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Chapter 145

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[HISTORY: Adopted by the Board of Trustees of the Village of Lansing 11-15-1976 as L.L. No. 6-1976; amended in its entirety 4-11-1984 by L.L. No. 4-1984. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Planning Board and Board of Zoning Appeals -- See Ch. 30.

Fire prevention and building construction -- See Ch. 75.

Subdivision of land -- See Ch. 125.

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ARTICLE I General Provisions

§ 145-1. Title.

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

§ 145-2. Purpose.

It is the purpose of this chapter to promote the health, safety and general welfare of the community. It is specifically intended to prevent or reduce congestion on the streets and highways; to prevent the overcrowding of lands; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public services; to conserve the value of property; and to establish zones wherein regulations concerning the use of lands and structures, the density of development, the amount of open space that must be maintained, size of yards, the provision for parking and other provisions are set forth to encourage the most appropriate development of the Village, in accordance with the Village of Lansing General Plan and the Village of Lansing Comprehensive Plan.

ARTICLE II Definitions

§ 145-3. Terms defined.

For the purpose of this chapter meanings of the following words and phrases shall be as defined below. All other words shall be presumed to have the definition provided in Webster's New Collegiate Dictionary, unless such meaning runs counter to this chapter or The Village General Plan or the Village's Comprehensive Plan.

Alteration -- As applied to a building or structure:

- A. Enlargement, by increasing in height or by extending on a side, front or back;
- B. Moving from one location to another;
- C. Any change, addition or removal of the structural parts; or
- D. Any change, addition or removal of partitions, or any change in walls, ceiling, windows or doors.

Buffer strip -- Land within a Commercial, Research, Business and Technology or Human Health Services District designated as a transition area where such district is contiguous with a Residential District. The purpose of the buffer strip is to screen a Residential District from any objectionable noise, odor and visual impacts on the adjoining Commercial, Research, Business and Technology or Human Health Services District. **[Amended 8-21-2006 by L.L. No. 5-2006]**

Building -- Any structure designed for the shelter and enclosure of human activities, or the storage or warehousing of goods, machinery or materials. This definition includes in-ground and above-ground swimming pools greater than two hundred (200) square feet in area and twenty-four (24) inches or more deep; swimming pools less than twenty-four (24) inches deep are not regulated by this Law, and swimming pools twenty-four (24) inches or more deep but two hundred (200) square feet or less in area shall be regulated as accessory buildings. **[Amended 1-24-2000 by L.L. No. 1-2000]**

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Building, accessory -- A subordinate building clearly incidental to the principal building on the same lot and used for purposes customarily incidental to those of the principal building, such as a tool shed, gazebo, screen house, storage or animal shelter, and which does not exceed four hundred (400) square feet in area nor fifteen (15) feet in height. Garages, carports, barns, solar collectors, windmills, dish antennae and other structures exceeding these limits are considered principal buildings. **[Amended 1-24-2000 by L.L. No. 1-2000; Amended 2-1-2016 by L.L. No. 1-2016]**

Building height -- The distance measured from a datum established by the average elevation of the finished grade adjoining the exterior of the building, to the highest point of the structure. **[Amended 3-19-1991 by L.L. No. 4-1991]**

Building line -- The line formed by the intersection of the vertical plane that coincides with the most projected exterior point of a building on any side and the ground. Front, side and rear building lines are respectively the building lines closest to the street right-of-way, side property line and rear property line.

Building, principal -- A building or buildings within which is conducted the primary use of the lot on which the building is located, which exceeds four hundred (400) square feet and fifteen (15) feet in height. Garages, carports, barns and the like are principal buildings if they exceed four hundred (400) square feet in area or fifteen (15) feet in height **[Amended 2-1-2016 by L.L. No. 1-2016]**

Building, residential -- Any building designed and used exclusively for human habitation.

- A. *One-unit residential building* -- A detached building containing one (1) dwelling unit.
- B. *Two-unit residential building* -- A detached building containing two (2) dwelling unit.
- C. *Townhouse unit*-- One unit residential building on a single lot attached to one or more one-unit residential buildings with lot lines centered on all shared walls. Permitted only as a part of a cluster subdivision (see Section 125-17) or a PDA (see Zoning Appendix A-2)
- D. *Multiunit residential building* -- A detached building containing three (3) or more dwelling units.
- E. *Group residential building* -- A detached building in which nontransient (monthly or longer) facilities are supplied for compensation for more than three (3) unrelated persons. A group residential building may or may not be supplied with central kitchen and/or dining facilities

[Amended 2-1-2016 by L.L. No. 1-2016]

Cluster housing area -- An area where the density of development is no greater than would otherwise be permitted by conventional lot regulations, but where residential buildings are permitted on lots smaller than specified by the regulations of this chapter and where residual land produced by the smaller lot size is used for recreation and open space purposes, whether under public or private ownership and control.

Conservation -- Any use that will maintain the land in essentially its natural state.

Dwelling unit -- One (1) or more rooms providing living accommodations for one (1) household, including cooking and bathroom facilities. **[Amended 9-15-08 by L.L. No. 4-2008]**

Family -- See "household."

Flood or flooding -- Flood or Flooding shall have the definition for such terms as provided in Section 78-5 (entitled "Definitions") of Chapter 78 (entitled "Flood Damage

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Prevention Law”) of the Village of Lansing Code. **[Amended 5-19-08 by L.L. No. 2-2008]**

- A. *One-hundred-year flood* -- The greatest degree of flooding that, on the average, is likely to occur once every one hundred (100) years [i.e., that has a one percent (1%) chance of occurring each year] as determined by the United States Department of Housing and Urban Development (Federal Insurance Administration) or other competent authority.
- B. *One-hundred-year-flood elevations* -- The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years [i.e., that has a one percent (1%) chance of occurring each year] as determined by the United States Department of Housing and Urban Development (Federal Insurance Administration) or other competent authority.

