

**TOWN OF LANSING LOCAL LAW AMENDING ARTICLE XVI OF THE LAND USE
ORDINANCE TO ADD § 1614 TO MAP AND CODIFY PLANNED DEVELOPMENT
AREA ZONE #5 - THE WOODLAND PARK PLANNED DEVELOPMENT AREA**

TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK

LOCAL LAW NUMBER 7 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 7 of 2016.” This Local Law amends the Town of Lansing Land Use Ordinance by adding a § 1614 to Article XVI for the purpose of formally codifying, mapping, approving, and adopting Planned Development Area (“PDA”) #5 for the Woodland Park PDA, and by specifying the allowed land uses and related regulations for such PDA #5.

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 #5 was approved in or about 2010, by application of Cardamone Home Builders, Inc., Developer, as a residential subdivision with single family residences, a gated townhouse community area, and 7-8 acres of public and private use open spaces.

D. The Final Plat Map for PDA #5 was filed in the Tompkins County Clerk’s Office upon September 7, 2011, as Instrument #580265-001, at Map Drawer RCG132 (the “Final PDA Plat”).

SECTION 2: PLANNED DEVELOPMENT AREA #5 - THE WOODLAND PARK PDA

A. PDA #5, to also be known as the Woodland Park PDA, is hereby established, permitted, and defined with permitted uses and applicable definitions as hereafter follows. PDA #5 shall be enumerated as § 1614 of the Land Use Ordinance, as follows:

§ 1614 PDA #5 - The Woodland Park Planned Development Area.

1. PDA #5 shall use all definitions as are applicable to the Land Use Ordinance generally, and the general and regulatory provisions of the Land Use Ordinance shall also apply, except to the extent the same are varied or altered by this local law, including the following:

a. For the townhouse area, defined as the area on the Final PDA Plat as buildings 1 through 48 as surrounded by Private Open Space Lot #1 and Private Open Space Lot #2, and as serviced by Private Road D (the “Townhouse Lot”), all rules and procedures generally applicable to R1

zones, including site planning, special permitting, and zoning permits, shall apply, but the general bulk and density rules, to the extent not otherwise regulated by this § 1614, shall be governed by R2 classifications under the Land Use Ordinance, § 504 (Schedule II).

b. The balance of the lands within PDA #5 shall be governed by the rules and procedures applicable for R1 zones generally, including site planning, special permitting, and zoning permits, and including the general bulk and density rules applicable to R1 per Land Use Ordinance, § 504 (Schedule II), except that:

i. Lots 1 through 25 are restricted to having only one single family dwelling upon each lot (the “Residential Lots”).

ii. The Private Open Space Lots and Stormwater Management Lots (the “Restricted Use Lots”) shall not be further developed except as set forth in this § 1614, except that Open Space Lot #1 and Open Space Lot #2 shall not be regulated as Restricted Use Lots and shall instead follow the rules for the Townhouse Lot.

c. All area reserved for potential future roadways as shown upon the Final PDA Plat shall remain reserved and unimproved unless hereafter expressly abandoned as easements or as reserved future roadways by resolution of the Town Board.

2. The following land uses are prohibited in PDA #5 (despite being allowed uses generally in R1):

a. Two-family dwellings, multiple dwellings, retirement housing, shared housing, ECHO housing, mobile or manufactured homes, or seasonal cabins or cottages.

b. Government buildings, schools, community residences, public or private clubs, youth centers, libraries, and museums.

c. 4H and animal husbandry, roadside stands, bed and breakfast facilities, nursery schools, day care facilities, the keeping or raising of horses or ponies, and the keeping or raising of chickens. The keeping of any animals other than traditional household pets is prohibited.

d. Commercial solar, wind, or energy production facilities, or any energy production facilities intended to be used, sold, or credited to or for off-site use.

e. Mining of all types shall be prohibited, including gravel and surface mines, extractive mining, solution mining, oil and gas mining, drilling or rotary mining, and the like.

f. No residential accessory apartments, or mother-in-law or accessory dwellings or apartments, are allowed except as built as an integral part of the single family dwelling (or its detached garage) and when not part of a stand-alone structure.

g. Farming as a business or commercial activity is not permitted, but traditional non-commercial residential plantings and gardening are allowed.

h. No use of house trailers, mobile homes, outdoor tents, travel or other trailers, or other similar objects or movable storage units shall be permitted for temporary or permanent storage, business facilities, or residential purposes on any lot.

i. Traditional professional and home offices are allowed when they comply with the requirements set forth for home offices as set forth below.

