activities. To achieve the type of development that will be compatible with the surroundings, it is appropriate to consider each proposal individually. Site planning concerns relate to accessibility, impact on nearby neighborhoods, parking and safe traffic movement, landscaping, buffers, environmental factors, lighting, size, location and such other elements as may be reasonably related to health, safety, property value and the general welfare of the Town.

#### **402.0 DETERMINATION OF BOUNDARIES**

In determining boundaries of land use control districts, one or more of the following guidelines shall be used, as appropriate:

**402.1** Boundary lines are intended to follow center lines of streams, streets and road lines as shown on plots of record at the time this Ordinance becomes effective.

**402.2** Where the map indicates a boundary approximately upon a lot line, such lot line shall be construed to be said boundary.

**402.3** Where boundaries are shown approximately parallel to a street, highway, railroad or lakeshore such boundaries shall be construed to be parallel to the center line of said street, highway, or railroad or parallel to said lakeshore, and at such distance there from as indicated on the map. If no dimension is given on the map, the boundary shall be determined by use of the graphic scale on said map.

### **ARTICLE V: DISTRICT REGULATIONS AND SCHEDULES**

#### **500.0 SCHEDULE OF REGULATIONS**

Regulations and controls relating to land uses or activities in the Town of Lansing are set forth in SCHEDULE I (Sec. 503.). Regulations relating to lot size, yards, building height, coverage and so forth are set forth in SCHEDULE II (Sec. 504.), and parking and related regulations are set forth in SCHEDULE III.

Said SCHEDULES are hereby adopted with all explanatory matter thereon and information related thereto being a material part of this Ordinance.

**501.0 EXCLUDED USES OR ACTIVITIES; SIMILAR USE CLASSIFICATIONS AND PROCEDURES**

**501.1** Any land use or activity not set forth in SCHEDULE I is not permitted in the Town of Lansing unless in compliance with the remaining requirements of this section 501.

**501.2** The code enforcement officer shall have the discretion to categorize any proposed use within any allowed use category when: (i) the nature of the use is substantially similar to the expressly stated allowed use; (ii) the land use and related impacts expected to arise from such proposed use are substantially similar to the expressly stated allowed use; and (iii) the proposed use is one that, in the reasonable discretion of the code enforcement officer, is in the same family of uses as the expressly stated allowed use (hereinafter, a “Similar Use”). Examples could be not-for-profit corporations and entities as, while Schedule I does not specifically list many non-profit uses, they could be categorized within the closest relevant and reasonable category, such as, by way of non-exclusive examples only, a SPCA facility being a kennel, or a soup kitchen being a restaurant; or a fitness center or martial arts school that, depending upon the nature of the use, could be fairly considered indoor recreational uses or personal services (e.g., Barber/beauty shop and similar personal services); or animal husbandry, which could be fairly classified as an agricultural, retail, veterinary, or a professional service use, depending upon the animal(s) involved and the types of goods or services provided.

**501.3** Any use not expressly listed upon Schedule I but categorized by the Code Enforcement Officer as a Similar Use shall be subjected to Site Plan Review prior to being deemed or becoming an allowed use, prior to the issuance of any building permits or certificates of occupancy or compliance, and prior to commencement of any operations. This provision is intended to assure that no presumption of compatibility or harmony with surrounding uses or the neighborhood arises in relation to such Similar Use until after the Similar Use has been subjected to legislative review by the Planning Board. Therefore, no presumptions of any such Similar Use being an “allowed use” shall be applied or deemed to apply to such use or any site plan review occurring hereunder, but once the site plan is approved and when in compliance with any site planning requirements or conditions, such use shall then and only then be and be deemed an “allowed use” to which such presumptions of regularity, compatibility, harmony, or regularity shall apply.

**501.4** However, no Similar Use is allowed, and no discretion to allow any Similar Use exists or shall be applied, implied, or exercised where: (i) any other local law or ordinance of the Town prohibits such use; (ii) where such use is disallowed per any state or federal law, regulation, ruling, executive, administrative or judicial order, or other or similar prohibition; (iii) where any such proposed Similar Use has already been reviewed and disallowed in the past by the Town Board, the Planning Board, or the Zoning Board of Appeals (a “Prior Determination”), or where such proposed Similar Use is or was necessarily considered in any Prior Determination, or where such proposed Similar Use is currently under consideration by the Town Board, the Planning Board, or the Zoning Board of Appeals; or (iv) where allowing such Similar Use would effectively modify any Prior Determination relating to Site Plan Review, Subdivision review or approvals, a PDA review or approval, a variance review, or other like legislative, administrative, or quasi-judicial action. The determination by the Code Officer of any proposed use being a Similar Use shall be subject to review per Town Law §§ 267-a and 267-b and related provisions of Town Law.

**502.0 SITE PLAN REVIEW AND ZONING PERMITS, GENERALLY**

When SCHEDULE I specifies that site plan review is required for a land use or activity, a building permit will be issued for such land use activity only after a final site plan has been approved in accordance with the appropriate provisions of Article VII of this Ordinance. Similarly, when SCHEDULE I specifies that a Zoning Permit is required for a land use or activity, such Zoning Permit shall be required to be approved and issued before such use or activity is undertaken.

**503.0 SCHEDULE I: SCHEDULE OF LAND USES OR ACTIVITIES** (Following, next page).

**504.0 SCHEDULE II: AREA, FRONTAGE, YARD, HEIGHT AND COVERAGE REQUIREMENTS**  
(Following Schedule I).

**505.0 SCHEDULE III: PARKING REQUIREMENTS** (following Schedule II).

**SEC. 503. SCHEDULE I: SCHEDULE OF LAND USES OR ACTIVITIES, TOWN OF LANSING**

<b>P* = Permitted with Site Plan</b> <b>P = Permitted as of Right</b> <b>SC= Permitted but Special Conditions Apply</b> (see Sec. 802) <b>SP = Special Use Permit Required</b> (see Sec. 803) <b>N = Not Permitted</b> <b>* = Site Plan Review Required</b> (see Sec.701) <b>Z = Zoning Permit Required</b>	<b>RURAL AGRICULTURE</b>	<b>LAKESHORE</b>	<b>RESIDENTIAL – LOW DENSITY</b>	<b>RESIDENTIAL – MODERATE DENSITY</b>	<b>RESIDENTIAL – MIXED USE</b>	<b>COMMERCIAL – MIX USE</b>	<b>COMMERCIAL – GENERAL BUSINESS</b>	<b>INDUSTRIAL / RESEARCH</b>
<b>LAND USE OR ACTIVITY</b>	<b>RA</b>	<b>L1</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>IR</b>
<b>A. RESIDENTIAL USES</b>								
1. Dwelling, one-family	P	P	P	P	P	P	P	N
2. Dwelling, two-family	P	P	P	P	P	P	P	N
3. Dwelling, conversion of existing building into three or four dwelling units	SC* 802.11	N	N	P*	SC* 802.11	P*	P*	N
4. Dwelling, multi-family including apartments and condominium	SC* 802.11	N	N	P*	P*	P*	N	N
5. Dwelling, townhouse	P*	N	N	P*	P*	P*	P*	N
6. Retirement housing	P*	P*	P*	P*	P*	P*	SP* 803.2.1	N
7. Congregate housing	P	N	N	P*	P*	P*	P*	N
8. Shared housing	P*	P*	P*	P*	P*	P*	P*	N
9. Mother-in-Law/ Accessory	Z	Z	Z	Z	Z	Z	Z	Z
10. Dwelling, ECHO housing (Elder Cottage Housing Opportunity)	P	SC* 802.10	SC* 802.10	SC* 802.10	SC* 802.10	SC* 802.10	SC* 802.10	SC* 802.10
11. Dwelling, Mobile Home	P	P	N	N	P	N	N	N
12. Mobile Home Park (see M.H. Park Local Law)	SC* 802.2	N	N	N	N	N	N	N
13. Cluster development	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	N	N
14. Seasonal Cabin or cottage	P	P	N	N	P	N	N	N
15. Storage Unit / Containers	Z	N	N	N	Z	Z	Z	Z
16. Accessory use related to residential development	P	P	P	P	P	P	P	P
17. Mixed residential/ commercial development	P*	N	N	N	N	P*	P*	N

**SEC. 503. SCHEDULE I: SCHEDULE OF LAND USES OR ACTIVITIES, TOWN OF LANSING**

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	RA	L1	R1	R2	R3	B1	B2	IR
<b>B. COMMUNITY USES</b>								
1. Government building; School; related buildings	P*	P*	P*	P*	P*	P*	P*	N
2. Church, place of public worship and related facility	P*	P*	P*	P*	P*	P*	P*	P*
3. Community residence	P*	P*	P*	P*	P*	P*	P*	N
4. Playground, park, noncommercial	P	P	P	P	P	P	P	P
5. Public or private club (except rod & gun club)	SP* 803.1	SP* 803.1	SP* 803.1	SP* 803.1	SP* 803.1	SP* 803.2.1	SP* 803.2.1	N
6. Public or private club - sportsmen’s club with outdoor shooting	SP* 803.2.1	N	N	N	N	N	N	N
7. Cemetery	SP* 803.2.1	N	N	N	N	N	N	N
8. Youth center, library, museum and theater	P*	P*	P*	P*	P*	P*	P*	N
<b>C. BUSINESS USES</b>								
1. Farming - crops	P	P	P	P	P	P	P	N
2. Farming - dairy	P	N	N	N	P	N	N	N
3. Farming - poultry	P	N	N	N	SC* 802.16	N	N	N
4. Farming - livestock	P	N	N	N	SC* 802.17	N	N	N
5. 4H/similar educational husbandry programs (see Definitions)	P	P	P	P	P	N	N	N
6. Commercial plant nursery; greenhouse, garden center	P*	N	N	P*	P*	P*	P*	P*
7. Roadside stand	Z	Z	Z	Z	Z	Z	Z	N
8. Bed and breakfast facility	SC* 802.8	SC* 802.8	SC* 802.8	SC* 802.8	SC* 802.8	SC* 802.8	SC* 802.8	N

**SEC. 503. SCHEDULE I: SCHEDULE OF LAND USES OR ACTIVITIES, TOWN OF LANSING**

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	RA	L1	R1	R2	R3	B1	B2	IR
9. Rooming House; Tourist home	P*	N	N	N	N	SC* 802.8	SC* 802.8	P*
10. Nursery school; day care Facility	P*	SC* 802.3	SC* 802.3	SC* 802.3	SC* 802.3	SC* 802.3	SC* 802.3	N
11. Nursing home; hospital; health related clinic	P*	P*	P*	P*	P*	P*	P*	N
12. Residential (home) business or occupation	P*	SC* 802.4	SC* 802.4	SC* 802.4	SC* 802.4	SC* 802.4	SC* 802.4	N
13. Funeral home	P*	N	N	P*	P*	P*	P*	N
14. Public stable	P*	N	N	N	P*	N	N	N
15. Kennel; animal boarding	P*	N	N	N	SP* 803.2.2	SC* 802.5	SP* 803.2.2	SC* 802.5
16. Keeping or raising of horses or ponies	P	Z	Z	Z	Z	N	N	N
17. Veterinary hospital	P*	N	N	N	SP* 803.2.3	SC*/ SP* 802.6 & 803.2.3	SC* 802.6	SC* 802.6
18. Keeping of Chickens	P	Z	Z	Z	P	Z	Z	Z
19. Dog Grooming (not as a home Business)	P*	N	N	N	P*	P*	P*	N
20. Commercial recreation: outdoors	SP* 803.2.1	SP* 803.2.1	N	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1
21. Commercial recreation: indoors	P*	P*	N	P*	P*	P*	P*	SP* 803.2.1
22. Motel; Hotel;	SC* 802.7	N	N	N	N	SC* 802.7	SC* 802.7	SC* 802.7
23. Professional or business office (not in a home)	P*	P*	N	N	N	P*	P*	P*
24. Bank; financial institution	P*	N	N	N	N	P*	P*	P*
25. Retail sales, specialty: antiques, crafts and similar independent facility	SC* 802.9	N	N	N	SC* 802.9	P*	P*	N