Flood hazard area – Flood Hazard area shall have the definition provided for the defined term “Area of special flood hazard” as provided in Section 78-5 (entitled “Definitions”) of Chapter 78 (entitled “Flood Damage Prevention Law”) of the Village of Lansing Code. **[Amended 5-19-08 by L.L. No. 2-2008]**

Floodproofing – Floodproofing shall have the definition for such term as provided in Section 78-5 (entitled “Definitions”) of Chapter 78 (entitled “Flood Damage Prevention Law”) of the Village of Lansing Code. **[Amended 5-19-08 by L.L. No. 2-2008]**

Frontage -- The greater of:

- A. The distance between side lot lines measured along the street right-of-way lines; or
- B. A line parallel to the street right-of-way line at the distance specified for front yard depth.

Fuel station -- Fueling facilities for vehicles, including gasoline, diesel, ethanol, methanol, liquid petroleum gas, compressed natural gas, electric charging and similar fuel products. **[Added 9-27-2011 by L.L. No. 6-2011]**

Garage, private -- A building or portion thereof intended for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted therein.

Garage, public -- Any building, land or portion thereof which is available to the public, operated for gain and which is used for storage, repair, rental, servicing or equipping of automobiles or other motor vehicles.

Gasoline service station -- See "garage, public."

Home occupation -- An occupation, profession, use and/or activity which is carried on by a person residing in the dwelling unit, and is clearly incidental and accessory or secondary to the use of the dwelling unit for residential purposes. (See § 145-60D for special permit requirements, and §145-82.A (15) for Typical uses; category of use.)

Household -- An individual, or two (2) or more persons of recognized family relationship, occupying a dwelling unit on a nontransient (monthly or longer) basis. Two (2) additional unrelated individuals may be included as part of a household.

Kennel -- The keeping of four (4) or more dogs, over six (6) months old, for the purpose of breeding or boarding them for personal or business purposes.¹

Lot -- Any parcel, plot, site or tract of land separated from other parcels, plots, sites or tracts by description as on a subdivision plat, survey map or by metes and bounds, for

¹Editor's Note: The definition of "large-scale development," which immediately followed this definition, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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the purpose of transfer, conveyance, sale, lease or separate use;² provided, however, that the foregoing definition of “Lot” shall not apply to portions of a larger parcel, plot, site or tract of land that may have been leased or otherwise separately identified and/or for which a tax parcel may have been created (as reflected on tax maps for the Village of Lansing) if such portions of such larger parcel, plot, site or tract of land so leased or separately identified are part of a consolidated and planned project, such as an office campus, that is intended for un-subdivided development and for which development and improvements thereon are subject to special permit approval under this Chapter 145 of the Village Code; and further provided, however, that the foregoing definition of “Lot” shall not apply to any parcel, plot, site or tract of land for which a tax parcel may have been created (as reflected on tax maps for the Village of Lansing) but for which parcel, plot, site or tract of land any required approvals of the Village have not been granted.

[Amended 12-17-2007 by L.L. No. 10-2007]

Lot area, gross -- An area of land the size of which is determined by the limits of the lot lines bounding said area and is usually expressed in terms of square feet, acres, centares or hectares. Acreage within a right-of-way for streets or roads is excluded for all calculation purposes.

Lot, corner -- A lot at the junction of and fronting on two or more public rights-of-way

Lot coverage -- That percentage of lot area covered by a building or buildings.

Lot, interior -- A lot which has no frontage on a public right-of-way.

Lot lines -- The lines bounding a lot as defined herein.

Lot, through -- A lot with frontage on at least two (2) public rights-of-way, two (2) of which do not intersect at any point on the lot line.

Mixed use -- A parcel developed for both residential and commercial uses. **[Amended 3-6-1995 by L.L. No. 1-1995]**

Mobile Home -- A dwelling unit, transportable in one or more sections, built on a permanent chassis, designed to be used with or without a permanent foundation, that is manufactured off-site, transported to the site on its own axles and wheels and connected to required utilities when placed on-site. Notwithstanding the foregoing definition, in the event that a dwelling unit otherwise so defined as a mobile home, once completed on-site, is permanently affixed to a permanent foundation, with its axles and wheels permanently removed, is at least sixteen (16) feet in width, contains at least one thousand (1,000) square feet of area, and has exterior wall which are no less than six (6) inches thick, for the purposes of this Zoning Law such dwelling unit shall not be defined as a mobile home and instead, for the purposes of this Zoning Law, shall be deemed to be a one-unit residential building. **[Added 1-24-2000 by L.L. No. 2-2000]**

Motel -- A building or group of buildings, whether detached or in connected units, designed to be used for sleeping purposes primarily by travelers and providing for accessory parking on the lot. This definition includes hotels.

Movable Building -- A tool shed, garden shed or similar construction, the use of which does not require permanent location on the ground, or attachment to something having a permanent location on the ground, and therefore not a “structure” in accordance with the definition thereof below, which is typically constructed off-site and may be moved from one location to another on the site. **[Added 3-1-1999 by L.L. No. 2-1999]**

Nursing home -- A home for the aged or infirm in which more than three (3) unrelated persons are provided with food, shelter and health care for compensation but not

²Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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including hospitals, clinics or similar institutions. A nursing home is a group residential building.

Parking space, off-street -- A space on a lot available for parking one (1) automobile and which is an area at least nine (9) feet wide and eighteen (18) feet long, not including maneuvering area and access drives thereto. [**Amended 12-20-1993 by L.L. No. 17-1993**]

Performance standard -- A criterion established to control noise, odor, toxic or noxious matter, vibration, fire and explosive and other hazards, or glare or heat generated by activities on land or in buildings.

Planned development area -- An area of land five (5) acres or more in one (1) ownership, designed and built or to be built as a complete project, providing a street system and water and sewer facilities as necessary, and used for residential, commercial or business and technological purposes or some combination thereof.

Public sewers -- A sewerage facility owned and operated by a public agency and providing collection and treatment of liquid wastes.

