

**TOWN OF LANSING LOCAL LAW AMENDING ARTICLE XVI OF THE LAND USE
ORDINANCE TO ADD § 1611 TO MAP AND CODIFY PLANNED DEVELOPMENT AREA
ZONE #2 - THE WARREN ROAD BUSINESS PARK PLANNED DEVELOPMENT AREA**

TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK

LOCAL LAW NUMBER 4 OF 2016

Be it enacted by the Town of Lansing as follows:

SECTION 1: TITLE & APPLICATION; FINDINGS

A. This Local Law shall be known as “Local Law Number 4 of 2016.” This Local Law amends the Town of Lansing Land Use Ordinance, by adding a § 1611 to Article XVI for the purpose of formally codifying, mapping, approving, and adopting Planned Development Area (“PDA”) #2 for the Warren Road Business Park PDA, and by specifying the allowed land uses and related regulations for such PDA #2.

B. The Town of Lansing Comprehensive Plan and Land Use Ordinance encourage the efficient use of land to promote sustainable and intelligent designs, such as a business park fostering more intensive land uses, especially in areas where water and sewer infrastructure is available. The Comprehensive Plan also recognizes that business and light industrial development are vital and important resources as they support general operations, provide employment, provide a commercial based for personal service businesses, and create concentrated and node-based development that, in turn, preserve land and agricultural uses that also serve to benefit and define the community. The Town Board finds that this PDA was, is, and remains inherently consistent with the planning and zoning objectives of the Town.

C. PDA #2 was approved in or about 1988, by application of C.J. Developments (Cornelis J. Drost, owner), as a business park to allow a mix of business and light industrial uses as reflected in the park plan and covenants and to contribute to the variety of businesses and employment opportunities within the Town, including by emplacing review requirements and construction restrictions so as to ensure that the PDA remains a business park serving the commercial and light industrial needs of businesses in the Town and in the region, including by promoting denser development to reduce utility costs, maintaining within the PDA certain open spaces, and to create a “tucked-away” business park that would preserve trees and buffers and appropriately and visually mesh well with the surrounding landscapes and uses in the Town, and all within the parameters of allowed density under the Land Use Ordinance. The Final Plat for such PDA was filed in the Tompkins County Clerk’s Office upon July 16, 1988 as Instrument #BF017957-001, at Map Drawer K25 (the “Final Plat”).

SECTION 2: PLANNED DEVELOPMENT AREA #2 - THE WARREN ROAD BUSINESS PARK PDA

A. Planned Development Area (“PDA”) #2, to also be known as the Warren Road Business Park PDA, is hereby established, permitted, and defined with permitted uses and applicable definitions, as hereafter follows. PDA #2 shall be enumerated as Section 1611 of the Land Use Ordinance, as follows:

§ 1611 PDA #2 - The Warren Road Business Park Planned Development Area.

1. PDA #2 shall use all definitions as are applicable to the Land Use Ordinance generally. Unless otherwise regulated differently under the rules and procedures applicable to PDA #2 under this § 1611, the general provisions of the Land Use Ordinance shall apply, as shall all rules and procedures applicable for IR zones generally, specifically including but not limited to rules pertaining to site planning, special permitting, and zoning permits.
2. The allowed principal and supplementary or accessory land uses permitted within the PDA are and include all uses as permitted as of right in the IR zone, except as follows:
 - a. Mining of all types shall be prohibited, including gravel and surface mines, extractive mining, solution mining, oil and gas mining, drilling of rotary mining, and the like.
 - b. The use of land for public or commercial power generation, including as licensed utility providers, shall be prohibited. However, business offices for utility companies are allowed.
 - c. ECHO housing and residential accessory uses are prohibited.
 - d. Rooming and Tourist Homes are prohibited.
 - e. Kennels and animal boarding operations, except as part of a veterinary practice or animal hospital, shall be prohibited.
 - f. The keeping of animals, livestock, or chickens shall be prohibited, unless kept wholly or mainly indoors as part of a veterinary practice or research facility.
 - g. Solid waste recycling and yards and transfer stations, and junkyards, shall be prohibited.
 - h. Automobile sales lots, dealership display areas, and motor vehicle repair shops shall not be permitted as primary uses, but vehicle maintenance and repair facilities shall be allowed secondary uses when ancillary to an allowed primary use and approved by the Planning Board through site plan review.
 - i. Indoor and outdoor recreational facilities, whether for public use or for profit, shall be permitted.
 - j. Parking businesses and parking lots as primary or accessory uses shall be permitted.
 - k. Outdoor tents, trailers, or other similar objects or movable storage units shall be permitted for temporary or permanent storage on any lot, but they may not exceed a total of 200 ft² in combined floor area unless site plan approval is issued by the Planning Board. Outdoor tents, trailers, or other similar objects or movable storage units shall not be permitted for use as business offices or similar facilities (other than for storage), nor for any residential or housing purposes.
1. No unregistered and non-functioning vehicles shall be kept outdoors upon any lot for more than 30 days.