**SEC. 503. SCHEDULE I: SCHEDULE OF LAND USES OR ACTIVITIES, TOWN OF LANSING**

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	RA	L1	R1	R2	R3	B1	B2	IR
26. Retail sales, general: food, clothing, furniture, floor covering, hardware, variety, lawn and garden supply, pets and similar goods and items, paint.	P*	N	N	N	N	P*	P*	N
27. Retail sales: Lumber and other building materials and supplies	SC* 802.12	N	N	N	N	SC* 802.12	SC* 802.12	N
28. Retail sales: industrial or agricultural equipment and supplies	P*	N	N	N	N	P*	P*	N
29. Retail sales, services and storage; marine and water oriented	SC* 802.13	SC* 802.13	N	N	N	N	SC* 802.13	SC* 802.13
30. Retail sales: mobile home, RV, snowmobile and similar items requiring outdoor storage.	SC* 802.13	N	N	N	N	N	SC* 802.13	N
31. Restaurant or tavern	P*	N	N	N	N	P*	P*	N
32. Banquet Hall / Reception Venue	P*	N	N	N	N	N	N	N
33. Barber/beauty shop and similar personal services (Not as a home business)	P*	N	N	N	N	P*	P*	N
34. Photocopying and similar graphic services	P*	N	N	N	N	P*	P*	N
35. Convenience (mini) mart	P*	N	N	N	N	P*	P*	N
36. "Mini" commercial warehouse for self- storage	P*	N	N	N	N	N	P*	P*
37. Vehicular fuel and service (except body work)	P*	N	N	N	N	P*	P*	P*
38. New and used car sales, incl. garage service and repair	P*	N	N	N	N	P*	P*	P*

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<b>LAND USE OR ACTIVITY</b>	<b>RA</b>	<b>L1</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>IR</b>
39. Car wash	P*	N	N	N	N	N	P*	N
40. Sale of plumbing, HVAC, electrical supplies and equipment (Not as a home business)	P*	N	N	N	N	P*	P*	N
41. Laundry (self service)	P*	N	N	N	N	P*	P*	N
42. Sexually Oriented Business	SP* 803.2.4	N	N	N	N	N	N	N
43. Contractor’s / Landscaping Yard	P*	N	N	N	N	N	P*	P*
<b>D. INDUSTRIAL/ RESEARCH</b>								
1. Warehouse, storage or wholesaling of nonagricultural goods or materials	P*	N	N	N	N	N	P*	P*
2. Printing and publishing (not a home business)	SC* 802.14	N	N	N	N	SC* 802.14	SC* 802.14	P*
3. Commercial assembly: jewelry, leather, fabric, scientific instruments and similar items, (not a home business)	P*	N	N	N	N	P*	P*	P*
4. Commercial excavation: rock, sand, gravel, salt and similar near-surface products	SP* 803.2.1	N	N	N	N	N	N	N
5. Natural resource exploration (not a production facility)	SP* 803.2.1	SP* 803.2.1	N	N	SP* 803.2.1	N	SP* 803.2.1	SP* 803.2.1
6. Truck or motor freight terminal	P*-farm related activities only	N	N	N	N	N	P*	P*
7. Vehicle body shop, not as part of new or used car sales and service	SC* 802.15	N	N	N	N	N	SC* 802.15	SC* 802.15

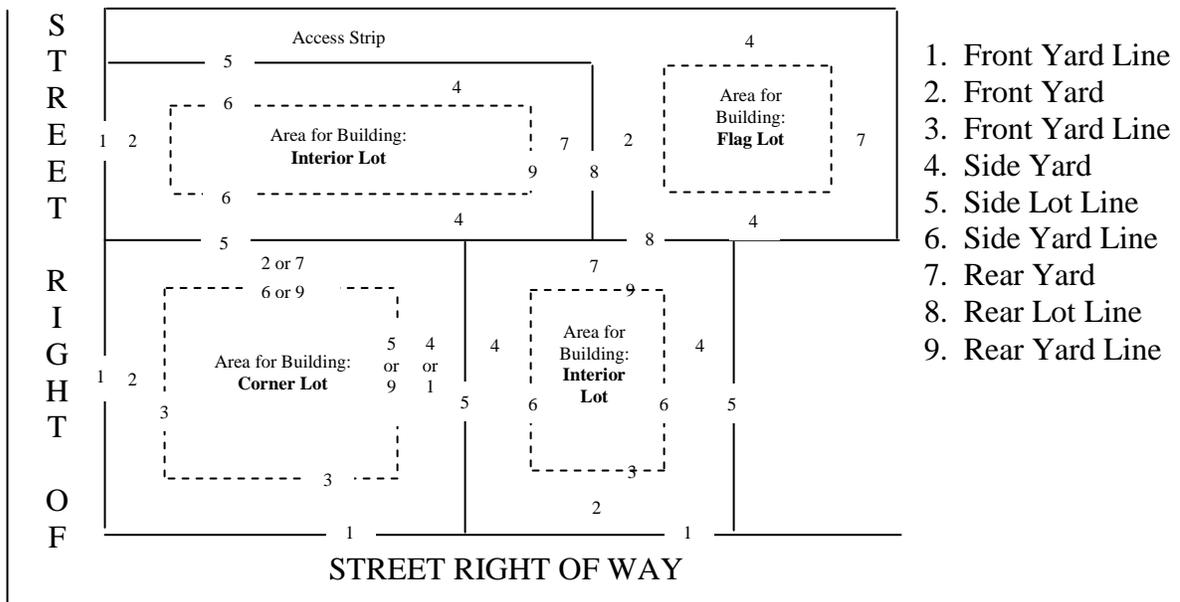
**SEC. 503. SCHEDULE I: SCHEDULE OF LAND USES OR ACTIVITIES, TOWN OF LANSING**

<b>P* = Permitted with Site Plan</b> <b>P = Permitted as of Right</b> <b>SC= Permitted but Special Conditions Apply</b> (see Sec. 802) <b>SP = Special Use Permit Required</b> (see Sec. 803) <b>N = Not Permitted</b> <b>* = Site Plan Review Required</b> (see Sec.701) <b>Z = Zoning Permit Required</b>	<b>RURAL AGRICULTURE</b>	<b>LAKESHORE</b>	<b>RESIDENTIAL – LOW DENSITY</b>	<b>RESIDENTIAL – MODERATE DENSITY</b>	<b>RESIDENTIAL – MIXED USE</b>	<b>COMMERCIAL – MIX USE</b>	<b>COMMERCIAL – GENERAL BUSINESS</b>	<b>INDUSTRIAL / RESEARCH</b>
<b>LAND USE OR ACTIVITY</b>	<b>RA</b>	<b>L1</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>IR</b>
8. Vehicle wrecking and salvage yard	SP* 803.2.1	N	N	N	N	N	N	SP* 803.2.1
9. Agricultural, industrial or educational research, design and production of prototypes (not as a home business)	P*	N	N	N	N	P*	P*	P*
10. General processing, light manufacturing and assembly	P*	N	N	N	N	P*	P*	P*
11. Scientific research laboratory	P*	N	N	N	N	P*	P*	P*
12. Use of accessory farm buildings for sale of farm commodities, light fabrication or assembly	P*	N	N	N	P*	N	N	N
<b><u>E. UTILITY AND MISCELLANEOUS USES</u></b>								
1. Public utility service and distribution including gas, electric, telephone, water and sewer, TV cable, but excluding substations, storage yards and transmission towers.	P	P	P	P	P	P	P	P
2. Public utility substation, or storage yard	SP* 803.2.1	SP* 803.2.1	N	N	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1
3. Electric or gas transmission lines	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	SP* 803.2.1	P*
4. Wind energy source	P*	P*	P*	P*	P*	N	P*	P*

**SEC. 503. SCHEDULE I: SCHEDULE OF LAND USES OR ACTIVITIES, TOWN OF LANSING**

<b>P* = Permitted with Site Plan</b> <b>P = Permitted as of Right</b> <b>SC= Permitted but Special Conditions Apply</b> (see Sec. 802) <b>SP = Special Use Permit Required</b> (see Sec. 803) <b>N = Not Permitted</b> <b>* = Site Plan Review Required</b> (see Sec.701) <b>Z = Zoning Permit Required</b>	<b>RURAL AGRICULTURE</b>	<b>LAKESHORE</b>	<b>RESIDENTIAL – LOW DENSITY</b>	<b>RESIDENTIAL – MODERATE DENSITY</b>	<b>RESIDENTIAL – MIXED USE</b>	<b>COMMERCIAL – MIX USE</b>	<b>COMMERCIAL – GENERAL BUSINESS</b>	<b>INDUSTRIAL / RESEARCH</b>
	<b>RA</b>	<b>L1</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>IR</b>
5. Solar panel and similar alternative energy source (commercial)	P*	N	N	N	N	P*	P*	P*
6. Solar panel and similar alternative energy for Residential use	P	P	P	P	P	P	P	P
7. Solid waste recycling or transfer station	N	N	N	N	N	N	N	SP* 803.2.1
8. Solid waste landfill	N	N	N	N	N	N	N	N
9. Communications tower for the commercial or public sector reception or transmission of electronic signals	SP* 803.2.5	N	N	N	N	N	SP* 803.2.5	SP* 803.2.5
10. Junkyard	N	N	N	N	N	N	N	SP* 803.2.1
11. Toxic waste disposal	N	N	N	N	N	N	N	N
12. Planned Development Area	SP* 706.0	SP* 706.0	SP* 706.0	SP* 706.0	SP* 706.0	SP* 706.0	SP* 706.0	SP* 706.0

**SEC. 504, SCHEDULE II – DRAWING 1:**



SEC. 504. SCHEDULE II: AREA, FRONTAGE, YARD, HEIGHTS AND COVERAGE REQUIREMENTS \*

- \*Footnotes on following page
- Building Type a.= 1 or 2 Dwelling Units; b.= 3 or more Dwelling Units; c.= Non-residential or Mixed Development

District	Building Type (see below)	Minimum Lot Area (sf x 1000)		Minimum Road Frontage (Feet)****		Minimum Yard Set Back (Feet)			Max. Building Height (Ft) <sup>10</sup>	Min. Open Space	Notes (See Next Page)
		With Public Sewer or Water <sup>4</sup>	Without Public Sewer or Water <sup>4</sup>	With Public Sewers or Water <sup>1,5,7</sup>	Without Public Sewers or Water <sup>7</sup>	From Center of Rd <sup>**2,5</sup>	Side <sup>8</sup>	Rear			
RA	All	40/DU	40/DU	150	150	60	15 <sup>12</sup>	15 <sup>12</sup>	35	None	1,2,4,5,8,10,12
L1	All	40/DU	40/DU	150	150	60 <sup>3,6</sup>	10	25 <sup>12</sup>	35	75%	1,2,3,4,5,6,8,11,12
L1- with Lake Frontage	All	20/DU	20/DU	75	75	30 <sup>3,6, 11</sup>	10				
R1	All	40/DU	40/DU	150	150	60 <sup>3,6</sup>	15ea. <sup>12</sup>	25 <sup>12</sup>	35	75%	1,2,3,4,5,6,8,11,12
R2	a.	20/DU	20/DU	75	150	60 <sup>2</sup>	10/25	25 <sup>12</sup>	35	75%	1,2,4,5,8,12
	b.	12/DU <sup>9</sup>	3 Acres & Health Dept.	25/DU <sup>1</sup>	50/DU	60	20ea. <sup>12</sup>	25 <sup>12</sup>	35	40%	1,2,4,5,8,9,12
	c.	20/DU	20/DU	75 <sup>1</sup>	150	60	10 ea.	25 <sup>12</sup>	35	30%	2,4,8,12
R3	All	40/DU	40/DU	150	150	60	15 ea. <sup>12</sup>	15 <sup>12</sup>	35	75%	1,2,4,5,8,10,12
B1 & B2	a.	20/DU	20/DU	75	100	60 or less with Site Plan Approval	10 or less with Site Plan Approval	10 or less with Site Plan Approval	35	50%	1,2,4,5,8
	b.	8/DU <sup>9</sup>	20/DU <sup>9</sup>	20/DU <sup>1</sup>	50/DU				35	30%	1,2,4,5,8,9
	c.	Subject to SP/SC	None	None* <sup>1</sup>	100				35	20%	2,4,5,8
IR	All	None	None	50	50	60 or less with Site Plan Approval	10 or less with Site Plan Approval	10 or less with Site Plan Approval	35	20%	2,4,5,8

## **SECTION 504.1 FOOTNOTES FOR SCHEDULE II**

Requirements shown in Schedule II are not necessarily consistent with the requirements specified for those land use activities in Schedule I that have Special Conditions attached (SC) or those that require a Special Use Permit (SP) or Site Plan Review. Where such inconsistencies exist, the requirements of such Special Conditions, Special Use Permit, or Site Plan Approval shall take precedence over the regulations set forth in this Schedule II.

\* Site Plan Review Required

\*\* Front yard setback measured from the Centerline of the road.

\*\*\* In the RA zone there is a 100 foot setback requirement for any apartment or condominiums.

\*\*\*\* When the applicant is faced with limits arising from road configuration or natural features, frontage may be reduced, on a case-by-case basis with a decision by the appropriate board, but in no case less than the flag lot requirement of 30' (i.e. cul-de-sac, corner lot, flag lot).

