Agenda

Village of Lansing Board of Trustees Meeting
June 2, 2025 @ 7:30pm
In Person and Online via
Zoom Videoconferencing/Teleconferencing*
2405 N. Triphammer Rd., Ithaca, NY 14850
www.vlansing.org

7:30 Call to Order

Public Comment Period

Approve Minutes from May 15 & 19, 2025

7:35 Public Hearing for Proposed Local Law D(2025) Amendment of the Village of Lansing Code, Chapter 145: Zoning Law, Section 27 "Tree Conservation and Planting", Section 3 "Terms Defined", and Zoning Appendix H

7:36 Public Hearing for Proposed Local Law E (2025) Amendment of the Village of Lansing Code, Chapter 78: Flood Damage Prevention Law to Meet the Standards of Section 60.3 of the National Flood Insurance Program

Appoint Planning Board Alternate

Discuss 20 Bomax PDA

Discuss Renaming Marian Hartill Park to Donald and Marian Hartill Park and Purchasing a New Sign

Mayor's Comments

General Discussion

Adjournment

*If you are interested in attending the videoconference/teleconference meeting contact the Village Clerk to get the meeting link - clerk@vlansing.org.

PROPOSED LOCAL LAW D (2025)

AMENDMENT OF THE VILLAGE OF LANSING CODE, CHAPTER 145: ZONING LAW, SECTION 27 "TREE CONSERVATION AND PLANTING", SECTION 3 "TERMS DEFINED", AND ZONING APPENDIX H.

Be it enacted by the Board of Trustees of the Village of Lansing as follows:

SECTION I. PURPOSE AND INTENT.

The purpose of this Local Law is to amend Chapter 145: Zoning Law—specifically Section 27, "Tree Conservation and Planting," Section 3, "Terms Defined," and Zoning Appendix H. These amendments remove an outdated term no longer used in the Tree Conservation and Planting regulations, update the calculation of and requirements for minimum tree density for both commercial and residential applicants, and revise the general conditions for tree planting plans, street trees and parking lot trees. Additionally, the amendments introduce a new method for quantifying new and existing trees to meet the minimum tree density standards.

SECTION II. AMENDMENT.

1. Chapter 145-3 (entitled "Terms defined") of the Village of Lansing Code is hereby amended to remove the following definition:

Caliper—the trunk diameter measurement taken at six (6) inches above the ground for trees up to and including four (4) inch caliper size and twelve (12) inches above the ground for trees above four (4) inch caliper size.

2. Chapter 145-27 (entitled "**Tree Conservation and Planting.**") of the Village of Lansing Code is hereby deleted and replaced in its entirety as attached.

3. Chapter 145: Zoning Appendix H is hereby deleted and replaced in its entirety as attached.

SECTION III. SUPERSEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective ten (10) days after publication and posting as required by law, except that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

§ 145-27. Tree Conservation and Planting [Added 10-3-2022 by L.L. No. 9-2022]

A. Purpose. The Tree Conservation and Planting Law was adopted to prevent the purposeless and indiscriminate removal of trees from lands within the Village, particularly during development and construction projects. The intent is to ensure the planting, restoration and maintenance of trees during development and subdivision, to establish and maintain appropriate tree diversity to build forest resiliency, and to maintain a minimum tree density within the Village. The Village deems trees to be an important resource to the area, acting as windbreaks, reducing noise and glare, and improving the overall attractiveness of the Village and the mental and physical health of its residents. Further, trees confer important environmental benefits, providing habitat to native wildlife, reducing stormwater runoff and erosion, and offsetting the effects of climate change through sequestration of carbon dioxide.

B. Removal of trees from any tax parcel. Clear cutting is prohibited in the Village. Removal of more than twenty five percent (25%) of trees from any tax parcel within three (3) calendar years is prohibited.

(1) No more than twenty-five percent (25%), by number, of trees are permitted to be removed from any tax parcel within a three (3) calendar year period, without permission from the Planning Board. If permission is granted by the Planning Board, it may require any additional trees that are removed beyond the 25% limit to be replaced by depositing funds into the Village of Lansing Tree Bank according to the provisions set forth in Section 145-27D.