- m. No inventory, goods, or items may be set or displayed outdoors for the purposes of making or promoting sales at any time.
3. The following uses are permitted, but only upon a site plan review approval by the Town Planning Board:
 - a. Churches or other places of worship, convents, and parish houses.
 - b. Public or private libraries, museums, private and public schools and instructional centers, nursery schools, kindergartens, and day care centers.
 4. Yardage requirements and set-back requirements, density, building and structure height, and coverage regulations are as follows:
 - a. All building and structure setbacks, excluding roadways and pedestrian walkways and trails, shall be at least 25' from the exterior boundary lines of the PDA. Other internal PDA set-back and yardage requirements shall be as set forth in the Land Use Ordinance for IR zones, except as may otherwise be set forth or required herein.
 - b. Density regulations shall require that the PDA maintain a 20% minimum open space standard per lot and a 20% minimum open space standard for the entirety of the PDA.
 - c. Buildings shall not exceed 3 stories and no building or structure shall exceed a height of greater than 45 vertical feet measured from the average grade to the highest point in the roof line, excluding chimneys and vents.
 5. Roadway, parking, and transportation requirements are as follows:
 - a. There shall be a number of parking spaces as required by the Land Use Ordinance, or if no standard or rule applies to the land use applicable within the PDA then a minimum 2 parking spaces for each 200 ft² of floor area for each building, each unless otherwise approved by the Planning Board under site plan review. All parking shall be near or adjacent to the applicable building served, but individual lots may have parking as a primary use when adjacent to or serving a primary use within the PDA or when serving a park and ride or other mode-share transportation form or service.
 - b. All parking spaces shall have a minimum width of 8.5', a minimum depth of 18', and a minimum vertical clearance height of 7', except handicapped and impaired parking spaces, which shall conform to all code and legal requirements in terms of the number of spaces, their location, and the minimum dimensions thereof.
 - c. All sidewalks and pathways, including all building-to-building walkways and picnic areas, shall be constructed and maintained by the owners of the lot(s) upon which any such infrastructure is sited. If and once built, such walkways and sidewalks shall be subject to such trail and walkway specifications and such maintenance agreements as are now or hereafter required or approved by the Town Board, with input from the Town Planning Department and the Town Director of Parks and Recreation.

d. All vehicular roadways shall be built by the developer and, once proffered to the Town as dedicated roadways and duly accepted by the Town Board, kept and maintained as public highways of the Town of Lansing. The Developer and the Town may also agree, in the future, to the dedication of such further or additional roadways or easements as may hereafter be built. All future roads shall be constructed to Town of Lansing roadway and related specifications as to sub-base and roadway surfacing, even if the same may not be proposed to be dedicated to the Town, and all pathways and pedestrian ways shall be constructed in a safe and workmanlike manner in accord with plans approved by the Town Department of Parks and Recreation. All roadways shall be engineered, designed, constructed, and maintained in such manner as to permit the safe passage of fire trucks and other emergency vehicles.

e. If a connecting roadway is ever built or proposed to connect the PDA to the Village Circle Area or to lands easterly of the PDA, the same shall be set upon land reserved therefor as shown upon the Final Plat, and such roadways, if and once built, shall be dedicated in fee by the then owners of the lands adjacent to and affected thereby, all as shown running 60' wide easterly and westerly from the *cul de sac* at the end of Dutch Mill Road, with additional utility easements 10' wide adjacent to each northerly and southerly boundary line thereof, being more specifically shown as running westerly between Lots 11 and 12 upon the Final Plat and easterly between Lots 13 and 14 upon the said Final Plat. Such proposed future roadways shall be and be deemed reserved and dedicated to the Town for future highway purposes unless heretofore or hereafter expressly abandoned by resolution of the Town Board.

f. If any pedestrian pathway or walking trail is ever built or proposed to connect the PDA to the Village Circle Area, such pathway or trail shall be promptly dedicated to the Town in fee as soon as practical after completion.