Requirements of Schedule II are superseded by the following supplementary regulations, as appropriate:

1. While required lot width frontage for multiple family dwelling units in areas served by Public sewers is a minimum of 75 feet, it does not have to be greater than 125 feet.
2. There is a minimum front yard setback of sixty (60) feet from centerline of the road except in conditions requiring site plan review in B1 and B2. Warren Road, Triphammer Road, 34 and 34B have (80) feet setbacks from the centerline of the road.
3. For lots fronting on Cayuga Lake, front yards are facing the lake. For other lots, front yards are facing the access road.
4. Tompkins County Health Department requirements shall be used to determine minimum lot area and lot dimensions when on-site sewage disposal systems are used. Health Department requirements may serve to increase minimum lot area but shall not decrease minimum lot area below that listed in this Schedule II.
5. Flag lots, as defined in the appendix of this Ordinance, shall have a minimum width of the access strip along the road of forty (40) feet in any area where municipal sewers exist or are planned. Where there are no sewers and no planned sewers, a thirty (30) foot wide access strip is permitted.
6. Lots with frontage on Cayuga Lake must follow D.E.C. and Health Department regulations on distance from lake.
7. Exceptions may be made with Health Department approval and for inside corner lots.
8. Common wall-no side yard setback is required on the sides where units share the common wall.
9. This density is applicable only in developments of three (3) acres or more.

10. Height limitations do not apply to any building used for agricultural purposes (Also see 605.1).
11. Structures less than 30' from shore line shall be subject to Site Plan Review.
12. Detached Storage Buildings less than 200 square feet in area, and less than 12' in height may be a minimum of 10' from the side and rear lot line.

**Section 505 - SCHEDULE III: MINIMUM OFF-STREET PARKING REQUIREMENTS**

<u>Land Use or Activity Requirements<sup>1</sup></u>	<u>Space</u>
1. One and two family dwelling: for each unit. . . . .	2.00
2. All other dwelling unit types: for each unit. . . . .	1.50
3. Housing for the elderly: for each 3 dwelling unit. . . . .	1.50
4. Bed and Breakfast: for each sleeping room let for profit. . . . .	1.00
5. Home business (occupation). . . . . Plus: as required for residence	2.00
6. Hotel or motel: for each rentable room or suite. . . . . Plus: for each 100 sq. ft. in any conference, banquet or restaurant area . . . . . (Or as may be required by local fire codes)	1.25 1.00
7. Restaurant, tavern, social club, or similar use: a. With bar: for each 100 sq. ft. gross floor area. . . . . b. No bar: for each 100 sq. ft. gross floor area. . . . . (Or as may be required by local fire codes)	2.00 1.00
8. General retail sales, office and personal services in detached buildings: for each 250 sq. ft. gross floor area. . . . . Plus: for each dwelling unit . . . . .	1.00 1.00
9. Furniture or appliance sales and service as primary use: for each 500 sq. ft. of gross floor area. . . . .	1.00
10. Shopping center or concentration of attached retail stores, offices and personal services: for each 200 sq. ft. of gross lease able floor area. . . . .	1.00
11. Nursery school or pre-school day care: for each person on staff. . . . .	1.25

<sup>1</sup> When calculations indicate that a partial space is required, a full space shall be provided. Example: a general retail sales facility with 4,350 sq. ft. of gross floor area would require

17.4 spaces (4,350 divided by 250). 18 spaces should be provided.

<u>Land Use or Activity Requirements<sup>1</sup></u>	<u>Space</u>
12. Church, auditorium or place of public assembly: for each eight seats . . . . .	1.00
13. Medical related office or clinic: for each 50 sq. ft. of gross floor area in any waiting or reception area. . . . . Plus: for each examination or treatment room . . . . .	1.50 1.25
14. Health and fitness center, bowling alley, skating rink, tennis court and similar indoor recreation facility: for each three occupants based on maximum design capacity as determined by applicable fire codes . . . . .	1.00
15. Miniature golf, driving range and similar outdoor recreation activity: minimum for each activity . . . . .	10.00
16. Private club, lodge or similar use: for each five seats based on maximum design capacity of the largest meeting room, as determined by the fire code . . . . .	1.00
17. Research office, laboratory and similar use: for each 200 sq. ft. of gross floor area . . . . .	1.00
18. Wholesale, warehouse, storage and similar low person-intensive use: for each 1,000 sq. ft. of gross floor area . . . . .	0.50
19. Manufacturing, fabricating, testing, assembling, repairing or serving facility: for each 1,000 sq. ft. of gross floor area . . . . .	1.00
20. All other businesses and commercial uses: for each 250 sq. ft. of gross floor area . . . . .	1.00

**ARTICLE VI: GENERAL PROVISIONS**

**600.0** Except as hereinafter provided, the following general provisions shall apply to land use and development in the Town of Lansing:

**601.0** **APPLICABILITY**

**601.1** No land or building shall hereafter be used or occupied, and no building or part thereof shall hereafter be enlarged or its use altered, unless such action is in conformance with all the regulations specified for the land use control district in which said action occurs.

**601.2** No Lot shall hereafter be reduced or altered so as to result in a lot that does not meet the minimum area or yard requirements prescribed in SCHEDULE II of this

Ordinance. A pre-existing lot that does not meet the minimum requirements of this Ordinance at the time it is enacted may be used for a permitted use.

**601.3** Unless specified to the contrary elsewhere in this Ordinance, no yard or off-street parking space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or off-street parking space for any other building.

**602.0** **HEALTH DEPARTMENT JURISDICTION**

Minimum lot sizes specified in this Ordinance shall be subject to approval and modification by the Tompkins County Health Department to meet their applicable regulations, and a copy of the Health Department approval shall be filed with the Code Enforcement Officer prior to the beginning of any of the following activities:

**602.1** Construction of any new building or structures requiring a sewage disposal system, or

**602.2** Placement of a mobile home requiring a sewage disposal system, or

**602.3** Alteration of, enlargement, or extension of an existing building(s), structure(s), or mobile home(s) in such a way as to result in a change in the volume or characteristics of the sewage there from.

**603.0** **FUTURE PUBLIC WATER OR SEWERS**

In districts where public water or sewers are likely to be provided within 5 years from the date a subdivision proposal is submitted, lot regulations for areas “with public water or sewers available”, as set forth in SCHEDULE II, will be permitted in subdivision design when at least every other lot is left vacant until municipal water or sewage disposal service is available if the sub-divider has obtained Health Department approval for such delayed development proposal. In such cases, building permits will be issued only for alternate lots until public water or sewers have been made available.

**604.0** **TWO USES IN ONE STRUCTURE**

If residential and nonresidential uses are to be located in one structure on a single lot, the most restrictive lot, frontage, and use requirements shall apply, including any imposed through site plan or special permit reviews.

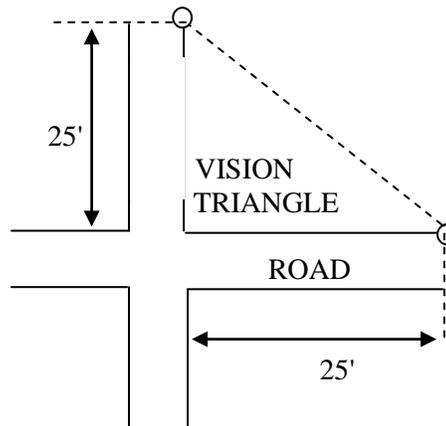
**605.0** **EXCEPTIONS**

The height limitations of this Ordinance shall not apply to church spires, cupolas,

**605.1** Chimneys, silos, water tanks, flag poles, monuments, skylights, mechanical equipment, antennas, utility lines and similar features unless such features are specifically included in SCHEDULE I of this Ordinance.

**606.0**      **OBSTRUCTION OF VISION**

For safety reasons, no structure, fence or planting over three (3) feet in height, and no branches less than ten (10) feet from the ground, shall be permitted within the vision triangle at road intersections. The vision triangle is an area formed by the right-of-way lines of intersecting roads and a diagonal line connecting a point located on each of the right-of-way lines and located a distance of 25 feet from their Intersection (see diagram, below). Any fence or planting that does not conform to the requirements of this section and thereby results in an obstruction to the vision of motorists shall be corrected within thirty (30) days from the date a notice thereof has been sent to the property owner by the Code Enforcement Officer.



**607.0**      **LOT IN TWO DISTRICTS**

When a lot is divided by a district boundary line the regulations and requirements of either district may be extended for a distance of fifty (50) feet into the other district, at the lot owner's discretion.

**608.0**      **DRAINAGEWAYS**

Natural drainage ways shall be preserved and shall be kept free of debris or other obstructions to water flow. Where relocation of a natural drainage way cannot be avoided it must be located in a way that will assure the unobstructed flow of storm water.

**609.0**      **GARBAGE AND JUNK**

Lots shall be kept free from abandoned or inoperable vehicles, discarded building material, appliances and furniture, and all forms of garbage and junk, and all Lots shall be maintained in accordance with applicable laws and ordinances and the Building Code and New York State Property Maintenance Code.

**610.0**      **SEQRA REQUIREMENTS**

No action as defined by SEQRA shall be taken until there has been compliance with applicable provisions of 6 NYCRR Part 617 and an environmental determination of significance has been made by the lead agency.

**611.0**            **FENCES AND WALLS**

**611.1**            Except as otherwise specified in other provisions of this Ordinance, fences and walls up to six feet high are permitted as of right in all zones and in all locations, including yards, setbacks, and buffer areas.

**611.2**            A fence or wall may be built up to a common lot line but may not encroach on the adjoining property nor interfere with adequate sight distance for vehicles exiting from driveways on the parcels sharing common lot lines.

**611.3**            Fences and walls are not allowed within public road right-of without the written permission from the public entity that holds the right-of way and, when required, applicable roadway use or construction permits, licenses, and the like.

**611.4**            Deer fences up to eight feet in height are permitted as of right in all zones and in all locations, including yards, setbacks and buffer areas. (See definition for deer fencing)

**611.5**            Fences and walls up to eight feet in height are permitted as of right in all locations, including yards, setbacks and buffer areas, for lawful farm operations.

**611.6**            Fences shall be erected with the finished side (if any) facing the road and abutting properties, and with backers, supports, and posts on the inside of the fence, unless they constitute an integral part of the finished side, or unless the fence is of the type that requires posts to be placed in an alternating pattern inside and outside the fence to maintain stability.

**611.7**            Fence and wall heights shall be measured vertically from the natural grade to the top of the fence or wall at each point along the fence or wall.

**612.0**            **RETAINING WALLS**

**612.1**            Except as otherwise specified in other provisions of this Ordinance, retaining walls are permitted as of right in all zones and in all locations, including yards, setbacks, and buffer areas (subject to the above rules in Section 611).

**612.2**            A retaining wall may be built up to a common lot line but may not encroach on the adjoining property nor interfere with the adequate sight distance for vehicles exiting from driveways on the parcels sharing the common lot line.

**ARTICLE VII: SUPPLEMENTARY REGULATIONS**

**700.0**            **INTENT**

The intent of this Article VII is to protect the public health, safety and general welfare in the Town of Lansing, promote the other purposes of this Ordinance as set forth in Article II, and promote the goals and objectives of the Comprehensive Plan. Items already covered by existing Federal, State and Local laws are not included below. This Article intends to:

- 700.1** Establish general standards designed to regulate performance and operation of land use activities and minimize potentially negative impacts of such activities.
- 700.2** Set forth specific regulations and procedures for certain special land uses and activities that could have potentially large impacts on their surroundings, and on the value of adjacent property, and that require review and the application of standards to minimize adverse impacts.
- 700.3** Establish specific design and development guidelines that can be applied to development in the B1 Commercial Mixed Use and B2 Commercial General Business as a means of accomplishing objectives of the Comprehensive Plan for these districts.
- 701.0** **SITE PLAN REVIEW**
- 701.1** **Intent.** The intent of this Sec. 701 is to provide for Planning Board review and approval of site plans for certain uses in the Town of Lansing for one or more of the following purposes:
- 701.1.1** Mitigating potentially negative impacts resulting from development of sensitive areas including floodplains, steep slopes, the lake shore and lake escarpment, airport approaches, and other areas as may be designated by law or otherwise found appropriate when the site plan is under review.
- 701.1.2** Achieving an acceptable level of compatibility between new development and existing uses of adjacent land by mitigating any potentially negative impacts of new development.
- 701.1.3** Conserving property values and the visual quality in the Town as development occurs.
- 701.2** **Applicability.** The provisions of this Sec. 701 shall apply to any land use activity that is indicated in SCHEDULE I of this Ordinance as requiring site plan review and approval, to any Similar Use, and whenever otherwise requires by this Ordinance or by any local law or other ordinance of the Town of Lansing.
- 701.3** **Land Use Activities Exempt from Site Plan Review.** Land uses allowed by Zoning Permit and the following land uses and activities are exempt from site plan review provisions of this Sec. 701 unless such review is specifically required in SCHEDULE I of this Ordinance:
- 701.3.1** Any project, activity or action related to agriculture as defined in Article III of this Ordinance.
- 701.3.2** New construction of a one or two family dwelling unit, and related accessory structures, as these terms are defined in Article III of this Ordinance.
- 701.3.3** Normal maintenance or repair and routine landscaping.
- 701.3.4** Uses and structures that are lawfully in existence as of the date this Ordinance becomes effective. Non-conforming uses may not be expanded (see Article XI).