Religious facility -- A regularly attended place of religious worship, including facilities for religious education and a cemetery attached thereto. This use does not include nursery schools, child-care centers, day-care centers and day camps for seven (7) or more pupils operated in a religious facility or by a religious organization. Such uses are considered schools.

Roadside stand -- A small structure, booth or stall used principally for the retail sale of vegetable, fruit or dairy products produced on the same lot to passersby.

Rooming house -- See "building, residential; group residential building."

School -- A place of education operated privately or by a public agency for the education of seven (7) or more students. This definition includes all nursery schools, child-care centers, day-care centers and day camps caring for seven (7) or more pupils.

Sign -- Any material, symbol, emblem, structure or device or part thereof which is designed or used to advertise or call attention to any thing, person, business use or place. For further definitions see Chapter 115, Signs, of the Code of the Village of Lansing now in effect or hereinafter adopted or amended.

Site improvements -- Public utility site improvements, private utility site improvements or alterations to the surface of a lot for the purpose of improving its usability, such as grading, paving, dam, drainage ditch, etc.

Street -- A public or private right-of-way fifty (50) feet or more in width which provides a principal means of access to abutting property, or any right-of-way, improved and used for vehicular traffic, which is more than thirty (30) feet and less than fifty (50) feet in width, provided that it existed prior to the enactment of this chapter. The term "street" includes avenue, drive, circle, court, road, parkway, boulevard, highway, way, traffic way, thoroughfare or any similar term.

Structural alteration -- See "alteration."

Structure -- Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This definition includes windmills, solar collectors and dish antennae. Mail boxes, lampposts, bird feeders and similar residential appurtenances are not considered structures for the purpose of this chapter.

Subdivision -- The division of any parcel of land into two (2) or more parcels, lots, plots, tracts, sites or other division of land. Refer to Chapter 125, Subdivision of Land.

Submission date -- The date of the regular monthly business meeting of the Planning Board, at least twelve (12) days prior to which an application, complete and

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accompanied by the required fee and all required materials, has been filed with the Village Clerk.

Swimming Pool – Any structure, basin, chamber, or tank which is intended for swimming, diving, recreational bathing or wading and which is designed to contain, or is capable of containing water more than twenty-four (24) inches deep at any point. This includes in-ground, above-ground, and on-ground pools. (For the purposes of yard setbacks swimming pools would be subject to building accessory setbacks)[**Added 1-24-2000 by L.L. No. 1-2000, Amended 2-1-2016 by L.L. No. 1-2016**]

Telecommunications facility -- Any equipment used in connection with the provision of one-way wireless communications services, including radio and television broadcasting, and one-way paging, and/or two-way wireless communication services, including cellular telephone services, personal communications services, and private radio communications services, regulated by the Federal Communications Commission in accordance with the Telecommunications Act of 1996 and other federal laws. A telecommunications facility may include monopole, guyed, or latticework tower(s), antenna(ae), switching stations, principal and accessory telecommunications equipment, and supporting and accessory masts, wires, structures, and buildings [**Added 5-18-1998 by L.L. No. 4-1998**]

Tourist home -- A residential building, containing at least one (1) dwelling unit and offering rooms for occupancy on a transient (monthly or less) basis as a home occupation. This definition includes bed-and-breakfast uses.

Use -- A specific purpose for which land or building is used or designed and intended to be used and maintained.

*Variance*³ -- Either an area variance or use variance granted by the Board of Zoning Appeals in accordance with the terms of this chapter.

A. *Area variance* -- The authorization by the Board of Zoning Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of this chapter.

B. *Use variance* -- The authorization by the Board of Zoning Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this chapter.

Yard -- A space open to the sky, on the same lot with the principal building or structure or use.

Yard, front -- The area of land between a street right-of-way line and a line parallel thereto at a specified distance. Corner lots have front yards on each right-of-way and side yards extending from each front yard; on irregular lots the Zoning Officer may determine the location of the front yard(s), taking into account the adjoining properties. [**Amended 2-05-2007 by L.L. No. 1-2007**]

Yard, rear -- The area of land between the rear lot line and a line parallel thereto at a specified distance. It is possible that some lots will not have rear yards. No more than one (1) rear yard must be designated; on irregular lots the Zoning Officer may determine the location of the rear yard, taking into account the adjoining properties.

Yard, side -- A yard extending from the rear line of the required front yard, parallel to the side lot line, to the front line of the required rear yard. It is possible that some lots will not have rear yards. In the case of through lots and corner lots, side yards must extend from the rear lines of the front yards required;⁴on irregular lots the Zoning

³Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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Officer may determine the location of the side yard(s), taking into account the adjoining properties. [Amended 2-05-2007 by L.L. No. 1-2007]
Zoning Map -- The Zoning Map of the Village of Lansing together with all amendments subsequently adopted.⁵ [Amended 6-29-2010 by L.L. No. 4-2010]

ARTICLE III General Use Regulations

§ 145-4. Intent.

Except as hereinafter provided, the following general provisions apply to land use and development in the Village of Lansing.

§ 145-5. Incorporation of supplemental materials.

All tables, charts, standards and similar materials set forth in this chapter are hereby incorporated herein and declared to be a part of this chapter.

§ 145-6. System of measurement.

- A. Throughout this chapter measurements are expressed in the customary system (feet, square feet, acres, etc.).
- B. The applicant for a building/land use or Special Permit may choose either the customary system or the international standard system (meters: m; square meters or centares: ca; hectares: ha, etc.). One (1) system must be chosen and used throughout each application. (Refer to the Table of Equivalent Measurements in § 145-80.)
- C. At such time as the proposed International Standard System is declared official and the customary system is abolished by competent authority, the customary system will no longer be used in the administration of this chapter and requirements expressed herein in customary units will become null and void and the International Standard System equivalents shall apply.

§ 145-7. Use subject to Village Subdivision Regulations.

All use of land is subject to standards set forth in Chapter 125, Subdivision of Land, of the Code of the Village of Lansing, now or hereafter adopted or amended.

§ 145-8. Annexation of land and territory not included.

