

**TOWN OF LANSING LOCAL LAW AMENDING ARTICLE XVI OF THE LAND USE  
ORDINANCE TO ADD § 1613 TO MAP AND CODIFY PLANNED DEVELOPMENT  
AREA ZONE #4 - THE HORIZON VILLAGES PLANNED DEVELOPMENT AREA**

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK**

**LOCAL LAW NUMBER 6 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 6 of 2016.” This local law amends the Town of Lansing Land Use Ordinance, by adding a § 1613 to Article XVI for the purpose of formally codifying, mapping, approving, and adopting Planned Development Area (“PDA”) #4 for the Horizon Villages PDA, and by specifying the allowed land uses and related regulations for such PDA #4.

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 residential developments with integrated and supporting neighborhood uses, especially in areas where residential density is highest, as the Comprehensive Plan recognizes that innovative and integrated residential developments supports residential density, reduces the costs of services, preserves land and agricultural uses, and generally 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 #4 was approved in or about 1993, by application of Alex Cima, Developer, as a residential subdivision with increased density of development and related special use restrictions, including because of sewer availability, and the clustering of high-end rental units into 8 mini-villages of up to 6-units each consisting of variable one-, two- and 3-bedroom designs, with attached garages, fireplaces, basements, and all accoutrements as to make them appear, for all intents and purposes, just like single family residences or, in some cases, traditional duplexes. This PDA was part of a larger subdivision development known as “Horizons” and the final plat for such Horizon Estates Subdivision was filed in the Tompkins County Clerk’s Office upon September 30, 1985 as Instrument No. BF023956-001, Map Drawer 98, and again later filed upon July 7, 1987, as Instrument No. BF022826-001.

D. The Final Plat for the PDA known as “Horizon Villages” PDA #4 was filed in the Tompkins County Clerk’s Office upon October 14, 1986, as Instrument No. BF033176-001, Map Drawer Box 10, V (the “Final PDA Plat”). Said map shows a total of 8 development lots within the PDA numbered as lots 39 through 46.

**SECTION 2: PLANNED DEVELOPMENT AREA #4 - THE HORIZON VILLAGES PDA**

A. Planned Development Area (“PDA”) #4, to also be known as the Horizon Villages PDA, is hereby established, permitted, and defined with permitted uses and applicable definitions, as hereafter follows. PDA #4 shall be enumerated as Section 1613 of the Land Use Ordinance, as follows:

1. PDA #4 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 #4 under this § 1613, the general provisions of the Land Use Ordinance shall apply, as shall all rules and procedures applicable for R2 zones generally, specifically including but not limited to rules pertaining to site planning, special permitting, and zoning permits. However, allowed uses are limited to the residential and related supporting recreational land uses as described below, in the locations and identified below.
2. The following requirements and standards apply to lots 39, 40, 41, 42, 44, 45 and 46 as shown upon the Final PDA Plat:
  - a. Only apartment and townhouse-related residential uses are permitted, with a maximum of 3 buildings per lot and 2 units per building. Once sited, no building footprint may be expanded, changed, or relocated unless approved by the Town Planning Board by site plan review. Any change in a building or its occupancy limits, such as but not limited to adding bedrooms or separately leasing rooms within a single unit, shall require site plan approval from the Town Planning Board. Each unit shall be operated as a separate and single dwelling unit. Boarding houses, bed and breakfast uses, ECHO housing, and congregate housing are not permitted. No mobile or manufactured homes are permitted in the PDA, and no mobile homes or recreational vehicles shall be used or stored within the PDA.
  - b. All buildings and units shall be constructed to have the appearance of a single family dwelling and the design elements shall be coordinated with nearby buildings and residences. The Town's Code Enforcement Officer is hereby granted the authority to determine whether any maintenance plans, construction plans, or changes to buildings and structures reasonably meet this standard.
  - c. Only residential land uses are permitted, and no chickens or livestock may be kept or housed in the PDA. Only traditional household pets are permitted.
  - d. No part or portion of any land in the PDA may be used for outdoor storage of goods or inventory.
  - e. Yardage requirements and set-back requirements, density, building and structure height, and coverage regulations are as follows:
    - (i) All buildings shall be set back at least 50' from the roadway in the front yard, at least 10' feet from each other building, and no less than 10' from any boundary lines of the PDA itself. Within the PDA there are no minimum side yard distances unless the side yard is a PDA boundary line; namely, the westerly lines of Lots 39 and 43, and the easterly lines of Lots 42 and 46 (and the roadway and reserved roadway to the westerly side of the PDA shall be and be deemed a side yard, as the front yards face south and north, respectively, for said lots 39 and 43).
    - (ii) No building shall have a height greater than 30' above the natural, average surrounding grade, exclusive of chimneys, vents, and other typical residential rooftop projections.