- 701.4**            **Standards for Site Plan Review.** In reviewing an application for approval of a site plan, the Planning Board will be guided by the existing characteristics and conditions of the site and its surroundings, by particular design objectives of the applicant, and by the quality and distinctiveness of the proposal. Unless waived or otherwise modified by Planning Board resolution as specified below, each site plan for a proposed land use activity shall conform to the general standards listed in this Section 701.4, as applicable, and to any other requirements specifically related to a particular site as may be identified and described in writing by the Planning Board.
- 701.4.1**        **Storm Water Drainage.** Adequacy of stormwater and drainage facilities, and a storm water drainage plan shall be provided. Natural drainage ways shall be used to the fullest practicable extent. The amount of stormwater draining onto or across adjacent properties shall not be increased. Any activity disturbing more than one (1) acre of land shall be required to obtain a SPDES Storm Water Phase II Construction Permit from the New York State Department of Environmental Conservation.
- 701.4.2**        **Erosion Control.** Developments on soils which may erode, or on slopes greater than ten (10) percent, shall include a sediment and erosion control plan designed to minimize erosion during construction and after construction has been completed and consideration, where feasible, of (i) avoiding construction upon or disturbances of hydric soils; (ii) avoiding impervious surfaces in favor of pervious surfaces; (iii) using bioengineering techniques rather than traditional construction methods to manage water and stormwater on-site; (iv) avoiding the crossing of streams and ditches with roads and driveways; and (v) establishing buffers along streams and other watercourses.
- 701.4.3**        **Off-street Parking.** Location, arrangement, appearance and sufficiency of off-street parking and loading. Parking areas, if any, shall be adequate in terms of area, safe access thereto and surface water drainage. The Planning Board shall be satisfied that an adequate amount of off-street parking will be provided.
- 701.4.4**        **Water and Sewer Facilities.** Adequacy of water supply and sewage and waste disposal facilities, and the type and design of any water supply and sewage disposal system, shall be approved by appropriate jurisdictions. When the proposed source of water is groundwater, consideration of well and pump tests, the amount of any water proposed to be used, the proposed sequestration of any amount of water, and water or hydro-geological studies to determine the impact of the proposed withdrawal of groundwater on surface waters, surface water flows, aquifers, aquifer capacity and recharge rates, and existing users of the same supply of water, are appropriate matters for review in the discretion of the Planning Board where issues concerning groundwater quality and quantity have been documented.
- 701.4.5**        **Driveways, Pedestrians and Traffic.** Adequacy and arrangement with vehicular and non-vehicular traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian safety and convenience, including the adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers

and traffic controls, as well as adequacy of fire lanes and other emergency zones. Access and egress driveways shall be clearly defined and no more than 35 feet wide unless otherwise permitted by the NYSDOT, Tompkins County, or the Town of Lansing.

- 701.4.6**      **Site Lighting.** All lighting to be used on a building or site shall be installed in accord with any Town lighting requirements and in a manner as will prevent glare on adjacent properties and roads. Wherever practical, luminaires shall provide for glare-free, downward directed, and shielded lighting as promotes the “Dark Sky” standards of the International Dark-Sky Association (“IDA”), Tucson, Arizona, including, for example, meeting the goals and standards expressed in the “Outdoor Lighting Ordinance and Community Standards” Information Sheet #172 and the IDA “Outdoor Lighting Code Handbook.” Excessive lighting for promotional or commercial visibility purposes shall be discouraged.
- 701.4.7**      **Off-site Impacts.** Potential off-site impacts such as noise, odor, excess or heavy vehicle traffic, and vibration shall be identified and proposed measures to mitigate adverse impacts on adjacent property and the surrounding neighborhood shall be submitted.
- 701.4.8**      **General Improvement Plan.** Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs. Sign size and location shall comply with the Town of Lansing Sign Local Law.
- 701.4.9**      **Trees-Shrubs.** Adequacy, type and arrangement of trees, shrubs and other landscaping including, where practical, a focus upon the maximum retention of existing vegetation and considerations of visual and noise-detering buffers between the proposed use and adjoining uses or properties.
- 701.4.10**    **Roads-Walks.** Roads, pedestrian walks, and open space shall be designed as integral parts of an overall site design, be properly related to existing and proposed buildings, roads and pedestrian ways, and be appropriately landscaped.
- 701.4.11**    **Other Regulations.** All other applicable State, County and local laws, ordinances and regulations shall be complied with.
- 701.4.12**    **Impacts on Unique or Critical Resources.** Impacts upon Agricultural Resources, Unique Natural Areas, Critical Environmental Areas, Wetlands, flood hazard zones, other unique topological, cultural, historical, and archeological areas, and general consistency with the Town’s Comprehensive Plan.
- 701.4.13**    **Public Services.** Consideration of any needed or desirable public services and public service impacts, including upon fire protection and emergency medical services, street lighting, schools and educational services, and public transportation services and plans.
- 701.4.14**    **Additional Information.** When the Planning Board determines by resolution that special conditions exist that could adversely affect the proposed development, or negatively affect adjacent land or the surrounding neighborhood,

additional information and considerations may be required as part of the site plan review process.

**701.5 Site Plan Review Procedure**

**701.5.1 Application.** Each application for Site Plan Review and approval shall be made on forms provided by the Code Enforcement Officer. Such application shall be submitted to the Planning Board by the Code Enforcement Officer.

**701.5.2 Site Plan Requirements.** Each application for Site Plan Review shall be accompanied by a site plan of the proposed land use activity drawn to a scale of one inch equals 100 feet (another scale may be approved by the Code Enforcement Officer). Such application and site plan shall contain the following information, as appropriate:

- a. Name and address of the landowner of record and the applicant, if not the same. Scale of the drawing(s), north arrow, and date.
- b. An identification map showing the location and orientation of the proposed development relative to the local road system. A tax map or USGS map is adequate for this purpose.
- c. Location of the site in relation to abutting properties and roads. Show existing property lines, right-of-way, easements and the names of current owners of adjacent property and property on the opposite side of the road serving the site. County tax records can be used for this purpose.
- d. Gross acreage of the parcel to be developed.
- e. Existing building and land uses on the site and on adjacent properties.
- f. Proposed buildings and land uses, off-street parking areas, access and egress drives, buffer strips or screening, and any new roads to be built.
- g. The location of any floodplain designated by the National Flood Insurance Program.
- h. The location of any areas either recognized or designated by the Town of Lansing Planning Board as Unique Natural Areas as may be set forth in the Tompkins County Inventory of Unique Natural Areas.
- i. Indication of existing and proposed topography and drainage systems for the site when this is a consideration.
- j. Proposed storm water drainage from the site. Natural drainage ways shall be maintained whenever possible or replaced.
- k. Proposed water source and sewage disposal system.
- l. The location, size and type of any proposed site lighting and signs.

- m. A landscaping plan, if any.
- n. Brief statement describing the project and the type of exterior building material to be used.
- o. The Planning Board's statement may include recommendations of modifications to be incorporated into the final site plan, and conformance with said modifications shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Boards' statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission.

Any of the above site plan application requirements may, on the applicant's request, be waived by the Planning Board if circumstances warrant. The Planning Board may also request the applicant to submit additional information when this is necessary to make an informed judgment about the proposal.

**701.6 APPROVAL PROCEDURE**

**701.6.1 SEQR.** The Planning Board shall make a determination on the environmental impact of the proposed development in compliance with the provisions of 6 NYCRR Part 617 (SEQRA), as appropriate.

**701.6.2 Hearing.** Before a decision is made on an application for site plan approval, the Planning Board may hold a public hearing on such application. The hearing may be held within thirty (30) days from the date a completed application is submitted to the Code Enforcement Officer and an environmental determination of significance has been made.

**701.6.3 Decision.** Within 45 days from the date of the hearing, or from the date of application if no hearing is held, a decision to approve, with or without modification or conditions, or disapprove the application shall be made by the Planning Board. Such 45-day period will be extended if the environmental review process has not been completed and/or may also be extended by mutual consent of the applicant and the Planning Board.

**701.6.4 Changes.** Any current or future change to an approved site plan must be reviewed and approved by the Planning Board. Failure to comply will result in loss of permitted use.

**701.7 MODIFICATIONS OF SITE PLANS.**

A site plan that has received final site plan approval may be modified upon the application of the owner for such modification. Such application shall be in accordance with the provisions of this article and the procedures applicable to such application shall be the same as are applicable to an initial application for site plan approval. Notwithstanding the foregoing, Planning Board approval of a modification shall not be required if the modification does not involve:

- 701.7.1** Construction of an addition of more than 1,000 square feet of enclosed space whether on one or more stories. The numerical criteria for the exception from the requirement of obtaining Planning Board approval are an aggregate maximum (i.e., if a seven-hundred square foot addition is constructed without obtaining Planning Board approval and construction of a second addition larger than 300 hundred square feet would require Planning Board approval of a modified site plan).
- 701.7.2** Construction or relocation of more than three parking spaces nor construction or relocation of any parking spaces to an area that is not adjacent to the original planned parking area; nor
- 701.7.3** Enlargement of an existing or previously approved building that involves an increase of square footage of more than 15% of the existing square footage of the existing or previously approved building; nor
- 701.7.4** Alteration of traffic flows and access nor a significant increase in the volume of traffic; nor
- 701.7.5** A significant (in the judgment of the Code Enforcement Officer) change in the aesthetic appearance of any structure or site plan element including landscape and lighting details from that presented at the time of the prior approval; nor
- 701.7.6** A change in the impacts of the project on surrounding properties, such as an increase in noise, water run-off, light illumination, or obstructions to views; nor
- 701.7.7** Violations of any express conditions (including, without limitation, buffer zones, setbacks, and similar restrictions) imposed by the Planning Board in granting prior site plan approval, or
- 701.7.8** If the modification does not involve a movement or shift of a location of one or more buildings more than two feet laterally or six inches vertically from the location or elevation shown on the final site plan where;
- 701.7.9** Such shift does not alter proposed traffic flows or access; and
- 701.7.10** Such shift does not directly violate any express conditions (including, without limitation on, buffer zones, setbacks, etc.) imposed by the Planning Board in granting prior site plan approval.
- 701.7.11** A demolition or proposed demolition of an existing building, or of a previously approved building on a previously approved site plan, is a modification of a site plan subject to the terms of this section.
- 701.7.12** Notwithstanding the other sections of this Article, Planning Board approval of a modification of a site plan shall not be required if the modification only involves the construction, alteration, or renovation of the interior of a building, regardless of whether a change of occupancy or use is involved, and none of the limitations of this (Section 701) are exceeded.
- 701.8** **REFERRAL TO TOMPKINS COUNTY PLANNING DEPARTMENT**

Before taking action on certain site plan applications they must be submitted by the Planning Board to the County Planning Department in accordance with Sec. 239-1, *et seq.*, of the General Municipal Law.

**701.9**                    **BUILDING PERMIT**

When an application for review of a site plan has been approved in accordance with the provisions of this Sec. 701, a building permit, if required, shall be obtained from the Code Enforcement Officer within a reasonable period of time. Compliance with other applicable State, County and local agencies is required. All required modifications or conditions established as a result of the site plan review process shall be and be deemed conditions of the building permit (regardless of whether expressly so stated upon any such building permit).

**701.10**                   **EXPIRATION OF SITE PLAN APPROVALS**

Once any site plan approval is issued, whether with or without conditions, the applicant or other person or entity claiming the benefit of such approval shall commence and substantially complete the construction or other activities for which the site plan is applicable within 3 years of the date of the resolution of the Planning Board so issuing such approval or such site plan approval shall expire, lapse, and be of no further validity, force or effect. The landowner or other applicant may then reapply for site plan review, the same shall be and be deemed a new application, and nothing in any prior site plan review process or approval shall be binding or of precedential value with respect to such new application or review, or as to any terms or conditions applied in relation to the review or potential approval of such application or site plan. The Planning Board may list such 3-year commencement and substantial completion requirement upon the face of any site plan drawing or related plat or map, and the Planning Board may list such 3-year requirements within its approval(s) as a condition or otherwise.