6. Landscaping plans and buffering requirements are as follows:

a. Landscaping shall be designed to manage and prevent water drainage to and stormwater runoff upon adjacent properties.

b. All trees shall be preserved to the greatest extent possible, and no tree with a trunk diameter over 8" as measured 4' above grade shall be removed except when necessary in relation to proposed improvements to any lot. Such removal shall be noted upon any plan, building permit application, or similar document.

c. All buffering and landscaping, including screening vegetation, shade trees, and other plantings, shall contain only native vegetation (i.e., no exotic or invasive non-native species shall be permitted). All plantings shall be maintained by the lot owner(s) and replaced with similar vegetation whenever a plant or tree shall die, become diseased, or fail of its purpose relative to providing screening or buffering.

d. A minimum landscaped buffer of at least 15' shall be preserved or developed, and maintained, around any structure whenever any residential use exists within 100' upon any adjoining lot. Existing buildings and improvements shall be grandfathered, but shall come into compliance with this standard when any substantial improvement is made to the lot or to any existing structure, in the reasonable discretion of the Code Enforcement Officer.

- e. Notwithstanding anything allowed in this § 1611 or by the Land Use Ordinance, the 100' wetland buffer area in the southerly area of Lot 10 as shown upon the Final Plat shall not be disturbed and shall be preserved as a wetland preservation and buffer area. No building or improvements shall occur in such buffer area and a 100' setback shall apply to all uses and structures, regardless of any other provision of law or any approval to the contrary.
7. All building materials and construction shall meet New York State Building and Energy Codes.
8. Lighting shall only be in locations of approved lighting poles and plans, plus any security or passage lighting for buildings. All lighting and lighting fixtures shall be shielded and designed so as to avoid glare upon adjacent properties. Any additional or different lighting, including any new or different lighting plans, shall be subject to approval pursuant to site plan review by the Planning Board.
9. The following requirements apply to the provision of water services, sewer services, and stormwater within the PDA:
 - a. All landowners and users of any lands within the PDA must connect to public water and sewer services once available. All connections shall be by proper permit, and designs for connections must be approved by the appropriate authority having jurisdiction. No new lots may be approved for, created within, or added to this PDA unless at least 80% of all existing primary buildings within the PDA are connected to such public facilities.
 - b. No certificates of occupancy or compliance shall be issued for any new uses, and no PDA amendment or change to the Final Plat, shall be allowed until after appropriate stormwater plans and any required SWPPP are duly approved by the Town and all permanent stormwater facilities and practices are substantially constructed and either dedicated or the subject of a Town-approved stormwater management agreement.
10. Any proposed use not specifically herein allowed is expressly prohibited. Any future plan or proposal not here specifically allowed is prohibited unless an amendment to the PDA and its development plan are approved through the applicable procedures as outlined in the Land Use Ordinance. However, in no event may: (i) the open space percentage of 20% be reduced, with such open space measurement to be expressed as a percentage of land that is undeveloped by buildings or impervious surfaces as compared to the total acreage of the PDA; and (ii) the wetland buffer area be reduced or subject to disturbance or development.
11. All waterlines and appurtenant infrastructure, along with accompanying easements and rights-of-way, shall be dedicated to the Town Consolidated Water District, the Warren Road Sewer District Extension, and any future benefit district or improvement area created to provide services to or for the PDA. Such dedications shall occur after permit issuance, proper inspection and construction, and acceptance of the said infrastructure by the Town or the applicable district. All such water and sewer lines shall be subject to inspection and testing, and shall be in operational condition at the time of dedication. Such installation, inspections, and operational parameters shall be verified at reasonable times by the Town Engineer and other designees of the Town of Lansing.

12. The area encompassed and rezoned in accordance with this Local Law is described as follows: Those lands being known as Town of Lansing Tax Parcel Numbers 39.-1-50.2, 39.-1-50.6, 39.-1-50.8, 39.-1-50.12, 39.-1-50.11, 39.-1-50.14, 39.-1-50.10, 39.-1-50.5, 39.-1-50.3, 39.-1-50.1, together with the public highway(s) situate therein, all as shown upon the Final Plat for the Warren Road Business Park entitled "C.J. Development - Developer, Warren Road Business Park Final Plat, Warren Road, Town of Lansing, Tompkins County, New York" as drawn by T.G. Miller Associates P.C., Thomas J. Miller, LLP, and dated June 13, 1988, as filed in the Tompkins County Clerk's Office upon July 16, 1988 as Instrument #BF017957-001 (Map Drawer K25) (the "Final Plat"), all as more particularly described as follows:

Beginning at a point marked by an existing iron pin located at the northwesterly corner of Lot 2 on such Final Plat, said point being 24.75' easterly of the then centerline of Warren Road, and thence proceeding

S 75° 39' E a distance of 1,231.0' from said highway centerline to a found iron pin located at the northeasterly corner of Lot 6 upon such Final Plat, such pin also being located upon the southerly boundary of lands owned by the Town of Lansing (R.O., TPN 39.-1-38.19), such course passing through iron pins at 24.75', 436.95', 821.95' and 1,221.95'; and thence proceeding

N 14° 42' E a distance of 550.0' to a point in the northwesterly corner of Lot 11 on such Final Plat, passing through a set iron pin 280' demarking the separation line between Lots 12 and 11 as shown upon such Final Plat; and thence proceeding

S 75° 38" E a distance of 656.4', passing through a set iron pin at 361.4' demarking the separation line between Lots 11 and 13 as shown upon such Final Plat; and thence proceeding

S 14° 42' W a distance of 550.5', passing through a set iron pin at 270.5' demarking the separation line between Lots 13 and 14 as shown upon such Final Plat; and thence proceeding

S 75° 39' E a distance of 548.6' to a point marked by a set iron pin in the northeasterly corner of Lot 10 as shown upon such Final Plat; and thence proceeding

S 13° 46' W a distance of 528.0' to a point marked by a set iron pin in the southeasterly corner of Lot 10 as shown upon such Final Plat; and thence proceeding

N 75° 39' W a distance of 1,199.9' to a point marked by an iron pin at the southwesterly corner of Lot 7 as shown upon such Final Plat, said course passing through iron pins at 684.9' and 849.9'; and thence proceeding

S 20° 48' W a distance of 108.1' to a point marked by an iron pin at the southeasterly corner of Lot 5 as shown upon such Final Plat; and thence proceeding

N 75° 29' W a distance of 1,222.9' to a point in the then centerline of Warren Road, said course passing through iron pins at 332.0', 702.0' and 1,182.9'; and thence proceeding

N 13° 46' E along the then centerline of said Warren Road approximately 632.1' to the point and place of beginning.

13. All utility and waterline easements, and all water main rights-of-way, as shown upon the Final Plat shall be and be deemed dedicated to and accepted by the Town, its successors and assigns.

14. The landowners within the PDA assume sole responsibility for the land development activities within the PDA and all worksites, including all related staging and construction areas and lands within and without the PDA, and agree to assume all responsibility for any injury or damage that may or does occur as a result of any excavation, construction, or related work. The landowners, to the fullest extent permitted by law, shall indemnify and hold the Town, its officers, agents, and employees harmless from and against any, each, and all losses, actions, causes of action, claims, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, and demands whatsoever, whether arising in law, admiralty or equity (all together and severally hereafter the "Claims"), including but not limited to reimbursement to the Town for any amounts expended for expert, consulting, engineering, and attorneys' fees and expenses arising from or in relation to any Claim. The Town shall not be liable or responsible for any injury to persons or damage to property due to any acts or failures to act unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town. No right or cause of action is hereby implied or created that does not already exist in law or equity.

15. The Town of Lansing Zoning Map is hereby amended to incorporate the location and boundaries of PDA #2.

SECTION 3: SEVERABILITY; INTERPRETATION

If the provision of this Local Law shall be adjudged or held invalid or unenforceable by a court or other tribunal of competent jurisdiction, such determination, order, or judgment shall not affect or invalidate the remainder of this Local Law, and any such invalidity or unenforceability shall be confined in its operation to the provision directly involved in the controversy in which such determination, order, or judgment shall have been rendered, and such invalidity or unenforceability shall not apply to other jurisdictions, persons or circumstances and, in all cases, the balance hereof shall remain in force and effect. Section and other headings are for reference and convenience only and shall not be deemed or construed to limit or define the requirements of clauses set forth thereunder. References to laws and regulations (including references within this local law to other sections of this local law), and the sections and subsections thereof, shall be construed to apply to such law or regulation as now exists or as may hereafter be amended or recodified, and no typographical error or error of reference shall be given significant meaning or effect. The gender or neuter of pronouns shall be construed as the context or use thereof admits or requires, and the singular shall be construed as the plural, and *vice versa*, when the context thereof so admits or requires.

SECTION 4: EFFECTIVE DATE

This Local Law shall be and become effective immediately upon filing with the New York Secretary of State.