3. Special home office and home occupation regulations and requirements are as follows:

a. Home offices must comply with the following standards:

i. Such home office does not generate more than 10 additional traffic trips per day.

ii. There are no more than two non-family employees.

iii. No more than 30% of the enclosed building space or livable space may be used for non-residential or rental purposes.

iv. No sales of goods or services to the general public are advertised upon or concerning the property.

v. No sales of goods or services to the general public occur more than one day per month, such sale is for arts and crafts (and similar goods) created on-premises, and such monthly allowed sale does not generate more than 20 additional traffic trips upon such sale day.

b. Any pre-existing home office use that does not meet the above standards shall be required to obtain a special use permit from the Town Planning Board to remain as a valid preexisting and non-conforming use. The failure to obtain a special use permit within one year of the date of adoption of this local law shall eliminate all benefits of any pre-existing lawful use status and no special use permit shall be so issued.

4. Special regulations for the Townhouse Lot are as follows:

a. Landscaping and yardage sloping 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 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). 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. All building materials and construction shall meet New York State Building and Energy Codes.
- e. All building and structure setbacks, excluding roadways and pedestrian walkways and trails, shall be at least 25' from the roadway centerline and all boundaries of the Townhouse Lots. A 30% minimum open space standard shall apply to the Townhouse Lot. Buildings shall not exceed 3 stories and no building or structure shall exceed a height of greater than 35 vertical feet measured from the average grade to the highest point in the roof line, excluding chimneys and vents.
- f. No structures or buildings shall be placed upon the land except within the footprint of the individual townhouse lots numbered 1 through 48, except that (i) non-permanent and typical residential accessories, such as birdhouses, small single-unit use playgrounds or swings, and similar non-permanent structures are permitted; (ii) small pet enclosures shall be permitted, including fencing not taller than 6' and not enclosing an area greater than 625 ft², unless approved by the Code Enforcement Officer and, if applicable, approved pursuant to any then applicable covenants or rules; (iii) small, traditional residential gardens and enclosures for the same to protect them from wildlife predation; and (iv) trails and pathways with natural permeable surfaces are permitted. No above ground or other types of swimming pools are permitted. Common or community-based improvements for general recreational purposes are permitted in Private Open Space Lot #1 upon the receipt of a site plan approval by the Town of Lansing Planning Board.
- g. The roadway servicing the Townhouse Lot shall be a private roadway maintained by the owners of townhouse units 1 through 48, and said roadway shall be at all times maintained at a sufficient width and in a sufficient conditions as to provide for safe and efficient emergency access to all areas upon the Townhouse Lot by fire trucks and emergency vehicles. If any security gates or controls are installed to impede or restrict access to the Townhouse Lot, the Town of Lansing Code Enforcement Officer and the Fire Chief of the applicable Fire Departments (or similar official) shall each have keys or emergency access devices to bypass any gate or security features or devices, and a lockbox shall be installed near to each such gate or access control device as meets the requirements of the Town's Lockbox Local Law.
- h. The appearance of any gate or security device installed to limit access to the Townhouse Lot shall be architecturally congruent with the townhouse coloration and designs as shown in the PDA development plan, or as otherwise approved by the Town Code Enforcement Officer, upon the advice and consent of the Fire Chief and Town Highway Superintendent.
- i. No signs, except small, standard realtor or owner signs advertising a sale, shall be permitted on any lot or in any manner as is publicly visible.
- j. Each Townhouse Lot shall have a least one parking space in an attached garage and room for parking one additional passenger vehicle on a pad designed for such purpose that is part of or adjacent to the driveway for such unit.
- k. No unlicensed or commercial motor vehicles may be placed upon any lot unless within a garage, and no boat, trailer, camper, pod, truck storage unit, or motor home shall be permitted

on any lot unless kept in a garage and in compliance with any then applicable covenants or rules for the Townhouse Lots.

5. Special regulations for the Residential Lots are as follows:

a. Only single family residences are allowed.

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 building materials and construction shall meet New York State Building and Energy Codes.

d. Lots 1, 2, 7, 10, 11, 13, 15, 16, 17, 23, 24 and 25 shall also be governed by the special wetlands protection rules and regulations (§ 7, below).

6. Special regulations for the Restricted Use Lots are as follows:

a. No buildings or improvements are permitted upon any Restricted Use Lots, and each of the same shall be maintained in their natural state, except for the following improvements or structures:

i. Stormwater facilities and devices approved by the Town of Lansing, or by or for any applicable drainage district, in accord with stormwater needs or regulations, any DEC general permit, any SWPPP, or to otherwise manage flooding and stormwater in accord with now or hereafter applicable regulations and requirements of the DEC and EPA.

ii. Upon receipt of a site plan approval from the Town of Lansing Planning Board, Private Open Space Lot #3 shall be permitted to have trails and related small-scale structures, such as foot bridges to cross boggy or wet areas, but all such trails and small-scale structure shall be made of natural materials, pathways shall be made of permeable natural materials, no footbridge or any small-scale structure shall have a foundation or footer, and any disruption of any jurisdictional wetlands shall require any necessary wetland permits.

iii. Utility lines and appurtenances, when such locations are approved by the utility provider, any and all needed permits for installation or use are obtained, and the Town Highway Superintendent, upon the advice and consent of the Town's Stormwater Management Officer, has approved the same, their method of installation, and their location(s).