**702.0**                    **ZONING PERMITS**

**702.1**                    **Application requirements.** A written application shall be submitted, on forms provided therefor by the Building Department, signed by the applicant. The following requirements shall apply to all applications:

1. All applications shall require evidence that the applicant has legal authority to make an application with respect to the land and title that are the subject of such application.
2. The applicant shall provide building plans for any structures and mappings of the proposed locations and improvements relating to the proposed use. All building plans shall meet the requirements of the New York State Uniform Fire Prevention and Building Code and applicable codes of the Town of Lansing.
3. The application shall at a minimum: (i) state the applicant's name and address; (ii) identify the lot and tax map parcel numbers affected by the application; (iii) identify the location and size of all existing structures on the

lot(s), including primary use buildings, accessory buildings and structures, driveways, parking areas, and existing or proposed easements; (iv) identify the proposed point of access or entry to any structure or improvements; and (v) identify the distance from the building or improvement area lines to all lot lines, road right-of-way lines, waterfront lines, stream edges, and any other features of the lot or parcel. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road right-of-way line, or nearest mean high water line to the furthestmost protruding part of the use or structure.

4. Two copies of a layout or plan showing the actual dimensions of any improvement and a description of the proposed use sufficient to determine compliance with the requirements of this Ordinance shall be supplied. The layout or plans required by this subdivision 4, and the immediately preceding subdivision 3, may be informal, but should be reasonably to scale so as to allow verification of dimensional and other requirements.

5. Payment of a Zoning Permit application fee as set from time-to-time by the Town Board, or in the absence of a fee schedule for Zoning Permits or any resolution setting such amount, \$50.00.

**702.2** One copy of such layout or plot plan shall be returned to the applicant when the application is approved by the Code Enforcement Officer (or other official charged with the review and issuance of Zoning Permits), together with a signed copy of any issued Zoning Permit.

**702.3** A Zoning Permit will be valid for one year from the date of issuance, will expire at the expiration of one year if construction has not commenced, and will further expire two years from the date of issuance if the project is not substantially completed at that time. Once expired, the use or structure may only be allowed by recommencing the Zoning Permit process outlined in this Ordinance.

**702.4** A Zoning Permit shall be prominently displayed so as to be visible from the outside of any applicable building, structure, or improvement altered, constructed, or emplaced, until such time as a certificate of compliance has been issued or the Code Enforcement Officer closes the permit.

**702.5** Zoning Permits may only be issued for specific purposes outlined in Schedule I, and upon verification of compliance by the applicant with the requirements of each Zoning Permit standards outlined below.

**702.6** **General Rules and Requirements.**

1. No Zoning Permit may be issued or approved where the Town Board, the Planning Board, or the Board of Zoning Appeals has previously issued or denied a ruling, permit, appeal, or approval concerning the emplacement or allowance of any structure or use to which a Zoning Permit may apply. Similarly, a Zoning Permit may not be issued in relation to any modification of a site plan, a special permit, a subdivision, a PDA, or other prior or current similar review.

2. No Zoning Permit may be issued unless the application meets all general standards and the specific standards listed for each proposed use or structure to which Zoning Permits apply (see below), the applicant verifies future compliance in writing with all applicable standards, and the Code Officer or other official empowered under this Ordinance to issue Zoning Permits finds and determines that all requirements and standards have been met for the application under review.

**702.7** **General Standards.** All Zoning Permit applications and approvals shall demonstrate compliance with all yardage and setback requirements applicable to the zone in which the proposed use or structure is to be located. Likewise, all dimensional requirements, parking requirements, and access requirements shall also apply to all Zoning Permit applications and Zoning Permits.

**702.8** **Specific Standards - Roadside Stands.**

Roadside Stands are permitted by Zoning Permit where:

1. They do not exceed 750 S.F.; and
2. Where located substantially adjacent to a public highway and sited upon land owned by the applicant or upon which applicant has a right to operate; and
3. Such stand or structure is temporary and not permanently affixed to the ground, or if so affixed, a removal and restoration plan has been submitted to remove the stand or structure seasonally or when the use is discontinued.

**702.9** **Specific Standards - Mother-In-Law / Accessory Apartment.**

Mother-in-Law and Accessory Apartments are permitted by Zoning Permit where the following standards are each and all met:

- a. Maximum size of 750 S.F.;
- b. The accessory apartment shall be limited to two bedrooms, but only one bedroom if within a residential structure;
- c. The house or residence must be owner occupied if the apartment is located within a residential structure;
- d. The appearance of a single family home must be maintained if within a residential structure; otherwise the existing appearance and character of a building may not significantly change if not within a residential structure;
- e. Health Department approval must be obtained if required;
- f. Adequate off street parking shall be provided;
- g. The conversion shall meet or exceed all Building Codes, including required fire separations; and

h. Barrier free design for persons with handicaps or limited mobility shall be considered where feasible or required.

**702.10 Specific Standards - Storage Units / Containers.**

Storage Units / Containers are permitted by Zoning Permit where the following standards are each and all met:

a. There shall be no more than one storage unit as a matter of right per lot, except in the RA zone;

b. Storage units may not be placed in any front yard and must be appropriately screened to a height of 6 feet by either an evergreen hedge, earthen berm, or fence made of materials in a way to block view;

c. Each unit must be maintained in a neat and orderly fashion with screening intact and well maintained;

d. If within an R3 zone, the unit or container must be installed and maintained in such a fashion as to appear similar to a traditional shed; and

e. If in a RA zone, more than one unit is allowed but; (i) if located within 100' of an occupied residence or highway, adequate screening shall be provided per subdivision b, above, or the unit shall be made to appear akin to a traditional shed per subdivision d, above; and (ii) such units may not be stacked atop each other.

**702.11 Specific Standards - Keeping of Chickens.**

The keeping of Chickens is permitted by Zoning Permit where the following standards are each and all met:

a. No person shall have, own, permit or otherwise possess a rooster;

b. Keeping of chickens shall be considered an accessory use and is permitted only as incidental to lots on which the principal use is residential;

c. The number of chickens on any lot shall not exceed five (5) unless a variance is granted by the Zoning Board of Appeals;

d. All chickens shall be provided with a covered, predator-proof coop, pen, cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and sufficient size to permit free movement of the chickens, exclusive of areas used for storage of materials or vehicles. Chickens shall not be allowed to roam the premise outside of such shelters;

e. Any coop, pen, fence or other shelter used for keeping of chickens shall be located in such a manner as to observe the applicable required yard setbacks for the zone in which it is located and shall be prohibited in a front yard; and

f. The coop, pen, cage or other shelter must be placed on a location on the lot so as not to harm adjoining properties or environmentally sensitive areas.

**702.12 Specific Standards - Keeping or Raising of Horses or Ponies.**

The keeping or raising of horses or ponies is permitted by Zoning Permit where the following standards are each and all met:

a. At least two acres of fenced pasture is provided for each horse, one acre of fenced pasture is provided for each pony, and one-half acre of fenced pasture for each miniature pony; and

b. The requirements of subdivision a, immediately above, are cumulative such that the keeping of one horse, one pony, and one miniature pony shall require 3.50 acres of fenced pasturage (2 acres + 1 acre + .50 acres, respectively).

**702.13 Issuance of Zoning Permits.**

1. The review and issuance of Zoning Permits shall be considered a ministerial action; if an applicant through its application demonstrates compliance with the requirements of this Ordinance a Zoning Permit shall be issued.

2. The Code Enforcement Officer (or other authorized official) shall take action to approve or disapprove the application within 15 days of the receipt of a completed application, including the payment of all application fees. If an application is submitted that is incomplete or in error, the Code Enforcement Officer (or other authorized official) will advise the applicant as to such fact(s) within 15 days of the receipt of the application. Notwithstanding the foregoing, the failure of the Code Enforcement Officer (or other authorized official) to issue any notice or determination within the time herein required, or as otherwise required by law, shall not result in any presumption of approval, completeness, or of any right to obtain a permit (or a denial thereof), whether in relation to any application, submission, or any related communications or materials.

3. All standards and requirements of proof expressly or impliedly stated herein as applicable to Zoning Permits shall be strictly but reasonably construed and applied. Any determination made upon any application, whether to issue a Zoning Permit, deny such permit or application, approve the same with required modifications, etc., shall be appealable to the Board of Zoning Appeals per the provisions of §§ 267-a and 267-b and related provisions of Town Law.

**703.0 FLOODPLAINS AND WETLANDS**

**703.1 Floodplain Location.** Floodplain areas are so designated on National Flood Insurance maps.

**703.2 Floodplain Conditions.** No structure, facility or land fill shall be erected or placed that would impede or change the direction of the flow of water in the floodplain area, or that could collect or catch floating debris, or be placed in such

a way that the natural force of floodwater could carry dislodged material downstream to damage public and private property.

**703.3** **Wetlands.** Notwithstanding any other provisions of this Ordinance, and particularly SCHEDULE I, to the contrary, construction or any other development on any land in the Town of Lansing designated as a wetland pursuant to Article 24 of the State Environmental Conservation Law, shall be in accordance with the provisions of the said Art. 24. In addition, construction or any other development shall be in compliance with wetland requirements in the Clean Water Act and all requirements of the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency.

**704.0** **ROADS**

**704.1** The location of, and specifications for, any roads or public highways or other structures or ways proposed to be managed, maintained, or dedicated to the Town, have each been approved by the Town Board either as part of the subdivision approval process or as part of the site plan review process.

**704.2** Specifications for roadways shall be determined by current Town Law, then current ordinances, local laws, rules, and related requirements of the Town of Lansing, including the review and approval thereof by the Town Highway Superintendent.

**705.0** **AIRPORT HAZARD AREA**

Notwithstanding other provisions of this Ordinance to the contrary, particularly including SCHEDULE II, no lot shall be less than one (1) acre in area, with a minimum of 200 feet of frontage, and no dwelling, school, nursing home, or place of public assembly shall be permitted within the “Land Use Restriction Area” as this may be shown on the Land Use Control Map and/or as designated by Tompkins County or the Federal Aviation Commission in relation to the Ithaca-Tompkins Regional Airport. In addition, before a building permit is issued for any construction in the said “Land Use Restriction Area,” the Code Enforcement Officer shall inform the applicant in writing of noise and hazard conditions that are possible in the flight path of the Ithaca-Tompkins Regional Airport.

**706.0** **PLANNED DEVELOPMENT AREA (PDA)**

**706.1** **Intent.** The intent of this Sec. 706, is to introduce flexibility in conventional land use and design regulations by applying performance criteria established to encourage development in an imaginative and innovative manner while, through the process of review, discussion and ordinance amendment, insuring efficient investment in public improvements, a more suitable environment, and protection of community interest.

This section is aimed primarily at achieving innovation in residential development so that the demand for housing at all economic levels can be met by greater variety in type, design and siting of dwelling units, and so the conservation and more effective use of limited land can be achieved. It is also

recognized that certain types of nonresidential development are beneficial to the Town and would not contravene the objectives of the Comprehensive Plan if they adhere to certain predetermined performance and design conditions. The Planned Development technique is to be used to enable this nonresidential development to occur even though such development may not be specifically listed in SCHEDULE I of this Ordinance.

This section further recognizes that, while the standard land use control function (land use and density) and the subdivision function (platting and design) are generally appropriate for the regulation of the use of land in the Town, these controls represent a type of pre-regulation, regulatory rigidity and uniformity that may be adverse to the objectives of the Planned Development concept. Further, this section recognizes that a rigid set of space requirements along with area and use specifications would frustrate the application of this concept. Therefore, where the Planned Development concept is deemed appropriate through the rezoning of land by the Town Board to a Planned Development Area, the set of conventional land use activities and area specifications set forth in SCHEDULES I and II of this Ordinance are hereby replaced by an approval process in which an approved Development Plan becomes the basis for continuing land use controls.

**706.2**            **Objectives of a Planned Development Area.** To carry out the purpose of this Sec. 706, a Planned Development Area shall achieve the following objectives:

**706.2.1**            A maximum choice in the types of environment, types of housing, lot size and community facilities available to existing and potential Town residents at all economic levels.

**706.2.2**            More usable open space and recreation areas.

**706.2.3**            More convenience and flexibility in the location of any nonresidential land use activities.

**706.2.4**            The preservation of trees, natural drainage ways, geologic features and the prevention of soil erosion.

**706.2.5**            An efficient use of land resulting in smaller networks of utilities and roads and thereby lower housing and community costs.

**706.2.6**            A development pattern in harmony with the objectives of the Comprehensive Plan and complimentary to the character of the surrounding area.

