



# PLANNING BOARD MEETING

Lansing Town Hall Board Room  
Monday, January 09, 2023  
6:30 PM

---

## AGENDA

SUBJECT TO CHANGE

Meeting is open to the public and streamed live on YouTube.

### VIEW THE MEETING LIVE - TOWN OF LANSING YOUTUBE CHANNEL

To find our YouTube Channel - Go to [www.lansingtown.com](http://www.lansingtown.com), click on the “YouTube” Icon (red square) located on the bottom left corner of our Home Page.

#### 1. Call Meeting to Order

#### 2. Work Session

- a. Review and Recommendation – RA / AG Zoning District update final draft referral under Town Code 270-57(A)

#### 3. Adjourn Meeting

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact the Town Clerk’s Office at 607-533-4142. Request should be made 72 hours prior to the meeting.

**RESOLUTION 22-140**

**RESOLUTION SCHEDULING PUBLIC HEARING FOR ADOPTION OF A LOCAL LAW OF THE TOWN OF LANSING TO AMEND THE CODE OF THE TOWN OF LANSING CHAPTER 270: ZONING AND REFERRAL TO PLANNING BOARD UNDER CHAPTER 270-57**

The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, the Town Board of the Town of Lansing is authorized to adopt zoning provisions and local laws that advance and protect the health, safety and welfare of the community; and

WHEREAS, adoption of a Local Law of the Town of Lansing to Amend the Code of the Town of Lansing Chapter 270: Zoning (Rural Agricultural Zoning District; Site Plan Review; and General Provisions) is a Type I Action under the State Environmental Quality Review Act §617.4(b)(2); and

WHEREAS, Chapter 270-57 requires referral to the Town Planning Board “for review and recommendation thereon before the public hearing hereinafter provided for”; and

WHEREAS, the Town Board of the Town of Lansing did declare itself Lead Agency on February 16, 2022; and

WHEREAS, upon deliberation there upon, the Town Board of the Town of Lansing has hereby

RESOLVED, that a Public Hearing will be held at the Lansing Town Hall, 29 Auburn Road, Lansing, New York, being in the Town of Lansing, on the 18<sup>th</sup> day of January 2023, at 6:32 pm, to consider public input and comments upon such proposed Local Law, and to hear all persons interested in the subject thereof, and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Lansing, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published in the official newspaper of the Town of Lansing, and also to post a copy thereof on the Town signboard maintained by the Town Clerk, in accord with the law, and refer the Local Law to the Town Planning Board.

**CONSENT AGENDA MOTIONS M22-40 – M22-44 AND RESOLUTIONS 22-134 – 22-142**

**RESOLUTION 22-143**

WHEREAS, upon due deliberation thereupon, the Town Board of the Town of Lansing has hereby

RESOLVED, that the Consent Agenda Motions **M22-40 – M22-44** and Resolutions **22-134 – 22-142**, are hereby approved as presented and amended, and

The question of the adoption of such proposed Consent Agenda Motions and Resolutions were duly motioned by Councilperson Joseph Wetmore, duly seconded by Councilperson Ruth Groff, and put to a roll call vote with the following results:

- Councilperson Andra Benson – Aye
- Councilperson Bronwyn Losey – Aye
- Supervisor Edward LaVigne – Aye
- Councilperson Ruth Groff – Aye
- Councilperson Joseph Wetmore – Aye

Accordingly, the foregoing Motions and Resolutions were approved, carried, and duly adopted on December 21, 2022.

LOCAL LAW NUMBER #\_ OF 2023

A LOCAL LAW OF THE TOWN OF LANSING TO AMEND CERTAIN SECTIONS OF THE CODE OF THE TOWN OF LANSING CHAPTER 270: ZONING

This Local Law hereby amends certain sections of Chapter 270 of the official code of the Town of Lansing and, where indicated, certain sections are also superseded in their entirety. Among the changes to the code are zoning map changes, the redefinition of the Rural Agricultural (RA) Zoning District, the addition of an Agricultural Zone (AG) Zoning District, related amendments to allowed use charts (Schedule I) and definitions, and enhancements and updates to site planning and parking codes, all based generally upon the Town’s most recently updated Comprehensive Plan, the work of the Agricultural and Farmland Committee and Codes Review Committee, as well as several other sources, including valuable input from multiple committees and boards of the town.

The Town Board of The Town of Lansing, New York, pursuant to Resolution dated \_\_\_\_\_, 2023, does hereby adopt and pass this Local Law Number #\_ of 2023, and therefore, be it so enacted as follows:

**SECTION 1 - AUTHORITY:** This Local Law is adopted pursuant to the powers granted by §§ 261 and 263 of the Town Law of the State of New York, and Municipal Home Rule Law § 10, which authorize the Town of Lansing to adopt zoning provisions and local laws that advance and protect the health, safety and welfare of the community.

**SECTION 2 - PURPOSE:** The purposes of this Local Law are to facilitate and regulate the development of land to be compatible with farming within agricultural areas, and to generally update administrative provisions (such as site planning), zoning maps, zoning schedules, and definitions, along with other more minor amendments, to implement agricultural goals and other needed updates and administrative amendments. It is in the public interest to allow for and encourage desired land development within the Agriculture (AG) Zoning District and Rural Agricultural (RA) Zoning District areas, including to keep such areas primarily focused upon agricultural and agricultural support uses, in accordance with the Town of Lansing Comprehensive Plan and Agriculture and Farmland Protection Plan.

**SECTION 3 - APPLICABILITY:** The requirements of this Law apply to all properties within the Town fo Lansing, including specifically the Rural Agricultural (RA) Zoning District on the Official Zoning Map of the Town of Lansing dated October 3, 2018.

**SECTION 4 - AMENDMENTS TO THE TOWN OF LANSING CODE CHAPTER 270**

A. The Town of Lansing Zoning Code § 270-3: entitled “Definitions” is amended by repealing and removing the following definitions:

- ADULT RESIDENTIAL CARE FACILITY
- AGRICULTURE
- BED-AND-BREAKFAST
- CHURCH or OTHER PLACE OF PUBLIC WORSHIP
- CLUB
- CONTRACTOR'S/LANDSCAPING YARD
- HOME OCCUPATION OR BUSINESS
- KENNEL

OPEN SPACE  
 PLANT/LANDSCAPE NURSERY, GREENHOUSE AND GARDEN CENTER FOR COMMERCIAL/RETAIL  
 RESTAURANT  
 ROADSIDE STAND  
 STORAGE CONTAINER, UNIT  
 USED CAR LOT

B. The Town of Lansing Zoning Code § 270-4 Districts is amended by the addition of referencing the following Zoning District: AG - Agriculture

C. The Town of Lansing Zoning Code § 270-5(A) Rural Agriculture (RA) District description is expressly repealed and superseded by the following:

- A. Rural Agriculture (RA) District. The intent of the RA District is to designate areas where farming and farm-related businesses are the prevalent and desired land use activities. Some nonagricultural development, largely low-density housing, has occurred, is anticipated in the future, and is appropriate as determined by access to public water infrastructure. The Rural Agriculture (RA) Zoning District is primarily intended to maintain a rural boundary adjacent to the AG Zoning District and to encourage a proper environment to foster farming operations and rural residential land uses.

D. The Town of Lansing Zoning Code § 270-5 Description of districts; intent, is amended by the addition of the following zone and zone description:

- I. Agriculture (AG) Zoning District. The Agriculture Zoning District is primarily intended to maintain farming and agricultural lands in the Town of Lansing in accordance with Chapter 133: Farming. Farming reinforces the bucolic quality of life enjoyed by residents of the Town, provides the visual benefit of open space and scenic views, and generates both direct and indirect economic benefits and social well-being within the community.

E. The Town of Lansing Zoning Code § 270-7: Schedule of regulations is superseded and replaced with the following:

Regulations and controls relating to land uses or activities in the Town of Lansing are set forth in Schedule I (§ 270-10). Regulations relating to lot size, yards, building height, coverage and so forth are set forth in Schedule II (§ 270-11). Said schedules are hereby adopted with all explanatory matter thereon and information related thereto being a material part of this chapter. However, the Rural Agriculture (RA) District and Agriculture (AG) Zoning District do not use Schedule I (§ 270-10) and Schedule II (§ 270-11), and instead rely upon the rules and regulations set forth in § 270-12 (for the RA zone) and § 270-13 (for AG zone), respectively.

F. The Town of Lansing Zoning Code § 270-8, Excluded uses or activities; similar use classifications and procedures, is deleted and replaced with the following title and text:

Uses not listed as permitted are not allowed. Any land use not specifically permitted under this Chapter shall be disallowed unless a use variance therefor shall be properly obtained, unless such use is a lawful pre-existing, non-conforming use, or unless such use is permitted in any newly created zone, such as (but not limited to) planned development zones. As to pre-existing, non-conforming uses, this Chapter shall be interpreted and applied so as to eliminate the same as soon as legally practicable.

G. The Town of Lansing Zoning Code § 270-10, Schedule I: Schedule of Land Uses or Activities, is amended by expressly repealing and eliminating therefrom the Rural Agriculture (RA) column. Schedule I shall not apply to the Rural Agriculture (RA) or Agricultural (AG) Zones.

H. The Town of Lansing Zoning Code § 270-11, Schedule II: Area, Frontage, Yard, Height and Coverage Requirements, is amended by repealing and eliminanting therefrom the Rural Agriculture (RA) row. Schedule II shall not apply to the Rural Agriculture (RA) or Agricultural (AG) Zones.

I. Town of Lansing Zoning Code § 270-12: Schedule III: Parking Requirements is expressly repealed. All references thereto in the Town Code shall be excised and remaining language in such chapter or section (or notes) shall be conformed to this change.

J. A new § 270-12 is hereby added, titled and consisting of the language and regulations set forth in the document appended hereto entitled "270-12 RA Zoning District final draft 12152022."