(a) The compliance payment into the Tree Bank shall be determined by the current market cost to purchase, plant, establish and maintain the number of trees which were removed beyond the 25% limit. This monetary value will be determined by the Department of Public Works. The Planning Board shall have the authority to reduce this amount but shall not have the authority to increase this amount.

(b) The Planning Board shall consider the facts and circumstances of a particular parcel when determining whether to reduce the compliance payment to the Tree Bank. Such factors may include, but are not limited to:

i. Alternative energy sources on the parcel (i.e. thermal or solar).
ii. Available open space on the parcel for trees.
iii. Soil conditions (i.e. bedrock or clay), terrain.
iv. Status of ownership.

(2) Exemptions. The removal of trees for the following reasons shall be exempt from this section:

(a) Removal from horticultural properties, such as tree farms, nurseries, or orchards.

(b) Necessary removal by a utility company, within dedicated utility easements.

(c) Removal from public rights-of-way, conducted by, or on behalf of, any activity related to federal, state, county, municipal or other government agency, in pursuance of construction or improvement of public rights-of-way.

(d) Removal from retention ponds or drainage easements.

(e) Removal of any tree which has become, or threatens to become, a danger to human life or property, as determined by an International Society of Arboriculture ("ISA")-certified arborist or the Village of Lansing Department of Public Works.

(f) Removal necessary for the health of neighboring trees, such as in the case of thinning out, as determined by an ISA certified arborist.

(g) Pruning to encourage tree growth and health shall not be considered tree removal and is exempt from this section.

C. Minimum Tree Density Requirements. Any cluster subdivision or action that requires the issuance of a special permit shall conform to the requirements of this section.

(1) Minimum Tree Density Requirements

(a) All applicable sites shall maintain a minimum tree density of thirty (30) tree units per acre. (See Appendix H, Table 1 – Determining Tree Unit Value) This requirement must be met whether or not a site had trees prior to subdivision or the issuance of a special permit.

(b) Only trees with a Diameter Breast Height (DBH) of six (6) inches or greater as determined by New York State DEC regulations will be counted towards existing density.

(c) Density may be achieved by counting existing trees to be conserved and by adding new trees in accordance with the standards set forth in this section.

(d) The density calculation shall be based on the total site area, minus the area of any Department of Environmental Conservation (DEC) designated wetlands, utility easements, drainage easements, public rights-of-way, and buffer strips required by Village Code, Section 145-24.
    i. For commercial applicants, the total site area density calculation shall exclude the minimum required parking square footage.
    ii. For residential applicants, the total site area density calculation shall exclude the square footage footprint of any dwelling or outbuilding(s).
(e) Notwithstanding the requirements of this section, developers must still comply with Village Code Section 145-24- Buffer Strips. Plantings added to meet the buffer strips requirements shall count toward minimum tree density at the discretion of the Planning Board.
(f) Trees listed on the DEC Prohibited and Regulated Invasive Plants list shall not be used to achieve the required density.
(g) In the case of subdivisions, the provisions in this section will apply to each lot which will be created after subdivision.
(h) The tree unit value for individual trees will be determined by Table 1 (See Appendix H, Table 1 – Determining Tree Unit Value).
(i) For residential applicants, a special permit that does not require a change in footprint shall not be subject to the requirements of this Section 145-27C.

(2) Tree Planting Plan. A tree planting plan conforming to the minimum density requirements must be submitted as part of the subdivision or special permit process. Prior to submission, this plan must be approved by an International Society of Arboriculture (ISA)-certified arborist or a registered landscape architect, to ensure that planted trees have the best chance of surviving and thriving in the given conditions. This plan must be submitted to and approved by the Village of Lansing Planning Board in order for the subdivision to be approved or the special permit to be issued. The tree planting plan must include:
    (a) A to-scale site plan showing the location of all existing infrastructure including, but not limited to, buildings, roads, above- and under- ground utilities, waterways, retention ponds, wetlands.
    (b) Location of all existing trees that will be maintained on the site, in addition to all new trees that will be planted on site.
    (c) All trees drawn on the plan will show canopy coverage at 60% of expected mature size or 10 years of growth.
    (d) All existing trees will be labeled and verified by an ISA-certified Arborist or registered landscape architect and inventoried by DBH and species.
    (e) All new trees to be planted will also be labeled and inventoried by size and species using both scientific and common names.
    (f) Plantings may be implemented in phases upon request of the applicant. If such a request is granted, the planting timeline must be approved by the Planning Board and included on final planting plans, and the Planning Board may request a planting escrow from the applicant to ensure completion of the phased plantings.