**706.3**            **Preliminary Proposal/Feasibility Conference**

**706.3.1**            Location. PDAs are permitted in every land use classification within the Town.

**706.3.2**            Permitted Land Use Activities. All residential land uses are permitted in a PDA and any nonresidential land uses, or a mix of residential and nonresidential land uses, will be permitted if the developer can demonstrate that such uses will promote the objectives of the Comprehensive Plan, will contribute to the quality of the proposed development for the area, and will lead to the direct or indirect enhancement of the surrounding neighborhood in terms of open space, safe

vehicular and pedestrian traffic movement, parking, maintenance costs, landscaping, preservation of natural features and an improved living environment.

**706.3.3** An applicant wishing approval for a Planned Development Area shall submit a request to the Planning Board, with a copy to the Town Board, in the form of a Preliminary Proposal which shall include:

**706.3.4** A sketch plan showing items specified in Sec. 701.5.2.

**706.3.5** A narrative explanation of the character and purpose of the Planned Development including the type and density of any development proposed, the water supply and sewage disposal systems proposed, a general statement of proposed financing and an indication of the expected timetable for development, and a statement responding to 706.2 of this Ordinance.

**706.3.6** A completed full environmental assessment form, Part 1. (SEQR, Sec. 617.20 Appendix A).

**706.3.7** After such conference, if the applicant wishes to proceed with Planned Development, a written Statement of Intent to Comply with the conditions and specifications, as established, shall be submitted to the Planning Board. Within five (5) business days of the submission of such written statement the applicant shall notify landowners within 600 feet of the boundaries of the property that a PDA has been submitted for consideration and that the PDA documents are available for review in the Planning and Code Enforcement Office. Such applicant shall provide proof of delivery of such notification to the Planning Board.

**706.4** **Public Comment Period**

Within 45 days after receipt of the Preliminary Proposal, the Planning Board shall schedule a conference with the applicant to review the proposed Planned Development and environmental assessment. If the Planning Board determines that said proposal is in accordance with the general planning objectives for the area and the objectives of this Sec. 706, the Planning Board and applicant shall jointly consider the conditions and specifications under which the proposal may be approved.

If agreement on preliminary conditions cannot be reached, the Planning Board may, at that time, recommend to the Town Board that the proposal not be approved. Such recommendation shall include a detailed explanation of the basis for the Planning Board's decision.

**706.5** **Approval of Statement of Intent to Comply**

Upon receipt of the applicant's Statement of Intent to Comply with the established conditions, the Planning Board shall, within 120 days, forward to the Town Board its recommendation to conditionally approve or disapprove the development subject to such conditions and to completion of the required environmental review. During this 120 day period the Planning Board shall

review details regarding compliance with Sections 706 (PDA) and 701 (Site Plan Review), and within the first 30 days of the review period a public comment period will be established to consider Section 701 Site Plan Review and Section 706 PDA issues. A PDA Site Plan Review shall require, in addition to the other requirements of this Ordinance:

- 706.5.1** A statement as to the effect of the proposed PDA on the objectives of the Comprehensive Plan and the character of the neighborhood.
- 706.5.2** A statement identifying potential significant adverse impacts that should be included in an environmental review.
- 706.5.3** A statement of the conditions and covenants that shall be followed by the applicant in developing the proposed planned development.
- 706.5.4** The applicant's Statement of Intent to Comply with the required conditions.
- 706.5.5** A recommendation on the amount and type of performance guarantee which the developer should provide.

**706.6**        **Conditional Approval of the Planned Development Area**

- 706.6.1** Within forty-five (45) days after receipt of the Planning Board's recommendation to conditionally approve or disapprove the proposed PDA, the Town Board shall hold a public hearing on the proposal. Within thirty (30) days after such public hearing the Town Board shall approve conditionally or disapprove the proposed PDA.
- 706.6.2** Notwithstanding the time periods stated above, the Town Board shall not act on the proposed PDA until all applicable provisions of 6 NYCRR Part 617 (SEQRA) have been complied with.
- 706.6.3** Conditional approval shall remain valid for a period of one (1) year, unless extended by the Town Board, and shall be subject to acceptance of a Final Development Plan by the Town.

**706.7**        **Final Development Plan**

Public Hearing. Upon receiving conditional approval by the Town Board the applicant shall prepare a Final Development Plan for submission to the Planning Board. After a review of the Final Development Plan has been completed by the Planning Board and other Town and County technical personnel, as appropriate, a written recommendation shall be filed by the Planning Board with the Town Board and the Code Enforcement Officer. The Final Development Plan submitted to the Planning Board shall include:

- 706.7.1** Drawings showing proposed land use activities, the location of all buildings and on-site parking, the location, with dimension, orientation and bearings of lot lines, roads and any areas to be conveyed, dedicated or reserved for parks or open space, a landscaping and tree planting plan and a clear indication of the appearance of proposed structures and materials to be used.

**706.7.2** Written statements including any staging of construction being considered, a timetable for beginning and completing construction of each stage, and a copy of any deed restrictions or covenants to be incorporated in the development.

**706.7.3** Any additional drawings, surveys or statements that may be requested by the Planning Board in making its review. The need for, and purpose of, any such request shall be explained in writing.

**706.8** **Town Board Action on a Final Development Plan**

Within 45 days of receipt of a complete proposed Final Development Plan from the applicant, the Town Board shall hold a duly advertised public hearing on the Final Development Plan. Within thirty (30) days after such hearing, the Town Board shall act to approve, with or without conditions, or disapprove the Final Development Plan. Notwithstanding the above, the Town Board shall not act on the proposed PDA until all applicable provisions of 6 NYCRR Part 617 (SEQRA) have been complied with, and the above time limit may be extended to permit the conclusion of all SEQRA proceedings.

**706.9** **Review**

**706.9.1** One (1) year from the date of conditional approval by the Town Board (Sec. 706.6 above) the proposed Planned Development shall be subject to review by the Planning Board. If a Final Development Plan has not been submitted, or if a Final Development Plan has been approved but reasonable progress has not been made toward eventual completion of the project, the Planning Board may recommend to the Town Board that conditional approval be withdrawn or, with good cause, extended for an additional year.

**706.9.2** The Planned Development shall be subject to annual review by the Planning Board, and action by the Town Board, until it is completed in accordance with the Final Development Plan. If the proposed development is discontinued or withdrawn at any time the conventional land use regulations applicable to the area prior to approval of said Planned Development shall again be in effect and the performance bond used to restore the land to acceptable condition including but not limited to demolition and removal of incomplete or damaged structures and the restoration of pre-existing land features.

**706.10** **Control of Planned Development**

After Town Board conditional approval of a Final Development Plan for a PDA, changes, extensions or modifications of said development may be made only after they have been reviewed by the Planning Board and approved by the Town Board.

**707.10.1** Changes that affect significant elements of the PDA such as land use, size, orientation, occupancy, or density of buildings shall require a new PDA submission and approval.

**706.11** **Certificate of Occupancy**

Upon completion of the Planned Development, or any stage of it, the Code Enforcement Officer shall issue a Certificate of Occupancy in accordance with Building Code, this Ordinance, and/or the Town's Code Enforcement Local Law.

**706.12** **Subdivision of a Planned Development Area**

The provisions of Sec. 706.10 above, governing changes in the Final Development Plan, will apply even if subdivision into independent lots has occurred. Subsequent owners or lessees of a subdivided PDA may jointly or separately make application under this Sec. 706 for an amendment to the Final Development Plan.

**706.13** **Site Plan Review in Subdivision Control**

If part of a Planned Development involves the subdivision of land into smaller parcels for sale to individual owners, the site plan review required by this Sec. 706 shall suffice for final plat review required by Town Subdivision Rules and Regulations. In such cases the developer shall prepare a subdivision plat suitable for filing with the Tompkins County Clerk in addition to the required PDA drawings. Final Site Plan approval by the Town Board under this Sec. 706 shall constitute final approval under Town Subdivision Rules and Regulations and the final plat shall be filed with the County Clerk in the manner prescribed in such rules and regulations.

**ARTICLE VIII: SPECIAL CONDITIONS AND SPECIAL USE PERMITS**

**800.0** **INTENT**

The intent of this Article VIII is to set forth supplemental regulations, procedures and conditions that shall apply to certain land use activities in the Town of Lansing which, by reason of their distinctiveness, individual character, location and potential effect on the surrounding neighborhood, warrant development conditions or special review and evaluation on an individual basis so that the purposes of this Ordinance will be achieved, and to assure such activities will not adversely affect the neighborhood.

**801.0** **APPLICABILITY**

No building permit shall be issued for any land use or activity listed in SCHEDULE I of this Ordinance as having Special Conditions applicable thereto (SC), or requiring a Special Use Permit (SP), until the Code Enforcement Officer is satisfied that the conditions and other requirements set forth in this Article VIII have been complied with or that a variance thereof has been duly granted.

**802.0** **SPECIAL CONDITIONS (SC)**

The Code Enforcement Officer shall issue a building permit for the following uses only when satisfied that applicable conditions specified in this Sec. 802 and all other applicable regulations, including those set forth in Sec. 701.0, if applicable, have been met.

**802.1 SITE PLAN REVIEW REQUIRED**

All land uses listed in Schedule I that require any Special Conditions shall also be subject to Site Plan Review, including all subsections of this Sec. 802 listed below (Sec. 802.2 through Sec. 802.17, inclusive).

**802.2 MOBILE HOME PARK**

Permitted when such parks are in compliance with Lansing Mobile Home Park Local Law.

**802.3 NURSERY SCHOOL; DAY CARE FACILITY**

Permitted when applicable regulations of New York State can be complied with.

**802.4 RESIDENTIAL (HOME) BUSINESS OR OCCUPATION**

Permitted when:

- a. The use is located in a dwelling inhabited by the business owner, or in a building accessory to such dwelling, and on the same lot.
- b. All activity related to the home business is conducted inside the dwelling or accessory building.
- c. The need for off-street parking can be satisfied by no more than three off-street parking spaces, in addition to those required for a residence.
- d. The general appearance of the building and lot is compatible with the surrounding residential neighborhood, except that a sign may be provided in accordance with the Town Sign Local Law.
- e. The business is operated by its owner and not more than three persons who do not live in the dwelling.
- f. No offensive noise, odor, smoke, dust, heat, glare or electrical disturbance is produced by the business.

**802.5 KENNEL; ANIMAL BOARDING**

Permitted when:

- a. Such facility is designed to accommodate small animals exclusively, such as dogs and cats.
- b. No outdoor runs are provided.
- c. Such facility is designed and operated so that it does not produce noise or odors that disturb adjoining property.

**802.6**      **VETERINARY HOSPITAL**

Permitted when:

- a. There is no outdoor storage of refuse, feed or other materials and no on-site incineration of refuse.
- b. In B1 and B2 Districts, there can be no open or outdoor boarding or exercise facility.

**802.7**      **MOTEL; HOTEL**

Permitted when:

- a. No building is located less than fifty (50) feet from the lot line of an existing residence.
- b. No off-street parking is located less than 10 feet from a front lot line or 10 feet from a side or rear lot line of an abutting existing residence or business.
- c. Access driveways intersect public roads at approximately ninety degrees and no driveway is located less than fifty (50) feet from the intersection of two public road right-of-way lines unless otherwise permitted by State or local law.
- d. Landscaping is provided along all public road frontage per site plan review.

**802.8**      **BED AND BREAKFAST & ROOMING HOUSE; TOURIST HOME**

Permitted when:

- a. No building is located less than fifty (50) feet from the lot line of an existing residence.
- b. No off-street parking is located less than 10 feet from a front lot line, side or rear lot line of an abutting existing residence or business.
- c. Access driveways intersect public roads at approximately ninety degrees and no driveway is located less than fifty (50) feet from the intersection of two public road right-of-way lines unless otherwise permitted by State or local law.

**802.9**                    **RETAIL SALES, SPECIALTY: ANTIQUES, CRAFTS AND SIMILAR INDEPENDENT FACILITY**

Permitted when such activity is conducted in a dwelling which is occupied by its owner or a building accessory to such owner-occupied dwelling.

**802.10**                    **DWELLING, ECHO HOUSING**

Permitted when the ECHO unit is designed for temporary installation and is to be removed within sixty (60) days after the need for such unit has passed.

**802.11**                    **MULTI-FAMILY DWELLING**

Permitted when such dwellings have a minimum front yard setback of 100 feet.

**802.12**                    **RETAIL SALES: LUMBER AND OTHER BUILDING MATERIALS AND SUPPLIES.**

Permitted when:

- a.        Landscaping is provided along public road frontage.
- b.        Lighting fixtures shall not cause glare on roadways or adjacent properties.
- c.        In the B1 District there is no outdoor storage of materials and supplies.