K. A new § 270-13 is hereby added, titled and consisting of the language and regulations set forth in the document appended hereto entitled "270-13 AG Zoning District final draft 12152022."

L. Town of Lansing Code Chapter V: Supplementary regulations, at § 270-27, Site plan review, is expressly repealed and replaced with new site plan regulations (also to be numbered as § 270-27) appended hereto and named "270-27 Site Plan Review final draft 12152022."

M. The Town of Lansing Zoning Code Article VII: Parking and Loading, §§ 270-37 through 270-41, is expressly repealed and superseded by the new Article VII entitled "Article VII Zoning Uses - Principal Accessory Temporary final draft 12152022," as appended to this local law.

N. The Town of Lansing Zoning Code Article VIII: Nonconforming Uses is expressly renumbered to Article IX.

O. A new Chapter VIII is added entitled Article VII; Site Development Standards," the rules and text for which are contained in the document appended hereto entitled "Article VIII Site Development final draft 10062022."

P. The Town of Lansing Zoning Code Article IX: Administration and Enforcement, is expressly renumbered to Article X: Administration and Enforcement.

Q. Town Code § 270-61, Penalties for offenses is renumbered as § 270-55 and added to renumbered Chapter X: Administration and Enforcement.

R. The Town of Lansing Zoning Code Article X: Appeals, is expressly renumbered to Article XI: Appeals.

M. The Town of Lansing Zoning Code Article XI: Amendments, is expressly renumbered to Article XII: Amendments.

N. The Town of Lansing Zoning Code Article XII: is expressly repealed, the sole former section therein having been renumbered and added to renumbered Article 10: Administration and Enforcement, as set forth in subparagraph Q, above.

O. The Official Zoning Map of the Town of Lansing, last updated October 3, 2018, is hereby expressly repealed and superseded by the Official Zoning Map dated \_\_\_\_\_, 2022, as appended to this local law.

**SECTION 4 – CODIFICATION:** These amendments and regulations shall be incorporated into the Town Code, and the incorporator may designate such new section and numerical headings, or other indexed references, as make for a coherent Town Code, sequentially numbered or marked. Nothing in this local law is intended to disrupt or affect the existing Town Code, except to the extent any existing code provision is herein expressly superseded or repealed. All other provisions of the Town Code are hereby reaffirmed and continued in force and effect, and the codification of these amendments shall follow the proceed for amending the code as set forth in the code or the Town’s local laws, including but not limited to Local Law #2 of 2020.

**SECTION 5 – ENFORCEMENT:** Any violation of this Local Law shall be enforced in accordance with this Chapter, the Town Code, or applicable law.

**SECTION 6 – SEVERABILITY:** The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional must not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which must remain in full force and effect.

**SECTION 7 – EFFECTIVE DATE:** This Local Law shall take effect immediately.

## 270-xx.x – AGRICULTURE (AG) ZONING DISTRICT



### 270-x.x: Purpose

The Agriculture (AG) Zoning District is primarily intended to maintain farming and agricultural lands in the Town of Lansing in accordance with Chapter 133: Farming. Farming reinforces the bucolic quality of life enjoyed by residents of the Town, provides the visual benefit of open space and scenic views, and generates both direct and indirect economic benefits and social well-being within the community.

The AG Zoning District prioritizes and preserves viable agriculture in the Town by providing an area where farm operations are the predominant active land use. The AG Zoning District illustrates the Town’s commitment to farming uses as preferred uses in this zoning district and intends to protect existing agricultural areas by limiting residential development; encouraging the continuation of farming as a viable economic activity and way of life; reducing land use conflicts; protecting ecological and natural resources; and conserving open space.

Persons and entities not engaged in farming in the Agriculture (AG) Zoning District should be aware that the primary intention of this Zoning District is to permit lawful farming and farming practices which may generate dust, odor, smoke, noise, and vibration; during growing seasons machinery may be operated at other than daylight hours; certain generally acceptable farming operations may involve the proper use and spraying of herbicides or pesticides; and acceptable practices in keeping animals may involve odors or noises. To the extent buffer areas may be required, the intention of such buffers is to reduce the potential for disruption to lawful farming uses and to minimize perceived density.

The AG Zoning District has been intentionally mapped to limit expansion of public water or sewer to reduce the economic pressures for development. Accordingly, persons acquiring property in the AG Zoning District should not expect such public services to be extended or provided.

### 270-x.x: General

All development in the AG Zoning District must comply with the area, bulk, and form standards of this section, as well as any applicable standards in other sections, including the following:

- 108: Building Codes**
- 112: Buildings, Unsafe**
- 119: Communication Towers**
- 133: Farming**
- 142: Flood Damage Prevention**
- 158: Junkyards and Outdoor Storage**
- 174: Public Assembly**
- 210: Signs**



- 225: Stormwater**
- 230: Streets and Sidewalks**
- 235: Subdivision of Land**
- 253: Water**
- 270-37 Principal Uses**
- 270-38 Accessory Uses**
- 270-39 Temporary Uses**
- 270-40 Site Development Standards**

associated with the Farm Creamery as well as any Roadside Stand or Farm Market on the premises used to sell the dairy products may not exceed a total of 15,000 square feet. The milking operation is not included in this limitation.

**270-x.x: Principal Uses**  
 Any of the following Principal Uses are permitted by right, separately or in combination with other Principal Uses permitted by right, if in compliance with any applicable use standards, in the Agriculture (AG) Zoning District:

- D. Farm Brewery; Farm Cidery; Farm Distillery; Farm Winery
- E. Farm Market

- A. Bed & Breakfast
- B. Dwelling, One-Unit
- C. Dwelling, Two-Unit
- D. Day-Care Facility
- E. Farm Operation
- F. Alternative Energy System, subject to § 270-25.1.
- G. Open Space

**270-x.x Principal Uses subject to Site Plan Review**

- A. Animal Care Facility
- B. Cemetery
- C. Communication Towers
- D. Contractor’s/Landscaping Yard
- E. Large-Scale Battery Energy Storage System
- F. Nursery School
- G. Place of Worship
- H. Retail Garden Center
- I. Rural Enterprise
- J. Solar Energy Facility
- K. Utilities and Services, Major
- L. Veterinary Clinic
- M. Wind energy conversion system

**270-x.x: Principal Uses subject to Site Plan Review for Certain Farm Operations**

Any of the following Principal Uses are permitted by Site Plan Review for Certain Farm Operations (Section 270-27), separately or in combination with other Principal Uses permitted by right, if in compliance with any applicable use standards, in the Agriculture (AG) Zoning District:

**270-x.x Accessory Uses**

- A. Agricultural Education and Recreation Facility
- B. Agriculture-Related Commerce
- C. Farm Creamery
  - 1. The combined square footage of all structures or buildings

- A. Accessory Building
- B. District Energy System
- C. Dwelling, Accessory
- D. Farm Operation – Accessory Commerce
- E. Home Business, subject to Section 270-38.1.
- F. Home Occupation, subject to Section 270-38.1
- G. Non-tower-based wind energy conversion system
- H. Outdoor Display
- I. Roadside Stand

- J. Small-scale battery energy storage system
- K. Small-scale solar energy system
- L. Utilities and Services, Minor

- B. Contractor Trailer, subject to Section 270-39.1.
- C. Shipping Container, subject to Section 270-39.1.
- D. Temporary Occupancy of Permanent Dwelling, subject to Section 270-39.2.

**270-x.x Temporary Uses**

- A. Agricultural Events, subject to Chapter 174: Motorcades, Parades and Assemblies.

DRAFT

Zoning District	Permitted Principal Use	Streamlined Site Plan Required For	Minimum Lot Size (square feet)	Maximum Percentage of Lot Coverage (includes parking)	Minimum Frontage (feet)	Maximum Building Height (feet)	Minimum Yard Dimensions			Minimum Floor Area (square feet)	Maximum Floor Area (square feet)	
							Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)			
AG - Agricultural	Dwelling, One - Unit		40,000	25	150	35	60	15	25			
	Dwelling, Two-Unit		40,000	25	150	35	60	15	25			
	Bed & Breakfast		40,000	25	150	35	60	15	25			
	Day-Care Facility		40,000	50	200	35	60	30	40			
	Farm Operation		40,000	50	200	35	60	30	50			
	Alternative Energy System, subject to § 270-25.1 and § 270-28			50	200	35	100	50	50		10,000 if not building-integrated	
	Open Space			10		30						
		Agricultural Education/Recreation Facility		200,000	50	200	30	60	20	40		14,000
		Agriculture-Related Commerce		200,000	50	200	30	60	20	40		14,000
		Farm Creamery		40,000	50	200	35	60	30	50		15,000
		Farm Brewery, Cidery, Distillery, Winery		40,000	50	200	35	60	30	50		
		Farm Market		40,000	50	200	35	60	30	50		
		<b>Site Plan Required For</b>										
		Animal Care Facility		80,000	50	200	30	60	20	40		
		Cemetery		200,000	50	200	30	60	30	40		
		Communication Towers		40,000	50	200	40	60	20	40		
		Contractor's/Landscaping yard		120,000	25	300	35	75	30	50		
		Nursery School		80,000	50	200	40	60	20	40		
	Large-Scale Battery Energy Storage System		160,000	25	300	40	60	30	40			
	Place of Worship		160,000	25	300	40	60	20	40			
			200,000	50	200	35	60	20	40		19,000	
	Retail Garden Center		200,000	50	200	35	60	20	40			
	Rural Enterprise		80,000	50	200	35	60	20	40			
	Solar Energy Facility		400,000	50	500	35	100	50	50			
	Utilities and Services, Major		400,000	50	500	35	100	50	50			
	Veterinary Clinic		80,000	50	200	30	60	20	40			
	Wind energy conversion system		400,000	50	500	35	100	50	50			

**270-xx.x – RURAL AGRICULTURE (RA) ZONING DISTRICT**

**270-x.x: Purpose**

The intent of the RA District is to designate areas where farming and farm-related businesses are the prevalent and desired land use activities. Some nonagricultural development, largely low-density housing, has occurred, is anticipated in the future, and is appropriate as determined by access to public water infrastructure. The Rural Agriculture (RA) Zoning District is primarily intended to maintain a rural boundary adjacent to the AG Zoning District and to encourage a proper environment to foster farming operations and rural residential land uses. The purpose of the RA Zoning District is to provide an area of limited housing density and a meaningful transition between the rural/agricultural character of the community and the more intensely developed areas south of Peruville Road.