(3) General Conditions for Tree Planting Plan.
    (a) All new trees shall have a minimum tree unit size as follows: Single-Stem Deciduous (minimum 1.5”-2”); Conifer (minimum 5’-6’ balled in burlap); Multi-Stem Deciduous (minimum 6’-8’ balled in burlap).
    (b) The tree unit value of new and existing trees must be shown on the planting plan. (See Appendix H, Table 1 – Determining Tree Unit Value)
    (c) Five (5) shrubs maturing to over 4’ tall (minimum #3 size) is equivalent to one (1.0) tree unit.
    (d) Establish and maintain appropriate diversity in species, structure, and age classes within the Village. Tree diversity is important and improves landscape and forest resilience and protection from insects, wildfires, and new pests. To avoid overplanting of one species, mix understory and overstory, and mix evergreen and deciduous trees and shrubs.
    (e) New trees shall be ecologically compatible with the site.

(4) Additional Conditions for Street Trees and Parking Lot Trees.

(a) Street Trees
    i. Street trees shall be required along the front lot line in accordance with the provisions set forth in this section.
    ii. Street trees shall be planted at least five (5) feet but no greater than fifteen (15) feet behind the right of way.
    iii. A minimum of one (1) street tree is required per forty (40) feet of road frontage line and shall be planted as evenly spaced as possible along the front lot line.
    iv. Street trees shall be horticulturally appropriate for use in road frontage areas, not impede traffic vision, and not impede utilities or drainage easements.
    v. Street trees may be counted as part of the required minimum tree density. However, applicant must still meet the street tree requirements even if the minimum tree density for the site has been met.

(b) Parking Lot Trees
    i. Parking lot trees must be planted in and/or around the parking lot, so that every parking space is within forty (40) feet of the trunk of a tree.
    ii. Parking lot trees can be counted as part of the required minimum tree density. However, applicant must still meet the parking lot tree requirements even if the minimum tree density for the site has been met.
    iii. Notwithstanding the foregoing, any redevelopment project that results in the removal and replacement of twenty-five (25) percent or more of an existing parking lot (other than routine surface maintenance), must retrofit the entire parking lot to meet the tree planting standards set forth in this section.

(5) All trees shall be planted in accordance with the standards set forth in the most current version of the Tree Care Industry Association publication "ANSI A300 Tree Care Standards" to ensure the best chance of survival for new trees.

(6) Alternative Compliance to Minimum Tree Density Requirements. It is recognized that situations may arise where a site cannot meet the required minimum tree density. In such cases, an alternative method of compliance via payment to the Village of Lansing Tree Bank (Section 147-27D) is acceptable. All requests for alternative compliance must be submitted and approved by the Planning Board. Every effort must be made to plant as many trees as can be reasonably expected to survive on the development site. No cluster subdivision shall be approved or special permit be issued until the Planning Board has approved the request for alternative compliance and the necessary funds and documentation has been received by the Code Enforcement Officer.

(a) The compliance payment to the Tree Bank shall be determined by the current market cost to purchase, plant, establish and maintain the required number of trees for which the site is deficient. This monetary value will be determined by the Department of Public Works. The Planning Board shall have the authority to reduce this amount but shall not have the authority to increase this amount.

(b) The Planning Board shall consider the facts and circumstances of a particular parcel when determining whether to reduce the compliance payment to the Tree Bank. Such factors may include, but are not limited to:
    i. Alternative energy sources on the parcel (i.e. thermal or solar).
    ii. Available open space on the parcel for trees.
    iii. Soil conditions (i.e. bedrock or clay), terrain.
    iv. Status of ownership.