**802.13**                    **RETAIL SALES: MOBILE HOME, RV, SNOWMOBILE, BOATS, OTHER SIMILAR MARINE AND WATER CRAFTS, AND SIMILAR ITEMS REQUIRING OUTDOOR STORAGE .**

Permitted when:

- a.        A landscaped area as per approved Site Plan at least 15 feet wide is provided between any outside storage or display area and any property line.
- b.        Any lighting used to illuminate outside display or storage area shall use cut-off fixtures that do not cause glare on roadways or adjacent properties.

**802.14**                    **PRINTING AND PUBLISHING**

Permitted when such business has a total floor area no greater than 5,000 sq. ft.

**802.15**                    **VEHICLE BODY SHOP, NOT AS PART OF NEW OR USED CAR SALES AND SERVICE**

Permitted when:

- a. No vehicles awaiting repair shall be parked in any required front yard area.
- b. No outdoor storage of parts and/or materials to be discarded.

**802.16 FARMING - POULTRY**

Permitted when:

- a. All farming activity is completely enclosed within a building.
- b. The Board of health has approved the disposal of animal waste.
- c. An odor absorbing air filtration system is used.

**802.17 FARMING - LIVESTOCK**

Permitted when:

- a. The Board of health has approved the disposal of animal waste.
- b. There is no outdoor storage of refuse or feed.
- c. Penning or feeding areas are located at least 200 feet from the property line of an existing non-farm residence.

**803.0 SPECIAL USE PERMITS (SP)**

**803.1 GENERAL REQUIREMENTS**

Authorization for any Special Use Permit shall be obtained from the Town Board, or such other agency as may be specified in this Ordinance. Such authorization shall be conditioned on provision of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate possible detrimental effects on land value and upon adjacent property. To this end, before a Special Use Permit is authorized the Town Board shall determine, after a duly advertised public hearing, whether the following general requirements will be complied with, as well as any other applicable requirements for certain specific land uses or activities as may be set forth in Sec. 803.2. of this Ordinance. To authorize a Special Permit Town Board must find:

- 803.1.2** That the proposed land use or activity is to be located, constructed, and operated so that the public health, safety and general welfare will be protected.
- 803.1.3** That the existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.
- 803.1.4** That adequate landscaping and screening is to be provided.

**803.1.5** That adequate off-street parking and loading is provided and the ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.

**803.1.6** That the proposed land use or activity will not result in excessive erosion and will not increase the volume or velocity of surface water runoff onto abutting properties.

**803.1.7** That any proposed water and/or sewage disposal system is determined by appropriate jurisdictional authority to be adequate.

**803.1.8** That vibration, glare, odor, heat or noise anticipated from the proposed use can be mitigated.

**803.2** **SPECIFIC REQUIREMENTS**

In addition to the general requirements for a Special Use Permit, as set forth in Sec. 803.1., above, the specific requirements for certain land uses or activities, as set forth in this Sec. 803.2 (and its subsections) shall also be complied with.

**803.2.1** **SITE PLAN REVIEW REQUIRED**

The application for any use which requires a Special Use Permit, and for which site plan review is required as specified in Schedule I, shall be referred by the Code Enforcement Officer to the Planning Board for review in accordance with the provisions of Sec. 701. of this Ordinance. A Special Use Permit for such use shall not be authorized by the Town Board until a recommendation from the Planning Board has been made. If such Planning Board recommendation has not been made within thirty (30) calendar days from the date of referral of the application, the Town Board may act without such recommendation.

**803.2.2** **KENNEL; ANIMAL BOARDING**

Permitted when:

- a. Such facility is designed so that outdoor pens and exercise runs, if any, are located at least 100 feet from any property line.
- b. Such facility is designed and operated so that it does not produce noise or odors that disturb adjoining property.

**803.2.3** **VETERINARY HOSPITAL**

Permitted when:

- a. The facility is completely enclosed and there are no open or outdoor boarding or exercise facilities.

- b. There is no outdoor storage of refuse, feed or other materials and no onsite incineration of refuse.
- c. Such facility is designed and operated so that it does not produce noise or odors that disturb adjoining property.

**803.2.4 SEXUALLY ORIENTED BUSINESS; ESTABLISHMENT**

Permitted when such facility is in compliance with existing local ordinance on adult entertainment which is incorporated herein by reference.

**803. 2. 5 COMMUNICATION TOWER FOR THE COMMERCIAL RECEPTION OR TRANSMISSION OF ELECTRONIC SIGNALS**

Permitted when: such activity or facility is in compliance with Town of Lansing Cellular Tower Ordinance (as amended), which is incorporated herein by reference, and:

- a. The Town Board is satisfied that the height of such tower, if greater than fifty (50) feet, is essential to its effective operation and that multiple tower structures cannot provide coverage.
- b. A location map is provided showing all residences within a 1,000 foot radius of the proposed tower.
- c. The applicant makes a performance guarantee, or similar provision, for correction of any TV, radio or other electrical disturbances caused by the tower's operation whenever such requirement is impossible under FCC rules or applicable telecommunications laws.
- d. The Town Board, as lead agency, has made a determination in accordance with SEQRA provisions, if required.
- e. Town Board approval has been obtained.

**803.3 PROCEDURE FOR SPECIAL USE PERMIT**

**803.3.1** Application. Application for a Special Use Permit shall be made to the Code Enforcement Officer who shall refer it to the Planning Board for consideration. The Planning Board shall, within 30 days after receipt of a completed application and all information requested of applicant, make recommendations thereupon and refer the matter to the Town Board for final decision.

**803.3.2** Materials to be Submitted. An application for a Special Use Permit shall be accompanied by any written and graphic material which the applicant feels will best support and illustrate the request. Additional information might be requested by the Planning Board and/or Town Board in reaching its determination. Information to be submitted for site plan review is specified in Sec. 701.5.2 of this Ordinance.

**803.3.3**        Public Hearing and Decision. The Town Board shall conduct a duly advertised public hearing within 62 days from the day an application is received. The Town Board shall decide upon the application within 62 days after the hearing has been closed unless the time for decision is extended by mutual consent.

**803.3.4**        Referral to County Planning Department. If applicable, the application shall be referred to the Tompkins County Planning Department in accordance with Sections 239-1, *et seq.*, of the General Municipal Law.

**803.3.5**        SEQR. The authorized board shall comply with the provisions of SEQRA. Time periods specified in other sections of this Article VIII shall be adjusted as necessary to accommodate SEQRA requirements.

**803.4**        **EXPIRATION**

Special Use Permits shall expire within 12 months from the date of issuance if the proposed land use activity has not been substantially implemented, as determined by the Town Board. One or more 12 month extensions may be granted by the Town Board, if the Board finds there has been no change in the relevant conditions and circumstances.

**ARTICLE IX: PARKING AND LOADING**

**900.0**        **INTENT**

The intent of this Article IX is to assure that all non-farm land use activities in the Town of Lansing be provided with sufficient and safe off-street motor vehicle parking and loading space to adequately serve, and meet the needs of, persons associated with such land use activities. The requirements of this Article do not apply to agricultural land uses.

**901.0**        **OFF-STREET PARKING REQUIREMENTS**

**901.1**        **Required Spaces**

The minimum number of off-street parking spaces required for land uses or activities permitted by this Ordinance shall be as set forth in SCHEDULE III.

**901.2**        **Size and Access**

Each required off-street parking space shall have a dimension of at least nine feet by eighteen feet exclusive of passageways and driveways thereto. Each such space shall have direct and useable access to a road, designed and located so as not to require the backing of any vehicle into a road right-of-way, except that this provision shall not apply to one and two family dwellings.

**901.3**        **Parking in Yards**

Off-street parking space, open to the sky, may be located in any yard area required by SCHEDULE III of this Ordinance except that:

**901.3.1** No more than fifty percent (50%) of the area of any required front yard may be used for parking.

**901.3.2** No parking space may be located less than ten (10) feet from any property line of an adjacent residential lot.

**901.3.3** For non-residential land use activities, all front yard area not used for parking or access shall be improved by grass, trees, shrubs or other forms of landscaping.

**901.4** **Screening and Landscaping**

For non-residential land uses in lakeshore and residential districts (L1, R1, R2 and R3 Districts), off-street parking areas adjacent to an existing residence shall provide for a buffer strip designed to screen the parking area from such adjacent residence.

**901.5** **Parking Area Lighting**

If an off-street parking area is to be lighted, such illumination shall be designed using cut-off fixtures, or equivalent, installed so that light does not create glare onto adjacent residential properties or onto any adjacent roadway. Wherever practical, luminaires shall provide for glare-free, downward directed, and shielded lighting as promotes the “Dark Sky” standards of the International Dark-Sky Association (“IDA”), Tucson, Arizona, including, for example, meeting the goals and standards expressed in the “Outdoor Lighting Ordinance and Community Standards” Information Sheet #172 and the IDA “Outdoor Lighting Code Handbook.” Excessive lighting for promotional or commercial visibility purposes shall be discouraged.

**902.0** **OFF-STREET LOADING REQUIREMENTS**

**902.1** **Location and Size**

All required off-street loading berths shall be located on the same lot as the land use activity to be served, shall not be located in any front yard area and shall be at least 12 feet in width and 35 feet in length.

**902.2** **Space Requirements**

Areas for off-street loading shall only be required in commercial and industrial districts and only when necessary to provide adequate service. Unless modified by the Zoning Board of Appeals, one loading space shall be provided for each 15,000 sq. ft. of floor area or major fraction thereof.

**903.0** **CONFLICT WITH OTHER REGULATIONS**

If off-street parking and loading requirements, as may be set forth in Sec. 802 (Special Conditions) or Sec. 803 (Special Use Permits) or as a result of site plan review (Sec. 701), conflict with the requirements of SCHEDULE III, the Special

Conditions or Special Use Permits or site plan review requirements shall take precedence over said SCHEDULE III.

**904.0**            **VARIANCE**

In case of practical difficulty or unusual conditions arising out of the parking and loading requirements of this Article, such requirements may be modified or waived through an application to the Zoning Board of Appeals for an area variance in accordance with the provisions of Section 1200 of this Ordinance.

**ARTICLE X: NONCONFORMING USES**

**1000.0**            **INTENT**

The intent of this Article X is to provide for the use of land, buildings and lots that do not comply with the regulation of this Ordinance and to set forth the circumstances and conditions under which such nonconformity may be continued.

**1001.0**            **CONTINUANCE**

Except as otherwise provided in this Article X, the lawful nonconforming use of any land, building, or lot existing at the date of adoption or amendment of this Ordinance may be continued even though such use, building, or lot does not conform to the regulations specified for the zoning district in which such land, building, or lot is located. Unless set forth to the contrary elsewhere in this Ordinance:

**1001.1**            The nonconforming use of land may not be expanded or extended so as to occupy a greater area of land unless a variance therefore has been granted.

**1001.2**            The footprint of a nonconforming building may be enlarged, extended or increased if the lot area, width and yard requirements set forth in SCHEDULE II can be met or an area variance has been granted.

**1001.3**            A nonconforming lot shall not be reduced in area or dimension through subdivision so as to increase the amount of nonconformity.

**1002.0**            **PERMISSION TO ALTER OR ENLARGE**

Notwithstanding the provisions of Sec. 1001 to the contrary, the Zoning Board of Appeals may, upon written request for a variance, permit the expansion, extension, enlargement, replacement of, movement of, or addition to a nonconforming use or building, in accordance with the criteria specified in Town Law Section 267-b.

**1003.0**            **CHANGES**

A nonconforming use may be changed to another nonconforming use only by variance granted by the Zoning Board of Appeals in accordance with criteria specified in Sec. 267-b of Town Law.

**1004.0**            **RESTORATION AND REPAIR**

A nonconforming building, or part thereof, that is damaged or destroyed may be restored to a safe and sanitary condition. Any damaged nonconforming land or building that is determined to be unsafe or a hazard to public health or safety shall be subject to all other regulations of the Town related to unsafe buildings.

**1005.0**            **TRANSFERENCE**

Nonconforming use rights remain with the land when title is transferred, subject to the provisions of this Article X.

**1006.0**            **REVERSION**

No nonconforming use of land or a building shall, if once changed to a conforming use, be changed back to the previous or a new nonconforming use unless a use variance therefore has been granted by the Zoning Board of Appeals.

**1007.0**            **ABANDONMENT OR DISCONTINUANCE**

Except for agricultural uses which are exempt from the provisions of this section, abandonment or discontinuance of any nonconforming use for a period of twelve months or more shall terminate such nonconforming use of the structure or premises. Any subsequent use of such building or premises shall be in conformance with the provisions of this Ordinance. The date of abandonment or discontinuance shall be determined by the Code Enforcement Officer. Extension of the termination date for an additional six (6) months may be granted by the Zoning Board of Appeals if a written request is made by the property owner.