**270-x.x: General**

All development in the Rural Agriculture (RA) Zoning District must comply with the area, bulk, and form standards of this section, as well as any applicable standards in other sections, including the following:

- 108: Building Codes**
- 112: Buildings, Unsafe**
- 119: Communication Towers**
- 133: Farming**
- 142: Flood Damage Prevention**
- 158: Junkyards and Outdoor Storage**
- 174: Public Assembly**

- 210: Signs**
- 225: Stormwater**
- 230: Streets and Sidewalks**
- 235: Subdivision of Land**
- 253: Water**
- 270-37: Principal Uses**
- 270-38: Accessory Uses**
- 270-39: Temporary Uses**
- 270-40: Site Development Standards**

**270-x.x: Principal Uses**

Any of the following Principal Uses are permitted by right, separately or in combination with other Principal Uses permitted by right, if in compliance with any applicable use standards, in the Rural Agriculture (RA) Zoning District:

- A. Bed & Breakfast
- B. Dwelling, One-Unit
- C. Dwelling, Two-Unit
- D. Day-Care Facility
- E. Farm Operation
- F. Alternative Energy System, subject to § 270-25.1.
- G. Open Space

**270-x.x: Principal Uses subject to Site Plan Review for Certain Farm Operations**

Any of the following Principal Uses are permitted by Site Plan Review for Certain Farm Operations (Section 270-27(G)), separately or in combination with other Principal Uses permitted by right, if in compliance with any applicable use standards, in the Rural Agriculture (RA) Zoning District:

- A. Agricultural Education and Recreation Facility
- B. Agriculture-Related Commerce
- C. Farm Creamery

- 1. The combined square footage of all structures or buildings associated with the Farm Creamery as well as any Roadside Stand or Farm Market on the premises used to sell the dairy products may not exceed a total of 15,000 square feet. The milking operation is not included in this limitation.

- D. Farm Brewery; Farm Cidery; Farm Distillery; Farm Winery
- E. Farm Market

**270-x.x Principal Uses subject to Site Plan Review**

- A. Amusement Facility, Indoor
- B. Amusement Facility, Outdoor
- C. Animal Care Facility
- D. Assembly
- E. Business Offices
- F. Cemetery
- G. Communication Towers
- H. Contractor’s/Landscaping Yard
- I. Large-Scale Battery Energy Storage System
- J. Lodge or Private Club
- K. Medical Clinic
- L. Nursery School
- M. Place of Worship
- N. Primary/Secondary School
- O. Public Safety Facility
- P. Residential Care Facility
- Q. Retail Garden Center
- R. Restaurant
  - 1. Drive-through service is prohibited.
- S. Retail and Service, General
- T. Retail & Service, Heavy

- U. Rural Enterprise
- V. Solar Energy Facility
- W. Tavern
- X. Utilities and Services, Major
- Y. Veterinary Clinic
- Z. Wind energy conversion system

**270-x.x Accessory Uses**

- A. Accessory Building
- B. District Energy System
- C. Dwelling, Accessory
- D. Farm Operation – Accessory Commerce
- E. Home Business, subject to Section 270-38.1.
- F. Home Occupation, subject to Section 270-38.1.
- G. Non-tower-based wind energy conversion system
- H. Outdoor Display
- I. Roadside Stand
- J. Small-scale battery energy storage system
- K. Small-scale solar energy system
- L. Utilities and Services, Minor

**270-x.x Temporary Uses**

- A. Agricultural Events, subject to Chapter 174: Public Assembly.
- B. Contractor Trailer, subject to Section 270-39.1.
- C. Storage Container, subject to Section 270-39.1.
- D. Temporary Occupancy of Permanent Dwelling, subject to Section 270-39.1.

xxx Attachment x  
**Town of Lansing**  
**Area, Frontage, Bulk, Height, and Setback Requirements**

Zoning District	Permitted Principal Use	Streamlined Site Plan Required For	Minimum Lot Size (square feet)	Maximum Percentage of Lot Coverage (includes parking)	Minimum Frontage (feet)	Maximum Building Height (feet)	Minimum Yard Dimensions			Minimum Floor Area (square feet)	Maximum Floor Area (square footage of all structures or buildings)	
							Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)			
RA - Rural Agricultural	Dwelling, One-Unit		40,000	25	150	35	60	15	25			
	Dwelling, Two-Unit		40,000	25	150	35	60	15	25			
	Bed & Breakfast		40,000	25	150	35	60	15	25			
	Day-Care Facility		40,000	50	200	35	60	30	40			
	Farm Operation		40,000	50	200	35	60	30	50			
	Alternative Energy System			50	200	35	100	50	50		10,000*	
	Open Space			10	200	30	60	20	40			
		Agricultural Education/Recreation Fac.		200,000	50	200	35	60	30	50		14,000
		Agriculture Related Commerce		200,000	50	200	35	60	30	50		14,000
		Farm Creamery		40,000	50	200	35	60	30	50		15,000
		Farm Brewery, Cidery, Distillery, Winery		40,000	50	200	35	60	30	50		
		Farm Market		40,000	50	200	35	60	30	50		
		<b>Site Plan Required For</b>										
		Amusement Facility, Indoor		40,000	50	200	30	60	30	40		
		Amusement facility, outdoor		200,000	50	200	30	60	30	40		
		Animal Care Facility		80,000	50	200	30	60	20	40		
		Assembly		80,000	50	200	30	60	20	40		12,000
		Business office		80,000	50	200	30	60	20	40		12,000
		Cemetery		200,000	50	200	30	60	30	40		
		Communication Towers		40,000	50	200	40	60	20	40		
		Contractor's/Landscaping yard		120,000	25	300	35	75	30	50		
		Nursery School		80,000	50	200	40	60	20	40		
		Large-Scale Battery Energy Storage System		160,000	25	300	40	60	30	40		
		Lodge or Private Club		40,000	50	200	30	60	20	40		
		Medical Clinic		80,000	50	200	30	60	20	40		
		Place of Worship		160,000	25	300	40	60	20	40		
		Primary/Secondary School		160,000	50	200	40	60	20	40		
		Public Safety Facility		80,000	50	200	40	60	20	40		
		Residential Care Facility		80,000	50	200	40	60	20	40		
		Retail Garden Center		217,000	50	200	40	60	20	40		19,000
	Restaurant		120,000	25	300	35	75	30	50			
	Retail and Service, General		80,000	50	200	40	60	20	40		12,000	
	Retail & Service, Heavy		217,000	50	200	40	60	20	40		19,000	
	Rural Enterprise		80,000	50	200	35	60	20	40		12,000	
	Solar Energy Facility		400,000	50	500	35	100	50	50			
	Tavern		120,000	25	300	35	75	30	50		8,000	
	Utilities and Services, major		400,000	50	500	35	100	50	50			
	Veterinary Clinic		80,000	50	200	30	60	20	40			
	Wind Energy Conversion System		400,000	50	500	35	100	50	50			

**Chapter 270. Zoning**  
**Article V. Supplementary Regulations**

Current regulations: <https://ecode360.com/33034169>

**§ 270-27. Site plan review.**

A. Authority. The Planning Board is hereby empowered to grant site plan approval in accordance with the provisions of § 274-a of the New York State Town Law. The Town Board hereby further empowers the Planning Board to, when reasonable, waive any requirement for the approval, approval with modifications or disapproval of site plans submitted for approval. Those identified applications requiring site plan approval as a prerequisite and all special use permits (which require site plan approval) shall be regulated as set forth in this article.

B. Definitions.

Definitions of specific terms or words as used in this chapter shall conform to the definitions of the same terms in the Zoning Ordinance, Chapter 270. In addition to the definitions in Chapter 270, the following terms shall be used in this chapter as they are defined in this section:

**BOARD**

The Planning Board, unless otherwise specified.

**DEVELOPMENT**

Any land use activity or project which requires a permit from the Planning & Code Enforcement Department or will result in changes to the physical condition, appearance or type of use, or intensity of use, of property.

(1) Development projects include but are not limited to:

- (a) New construction, reconstruction, modification or expansion of existing structures or site improvements.
- (b) Landfilling, excavation, grading, parking lot construction or any other disturbances to the natural or existing topography or vegetation of the site.
- (c) Demolition of structures or site improvements.

(2) A project shall not be considered a development if it is one or a combination of the following:

- (a) Replacement in kind only;
- (b) Interior construction only; or
- (c) Infrastructure maintenance only.

**DIRECTOR**

The Director of Planning for the Town of Lansing, New York, or his/her designee.

**MODIFICATION**

Rearrangement of site layout or an exterior alteration to an existing structure (including any changes to a building facade, except replacement in kind).

**PERFORMANCE GUARANTEE**

A form of security approved by the Town that has the effect of providing assurance or a guarantee that all improvements will be made and constructed in accord with the requirements of this chapter, applicable codes and requirements, the requirements of the Town, and the terms and requirements of any approved site plan. A performance guarantee may include performance bonds, escrow agreements, letters of credit, cash, and other or similar collateral or surety agreements. No such performance guarantee shall be deemed acceptable or in compliance with the requirements of this chapter if the person posting the bond or other undertaking is a guarantor or surety to any underwriter of such bond or undertaking, or if such person provides for indemnity to any underwriter or issuer with respect to such bond or undertaking. Bonds shall comply with the requirements of Town Law § 274-a and shall be acceptable to the Town Board and Town Attorney as to form, sufficiency, manner of execution, and surety. A period of one year (or such other periods as the Director of Planning may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.