D. Tree Bank.

(1) The primary purpose of the Village of Lansing Tree Bank is to fund tree planting projects within the Village. In the event no tree planting projects can be identified, the Tree Bank may be used to fund climate change initiatives that will further help to offset the carbon footprint of the Village as provided below.

(2) All funds paid into the Tree Bank will be held in a bank account separate from other Village accounts. Tree Bank funds may be used for maintenance of the fund itself, including, but not limited to, administrative fees and bank fees.

(3) At the discretion of the Village Board of Trustees, Tree Bank funds may be used for:

(a) Tree planting projects. The Village Greenway Committee will identify areas of the Village that would benefit from the planting of trees. These benefits may include

windbreaks, noise buffers, shade, wildlife habitat, prevention of soil erosion and aesthetics, amongst other reasons the committee deems reasonable for the planting of trees. All tree planting projects identified and planned by the Village of Lansing Greenway Committee and their associated costs must be approved by the Village of Lansing Board of Trustees prior to implementation. Tree Bank funds may be used for:

i. Purchase of trees and other materials necessary for planting, including, but not limited to, soil, stakes, and fencing.
ii. Cost of tree planting, either by Village of Lansing staff and/or contracted landscaping and maintenance companies responsible for planting and associated costs.
iii. Maintenance of planted trees either by Village of Lansing staff and/or contracted landscaping and maintenance companies responsible for maintenance and associated costs.
iv. Consultation with horticultural or arboricultural professionals to determine the best practices for tree planting projects.

(b) Climate Change Initiatives. In the event no tree planting projects can be identified by the Village Greenway Committee, Tree Bank funds may be used for climate change initiatives identified by the Village of Lansing. All climate change initiatives identified and planned by the Village of Lansing and their associated costs must be approved by the Village of Lansing Board of Trustees prior to implementation.

E. Enforcement

(1) Village Code Chapter 145-78 shall apply to all provisions of this Chapter.

Appendix H –Tree Unit Value & Planting Standards

1. Table 1 - Determining Tree Unit Value of New and Existing Trees

TREE SIZE	TREE UNIT VALUE
New	
(1) Single-Stem Deciduous Tree (minimum 1.5"-2.0")	1
(1) Conifer (minimum 5'-6' BB*)	1
(1) Multi-Stem** Deciduous Tree (minimum 6'-8' BB)	1
(5) Tree or Shrub Maturing to over 4' Tall (minimum #3 size)	1
Existing	
Tree DBH*** < 6”	0
Tree DBH ≥ 6”-9”	1
Tree DBH ≥ 9”-12”	2
Tree DBH ≥ 12”-18”	4
Tree DBH ≥ 18”-24”	6
Tree DBH ≥ 24”	8

*Balled in Burlap
**Multi-Stem - Tree having 3 or more main stems growing from the same root crown.

***Diameter at Breast Height

PROPOSED LOCAL LAW E (2025)

AMENDMENT TO THE VILLAGE OF LANSING CODE TO REVISE CHAPTER 78: FLOOD DAMAGE PREVENTION LAW TO MEET THE STANDARDS OF SECTION 60.3 OF THE NATIONAL FLOOD INSURANCE PROGRAM.

Be it enacted by the Board of Trustees of the Village of Lansing as follows:

SECTION I. PURPOSE AND INTENT.

The purpose and intent of this Local Law is to revise Chapter 78: Flood Damage Prevention Law to meet the standards of Section 60.3 of the National Flood Insurance Program.

SECTION II. AMENDMENT.

A. Chapter 78 (entitled "Flood Damage Prevention Law") of the Village of Lansing Code is hereby deleted in its entirety and replaced with the following Chapter 78:

SEE ATTACHED REVISED CHAPTER 78

SECTION III. SUPERSEDING EFFECT.

All local laws, resolutions, rules, regulations and other enactments of the Village of Lansing in conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION IV. VALIDITY.

The invalidity of any provision of this local law shall not affect the validity of any other provision of this local law that can be given effect without such invalid provision.

SECTION V. EFFECTIVE DATE.

This Local Law shall be effective ten (10) days after publication and posting as required by law, except that it shall be effective from the date of service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.