In the event that new territory becomes a part of the area of jurisdiction of this chapter by reason of annexation, consolidation or detachment from any municipal corporation or otherwise, or in case any territory subject to the jurisdiction of this chapter has not been specifically included in any of the basic districts, such territory is automatically classified as LDR, until and unless otherwise rezoned in accordance with the amendment proceedings hereof; provided, however, that any zoning classification of this annexed land in effect prior extension of jurisdiction must remain in full force and effect until changed or amended in

⁵Editor's Note: The Zoning Map is included at the end of this chapter.

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accordance with the procedures and requirements prescribed for such changes or amendments by this chapter.

§ 145-9. Conformity required.

No land, structure or building may hereafter be used, or its use altered, or occupied and no building, structure or part thereof may be erected, converted, enlarged or structurally altered unless in conformance with all the regulations established by this chapter for the district in which the land, structure or building is located.

§ 145-10. Prohibited facilities and uses.

Any facility or use not specifically permitted in this chapter or permitted through the Special Permit or planned development area procedures is hereby prohibited.

§ 145-11. Ground Cover.

Where a parcel of land has been disturbed by construction and/or development, appropriate ground cover shall be established and maintained on such parcel as provided for in this Chapter 145, and, if applicable, as provided for in Chapter 124, such ground cover being intended for the purposes of (i) preventing soil erosion and maintaining sediment control, and (ii) maintaining sightly and well-kept conditions.

§ 145-12. Tompkins County Public Health Department approval.⁶

All septic systems in unsewered areas are subject to Tompkins County Public Health Department and Village specification and approval on a lot by lot basis. The most restrictive or higher standards shall apply.

§ 145-13. Lot size.

No lot may be reduced by subdivision to create any residual lot which does not meet the requirements of this chapter.

§ 145-14. Lots divided by zoning district boundaries.

In the case of any single lot that includes portions located in more than one Zoning District, the Zoning District regulations of each Zoning District, both with regard to use and with regard to area requirements, shall be applied to any development proposed within each respective portion of the lot. In the event, however, that the proposed development would be located in part in one Zoning District and in part in another, such that the improvements straddle the Zoning District boundary, the more restrictive regulations of the two (or more) Zoning Districts in which the improvements will be located shall govern the development of such improvements as a whole. [Amended 5-16-2001 by L.L. No. 2-2001]

⁶Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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§ 145-15. Yard dimensions. In determining the dimensions of a yard the following rules are to be used:

- A. Porches, carports and similar features of a building, which are roofed but open on one (1) or more sides, are considered part of the building.
- B. Terraces, steps, porches, patios and similar features which are unroofed and which rise less than three (3) feet above the finished grade are considered not part of the building.
- C. On a corner lot the yard dimension required on the side street must not be less than the required front yard of the adjoining lot on the side street.⁷
- D. The above subsections A & B notwithstanding, in all cases the minimum yard dimensions for swimming pools shall be the same as that for minor buildings. **[Amended 2-1-2016 by L.L. No. 1-2016]**

§ 145-16. Right-of-way widening.

Where a lot has frontage on a proposed future road as shown on the Official Village of Lansing Zoning Map or on a final subdivision plat approved by the Village of Lansing Planning Board and filed with the Tompkins County Clerk, the required front yard depth must be measured from the proposed future right-of-way line. **[Amended 2-1-2016 by L.L. No. 1-2016]**

§ 145-17. Building lines on approved subdivisions.

Whenever the plat of a land subdivision approved by the Planning Board and on record in the office of the County Clerk shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line, the building line thus shown applies along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

§ 145-18. Corner lot clear areas.

- A. On any corner lots, no structure, fence or planting is permitted within a "clear area" defined as:
 - (1) A horizontal, triangular area described by the following three (3) points:
 - (a) Point A: the intersection of the two (2) street right-of-way lines.
 - (b) Point B: a point on one (1) of the right-of-way lines twenty (20) feet from the intersection of the right-of-way lines.
 - (c) Point C: a point on the other right-of-way line twenty (20) feet from the intersection of the right-of-way lines.
 - (2) And, within this triangle: a vertical area beginning two and one-half (2 1/2) feet above the ground and extending to ten (10) feet above the ground.
- B. Any fence or planting that extends into the clear area must be made to conform within ninety (90) days from the effective date of this chapter.

§ 145-19. Driveway clear areas. [Deleted 8-18-1997 by L.L. No. 1-1997]

⁷Editor's Note: Original Subsection D, regarding occupation of required yard space, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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§ 145-20. Curb Cuts, Driveways and Private Roads. [Amended 8-18-1997 by L.L. No. 1-1997; 2-7-11 by L.L. No.3-2011; Amended 2-1-2016 by L.L. No. 1-2016]

A. Curb Cuts and Driveways for Residential Lots:

- (1) No residential lot shall be permitted to have in excess of one (1) curb cut and one (1) driveway, except that two (2) curb cuts, with one (1) or two (2) driveways may be permitted by Special Permit, provided that both curb cuts and driveway(s) are for residential uses only.
- (2) Within the parking setback area for the subject Zoning District, as defined in the applicable subsection of Sections 145-39 through and including 145-50 of this Zoning Law, the portion of the lot improved to be useable for driveway purposes may not be more than twenty (20) feet wide. The entrance way, including any curve radii, apron or curb cut, may not exceed thirty (30) feet in width.
- (3) At the intersection of the driveway and the road pavement, the driveway shall be no less than ten (10) feet wide.
- (4) No parking of any vehicle shall be permitted within any Village of Lansing street right-of-way immediately adjacent to the driveway. Parking setback requirements shall be as stated for the subject Zoning District in Sections 145-39 – 145-50 of this Law.