RECONSTRUCTION

Construction of buildings or site plan improvements following total demolition of a previous development.

REPLACEMENT IN KIND

Replacement of materials (for maintenance purposes) which does not have an effect on the appearance of the existing building and site.

SITE IMPROVEMENT

Features including but not limited to planting, paving, retaining walls, drainage culverts and swales, fences and gates, lighting, site furniture, fountains, pools, bridges, dams, decks, boardwalks, pergolas, signs and any other accessory structures, devices, or landscape materials on the site.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan to identify and mitigate stormwater impacts as defined in Chapter 225.

C. Applicability.

1. The provisions of this § 270-27 shall apply to any land use activity that is indicated in Schedule I of this chapter as requiring site plan review and approval, to any similar use, and whenever otherwise requires by this chapter or by any local law or other ordinance of the Town of Lansing.
2. In addition, and supplementing such provisions, the requirements of this article shall also apply to the following actions except as to those actions specifically exempted, or for which alternative specific site plan review and approval requirements are established, elsewhere in this chapter:
  - a. All new commercial, industrial, or institutional development.
  - b. All new Multiple-Unit Dwellings.
  - c. Any modification of existing commercial, industrial, institutional, or multiple-unit dwelling buildings, for which no previous site plan exists.



- d. Any conversion of an existing residential structure to a nonresidential use (except as may have occurred in connection with a Home Occupation established in conformity with the provisions of this chapter).
- e. Any conversion of an existing nonresidential structure into a residential structure containing three or more dwelling units.
- f. Any modification to an existing residential structure which increases the number of dwelling units in the building to three or more dwelling units.
- g. Any other modification to any facility or structure not set forth in the preceding subsections, for which final site plan approval was or is presently required by the terms of this chapter or any modification to any previously approved site plan, except as otherwise authorized below.

D. 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 § 270-27 unless such review is specifically required in Schedule I of this chapter:

- (1) New construction of a one- or two-unit dwelling, and related accessory structures, as these terms are defined in § 270-3 of this chapter.
- (3) Normal maintenance or repair and routine landscaping.
- (4) Uses and structures that are lawfully in existence as of the date this chapter becomes effective. Nonconforming uses may not be expanded (see Article VIII).

E. Site Plan Review Procedures

- 1. Process initiation.
  - a. The Zoning Officer shall determine whether Site Plan Review is required when an application for Site Plan Review, Building Permit, or a Demolition Permit is filed.
- 2. The following procedures are required for both Site Plan Review and Site Plan Review for Certain Farm Operations:
  - a. Sketch plan conference with planning staff, or when appropriate, with the Board as a whole.

F. Site Plan Review submittals.

- 1. Submission of Application Materials.
  - a. Applicants must submit a complete site plan review application, including all applicable materials as described in the Site Plan Review Checklist, which may be obtained from the Department of Planning and Code Enforcement, as well as the following:
    - i. Evidence of site control or owner’s authorization.
    - ii. Statement of intent that describes the project. If the development is to be staged, a general indication of how the staging is to proceed; any project that requires more than 36 months to construct shall be staged. Whether or not the development is to be staged, the preliminary plan shall show the intended total project.

- iii. A statement as to proposed sources of water supply and method of sewage disposal to include a statement as to who will own the water and sewer systems, a conceptual layout of each system, whether necessary districts are formed or are in process, the receiving sewage treatment plant, the lines, dimensions, and purpose of all utility easements, including properly placed fire hydrants and preliminary design of bridges and culverts.
- iv. A site plan, drawn to a scale no smaller than one inch equals 30 feet, on one or more sheets, stamped by a New York State licensed architect, landscape architect, engineer, or surveyor.
- b. An environmental assessment form as required by SEQRA.
- c. Additional application materials may be required by the Board. Depending on the scope and complexity of the project, the Board has the discretion to require applicants to engage the services of licensed design professionals and other experts such as architects, landscape architects, engineers, ecologists, or surveyors.

G. Application Procedure for Site Plan Review for Certain Farm Operations. The applicant for site plan review and approval shall submit the following:

1. Application form and fee.
2. Name and address of the applicant and any professional advisors.
3. Evidence of site control or owner's authorization.
4. Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways depicting:
  - a. Existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
  - b. The proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
  - c. The proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage/manure composting sites.
  - d. Any proposed building, structure, or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
5. Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures, and/or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes.
6. If any new structures are going to be located within 100 feet of a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.

H. Project Review Criteria. 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, by the quality and distinctiveness of the proposal, by avoidance or mitigation of any negative impacts, in accordance with Article VII: Site Development Standards. 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 Subsection H, 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.

1. Stormwater drainage. Adequacy of stormwater and drainage facilities, and a stormwater drainage plan shall be provided. Natural drainageways 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 acre of land shall be required to obtain an SPDES Stormwater Phase II Construction Permit from the New York State Department of Environmental Conservation.
2. Erosion control. Developments on soils which may erode, or on slopes greater than 10%, 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:
  - a. Avoiding construction upon or disturbances of hydric soils;
  - b. Avoiding impervious surfaces in favor of pervious surfaces;
  - c. Using bioengineering techniques rather than traditional construction methods to manage water and stormwater on site;
  - d. Avoiding the crossing of streams and ditches with roads and driveways; and
  - e. Establishing buffers along streams and other watercourses.
3. Off-street parking. Location (reverse frontage preferred), 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.
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. Calculations of the existing and estimated increased loads on the system may be required. 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.

5. Driveways, pedestrians, and traffic. Safe and convenient pedestrian and bicycle access and circulation, including provision for bicycle parking facilities and sidewalks along public thoroughfares, unless applicant demonstrates that a sidewalk is not feasible due to site constraints. Adequacy and arrangement with vehicular and nonvehicular 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. Analysis of the project's impact on parking and traffic may be required, including sight lines at curb cuts.
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 No. 172 and the IDA "Outdoor Lighting Code Handbook." Excessive lighting for promotional or commercial visibility purposes shall be discouraged.
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.
8. General improvement plan. Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs. Sign size and location shall comply with Chapter 210, Signs, of the Code of the Town of Lansing.
9. Trees and 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.
10. Roads and walks. Roads, pedestrian walks, and open space for play areas and informal recreation 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.
11. Other regulations. All other applicable state, county and local laws, ordinances and regulations shall be complied with. These include, but are not limited to, Zoning, Signs, Subdivision Regulations, Stormwater Management, Code Enforcement Local Law, and the State Environmental Quality Review Act.
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, including

scenic resources identified in the Lansing Natural Resources Inventory and Scenic Resources Inventory, and general consistency with the Town's Comprehensive Plan.

13. Public services. Consideration of any needed or desirable public services and public service impacts, including upon the availability of fire hydrants, and emergency medical services, streetlighting, schools and educational services, and public transportation services and plans.
14. Handicap accessibility of buildings, pathways, and parking in accordance with ADA standards.
15. For new construction of multiple-unit dwellings, commercial, industrial, and retail & service uses, adequate and appropriately located facilities for the storage and collection of solid waste and recyclable materials shall be required. Developers of new commercial and mixed-occupancy buildings must design a waste management system that can support the needs of any allowable use in the building, including those uses that could result in maximum garbage generation. Screening of these facilities, as well as other actions relating to the appearance of the facilities, may be required in accordance with Article VII: Site Development Standards.
16. Shielding or reduction of noise from mechanical equipment and other sources to the extent reasonably practicable.
17. Screening or architectural integration of a building's or structure's exterior mechanical equipment.
18. Additional information. The Planning Board may consult with any other Town board, commission, department, agency and/or official it deems advisable. It may also engage the services of engineers, planners, or other professionals to aid in the review process. All costs incurred by the Board for such professional services shall be reimbursed to the Town by the Applicant.

I. Approval procedure.

The following procedures are required for Site Plan Review and not required for Site Plan Review for Certain Farm Operations:

1. Public notice by posting. At least 20 days before the first meeting at which the Planning Board considers site plan approval, the Planning Board may require the applicant to post a sign at the center of each property line of the project site which fronts on a public or private roadway or public right-of-way. Such signs shall be continuously maintained and displayed facing the roadway until final action has been taken by the Board to approve or deny the site plan. At the time such signs are emplaced, the applicant or the applicant's representative shall indicate, in writing, the date on which the signs are to be erected. Signs shall be removed within 15 days of the final action or withdrawal of the application.
2. Planning Board meeting. Following timely receipt of a complete application for site plan approval, the Board shall schedule consideration of the application at its earliest possible scheduled meeting. The Board may establish its procedures and

requirements, within the framework provided by this chapter, for conducting site plan review.

3. Public hearing. Prior to rendering any decision on a Site Plan Review application, the Board may hold a public hearing on the proposed development. The hearing on the site plan shall be advertised in the Town newspaper of record at least five days before the hearing. This may begin concurrently with any required public hearing for the purpose of environmental review of the same project and may continue after any such environmental review public hearing is closed. Public hearings are not required for Site Plan Review for Certain Farm Operations.
4. Action on application for site plan approval.
  - a. Within 62 days after determination of environmental significance on a complete Site Plan Review application, the Board shall render one of the following decisions:
    - [1] Approval.
    - [2] Approval with conditions.
    - [3] Disapproval of the site plan.
  - b. Such sixty-two-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.
  - c. If the 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.
5. 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.

J. 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:

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 700 square foot addition is constructed without obtaining Planning Board approval and construction of a second addition larger than 300 square feet would require Planning Board approval of a modified site plan).
2. Construction or relocation of more than five parking spaces nor construction or relocation of any parking spaces to an area that is not adjacent to the original planned parking area; nor
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

4. Alteration of traffic flows and access nor a significant increase in the volume of traffic; nor
5. A significant (in the judgment of the Zoning 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 last approved site plan; nor
6. A change in the impacts of the project on surrounding properties, such as an increase in noise, water runoff, light illumination, or obstructions to views; nor
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
8. If the modification does not involve a movement or shift of a location of one or more buildings laterally or vertically from the location or elevation shown on the final site plan;
9. A determination by the Zoning Officer that such shift does not materially affect the overall site layout or specific elements of the site, including roads, traffic movements, sidewalks, parking areas, viewshed, drainage, and buffer areas; and
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.
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.
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 § 270-27 are exceeded.