7. Special wetlands protection regulations are as follows:

a. PDA #5 currently contain approximately 5.98 acres of federally regulated jurisdictional wetlands, as mapped and duly delineated upon the Final PDA Plat, as further identified in a delineation and report from Terrestrial Environmental Specialists, Inc., dated July, 2010 (the "Baseline Wetlands").

b. No improvements, structures, installations, or land disturbances are permitted within any Baseline Wetlands, including: (i) on the Residential Lots at lot numbers 1, 2, 7, 10, 11, 13, 15, 16, 17, 23, 24 and 25; and (ii) for Private Open Space Lot #3, but subject to the allowances and exceptions set forth above for Private Open Space Lot #3 as one of the Restricted Use Lots.

c. Only stormwater facilities approved by the Town of Lansing and small, residential surface gardens shall be installed within 25' of any Baseline Wetland boundary or border, in each case subject to any wetland or other permits or permit requirements.

d. Any facility, device, disturbance, or other use or improvement that is proposed to be installed in violation of the above use and distance restrictions may be allowed only upon receipt of: (i) a use variance for improvements within or touching in any part upon any Baseline Wetlands; or (ii) an area variance for reducing the buffering, no-build zone adjacent to Baseline Wetlands; and (iii) in each case subject to any wetland or other permits or permit requirements.

8. Roadway or roadside pathways.

a. Pedestrian and bicycle pathways may be installed, marked, improved, or designated adjacent to any public highway upon a plan and construction plan as approved by the Town Department of Parks and Recreation, upon the advice and consent of the Town Highway Superintendent.

b. No such pathway shall be in excess of 4' wide, and under no circumstances may any pathway be used, improved, or installed in any manner as damages or interferes with the roadway surface, the shoulders supporting such roadway, any stormwater facilities or drainage, or as would create an obstacle that obscures line-of-sight vision along any such public highway, at any intersections upon any such public highway, or as would interfere with a safe lane of exit from the roadway in the event of an emergency, which shall include both: (i) a "clear zone" or "clear area for recovery"; and (ii) a safe "lateral offset to obstruction distance," which in no event should be less than 1.5', each as defined by AASHTO, the NYSDOT highway design and related manuals and guidelines, and USDOT-Federal Highway Administration regulations and guidelines.

9. Lighting, other than residential site and facility 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.

10. Any proposed use not specifically herein allowed is expressly prohibited unless an amendment to the PDA and its development plan are approved through the applicable procedures as outlined in the Land Use Ordinance.

11. 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 41.-4- 1 through 41.-4-50 and 41.-3-1 through 41.-3-32 (including roadway parcels 41.-3-29.1 and 41.-3-29.2), and including the roadways servicing the same, comprising approximately 59.984 acres of land and being more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Hillcrest Road, which point is the southwesterly corner of lands now or formerly of Snyder (817/226); and thence proceeding

S 83° 34' 44" E a distance of 252.25', passing through an existing iron rod at the highway boundary of said Hillcrest Road, to an existing iron rod demarking the southeasterly corner of said premises of Snyder (R.O.); and thence proceeding

N 07° 24' 19" E a distance of 679.20' to a found iron rod located in the southerly line of lands now or formerly of Gregory Graffin Living Trust (Inst. #531416-001); and thence proceeding

S 82° 57' 28" E a distance of 1,282.55' to a found iron pin demarking the southeasterly corner of lands now or formerly of McGrath (Inst. #509157-001); and thence proceeding

N 07° 18' 22" E a distance of 420.61' to found iron pin demarking the northwesterly corner of Private Open Space Lot #3 (within PDA #5); and thence proceeding

S 83° 51' 38" E a distance of 605.01', passing through a found iron rod at the highway edge of Warren Road, to a calculated point in the centerline of Warren Road; and thence proceeding

Southerly along the centerline of said Warren Road along a line S 07° 40' 54" W a distance of 1,749.99' to a calculated point in the centerline of Warren Road, said point being the southeasterly corner of PDA #5; and thence proceeding

N 82° 59' 32" W a distance of 1,610.16' to a calculated point in the centerline of said Hillcrest Road; and thence proceeding

N 81° 01' 31" W a distance of 218.62' to an existing iron pipe demarking an inside corner of lands now or formerly of Krizek (inst. #450138-001); and thence proceeding

N 08° 21' 08" E a distance of 234.95' to a calculated point in the centerline of said Hillcrest Road; and thence proceeding

Northwesterly along the centerline of said Hillcrest Road along a line N 30° 56' 49" W a distance of 155.99' to a calculated point in said centerline; thence continuing

Northwesterly along the centerline of said Hillcrest Road along a line N 29° 18' 55" W a distance of 349.19' to a calculated point in said centerline, being the point and place of beginning, encompassing in total 59.984± acres.

12. The landowners and residents 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 and residents, 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.

13. The Town of Lansing Zoning Map is hereby amended to incorporate the location and boundaries of PDA #5.

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.