B. Curb Cuts and Driveways for Non-Residential Lots.

- (1) The design, location and dimensions of all curb cuts and driveways for non-residential lots must be approved by the Planning Board as an element of Special Permit review for the development. In considering approval of any such curb cuts or driveways, the Planning Board shall consider the total number of curb cuts existing and requested at the subject site, the width of the curb cuts, the width of the driveways, the location and extent of areas improved for driveway and parking purposes and the number of parking spaces to be established on the site.
- (2) Driveways serving non-residential lots shall conform to the following criteria, unless modified by the Planning Board in accordance with the recommendation of the Village Engineer in the course of Special Permit review:
 - (a) Driveways shall not be more than twenty-four (24) feet wide, not including the required curve radii as described in subsection (C) below.
 - (b) A driveway intended for two-way traffic shall not be less than twenty (20) feet wide and a driveway intended for one way traffic shall not be less than twelve (12) feet wide.
 - (c) The curve radius between the edge of the road pavement and the driveway shall not be less than five (5) feet and not more than fifteen (15) feet.

C. Curb Cuts and Driveways for both Residential and Non-Residential Lots.

- (1) All curb cuts and driveways must be located in order to provide safe access to the premises and so as not to interfere with traffic on any street which the driveway enters.
- (2) No curb cuts may be located less than forty (40) feet from the street right-of-way line of an intersecting street or less than twenty (20) feet from any curb cut on an adjacent lot.
- (3) No structures, improvements or planting shall be placed in the Village right-of-way without the written consent of the Village Superintendent of Public Works.

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D. Private Roads.

- (1) Private roads shall be deemed to be any improved access way, not dedicated as a public street, providing access to two (2) or more properties. Private roads must be constructed in accordance with the following requirements:
 - (a) Private roads that shall provide access to two (2) or three (3) properties shall be constructed at least twelve feet wide, and the design and layout of any such private road shall be submitted for review by the Fire Chief or other official in charge of the fire department, fire company or other entity currently providing fire protection services to the Village, and for approval by the Village Engineer as being sufficient to permit satisfactory access for emergency vehicles and such space as may be necessary to operate, position and turnabout emergency vehicles and to allow emergency vehicles to avoid potential obstacles, and such private roads shall conform to the requirements of Section 125-21 (C) (7) of the Village of Lansing Subdivision Regulations.
 - (b) Private roads that shall provide access to four (4) or more properties shall conform to all design standards for “Cul-de-sacs, Dead Ends and Other Road Not Defined Elsewhere” as set forth in Section 125 Appendix D of the Village of Lansing Subdivision Regulations.
 - (c) In all cases in which two (2) or more properties are provided access by a private road, the owners of those properties must prepare, execute and acknowledge a maintenance agreement in form and substance satisfactory to the Village Attorney. The owners of the road shall record the maintenance agreement in Miscellaneous Records at the Tompkins County Clerk’s Office, indexed to each of the deeds to the properties that are provided access by such road, and provide proof of such recording by delivery of a recording receipt to the Code Enforcement Officer, together with a copy of the signed agreement, before a building permit is issued for either construction of the road or construction of any improvements on the properties served by the road.

145-20.1 Sidewalks and Walkways. [Added 8-02-2021 by L.L. No. 3-2021]

- A. Unless waived by the Planning Board, the installation of sidewalks by the owner or developer shall be required for special permit and subdivision approvals within all Zoning Districts except Farm and Craft Market Combining and Low Density Residential.
- B. Considerations for waiver may include but not be limited to (i) drainage issues that may arise from installation of the sidewalk; (ii) lack of connectivity to other sidewalks; (iii) subject lot is located on a low pedestrian and or low vehicle traffic roadway; (iv) sidewalk installation is inappropriate for minor subdivision in residential area; (v) sidewalks are not in keeping with the characteristics of the neighborhood; (vi) Board of Trustees or Planning Board determination that installation of sidewalks in the new location is impractical; (vii) sufficient sidewalks exist on the other side of the street; (viii) such new sidewalks would be overly difficult to maintain; (ix) sidewalk slope would not be ADA compliant; and (x) or such other issues as the Planning Board or Board of Trustees deems appropriate to consider.

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- C. Sidewalks shall be located on the property frontage within the Village right-of-way unless this requirement is waived by the Planning Board.
- D. Where the Planning Board determines that suitable sidewalks are not immediately required, the Planning Board may require that the builder deposit a performance guarantee with the Village in lieu of construction of sidewalks. Such payments shall be placed in an escrow fund held by the Village to be used for the construction of sidewalks in the Village. The amount of such payment shall be determined by the Village engineer and recommended to the Board of Trustees based on required linear feet of sidewalk.
- E. Width. Sidewalks shall be a minimum five feet in width unless otherwise specified by the Planning Board.
- F. All required sidewalks shall be maintained and constructed in accordance with current New York State DOT specifications issued by the Village Superintendent of Public Works including but not limited to width, thickness, and minimum base requirement, and must be designed to bear the weight of emergency vehicles in accordance with the International Fire Code.

§ 145-21. Number of residential buildings.

One (1) residential building per lot is permitted in LDR, MDR, HDR and CLT. Additional residential buildings on a single lot are permitted with additional conditions.

§ 145-22. Height limitations.

The height limitations of this chapter apply to buildings, church spires, belfries, cupolas, chimneys, silos, skylights, water tanks, monuments, flagpoles, antennas, utility lines, solar collector and wind devices and similar features.

§ 145-23. Mixed use.

If a residential and nonresidential use are to be located in one (1) structure on a single lot within any residential district, the applicable lot area, frontage, yard size and sign requirements for the residential use must apply and applicable parking and any other conditions for the nonresidential use must also apply.

§ 145-24. Buffer strips. [Amended 3-22-1988 by L.L. No. 1-1988, Amended 8-2-1993 by L.L. No. 10-1993, Amended 8-21-2006 by L.L. No. 5-2006]

- A. Where a Residential District abuts either a Commercial, Research, Business and Technology or Human Health Services District, a buffer strip will be established contiguous to the district boundary and wholly within the Commercial, Research, Business and Technology or Human Health Services district as hereafter provided.
- B. Where a Residential District abuts a Commercial Low Traffic, Research or Human Health Services District, the buffer strip shall be seventy-five (75) feet wide, except that a variable width buffer strip may be employed as provided in Subsections E, F and G of this section.
- C. Where a Residential District abuts a Commercial High Traffic District or Business and Technology District, the buffer strip shall be one hundred fifty (150) feet wide.