M. Building permit. Before a building permit or certificate of occupancy or certificate of compliance can be issued for any of the activities for which site plan approval is required, a site plan must be approved by the Planning Board in accordance with these and other applicable provisions.

N. Other Permits. An approved site plan shall be binding on all further permits and approvals needed for the project. Compliance with other applicable state, county and local agencies is required.

1. 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). For projects subject to Site Plan Review, a Building Permit shall be issued only after approval has been granted. In a case where a conditional Site Plan Review approval has been granted, no Certificate of Occupancy or Completion shall be issued until final Site Plan Review approval has been granted and all conditions of such final approval have been met. See also § 279-27(L).

2. Variances.

- a. Any required variance must be obtained from the Zoning Board of Appeals before the Planning Board will issue site plan approval.
- b. Storm Water Pollution Prevention Plans (SWPPP). All Storm Water Pollution Prevention Plans must be approved by the Stormwater Management Officer (SMO) in accordance with § 225 before final site plan approval is granted.

O. 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 three 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, unless an extension has been granted by the Board following a written request by the applicant. If no extension is granted, 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 three-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 three-year requirements within its approval(s) as a condition or otherwise.

1. For the purposes of this section, work is not "substantially complete" unless, at a minimum:
  - (a) A building permit, if required, has been obtained;
  - (b) Construction equipment and tools consistent with the size of the proposed work have been brought to and been used on the site; and
  - (c) Substantial excavation (where excavation is required) or significant framing, erection, or construction (where excavation is not required) has been started and is being diligently pursued.

P. Performance Guarantee.

- a. No certificate of occupancy or certificate of completion shall be issued until all improvements required by site plan approval are installed, and including any conditions placed on such approval are fulfilled, or until a sufficient guarantee, in the form of a performance bond, letter of credit or other security, is in place.
- b. Upon satisfactory completion of all required improvements shown on the approved site plan, an as-built plan shall be submitted for the review and approval of the Code Enforcement Officer at least one week prior to the occupancy of the building. Such plan shall include the record of all progress and final inspections for the installation of all on-site and off-site improvements as approved by the Code Enforcement Officer or certified by a licensed engineer.



The completion of as-built plans and the successful inspection reports shall be the basis for release of any performance guarantee or portion thereof.

Q. Development projects may be periodically inspected for conformance to the approved site plan, including the maintenance of the viability of the planting required as part of the site plan approval. If there is nonconformance, or if any conditions of SPR approval are not fulfilled, no certificate of occupancy or certificate of completion shall be issued. Where a development reverts to nonconformance after the issuance of a certificate of occupancy or certificate of completion, current owners of the development shall be notified, in writing, and given the opportunity to correct the situation. If the Director determines that the corrective measures are inadequate, the Town shall implement any necessary changes to the site to bring it into conformance, the cost of which shall be charged to the property owner. All construction and site operations shall be in compliance with the site plan.

DRAFT

## ARTICLE VII – PRINCIPAL, ACCESSORY, AND TEMPORARY USES

### 270-37: PRINCIPAL USES

- A. All principal uses must comply with the standards of this section.
- B. Multiple Principal Uses. A site may contain more than one principal use, so long as each principal use is allowed in the Zoning District.
- C. All uses must meet any applicable federal, state, and local requirements, including, but not limited to, licensing, health, safety, and building and fire code requirements.

#### 270-37.1 Agricultural Uses.

- A. **Agricultural Education and Recreation Facility.** Recreation, education, and entertainment operated in conjunction with and as part of an overall direct farm marketing strategy for an active Farm Operation or Farm Market that contributes to the production, preparation, and marketing of crops; livestock and livestock products; and other such agricultural events and educational demonstrations, and the onsite preparation, processing and sale of foods prepared from local farm products for consumption on site and off site. An agricultural education and recreation facility may include a community kitchen, and / or ancillary assembly or retail use.
- B. **Agriculture-Related Commerce.** A retail or wholesale enterprise not part of an active Farm Operation providing services or products principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock and livestock processing, feed, seed, fertilizer, and equipment repairs, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations.
- C. **Farm Brewery.** An enterprise engaged in the production for sale of beer, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
- D. **Farm Cidery.** An enterprise engaged in the production for sale of cider, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
- E. **Farm Creamery.** An establishment that is part of a Farm Operation where dairy products such as milk, butter, cheese, ice cream, and yogurt are made, processed, or prepared.
- F. **Farm Distillery.** An enterprise engaged in the production for sale of liquor is manufactured primarily from farm and food products, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.

- G. **Farm Winery.** An enterprise engaged in the production for sale of wine, brandies distilled as the by-product of wine or other fruits, or fruit juice, licensed and regulated as such by the State of New York, and including as subsidiary activities the sale of gifts, clothing, beverage tastings, prepared foods and other items that promote the sale of agricultural products.
- H. **Farm Market.** Generally permanent year-round retail operations that sell agricultural products, baked goods, and other foodstuffs. Handicrafts and other agriculture-related products could also be sold.
- I. **Farm Operation.** The use of land, buildings, structures (including on-farm housing) and equipment, and the practices which support the production, preparation, processing, marketing and transportation of grains, vegetables, fruit, and other crops, horticultural and floricultural products, animal husbandry (including the raising, breeding, boarding and sale of horses, llamas and alpacas) and including commercial horse boarding operation, livestock and livestock products, aquaculture, apiary products, forest farming, and farm energy production from sun, wind, manure or biomass crops.
- J. **Retail Garden Center.** The growing, producing, storage and sale of nursery and greenhouse stock, garden and house plants, trees and shrubs, not part of a Farm Operation. 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 shall be permitted. 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.

**270-37.2 Civic Uses.**

- A. **Assembly.** A facility that has organized services, meetings, events, or programs to benefit, educate, entertain, or promote discourse in a public or private setting. Examples include community centers, meeting or lecture halls, exhibition rooms, or auditoria. If an assembly use is ancillary to another principal use and has a gross floor area of less than 5,000 square feet, it is considered part of that use and is not considered a separate principal use.
- B. **Cemetery.** A tract of land for the disposal or burial of deceased human beings or remains in a grave, mausoleum, vault, columbarium, or other receptacle. The provisions of this chapter shall apply to all cemeteries and burial grounds including those owned by a religious corporation, Municipal Corporation, or a cemetery corporation owning a cemetery operated, supervised, or controlled by or in connection with a religious corporation.
- C. **Lodge or Private Club.** A facility for the use of a membership organization or association with elected officers and directors, pursuant to a charter or bylaws, that excludes the general public from its premises and holds property for the common benefit of its members.
- D. **Open Space.** A noncommercial site reserved for active or passive recreation or natural resources conservation including parks, dedicated Open Space,

landscaped areas (plantings, lawns, parking lot islands), and including sidewalks or trails used to access these areas, including Accessory Structures accessible to the public and intended to enhance the Open Space.

- E. **Place of Worship.** A building or space for 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.
- F. **Primary/Secondary School.** A public, private, or parochial institution offering instruction at the elementary through high school levels with a full range of curricular and extracurricular programs and accessory uses normally provided in support of the larger educational mission of the institution.
- G. **Public Safety Facility.** A facility operated by a public safety agency, including fire stations and firefighting facilities, police and sheriff substations and headquarters, and emergency medical services substations.

**270-37.3 Employment Uses.**

- A. **Business Offices.** A facility for the processing, manipulation, or application of business information or professional expertise, and which may or may not offer services to the public. A business office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, or engaged in the repair of products or retail services.
- B. **Rural Enterprise.** A manufacturing, construction, or service enterprise. Types of businesses that are envisioned under the above definition include small contractors, woodworking, metalworking and other craft manufacturing, small auto repair and body shops, small craft bakeries and food processors, small sawmills. Does not include retail operations.
  - 1. Subject to Chapter 158: Outdoor Storage limitation.

**270-37.4 Infrastructure Uses.**

- A. **Alternative Energy System.** Solar Energy Systems, Wind Energy Conversion systems, and Battery Energy Storage Systems.
- B. **Communication Towers,** subject to Chapter 119.
- C. **District Energy System.** A community-based energy system shared by property owners for common use, or managed by a homeowners’ association, institution, or similar organization.
  - 1. All right-of-way construction and repair must be in accordance with standards and specifications set forth by the Highway Superintendent.
  - 2. Any right-of-way work requires a Permit per Chapter 230: Streets and Sidewalks.
- D. **Large-scale battery energy storage system.** Battery energy storage systems with an aggregate energy nameplate capacity greater than or equal to 280 kWh.