- (iii) After the date of adoption of this local law, the combined lot coverage of buildings, driveways, and parking lots may not exceed 50% of any lot without Planning Board approval by site plan review.
- f. No fences or walls are permitted and no subdivision of any of these PDA parcels is permitted.
- g. Roadway, parking, and transportation requirements are as follows:
- (i) All public-use roadways shall be dedicated public highways, with appurtenant utility easements. The Developer and the Town may also agree, in the future, to the dedication of such further or additional roadways, trails, pathways, or easements as may hereafter be created or 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 future 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.
- (ii) All parking spaces shall be provided on site in paved parking areas and no street or roadside parking is permitted.
- (iii) 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.
- (iv) The "Future Road" demarked upon the Final PDA Plat (at the northwesterly corner of the PDA, adjacent to Lot 39 and potentially extending Leslie Lane to the north, shall be and remain a permanent easement to the Town until such time, if any, that the said future roadway easement shall be expressly surrendered by the Town by and express conveyance by deed.
- h. Landscaping plans and buffering requirements are as follows:
- (i) Trees shall be preserved to the greatest extent possible. After the date of adoption of this local law no tree with a trunk diameter over 6" as measured 4' above grade shall be removed except when necessary in relation to proposed improvements to any lot or for public safety. Such removal shall be noted upon any plan, building permit application, or similar document.
- (ii) All planted 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).
- i. All building materials and construction shall meet New York State Building and Energy Codes.
- j. Lighting shall only be in locations of approved lighting poles and plans, plus any security or passage lighting for buildings. All future lighting and lighting fixtures shall be shielded and designed so as to avoid glare upon adjacent properties.

3. The following requirements and standards apply to Lot 43 as shown upon the Final PDA Plat:
  - a. Lot 43 shall be limited to recreational uses and their supporting structures and appurtenances, such as (but not limited to) storage sheds, parking areas, refreshment booths, lockers, and like facilities. The recreational facilities envisioned include swimming pools, tennis courts, playgrounds, ballfields and courts, and similar facilities for indoor and outdoor recreation.
  - b. All new and future improvements and facilities proposed for Lot 43 shall be first subject to Planning Board review and approval by site plan review.
  - c. No bulk, yardage, or density restrictions shall apply to Lot 43, except that all improvements shall be set back at least 12' from property lines, and no improvements may unreasonably obstruct roadway views at the roadway intersection adjacent to Lot 43.
4. 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 44.-1-38.18, 44.-1-38.19, 44.-1-38.20, 44.-1-38.21, 44.-1-38.22, 44.-1-38.23, 44.-1-38.24, and 44.-1-38.25, and the roadways servicing the same as shown in the Final PDA Plat (including "Future Roads," sometimes referred to as reserved or paper roads), comprising approximately 11.62± acres of land more particularly bounded and described as follows:

Beginning at a point located in the northerly line of Horizon Drive (extension) at the intersection of the same with Leslie Lane, said point also being the southwesterly corner of Lot 39 as shown upon the Final PDA Plat, and thence proceeding

N 8° 27' E a distance of 275' to a point in the southerly line of Seldon (R.O.), said point being also the northwesterly corner of said Lot 39; and thence proceeding

S 82° 37' E a distance of 900.1' along the northerly line of Lots 39, 40, 41, and 42 of the PDA, to a point marked by a set pipe in the northeasterly corner of said Lot 42; and thence proceeding

S 7° 44' W a distance of 562.5' along the easterly line of the PDA, being also a westerly boundary line of Olafson (R.O.), to a point in the southeasterly corner of Lot 46 of the PDA; and thence proceeding

N 82° 30' W a distance of 844.7' along the southerly line of Lots 46, 45, 44 and 43 of the PDA to a point marked by a pipe set in the easterly highway line of said Leslie Way; and thence proceeding

N 7° 58' E a distance of 200' along the westerly border of Lot 43 to a set iron pipe; and thence proceeding

Northerly across the curbs and width of Horizon Drive (extension) a distance of 87.5± to the point or place of beginning, and also including any roadways and reserved future roadways servicing the PDA or depicted upon the Final PDA Plat, and incorporating any descriptions of such roadways in any deeds dedicating the same.

5. All utility, sewer, and waterline easements and rights-of-way as are filed of record or as are shown upon the PDA Final Plat shall be and be deemed dedicated to and accepted by the Town, its successors and assigns.

6. 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 #4.

### **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.