**1008.0**            **DISTRICT CHANGES**

When the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions of this Article X shall also apply to any nonconformity existing therein or created thereby.

**1009.0**            **PREVIOUSLY PREPARED PLANS**

Nothing in this Ordinance shall require any change in plans, construction or designated use of a building for which a building permit has been issued prior to the adoption of this Ordinance.

**ARTICLE XI: ADMINISTRATION AND ENFORCEMENT**

**1100.0**            **ENFORCEMENT**

**1100.1**            **Enforcement Officer**

This Ordinance shall be enforced by the Code Enforcement Officer (CEO) who shall be appointed by, and serve at the pleasure of, the Town Board. The CEO shall have the power to make and issue rulings and determinations and conduct inspections of buildings or premises as necessary to carry out the enforcement duties of this Ordinance.

**1100.2 Building Permit**

No building shall be erected, moved, enlarged or structurally altered, and no excavation for any building shall be begun, and no land shall be used for any activity covered by this Ordinance unless a building permit has been issued by the Code Enforcement Officer. Notwithstanding the above, no such building permit shall be required for normal maintenance and repair work, for painting, interior decoration, landscaping and the construction or erection of any structure such as a utility shed or animal shelter where the total floor area is 100 sq. ft. or less, unless such permit is required by the State of New York.

**1100.3 Application**

Application for a building permit shall be made to the Code Enforcement Officer and such permit may be issued after a review of the work proposed. Where the proposed construction, alteration or use of a building or land does not comply with the provisions of this Ordinance, no building permit shall be issued except on written order of the Zoning Board of Appeals, the Town Board or the Planning Board, as determined by applicable sections of this Ordinance.

**1100.4 Revocation**

The Code Enforcement Officer may revoke a building permit if it has been found that there is a significant deviation from the plans upon which such permit was issued, as it falls within the scope of this Ordinance, or whenever suitable cause exists to do so by law or pursuant to the Town's Code Enforcement Local Law or the Uniform Building (and related) Codes of the State of New York.

**1101.0 CERTIFICATE OF OCCUPANCY**

Upon completion of any building for which a building permit is required, and prior to occupancy thereof, the Code Enforcement Officer shall inspect the building for compliance with this Ordinance and other applicable laws and regulations, including the above-referenced Code Enforcement Local Law or the Uniform Building (and related) Codes of the State of New York. If, in the best judgment of the CEO, the building meets all applicable regulations and specifications, a Certificate of Occupancy shall be issued and the building may be occupied. If the building or land use is in violation of this Ordinance the law shall be enforced as stated in Article XIV of this Ordinance, or as allowed per law or under the Code Enforcement Local Law or the Uniform Building (and related) Codes of the State of New York.

**1102.0 HEALTH DEPARTMENT REQUIREMENTS**

No building permit or Certificate of Occupancy issued under the terms of this Article XI shall become or remain valid unless the holder thereof has complied with applicable rules and regulations of the Tompkins County Health Department Sanitary Ordinance.

## **ARTICLE XII: APPEALS**

### **1200.0        ZONING BOARD OF APPEALS**

There is hereby established a Zoning Board of Appeals which shall function in the manner prescribed by the sections of Town Law of the State of New York as they relate to the Zoning Board of Appeals.

## **ARTICLE XIII: AMENDMENTS**

### **1300.0        AUTHORITY**

The Town Board may, on its own motion, or on petition from the public or on recommendation of the Planning Board, amend, supplement, change or repeal the regulations and provisions of this Ordinance after legal notice and public hearing as specified by Town Law or the Municipal Home Rule Law.

### **1301.0        REFERRALS**

**1301.1        Referral to Town Planning Board.** Each proposed amendment, if initiated by an agency or source other than the Planning Board, shall be referred to said Planning Board for review and recommendation thereon before the public hearing hereinafter provided for.

**1301.2        Referral to County Planning Department.** Before taking final action on certain proposed amendments to this Ordinance, the Town Board shall refer such amendments to the Tompkins County Planning Department for a report thereon pursuant to Sections 239-1, *et seq.*, of General Municipal Law.

### **1302.0        PUBLIC HEARING**

The Town Board shall fix the time and place for a public hearing on the proposed change or amendment and cause notice to be given by publishing and posting a notice of public hearing as required by law.

### **1303.0        PROTEST**

In the event a valid protest petition is submitted per Town Law Section 265 no such proposed and protested amendment to this Ordinance shall be adopted except by a favorable vote of four members of the Town Board.

### **1304.0        PREEXISTING CONDITIONS UNAFFECTED**

Nothing in this Ordinance, or in any amendments hereto, shall be construed as changing the plans or uses of present buildings, or the construction, use or occupancy of any building for which a permit has heretofore been issued.

**ARTICLE XIV: VIOLATION AND PENALTIES**

**1400.0 VIOLATION AND PENALTIES**

A violation of this Ordinance is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate additional violation. In addition to other penalties, the Town of Lansing may institute any appropriate civil or criminal action or proceeding (including an enforcement or other proceeding under Executive Law Section 382): (i) to prevent the unlawful erection, construction, reconstruction alteration, conversion maintenance, or use of building or land or division of land in violation of the requirements of this Ordinance; (ii) to restrain, correct or abate any violation; (iii) to prevent the occupancy of any building, structure, or land; and/or (iv) to prevent any illegal act, conduct, business. Operations, or use in or about such premises or upon any Lot.

**ARTICLE XV: MISCELLANEOUS**

**1500.0 INTERPRETATION**

The provisions of this Ordinance shall be held to be the minimum requirements necessary to accomplish the purpose of this Ordinance and shall be interpreted and applied as such. When requirements of this Ordinance conflict with the requirements of other lawfully developed rules, regulations, laws, or ordinances the most restrictive, or that imposing higher standards, shall take precedence. Notwithstanding the foregoing limitations, the code enforcement officer shall have the authority and power to make determinations, issue opinions, and classify uses per section 501.0, above, and Town Law Article 16, subject to the right of review of the same per Town Law Sec. 267-a and 267-b.

**1501.0 VALIDITY**

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

**1502.0** This Ordinance shall repeal the Ordinance entitled "Land Use Ordinance for the Town of Lansing" duly adopted by the Lansing Town Board on June 4, 1973, as subsequently amended.

**1503.0 EFFECTIVE DATE**

This Ordinance shall be in force and effect upon adoption and publication as provided by law, or when amended by local law, immediately upon the adoption of such local law amending this Ordinance.

## **APPENDIX II: ADULT ENTERTAINMENT ORDINANCE**

### **1) INTENT**

It is the intent of this local law to regulate sexually-oriented businesses, to promote the health, safety, morals and general welfare of the citizens of the Town of Lansing and to establish reasonable and uniform regulations to monitor the location and concentration of sexually oriented businesses within the town of Lansing. The provisions of this local law have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually-oriented materials. Similarly it is not the intent or effect of this local law to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of sexually-oriented entertainment to their market.

### **2) DEFINITIONS**

Sexually oriented businesses shall be defined as:

**Adult arcades** where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions, which are characterized by emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**Adult bookstores/Adult video stores** which have a substantial (50% or more) portion of their stock in trade or rental and offer for sale, for any consideration, any one or more of the following:

- a. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual representations, which are characterized by an emphasis upon the depiction or description of “specified sexual activities: or “specified anatomical areas,” or
- a. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

**Adult cabarets** meaning any nightclub, bar, juice bar, restaurant, or similar establishment, which regularly features live performances characterized by exposure of “specified anatomical areas” or by “specified sexual activities” or films, motion pictures, video cassettes, slides or other photographic reproductions characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical area.”

**Adult motion picture theaters** where, for any form of consideration, films, motion pictures, video cassettes slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is regularly devoted to the showing of material characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical area.”

**Adult theaters** meaning a theater, concert hall, auditorium or similar establishment which for any form of consideration, regularly features live performances characterized by the exposure of “specified sexual activities” or “specified anatomical area.”

**Massage parlors** where, for any consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or manipulation of the human body is administered unless by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition shall not be deemed to include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.

**8. Escort agencies and sexual encounter centers-** where sexual services are provided to clientele.

### **SPECIFIED SEXUAL ACTIVITIES**

- (1) Human genitals in a state of sexual stimulation or arousal; or
  - (2) Acts of human masturbation, sexual intercourse, sodomy, nude dancing, lap dancing;
- or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

### **SPECIFIED ANATOMICAL AREAS**

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernible turgid state even if completely and opaquely covered.

### **USES PERMITTED – RESTRICTIONS**

Sexually-oriented business, as defined herein, shall be permitted in a Rural Agricultural district only, provided that a site plan review and special permit is obtained from the Town Board and the following:

**A.** A sexually oriented business, as defined herein, may not be operated within one thousand (1000) feet of:

- (1) A church, synagogue or regular place of worship.
- (2) A public or private elementary, secondary school, or any public governmental buildings.
- (3) A boundary line of any property zoned as a residential district or the nearest portion of any building used for residential purposes as a permitted use.
- (4) A public use park.
- (5) Day care facilities.

**B.** A sexually oriented business, as defined herein, may not be operated within one thousand (1000) feet of another sexually oriented business as defined herein.

**C.** A sexually oriented business, as defined herein, may not be operated in the same building, structure or portion thereof containing another sexually oriented business.

**D.** For the purpose of this article, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building where a sexually oriented business, as defined herein, is conducted, to the nearest portion of the premises of a

church, public or private elementary or secondary school, residence, or to the nearest boundary of an affected public park, or residential district.

**E.** For purposes of subsection B of this section, the distance between any two (2) sexually oriented businesses, as defined herein, shall be measured in a straight line, without regard to intervening structures or objects.

**F.** All sexually oriented businesses, as defined herein, shall be conducted in an enclosed building. No specified anatomical area or any specified sexual activity, as defined herein, or any display, decoration, sign, or similar depiction of specific anatomical area or any specified sexual activity, as defined herein, shall be visible from the exterior of any building containing a sexually oriented business, as defined herein, regardless of location or distance.

### **LOCATION IN RURAL AGRICULTURAL DISTRICT; suspension of business**

**A.** A sexually oriented business, as defined herein, may be operated only within a rural agricultural district in the TOWN OF LANSING and only in accordance with the provisions of this article.

**B.** Prior to the commencement of any sexually oriented business, as defined herein, or upon any transfer of ownership or control of any sexually oriented business, or upon commencing any adult use, as defined herein, the premises housing such business or use must be inspected and found to be in compliance with all laws, rules and regulations of the health department, fire department, town code enforcement officer, fire marshal and other code enforcement officers.

**C.** The health department, fire department, town code enforcement officer, fire marshal and other code enforcement officials shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of the inspection of the premises by such officials. Such certification shall be promptly presented to the town code enforcement officer.

**D.** An applicant, permittee, and/or licensee shall permit representatives of the town administration, or other town departments or agencies to inspect the premises of a sexually oriented business, as defined herein, for the purpose of ensuring compliance with the law at any time it is occupied or open for business, or at such other times as may be reasonable or appropriate.

**E.** The town code enforcement officer shall suspend the right to conduct any sexually oriented business, as defined herein, for a period not to exceed thirty (30) days if it is determined that the owner and/or operator or an employee of the owner and/or operator of the sexually oriented business, as defined herein, has:

- (1) Violated or is not in compliance with any section of this article.
- (2) Engaged in use of alcoholic beverages while on the sexually oriented business premises, as defined herein.
- (3) Refused to allow an inspection of the sexually oriented business premises, as defined herein, as authorized by this article.
- (4) Knowingly permitted gambling by any person on the sexually oriented business as defined herein, premises.
- (5) Knowingly allowed possession, use or sale of controlled substances by any person on the sexually oriented business premises, as defined herein.

(6) Knowingly allowed prostitution on the sexually oriented business premises, as defined herein.

(7) Knowingly allowed any act of sexual intercourse, sodomy, oral copulation, lap dances, masturbation or other sexual conduct to occur in or on the permitted and/or licensed premises.

(8) Any other act prohibited by law.

**F.** Prior to any suspension, the town code enforcement officer shall provide the owner and/or operator of a sexually oriented business, as defined herein, with a written notice stating the grounds for suspension. The owner and/or operator has the right to submit a response to this notice to the town code enforcement officer within ten (10) days of receipt of said notice. Such response shall be made in writing.

**G.** The town code enforcement officer may not suspend the right to conduct a sexually oriented business, as defined herein, until fifteen (15) days after the notice is given to the owner and/or operator, or until after receiving the owner's and/or operator's response, whichever is sooner.

### **SEVERABILITY**

**A.** Should any section or provision of this article be declared to be unconstitutional or invalid by the courts, such decision shall not affect the validity of the balance of this article.