- 1. Subject to § 270-35T.
- 2. Subject to abandonment and decommissioning requirements of § 270-35U.
- E. **Solar energy facility.** Ground-mounted or freestanding (racking or ballasts) solar collection devices, solar energy system related equipment, and other associated infrastructure whose components cover a land area greater than 10,000 square feet. The primary intention of a solar energy facility is the generation of electricity or other conversion of solar energy to a different form of energy for commercial or off-site sale to a public utility, off-site users, or for placement on or delivery to the local or regional electrical grid.
  - 1. Subject to § 270-35R.
  - 2. Subject to abandonment and decommissioning requirements of § 270-35U.
- F. **Utilities and Services, Major.** Large-scale facilities that primarily serve a regional need, which because of their scale or method of operation are more likely to produce external impacts that are detectable beyond the property lines of the subject property. Such facilities include, but are not limited to, wastewater treatment plants, electric or gas generation plants, electrical transforming substations, water pumping stations, and water towers and tanks.
  - 1. All structures are subject to the same bulk, area, and form requirements as apply to Dwellings in the Zoning District where emplaced.
  - 2. A Type A Buffer Yard, designed per Section 270-14, is required along interior, side, and rear lot lines that abut any lot in an AG, L1, R1, R2, R3, or RA Zoning District.
- G. **Utilities and Services, Minor.** Facilities and services that primarily serve local distribution needs, including, but not limited to, water and sewer pump stations, water conveyance stations, gas regulating stations, telephone exchange / switching centers, and emergency communication warning / broadcast facilities.
- H. **Wind energy conversion system.** A wind energy conversion system that sells its generated power, whether by wires, grid-connections, metering, or a battery energy storage system, to a third party, and such term includes the support tower, foundations and support cables, the nacelle and electric generator, gearing, and braking, the rotor, blades, tail and other associated components, the associated electric and electronic connections, panels, boxes, controls, inverters, switches, transformers, gates, vehicular paths, fencing, the fall zone around each tower, etc., whose power output is intended to be used on-site to offset on-site consumption of utility power and off-site, including through grid connections and the transmission or sale of energy to third parties.
  - 1. Subject to § 270-35S.
  - 2. Subject to abandonment and decommissioning requirements of § 270-35U.

**270-37.5 Lodging Uses.**

- A. **Bed & Breakfast.** A dwelling that provides temporary lodging for compensation in guest rooms with no in-room cooking facilities. A bed and breakfast may include dining facilities and meeting rooms.
  - a. No more than ten (10) guest rooms are permitted.

- b. Hourly rate lodging is not permitted.
- c. Subject to annual fire & safety inspection.

**270-37.6 Residential Uses.**

- A. **Dwelling, Accessory.** A dwelling unit associated with, subordinate in size, and incidental to a principal dwelling on the same lot, located in either the principal dwelling or a separate structure, intended, designed to be used, or used, rented, leased, let, or hired to be occupied for living purposes.
  - 1. One accessory dwelling unit per lot.
- B. **Dwelling, One-Unit.** Any building or structure or portion thereof that contains one dwelling unit intended, designed to be used, or used, rented, leased, let, or hired to be occupied for living purposes.
- C. **Dwelling, Two-Unit.** A detached building containing no more than two (2) dwelling units intended, designed to be used, or used, rented, leased, let, or hired to be occupied for living purposes.
- D. **Residential Care Facility.** A licensed care facility that provides 24-hour medical or non-medical care to persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. Residential care facilities include nursing homes, independent living, assisted living, continuum of care, and hospice facilities.

Commented [CRI]: Retained definitions of [DAY-CARE FACILITY](#) and [NURSERY SCHOOL](#) in lieu of these definitions (removed)

**270-37.7 Retail & Service**

- A. **Amusement Facility, Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, and pool halls.
  - 1. Building Area may not exceed 100,000 square feet gross floor area.
- B. **Amusement Facility, Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as fairgrounds, batting cages, campgrounds, drive-in movie theaters, petting zoos, golf courses, miniature golf courses, and amusement parks. Does not include recreational vehicle parks.
  - 1. A campground may have two but no more than fifteen camping unit sites and may be accessible by vehicular traffic where sites are substantially developed. Tables, refuse containers, flush toilets, bathing facilities, and water are provided.
- C. **Animal Care Facility.** A business providing for the care, day or overnight boarding, grooming and/or training of dogs, cats and other customary household pets, including veterinary offices for the immunization, diagnosis, or treatment of customary household pets.
  - 1. The facility and all associated runs or fenced areas must be setback a minimum of one hundred fifty (150) feet from all Lot lines.

2. All associated runs or fenced areas shall be adequately screened by fence, plantings, or landscaping from streets and adjacent properties.
  3. All animal wastes shall be disposed of properly to avoid odor, diseases, and contamination of drinking water supplies.
  4. Any exterior boarding quarters and exercise areas located outside must be designed to provide shelter against weather.
- D. **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.
1. Subject to Chapter 158: Outdoor Storage limitation.
- E. **Medical Clinic.** A facility for physicians, dentists, chiropractors, physical therapists, alternative medical practitioners, or other licensed healthcare practitioners to examine and treat persons on an outpatient basis.
- F. **Restaurant.** A business where food and beverages are prepared for and served to patrons for consumption either on-premises or off-premises.
1. The sale of alcohol for on-premises consumption requires separate approval as a Tavern. The sale of alcohol for off-premises consumption requires separate approval for an Alcohol Sales Establishment.
  2. A Restaurant may include ancillary live entertainment without a separate approval, so long as all of the following conditions are met: no permanent space is dedicated for live entertainment; no admission is charged for live entertainment; and when live entertainment is offered, it is clearly incidental and subordinate to the restaurant use.
- G. **Retail and Service, General.** A commercial use characterized by the sale of goods and services directly to the consumer, including but not limited to printing, copying/mail service, department, clothing, drug, food, hardware and similar stores and establishments and barber/beauty, dry-cleaning and similar personal service establishments, not including restaurants, taverns, vehicle service facilities, or vehicle sales.
- H. **Retail and Service, Heavy.** A retail and service business with permanent outdoor display, service, and storage areas, such as vendors of lumber and building supplies, landscaping supplies and equipment, industrial equipment, and outdoor structures such as prefabricated sheds, decks and patios, swimming pools, and play equipment. This does not include a Retail Garden Center, which is addressed by Section 270-37.1(J). This does not include sales or service of watercraft or commercial or recreational vehicles.
1. A Type C buffer yard, designed per Article VII Section TBD, is required along interior side and rear lot lines that abut any lot in an L1, R1, R2, or R3 Zoning District.
  2. Any materials stored that exceed the height of the screening must be located a minimum of 25 feet from any lot line.

- I. **Tavern.** A business that serves alcoholic beverages for on-premises consumption, and may or may not serve food.
  - 1. A Tavern may include ancillary live entertainment without a separate approval, so long as all of the following conditions are met: no permanent space is dedicated for live entertainment; no admission is charged for live entertainment; and when live entertainment is offered, it is clearly incidental and subordinate to the restaurant use.
- J. **Veterinary Clinic.** The premises or buildings used for the diagnosis, treatment or other care of the ailments of customary household pets or livestock animals, which may include related facilities, such as laboratories, offices and temporary quarters for such animals.

**270-38: ACCESSORY USES**

- A. All accessory uses must comply with the standards of this section.
- B. Accessory uses and structures are permitted as of right in conjunction with allowed principal uses.
- C. Accessory uses and structures must be:
  - 1. Customarily found in association with the principal use.
  - 2. Clearly incidental and subordinate to the principal use in terms of area and function.
  - 3. Located on the same site as the principal use.
- D. Accessory structures:
  - 1. Must comply with the maximum building coverage and impervious coverage requirements of the zone.
  - 2. Structures under 144 s.f. may encroach upon required side and rear yards, so long as they are not expressly restricted in the standards in Section 270-38.1.
  - 3. Structures under 144 s.f. may not encroach upon required front yards or frontards of the front building wall of a principal building, unless expressly allowed in the standards in Section 270-38.1.
  - 4. Must be located at least 5 feet from lot lines, except where there is no required yard or where lot lines share a right-of-way line with an alley. The standards in Section 270-38.1 may require larger minimum setbacks for some accessory uses and structures.

**270-38.1: ACCESSORY STRUCTURES AND USES**

- A. **Home Business.** Any business or personal service carried on by a resident of a dwelling unit, where the occupation is secondary to the use of the dwelling unit for residential purposes.
  - 1. A Home Business must be located within a fully enclosed building owned or occupied by a resident of the site. A home business may not be established prior to residential occupancy of the site by the operator of the home business.



2. The home occupation may not exceed 35% of the gross floor area of the principal dwelling unit.
3. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a Home Business, except for one sign of up to two square feet in sign area, mounted flush with and on the front facade of the building.
4. No display of products may be visible from the adjacent public right-of-way. Direct sales and rentals of products off display shelves or racks are not allowed, although a person may pick up an order previously made by telephone, by internet, or at a sales meeting.
5. No outdoor storage or warehousing of material, supplies, or equipment is allowed on the site.
6. Vehicle repairs or veterinary hospitals or kennels are not allowed as part of a home occupation.

**B. Home Occupation.** Any occupation, trade, profession, or craft carried on by a resident of a dwelling unit, where the occupation is secondary to the use of the dwelling unit for residential purposes.

1. Only involves persons working on the premises or routinely operating from the premises who are permanent residents of the dwelling.
2. Does not involve more persons regularly visiting the premises for business purposes.
3. Is limited to only the following types of activities:
  - i. Office-type and telework (such as writing, editing, drafting, tax preparation, computer programming and computer data entry);
  - ii. Clerical work (such as typing, stenography, addressing and sending mail), custom sewing and fabric crafts;
  - iii. Creation of visual arts (such as painting, sculpture, or wood carving).
4. The home occupation must be located within a fully enclosed building owned or occupied by a resident of the site. A home occupation may not be established prior to residential occupancy of the site by the operator of the home occupation.
5. The home occupation may not exceed 25% of the gross floor area of the principal dwelling unit.
6. No business storage or warehousing of material, supplies, or equipment is allowed outdoors on the site.
7. No processes or equipment may be used that creates heat, glare, dust, smoke, fumes, odors, or vibration detectable off the property. No related sound above ambient noise level is permitted that is detectable off the property.

**C. Farm Operation - Accessory Commerce**

A retail or wholesale enterprise operated as an accessory use to an active Farm Operation on the same premises selling products principally utilized in agricultural production, limited to 1,000 square feet of Outdoor Display or

storage of products. Examples of such products include agricultural equipment and agricultural equipment parts; batteries and tires; products allowed to be sold by the New York State Department of Agriculture and Markets such as farm machinery; Providing agricultural equipment repairs; processing and packaging of food where the predominant ingredient is not grown on-farm.