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- D. In any event that a proposed development would be required to satisfy the requirements of this § 145-24, then the developer of the subject nonresidential site must obtain the Planning Board's approval of the landscape plan, including a description of the configuration and content of the buffer strip, for the nonresidential development, prior to obtaining a building permit for all or any part of the development. Any development or improvements, including parking facilities, shall be expressly prohibited in the buffer strip except where such development or improvements are for landscaping, walkways, bikeways, underground utilities, drainage facilities or establishing vegetative growth on the property. The buffer strip shall be designed, planted, graded or developed with the general guideline that the closer a nonresidential use or activity is to a property line or the more intense the use, the more effective the buffer must be in obscuring light and visibility and reducing noise beyond the nonresidential lot. The location of the plantings in the buffer strip should optimize the screening capability of the plantings by utilizing the topography of the site, and should take into consideration the views from and into neighboring Residential Districts. Within the buffer strip, the developer of the nonresidential site shall, at the developer's expense, install a screen of plantings, designed, at a minimum, to obscure year round the visibility from the Residential District of the development on the nonresidential site. The determination of whether the screening of the development on the nonresidential site is sufficient shall be based upon the view at eye-level from the setback line or lines of the residential properties paralleling the boundary or boundaries between the properties involved. The developer shall complete the buffer strip in accordance with the landscape plan approved by the Planning Board, and the buffer strip shall satisfy the following criteria:
- (1) The developer shall install within the buffer strip evergreens equal in number to one (1) for every six (6) feet of boundary between the subject nonresidential site and any adjacent Residential District(s). These evergreens shall be Eastern White Spruce, Douglas Fir or an equivalent, approved by the Planning Board as part of the Planning Board's approval of the landscape plan for the site, and shall be at least six (6) feet in height at the time of planting. Where possible, the evergreen trees are to be either staggered or planted in naturalistic groupings, thereby providing the maximum obtainable screening.
 - (2) In addition to the requirements for evergreens stated in Subsection D(1) above, the developer shall install within the buffer strip deciduous trees and shrubs equal in number to fifty percent (50%) of the number of evergreens required. At least one-half (1/2) of these deciduous plants shall be two-inch-caliper to three-inch-caliper trees. All shrub plantings shall be two (2) to three (3) feet tall container-grown, or three (3) to four (4) feet tall bare root deciduous shrubs.
 - (3) Existing trees may be used to fulfill the requirements of Subsections D (1) and (2) above if and only if their size, type and location are approved by the Planning Board as part of its approval of the landscape plan for the site. Where there exists natural screening within the buffer strip, the natural screening should be preserved and used to the greatest extent feasible. Existing vegetation that is approved to fulfill these requirements must be protected with a snow fence or similar structures during construction of the

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- nonresidential development as directed by the Village Code Enforcement Officer.
- (4) At its sole discretion, the Planning Board may permit plantings to be placed outside of the buffer strip to be counted toward fulfillment of the requirements of Subsections D(1) and (2) above, and may reduce the required number of six-foot-tall or two-inch-caliper to three-inch-caliper trees in consideration for the substitution of larger trees or decorative fencing where to do so will increase the screening capability of the landscaping.
 - (5) The design of the buffer strip and the plantings to be installed therein shall be practical to maintain in a slightly condition; plant species shall be chosen for their suitability to the site and climate, as well as their resistance to deer and other animals, so that they can be maintained in a healthy condition.
 - (6) The Planning Board shall have the authority to approve, a landscape plan that includes reasonable variations from the requirements of Subsection D(1) through (5) above, provided that the developer has demonstrated to the satisfaction of the Planning Board that such variations shall produce screening that is no less effective than would be produced if these requirements were satisfied without such variations.⁸ In the event that the Planning Board so approves such a plan, then the requirements of such approved plan shall supersede and shall be imposed in lieu of any requirements of Subsection D(1) through (5) above that vary from such plan.
 - (7) The landscape plan, and the buffer strip forming an element thereof, shall satisfy or conform to each of the general conditions for issuance of a Special Permit, as set forth in § 145-59E of this chapter, to the extent that such general conditions are applicable to a landscape plan or buffer strip.
- E. Purpose of variable width buffer strip. To introduce additional flexibility in the siting of permitted land uses in the Commercial Low Traffic, Research and Human Health Services Districts without changing or increasing the intensity of land use activities that would otherwise be permitted in such Districts, and to encourage innovative site plans that will provide an attractive environment, a variable width buffer strip may be employed between such Districts and the abutting Residential District subject to the provisions of Subsections F and G of this section. If a variable width buffer strip is applied for, the buffer strip provisions of Subsection B above, as they would otherwise apply to the Commercial Low Traffic, Research or Human Health Services Districts, are hereby replaced by the approval process and requirements provided for in Subsections F and G below; however, in no case may the buffer strip width be reduced to less than twenty-five (25) feet.
- F. Procedure for variable width buffer strip.
- (1) The applicant seeking approval of a variable width buffer strip must submit and file at least two (2) site plans to the Village Clerk at least twelve (12) days prior to the regular monthly business meeting of the Planning Board. One (1) site plan shall be prepared with the standard buffer strip required in Subsection B; one (1) or more site plans shall be prepared with the variable width buffer strip plans for which the applicant seeks approval. The site plans for both the standard buffer strip and the proposed variable width buffer strip(s) must include:

⁸Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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- (a) The total area of enclosed floor space for all existing improvement and/or improvements to be constructed.
 - (b) The total existing and/or proposed parking and loading areas and total number of existing and/or proposed parking spaces.
 - (c) The total existing and/or proposed lot area in impervious surface.
 - (2) The Planning Board must conduct a public meeting and publish and post notice thereof in accordance with the provisions of § 145-59D(3) governing Special Permit approval. In addition thereto, the applicant seeking approval of a variable width buffer strip shall send by mail to all owners of Village property contiguous to the boundaries of the property for which variable width buffer strip approval is being sought written notice of the public meeting of the Planning Board at which such application is to be heard. Such notice shall state the nature of the application for such variable width buffer strip approval, the time and place of the public meeting and such additional information as shall be required by the Village Zoning Officer. Such notice shall be mailed no less than five (5) days prior to the scheduled public meeting. Proof of such mailing shall be filed with the Planning Board prior to or at the time of the scheduled public meeting.⁹
 - (3) In making its review and rendering its decision as to whether such variable width buffer strip shall be approved, the Planning Board must make findings as to the criteria and requirements set forth in Subsection G below. If a site plan including the requested variable width buffer strip is approved by the Planning Board, the Zoning Officer shall be authorized to issue any permits to which the applicant is entitled when all other applicable requirements have been completed. If the site plan including the requested variable width buffer strip is not approved by the Planning Board and its approval is therefore limited to only the site plan with the standard buffer strip, the Zoning Officer shall likewise be authorized to issue any permits to which the applicant is entitled when all other applicable requirements have been completed.
- G. Variable width buffer strip criteria and requirements. Except as otherwise provided in Subsection J below, approval of a variable width buffer strip shall not be granted by the Planning Board unless the approved site plan with the requested variable width buffer strip meets the following requirements and criteria. The Planning Board may employ professional assistance in evaluating the compliance of the proposed variable width buffer strip plan with these criteria and requirements.
- (1) The variable width buffer strip must be judged as equally effective and sufficient in screening the residential side of the buffer strip from noise, glare, visual obtrusiveness and any other undesirable externality of the proposed development in the Commercial Low Traffic District, Research District or Human Health Services District as would result from the standard buffer strip imposed by the requirements in Subsection B and D above.
 - (2) The site plan(s) with the requested variable width buffer strip must show that the total area of enclosed floor space, total parking and loading area and number of parking spaces and total lot area in impervious surface in each

⁹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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- instance do not exceed those of the submitted site plan with the standard buffer strip.
- (3) The site plan presented with the standard buffer strip must be judged approvable in all respects, including the density of landscaping, suitability of plantings and/or fences and location of all other improvements included in the proposed development in the Commercial Low Traffic District, Research District or Human Health Services District involved.
 - (4) The variable width buffer strip shall have a minimum width of twenty-five (25) feet and need not have a greater width than seventy-five (75) feet and need not be the same width along its entire length.
 - (5) Any and all requirements of Subsection D above have been complied with.
 - (6) Any and all other conditions and/or requirements for any Special Permit required for the proposed development in the Commercial Low Traffic District, Research District or Human Health Services District have been complied with.
- H. Phased installation. The Village Planning Board may permit the plantings in the buffer strip to be installed in phases, over a stated time period, as part of the Planning Board's approval of the landscape plan for the site.¹⁰ If phased installation is permitted, the developer shall be entitled to receive and hold only a temporary certificate of compliance for the development and therefore shall be required to fulfill the requirements of § 145-57G(3) of this chapter, including, but not limited to, the delivery of a performance guarantee and financial security acceptable to the required Village representatives. **[Amended 1-5-09 by L.L. No. 1-2009]**
- I. Maintenance of buffer strip. The owner of the nonresidential site(s) upon which all or any part of the buffer strip(s) is (are) located shall be obligated, at the owner's expense, to maintain and/or replace all plantings installed in the buffer strip as required in accordance with the terms of this § 145-24 in perpetuity. In any event that the owner fails to properly maintain and/or replace such plantings, the Village Code Enforcement Officer may take such action to enforce the terms of this Subsection I as is authorized by applicable law, including but not limited to such action as is authorized in accordance with Article VIII of this chapter.
- J. Waivers and Modifications. Notwithstanding any terms or provisions to the contrary set forth above, upon finding that the developer of a particular project has properly demonstrated that special circumstances of such project warrant certain waivers of and/or modifications to the requirements and criteria otherwise applicable under this Section 145-24 and that such waivers and/or modifications will not undermine the purpose and intent of such requirements and criteria, the Planning Board, consistent with its overall discretion and authority to approve buffer strip landscaping plans and variable width buffer strips as provided above, shall have the further authority in its sole discretion to waive and/or modify such requirements and criteria (with appropriate conditions if deemed necessary) in making its final determinations; provided, however, that under no circumstances shall the Planning Board have the authority to approve a buffer strip or variable width buffer strip with a width less than that required under Subsection B, C and E above. The Planning Board may employ professional assistance in evaluating the

¹⁰Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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appropriateness of any such waivers of and/or modifications to such criteria and requirements.

§ 145-25. Natural drainageways.

Natural drainageways should be preserved and be kept free of debris or other obstructions to water flow. Where relocation of a natural drainageway is requested, the Village Engineer must determine whether the relocation can be carried out in a way that will assure the free and unobstructed flow of stormwater. If debris or other obstructions interfere with water flow, and if the owner fails to remove the obstructions within thirty (30) days after written notice by the Zoning Officer, the Board of Trustees may order the debris or other obstructions removed and may charge the owner of the property any costs connected therewith. All drainageways not specifically included in the Conservation Combining Districts are to be protected from alteration which will adversely affect runoff amounts, water movement and erosion above or below the point of development, and the building/land use or Special Permit must be so endorsed by the Village Engineer.

§ 145-26. Excavation.

Within one (1) year after work on any excavation for a building has begun such excavation must be covered over or filled by the owner to the normal grade. Any excavation or cellar hole remaining after the demolition or destruction of a building from any cause must be fenced in immediately and covered over or filled within one (1) year. If the owner fails to cover over or fill the excavation within thirty (30) days after written notice by the Zoning Officer, the Board of Trustees may order said excavation to be covered or filled and charge the owner of said property any costs connected therewith.

§ 145-27. Tree preservation.