Chapter 78

FLOOD DAMAGE PREVENTION LAW

ARTICLE I
Statutory Authorization and Purpose

ARTICLE II
Definitions

ARTICLE III
General Provisions

ARTICLE IV
Administration

ARTICLE V
Construction Standards

ARTICLE VI
Variance Procedure

[HISTORY: Adopted by the Board of Trustees of the Village of Lansing 5-19-2008 as L.L. No. 2-2008. Chapter 78 was deleted in its entirety and replaced 6-2-2025 as L.L. No. 5-2025. Subsequent amendments noted where applicable.]

ARTICLE I
Statutory Authorization and Purpose

§ 78-1 Title.

This chapter may be referred to and cited as the "Village of Lansing Flood Damage Prevention Law."

§ 78-2 Findings.

The Board of Trustees of the Village of Lansing finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Lansing and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Chapter 78 is adopted.

§ 78-3 Statement of purpose.

It is the purpose of this Chapter 78 to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
(4) Control filling, grading, dredging and other development which may increase erosion or flood damages;
(5) Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and

(6) Qualify and maintain for participation in the National Flood Insurance Program.

§ 78-4 Objectives.

The objectives of this Chapter 78 are:

(1) To protect human life and health;
(2) To minimize expenditure of public money for costly flood control projects;
(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(4) To minimize prolonged business interruptions;
(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
(7) To provide that developers are notified that property is in an area of special flood hazard; and
(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE II
Definitions

§ 78-5 Definitions.

Unless specifically defined below, words or phrases used in this Chapter 78 shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter 78 its most reasonable application.

Accessory structure -- A structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

Appeal -- A request for a review of the Local Administrator's interpretation of any provision of this Chapter 78 or a request for a variance.

Area of shallow flooding -- A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard-- The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or l00-year floodplain. For purposes of this Chapter 78, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

Base flood-- The flood having a one percent chance of being equaled or exceeded in any given year.

Basement-- That portion of a building having its floor subgrade (below ground level) on all sides.

Building-- See *Structure*.

Cellar-- Has the same meaning as *Basement*.

Crawl space-- An enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

Development-- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building-- A non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

Federal Emergency Management Agency-- The Federal agency that administers the National Flood Insurance Program.

Flood or Flooding-- A general and temporary condition of partial or complete inundation of normally dry land areas from:

(l) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood or Flooding-- Also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal

tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

Flood Boundary and Floodway Map (FBFM)-- An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

Flood Elevation Study-- An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood- related erosion hazards.

Flood Hazard Boundary Map (FHBM)-- An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

Flood Insurance Rate Map (FIRM)-- An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study-- See *flood elevation study*.

Floodplain or Flood-prone area-- Any land area susceptible to being inundated by water from any source (see definition of *Flooding*).

Floodproofing-- Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway-- Has the same meaning as *Regulatory Floodway*.

Functionally dependent use-- A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

Highest adjacent grade-- The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure-- Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior or
(ii) Directly by the Secretary of the Interior in states without approved programs.

Local Administrator-- The person appointed by the Village of Lansing to administer and implement this Chapter 78 by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.
Lowest floor-- The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter 78.
Manufactured home-- A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a *Recreational vehicle*.
Manufactured home park or subdivision-- A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
Mean sea level-- For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of l929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
Mobile home-- Has the same meaning as *Manufactured home*.
New construction-- Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.
One hundred year flood or 100-year flood-- Has the same meaning as *Base Flood.*
Principally above ground-- Means that at least 5l percent of the actual cash value of the structure, excluding land value, is above ground.
Recreational vehicle-- A vehicle which is:
(1) Built on a single chassis;
(2) 400 square feet or less when measured at the largest horizontal projections;
(3) Designed to be self-propelled or permanently towable by a light duty truck; and
(4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
Regulatory Floodway-- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 78-15 B. below.
Start of construction-- The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of

construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure-- A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage-- Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement-- Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "Historic structure," provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

Variance-- A grant of relief from the requirements of this Chapter 78 which permits construction or use in a manner that would otherwise be prohibited by this Chapter 78.

Violation-- The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

ARTICLE III
General Provisions

§ 78-6 Lands to which this Chapter 78 applies.