- D. Non-tower-based wind energy conversion system.** A wind energy conversion system that is not based upon or located upon a tower, such as rooftop horizontal turbines, vertical flute or "candy cane" poles under 30 feet tall, or wind trees.
- E. Outdoor Display.** The outdoor display of products actively available for sale. Outdoor display does not include vehicle sales, which is considered a principal use.
- F. Roadside Stand.** A stall or booth used for commercial purposes, where farm or other products are offered for sale on a seasonal basis.
  - 1. Building Permit required over 144 g.s.f. per § 108-4B(1)
  - 2. Not exceeding 300 square feet of enclosed space; majority of products must promote the sale of local farm products. (§ 270-28H)
- G. Small-scale battery energy storage system.** Battery energy storage systems with an aggregate energy nameplate capacity less than 280 kWh.
- H. Small-scale solar energy system.** A building-mounted solar energy system whose photovoltaic components occupy an area greater than 150 square feet on any code-compliant structure, or a ground-mounted solar energy system whose components cover a land area less than 10,000 square feet and whose energy output is primarily for on-site consumption. Small-scale solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility or placed on or delivered to the local or regional electrical grid.

**270-39: TEMPORARY USES**

Intent: Uses that are established for a fixed period because they are generally not appropriate on a long-term or continuous basis.

- A. All temporary uses and buildings must comply with the standards of this section.
- B. No temporary use may be established on a public right-of-way or public park without the authorization of the Town Board.
- C. Temporary uses that require a temporary use permit are subject to the following general requirements, as applicable:
  - 1. If the operator of the temporary use is not the owner of the site where the temporary use will be located, written permission from the property owner is required.
  - 2. The operator of the temporary use must ensure adequate traffic control, emergency vehicle ingress and egress, provision for trash/recycling and sanitary facilities, and measures for security and crowd control, as necessary.
  - 3. All temporary buildings must be cleared from the site within 72 hours after the use is terminated, unless an exception is granted by the Code Enforcement Officer.

- 4. A Site Plan may be required, where applicable, to demonstrate compliance with this Land Use Code and all other requirements.
- 5. 180 day limit per Building Code for other than Farm Operation.
- D. No temporary use may result in adverse effects upon the public health, safety, and welfare, as determined by the Code Enforcement Officer.

270-39.1: TEMPORARY USES, PERMIT REQUIRED

The following temporary uses are allowed subject to approval of a temporary use permit issued in accordance with Section **TBD**: Administration and Approvals.

- A. Storage Container:** A standardized, re-sealable article of transportation equipment, including one on a chassis, that is designed for repeated use to facilitate unitized freight handling by one or more means of transportation. Includes but is not limited to intermodal shipping containers.
  - 1. The placement or use of storage containers, for permanent use as an accessory storage building shall be prohibited in all Zoning Districts. Storage containers are allowed by right only for the storage of hay, other agricultural commodities, or farm equipment in an amount and scope directly related to the production function of a Farm Operation.
  - 2. The placement or use of storage containers, as temporary storage, shall be permitted under the following circumstances:
    - a. A structure is undergoing construction, repair, alteration, or reconstruction, for which a building permit has been issued. Permitted in conjunction with Temporary Dwelling. The storage container shall be removed from the premises upon issuance of a Certificate of Occupancy or a Certificate of Compliance, or such time as the Code Enforcement Officer deems the project complete.
    - b. The storage container is being used to store household belongings in connection with a disaster, i.e., fire, flood, etc. The storage container shall be removed from the premises upon issuance of a Certificate of Compliance, demolition of the structure, or such time as the Code Enforcement Officer deems the project complete.
  - 3. At the discretion of the Code Enforcement Officer, for extenuating circumstances, and/or limited time periods.
  - 4. Storage containers shall not occupy required off-street parking spaces, loading spaces, or landscape areas.
  - 5. Storage containers shall not be placed in an area of special flood hazard.
  - 6. Storage containers shall not be stacked above the height of a single container.
  - 7. Storage containers shall not be used for the placement of signage or advertising.
  - 8. Temporary permit approval criteria:
    - a. A narrative statement detailing the anticipated dates for emplacement and removal of the storage containers.

- b. A detailed list of all material and amounts of materials to be stored in the containers and the material data sheets applicable to any materials to be stored.
- c. A site plan, drawn to scale, of the entire parcel showing all existing structures and the location of the proposed temporary uses giving the distances to all property lines and existing structures. Storage containers shall meet the setback requirements for accessory structures, for the zoning district in which they are being placed.
- d. A maximum of four (4) storage containers shall be permitted under a temporary use permit.
- e. Storage containers may be placed for not more than four (4) months in any twelve (12) month period.
- f. A portable fire extinguisher is required to be mounted in each storage container on site. The minimum size extinguisher shall be a two and one-half (2 1/2) pound, handheld extinguisher, compatible with the materials or products being stored.
- g. Storage containers shall not be placed so as to pose a fire hazard to a permanent structure, restrict exit discharge or access to the public way, or restrict fire department access to the perimeter of the structure where storage containers are located.

**B. Contractor Trailer.** A mobile home, travel trailer, truck trailer, or other structure used as an on-site management or marketing office in conjunction with a construction project.

- 1. Contractor trailers are allowed only in connection with active construction activities and must be removed once the building permit expires or terminates.
- 2. Sleeping or cooking facilities within the trailer are prohibited.
- 3. No trailer may be used as the main office or headquarters of any firm.

**C. Temporary Occupancy of Permanent Building.** The temporary need to establish and occupy a temporary dwelling unit or premises, including special consideration where a natural disaster or Emergency (defined in Chapter 112) situation has the existing dwelling house unsuitable for habitation.

- 1. Also includes a dwelling unit within a development project as a sales or rental office or as a representative unit for units located on-site.

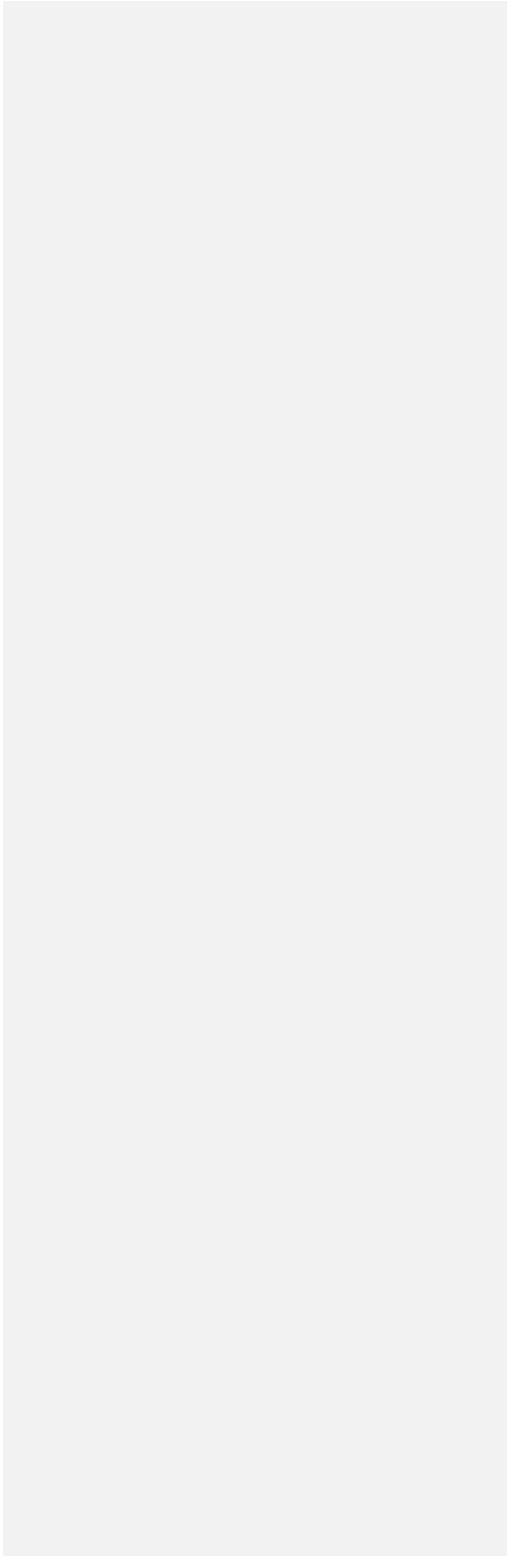
270-39.2: TEMPORARY USES, TEMPORARY USE PERMIT NOT REQUIRED

**A. Agricultural Events.** On-farm events, including, but not limited to, farm tours, hayrides, corn mazes, seasonal petting farms, educational demonstrations, harvest festivals, and classes related to agricultural products or skills offered in conjunction with the above. Events must be directly related to the sale and promotion of the crops, livestock and livestock products produced at the farm;

incidental and subordinate to the retail or wholesale sale of the farm’s crops, livestock and livestock products; hosted by the farm operation; and prominently feature the farm’s crops, livestock and livestock products at all locations in which the event is conducted on the farm.

- a. Agricultural Events are subject to Chapter 174: Public Assembly.
- B. **Garage Sale.** A temporary estate, garage, or yard event for the sale of miscellaneous household goods or personal articles.
  - a. Limited to a maximum duration of three consecutive days, three times per calendar year.
- E. **Temporary Signs**, per Chapter 210.