This Chapter 78 shall apply to all areas of special flood hazard within the jurisdiction of the Village of Lansing, Tompkins County.

§ 78-7 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panels:
3619C0094D, 36109C0115D, 36109C0182D, 36109C0201D, 36109C0202D , whose effective date is June 18, 2025.

(2) A scientific and engineering report entitled "Flood Insurance Study, Tompkins County, New York (all jurisdictions)," dated June 18, 2025.

The above documents are hereby adopted and declared to be a part of this Chapter 78. The Flood Insurance Study and/or maps are on file at: the Office of the Village Clerk of the Village of Lansing, 2405 North Triphammer Road, Ithaca, NY 14850.

§ 78-8 Interpretation and conflict with other laws.

This Chapter 78 includes all revisions to the National Flood Insurance Program through June 26, 2001 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this Chapter 78 shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Chapter 78 are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 78-9 Severability.

The invalidity of any section or provision of this Chapter 78 shall not invalidate any other section or provision thereof.

§ 78-10 Penalties for non-compliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Chapter 78 and any other applicable regulations. Any infraction of the provisions of this Chapter 78 by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Chapter 78 or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than $250 or imprisoned for not more than l5 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Lansing from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Chapter 78 for which the developer and/or owner has not applied for and received an

approved variance under Article VI will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

§ 78-11 Warning and disclaimer of liability.

The degree of flood protection required by this Chapter 78 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter 78 does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter 78 shall not create liability on the part of the Village of Lansing, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter 78 or any administrative decision lawfully made thereunder.

ARTICLE IV
Administration

§ 78-12 Designation of the local administrator.

The Village of Lansing Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this Chapter 78 by granting or denying floodplain development permits in accordance with its provisions.

§ 78-13 The floodplain development permit.

A. Purpose

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 78-7, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

B. Fees

All applications for a floodplain development permit shall be accompanied by an application fee of $200.00. In addition, the applicant shall be responsible for reimbursing the Village of Lansing for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than $500.00 to cover these additional costs.

§ 78-14 Application for a permit.

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

(1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in a special flood hazard area. Upon completion of the lowest floor, the permitee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

(2) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) to which any new or substantially improved non-residential structure to be located in Zones A1-A30, AE, or AH or Zone A if base flood elevation data are available. Upon completion of the floodproofed portion of the structure, the permitee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

(3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permitee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

(4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in subsection 78-17 C., Utilities.

(5) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 78-19, Non-Residential Structures.

(6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 78-7, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

(7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

(8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments

(including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

§ 78-15 Duties and responsibilities of the local administrator.

Duties of the Local Administrator shall include, but not be limited to, the following.

A. Permit application review

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

(1) Review all applications for completeness, particularly with the requirements of subsection 78-14, Application for a Permit, and for compliance with the provisions and standards of this law.

(2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Article V, Construction Standards and, in particular, subsection 78-16 A., Subdivision Proposals.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Article V, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

(4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

B. Use of other flood data

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to subsection 78-14(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.

(2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

(3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 78-7, the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

C. Alteration of watercourses

(l) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.

(2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

D. Construction stage

(1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

E. Inspections

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop work orders

(1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 78-10 above.

(2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit.

Disregard of a stop work order shall subject the violator to the penalties described in Section 78-10 above.

G. Certificate of Compliance

(1) In areas of special flood hazard, as determined by documents enumerated in Section 78-7, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Chapter 78.

(2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in subsection 78-15 E., Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained

The Local Administrator shall retain and make available for inspection, copies of the following:

(1) Floodplain development permits and certificates of compliance;

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to subsections 78-15 D.(1) and (2), and whether or not the structures contain a basement;

(3) Floodproofing certificates required pursuant to subsection 78-15 D.(1), and whether or not the structures contain a basement;

(4) Variances issued pursuant to Article VI, Variance Procedure; and

(5) Notices required under subsection 78-15 C., Alteration of Watercourses.

ARTICLE V
Construction Standards

§ 78-16 General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 78-7.

A. Subdivision Proposals

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions:

(1) Proposals shall be consistent with the need to minimize flood damage;

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or,

(ii) The Village of Lansing agrees to apply to the Federal Emergency Management Agency (FEMA)for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Lansing for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Lansing for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 78-7, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(i) A technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analysis performed in accordance with standard engineering practice." that such an encroachment shall not result in <u>any</u> increase in flood levels during occurrence of the base flood; or,

(ii) The Village of Lansing agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Lansing for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Lansing for all costs related to the final map revisions.

(iii) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Local Administrator shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

§ 78-17 Standards for all structures.

The following standards apply to new development, including new and substantially improved structures, in the area of special flood hazard shown on the Flood Insurance Rate Map designated in 78-7.

A. Anchoring

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

B. Construction materials and methods

(1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO, or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(ii) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade; and

(iii) Opening not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

C. Utilities

(1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation where permitted, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate

provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

(2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Storage Tanks

Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.

(1) Above-ground tanks shall be:

(i) Anchored to prevent floatation, collapse or lateral movement during conditions of the base flood or;

(ii) Installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in 78-7 plus two feet.

§ 78-18 Residential structures.

A. Elevation

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the standards in subsections 78-16 A., Subdivision Proposals, and 78-16 B., Encroachments, and Section 78-17, Standards for all Structures.

(1) Within Special Flood Hazard Areas, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

(2) Within Zone A, if the Base flood elevation is not specified, a base flood elevation shall be determined by either of the following:

(i) Obtain and reasonably use data available from a federal, state or other source plus 2 feet of freeboard or:

(ii) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices, plus freeboard. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.

(3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the commun-

ity's Flood Insurance Rate Map enumerated in Section 78-7 plus two feet of freeboard, or not less than three feet if a depth number is not specified.

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

§ 78-19 Non-residential structures.

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in subsections 78-16 A., Subdivision Proposals, and 78-16 B., Encroachments, and Section 78-17, Standards for all Structures.

(1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:

(i) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or

(ii) Be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:

(i) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or

(ii) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in subsection 78-19(1)(ii).

(3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of subsection 78-19(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

(4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

(5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 78-20 Manufactured homes and recreational vehicles

The following standards in addition to the standards in Section 78-16, General Standards, and Section 78-17, Standards for All Structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
   (i) Be on site fewer than 180 consecutive days,
   (ii) Be fully licensed and ready for highway use, or
   (iii) Meet the requirements for manufactured homes in subsections 78-20 (2), (3) and (4) below.

   A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE, AH and Zone A shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(3) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 78-7 plus two feet (at least three feet if no depth number is specified).

(4) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with 78-17 A.

§78-21 Accessory structures including detached garages

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in 78-7.

(1) The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 CFR § 59.1, where walled and roofed shall be interpreted as having two outside rigid walls and a fully secured roof.

(2) The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance; however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:

a. Located in an A Zone (A, AE, A1-A30, AR, A99) and less than or equal to the size of a one-story, two-car garage.

(3) Accessory structures must meet the standards of 78-17 A, ANCHORING.

(4) The portions of the accessory structure located below BFE plus two feet of freeboard must be constructed with flood-resistant materials.

(5) Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above BFE plus two feet of freeboard.

(6) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.

(7) The accessory structure must comply with the floodway encroachment provisions of the NFIP.

(8) The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 CFR § 60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).

ARTICLE VI
Variance Procedure

§78-22 Appeals board.

(l) The Board of Zoning Appeals as established by the Village of Lansing shall hear and decide appeals and requests for variances from the requirements of this Chapter 78.

(2) The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Chapter 78.

(3) Those aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

(4) In passing upon such applications, the Board of Zoning Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter 78 and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity to the facility of a waterfront location, where applicable;

(vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

(xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xii) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

(5) Upon consideration of the factors of subsection 78-22(4) and the purposes of this Chapter 78, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter 78.

(6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

§78-23 Conditions for variances.

(l) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in subsection 78-22(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(i) The proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure".

(ii) The variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) The criteria of subsections l, 4, 5, and 6 of this Section 78-23 are met;

(ii) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justification of:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing Chapter 78 or ordinances.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(ii) Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in subsection 78-15 H (8) above.