DRAFT



**Chapter 270. Zoning**  
**Article VIII. Site Development Standards**

**§ 270-40. General Provisions.**

- A. Intent. The intent of this Article VII is to protect the existing character and visual appeal of the built environment in the Town of Lansing, to promote the orderly development of attractive public spaces as business expansions and new development occurs and to screen incompatible views and uses from view of the public and secure a quality public realm for the enjoyment of residents and visitors effectively and appropriately.
- B. Authorization: Landscaping and buffering are permitted in any Zoning District. When required by this section in conjunction with a particular use, said landscaping and buffering shall be deemed to be a mandatory element of any permit granted for said use. All required landscaping must be maintained by the property owner and any damaged or dead plant materials, fence or structure shall be replaced by the property owner. The Code Enforcement Officer may send a notice to the property owner if the required landscaping or screening is found to be deficient.
- C. Definitions: When used in this section, the following words and terms shall have the meanings herein assigned:
  - Arterial Streets and Highways: Those ways used primarily for fast or heavy traffic generally having a right-of-way width of 80 to 120 feet. An example is NYS Route 34 or 34-B.
  - Berm: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.
  - Buffer: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to physically separate and visually screen incompatible land uses from each other.
  - Deciduous: A plant with foliage that is shed annually (e.g., Maple).
  - Evergreen: A plant with foliage that persists and remains green year-round (e.g., Pine).
  - Ornamental Tree: A deciduous tree planted primarily for its ornamental value or for screening purposes which tends to be smaller at maturity than a shade tree (e.g., Crab Apple).
  - Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.
  - Shade Tree: Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy (e.g., Norway Maple).
  - Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.
  - Specimen Tree: A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

Tree: A large, woody plant having one or several self-supporting stems or trunks and numerous branches. It may be classified as deciduous or evergreen.

Woodlands, Existing: Existing trees and shrubs of number, size and species that accomplish the same general function as new plantings.

**§ 270-40.1 Landscape Plan.**

- A. All developments subject to Site Plan review (270-27) must submit a landscape plan. Where developments involve either 10,000 square feet or more of development area or construction or reconstruction of a parking lot containing 20 or more spaces, the landscape plan must be stamped by a New York State licensed landscape architect. Single-unit dwellings, two-unit dwellings, and multi-unit dwellings of three units or less, are exempt from this requirement.
- B. A landscaping plan shall include the following:
  - 1. Description of the site, including location, general type and quality of existing vegetation, including specimen trees.
  - 2. Existing vegetation to be saved.
  - 3. Methods and details for protecting existing vegetation during construction and the approved sediment control plan if one is required by state DEC regulations.
  - 4. Location and labels for all proposed plants.
  - 5. Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting.
  - 6. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas.
  - 7. Planting and installation details as necessary to ensure conformance with all required standards.

**§ 270-40.2 Landscape Installation.**

- A. Plant materials must be installed in accordance with the latest edition of the American Standard for Nursery Stock published by the American Nursery and Landscape Association (ANLA).
- B. Plant materials must be installed in soil of sufficient volume, composition, and nutrient balance to sustain healthy growth.
- C. Prior to a certificate of occupancy being granted, all landscape required by this section must be installed. However, where required landscape cannot be installed because of seasonal weather conditions, a certificate of occupancy may be issued by the Code Enforcement Officer provided that the applicant produces a contract for the landscape work to be completed within nine months of the issuance of the certificate of occupancy.

**§ 270-40.3 Landscape Maintenance.**

- 1. All plant materials must be maintained in a healthy, growing condition.

2. Any landscape that is considered hazardous or unsafe, interferes with public utilities, conflicts with required corner visibility, obstructs pedestrian or vehicular access, constitutes a traffic hazard, or is listed as an invasive species by the New York Invasive Species Council, must be abated by the property owner as soon as practicable or within 30 days of notice by the Code Enforcement Officer.

#### § 270-40.4 Buffer Yards.

##### A. Buffer Yard Parameters

1. A buffer yard is determined exclusive of any required front, corner side, interior side, rear, or waterfront yard. However, the buffer yard may be located wholly or partially within required yards.
2. A buffer yard must be located within the outer perimeter of the lot, parallel to and extending to the applicable lot line. A buffer yard may not be located within the adjacent public right-of-way.
3. Where a fence and landscaping are required within the buffer yard in accordance with Table: Buffer Yards, the fence must be positioned interior to the landscaping, except for buffer yards along an interior side or rear lot line, where fences must be positioned exterior to the landscaping. However, the Planning Board may adjust the positioning of a fence within a buffer yard to better mitigate potential impacts between the proposed project and adjacent properties.
4. No building, accessory structure, or vehicle parking, may encroach upon a buffer yard, with the following exceptions:
  - a. Pedestrian and vehicle access points, plus related signs, may encroach upon a buffer yard.
  - b. Where a proposed project is subject to Site Plan review, per Section 270-37, the Planning Board may allow a building or other structure to be located within a required buffer yard, where it finds the building or other structure would better mitigate potential impacts between the proposed project and adjacent properties. This exception does not allow for the waiver by the Planning Board of any other required yard, per the applicable Zoning District regulations.
5. A natural, pre-existing grade separation may be conserved, or a man-made berm retained or installed, in lieu of a fence or wall to the extent that the height of the berm or preexisting grade separation meets the minimum required height of the fence or wall.

##### B. Buffer Yard Landscape

1. Required buffer yard landscape must be of the following dimensions at installation:
  - a. Shade trees must be of a minimum caliper of two inches.
  - b. Ornamental trees must be of a minimum caliper of one and one-half inches.
  - c. Shrubs must be of a five-gallon container minimum.



2. Pre-existing, equivalent vegetation that is conserved within the buffer yard may substitute for any required landscape installation, so long as the pre-existing vegetation is healthy and growing.
3. Any required trees or shrubs may be installed at varying distances to create a naturalistic landscape design, so long as the per linear foot requirement is applied as an average, and the landscape is arranged so as to provide sufficient screening.
4. Buffer yards must be integral, where possible, with on-site stormwater management facilities.
5. All required plant materials within the buffer yard must be maintained in a healthy, growing condition over their lifetime, or replaced where necessary.
6. Except as it relates to the required height of fences and walls for buffer yards, fences and walls must be installed and maintained in accordance with Section 270-40.5(L).

#### § 270-40.5 Fences and walls.

- A. Except as otherwise specified in other provisions of this chapter, 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.
- B. 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.
- C. 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
- D. Fences and walls must be constructed of permanent, durable materials, such as brick, stone, concrete, textile block, wood, iron, or steel. Vinyl or chain link fence materials are not allowed in the L1, R1, R2, or R3 Zoning Districts.
- E. No fence or wall may be constructed of barbed wire, concertina wire, razor wire, electrically charged wire, railroad ties; standard, fluted, or split face concrete masonry units (CMU); scrap metal, tarps, or any other material determined by the Code Enforcement Officer to be detrimental to the public health, safety, and welfare. This restriction does not apply to lawful Farm Operations in the AG Zoning District.
- F. The height of all fences and walls is measured from the average ground level within two feet of the base of the fence or wall. An additional one foot of height is allowed, above the maximum permitted height, for posts, columns, light fixtures, or other decorative details.
- G. 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.)
- H. 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.

- I. An open fence enclosing a tennis, basketball, pickleball, or other recreational court may be erected to a maximum of 12 feet in height, irrespective of the above standards.
- J. 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.
- K. 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.
- L. Maintenance. Fences and walls, including supports, must be maintained in a proper state of repair. Any damage to or deterioration of a fence or wall, whether due to vandalism, weather, age, loss of mortar, or peeling paint, must be repaired as soon as practicable or within 30 days of receipt of notice from the Code Enforcement Officer.

#### § 270-40.6 Retaining walls.

- A. Except as otherwise specified in other provisions of this chapter, 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 § 270-40.5).
- B. 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.

#### § 270-40.7 Lighting Plan.

- A. All developments subject to Site Plan review per Section 270-27 must submit a lighting plan, stamped by a New York State licensed engineer or other qualified professional, demonstrating compliance with this section. Single-unit dwellings, two-unit dwellings, and multi-unit dwellings of three units or less, are exempt from this requirement.
- B. The submission shall contain but shall not necessarily be limited to the following:
  - 1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
  - 2. Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices, and their lumen output. The description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
  - 3. Photometric data, such as that furnished by manufacturers, or similar data showing the angle of cut off or light emissions, and the lumen output.
- C. Additional submission. The above-required plans, descriptions and data shall be sufficiently complete to enable the Code Enforcement Officer or board to readily determine whether compliance with the requirements of this chapter will be secured. If such plans, descriptions and data cannot enable this determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed,

the applicant shall submit additional evidence of compliance to enable such determination, such as certified test reports by a recognized testing laboratory.

- D. Lamp or fixture substitution or addition. Should any outdoor light fixture, or the type of light source therein, be changed or added after the permit or approval has been issued, a change request must be submitted to the Enforcement Official for approval, together with adequate information to assure compliance with this chapter. Approval must be received prior to substitution or addition.

§ 270-40.8 Parking

- A. The intent of this Article VII is to ensure that all nonfarm 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.
- B. Off-street parking requirements.
  - 1. Required spaces. There are no provisions that establish a minimum number of off-street parking spaces for development. However, development proposals subject to Site Plan review (270-27) are required to provide off-street parking as determined by the Planning Board. Where provided, off-street vehicle parking must comply with the standards of this section.
  - 2. Size and access. Each required off-street parking space shall have a dimension of at least nine feet by 18 feet exclusive of passageways and driveways thereto. Each such space shall have direct and usable 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-unit dwellings.
- C. Parking in yards. Off-street parking space, open to the sky, may be located in any yard area required by Schedule III[2] of this chapter, except that:
  - 1. No more than 50% of the area of any required front yard may be used for parking.
  - 2. No parking space may be located less than 10 feet from any property line of an adjacent residential lot.
  - 3. For nonresidential 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.
- D. Screening and landscaping. For nonresidential land uses in lake shore and residential districts (L1, R1, R2 and R3 Districts), off-street parking areas adjacent to an existing residence shall provide for a buffer yard designed to screen the parking area from such adjacent residence.
- E. Parking area lighting. If an off-street parking area is to be lighted, such illumination shall be designed using cutoff 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 No. 172 and the IDA "Outdoor Lighting Code Handbook." Excessive lighting for promotional or commercial visibility purposes shall be discouraged.

- F. Off-street loading requirements.
  - 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 or located on a front facade and shall be at least 12 feet in width and 35 feet in length.
  - 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 square feet of floor area or major fraction thereof.

§ 270-41. Variance.

In case of practical difficulty or unusual conditions arising out of the 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 § 270-55 of this chapter.