The Village requires land owners to preserve, protect and nurture as many trees as is ecologically sound when engaging in land development and property management.

§ 145-28. Performance standards.

It is the intent of this section to provide that facilities and uses are maintained with proper appearance from streets and adjoining properties and to provide that each facility and use observes minimum standards in control of emission of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity or any other potential nuisance factor. In many cases the performance of a proposed facility or use to all these standards cannot be properly judged in advance. In such cases, the owner, tenant, applicant or other responsible parties should note that these performance standards are continuing obligations and that all facilities and uses will be expected to be maintained and operated in compliance with these standards as set forth in § 145-83.

§ 145-29. Maintenance of lot.

All lots must be kept free of abandoned or inoperable vehicles, discarded appliances and furniture, all forms of rubbish and junk and all building materials excepting those needed for work in progress. Dead trees and other natural materials are not defined as rubbish.

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§ 145-30. Commercial storage.

All storage of goods, machinery or materials must be in buildings or structures designed for that purpose. Trailers or other movable vehicles may be used for storage or warehousing for a time period not to exceed six (6) months by Special Permit. Such Special Permit renewals shall be allowed in accordance with Section 145-59(G) of the Village of Lansing Zoning Law.

§ 145-31. Refuse disposal.

All garbage and rubbish must be stored in containers which are out of public view, vermin proof and cannot be opened by children or dogs.

§ 145-32. Where coin machines or facilities not considered commercial activity.

For the purposes of this chapter the use of any facilities or machines provided for the exclusive use of the residents of any building is not considered a commercial activity.

§ 145-32.1 Storage of Salt and Unregulated Chemicals and Chemical Products [Added 8-18-1997 by L.L. No. 2-1997]

In any case that salt, or any other chemical or chemical product the storage of which is not regulated under applicable New York State or Federal law or regulation, is stored at a location in the Village in any quantity exceeding either one hundred (100) pounds by weight or ten (10) gallons by volume, the owner, operator and/or tenant of the storage site shall take adequate precautions to prevent the stored material from causing damage to the environment, including as a result of the stored material being carried from the storage facility by rainwater or groundwater or otherwise being introduced into any natural or man-made drainage way or body of water. For the purposes of this Section, adequate precautions shall include, at a minimum, the compliance with the following requirements:

- A. The storage facility must be large enough to hold the maximum quantity of the chemicals intended to be stored without overflowing and to permit easy movement of vehicles for loading and unloading.
- B. The storage facility, and all areas used in loading and unloading, shall be located on a surface that is paved, or underlain by an in-place material having permeability no greater than asphalt or a similar material.
- C. The storage facility must be constructed of material that is not adversely affected by the salt or other chemicals stored therein.
- D. The storage facility must be designed and located in such a way to prevent inflow of groundwater run-off, and to minimize the possibility of entry of water due to flooding.
- E. The site drainage around the storage facility must be designed to prevent run-off from entering the storage facility.
- F. The storage facility must be constructed in order that the stored material is kept dry and unaffected by precipitation by use of some form of impermeable cover or shelter. Plastic or other synthetic tarpaulins or sheets alone are not acceptable as covers.
- G. If necessary or appropriate given the nature or the location of the storage facility, drainpipes, curbing and/or catchment basins must be installed to collect runoff

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from the stored material. In any event that such runoff is collected, it must be disposed of in accordance with any applicable laws, rules or regulations, including, if applicable, disposal by a licensed industrial waste transporter or, if permissible in accordance with current local laws and regulations, discharged into a municipal sewer system.

- H. In all cases, construction of the storage facility, or use of an existing structure for the purposes described above, shall require issuance of a building permit, as well as a determination by the Code Enforcement Officer that its design satisfies the requirements of this Section 145-32.5 and all applicable zoning and other applicable regulations.

In the event that a property owner desires to store salt or other unregulated chemicals or chemical products in such quantity as would be regulated under the terms of this Section 145-32.5, but such property owner is not able to satisfy all of the requirements set forth above, such property owner may apply to the Village of Lansing Planning Board for a Special Permit for such property owner's alternative storage plans, which application shall be reviewed by the Planning Board in accordance with the provisions of Section 145-59.

The Planning Board may issue such Special Permit only upon the written recommendation of the Village Engineer approving the property owner's alternative storage plans. Any violation of the terms of this Section 145-32.5 shall be subject to the terms of Section 145-78 below.

§ 145-32.2 Moveable buildings [Added 3-1-1999 by L.L. No. 2-1999]

- A. The owner of a lot, or any person permitted in writing by the owner of a lot, may place on the lot a movable building without obtaining a permit to do so, subject to the following condition:
- (1) The floor area of the movable building does not exceed one hundred and twenty (120) square feet, and the height of the movable building does not exceed ten (10) feet.
 - (2) The movable building is not anchored to the ground.
 - (3) The movable building is not placed within the front yard of the parcel.
 - (4) If the movable building is placed within the area that would be required as a side yard or rear yard set back for an accessory building on such lot, the owner must obtain the written consent of the neighbor adjacent to such side or rear yard area and deliver such written consent to the Village's Code Enforcement Officer for filing with the Village. Such consent shall be given in perpetuity and shall be binding upon subsequent owners of the adjacent lot.
- B. In the event that a movable building has a floor area in excess of one hundred and twenty (120) square feet, or a height in excess of ten (10) feet, or is or becomes anchored to the ground, such movable building shall be deemed to be a building, under the definition provided for such term in Section 145-3 above, and shall be required to satisfy the requirements for placement and set back of either an accessory building or a principal building, as the case may be.

ARTICLE IV

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District Regulations

§ 145-33. Districts enumerated.

For the purposes specified in this chapter, and in accordance with § 7-702 of the Village Law, the Village of Lansing is divided into districts as follows:

- A. Basic districts. [Amended 6-6-1989 by L.L. No. 5-1989; 12-15-1993 by L.L. No. 15-1993; 10-16-2000 by L.L. No. 5-2000; and 12-6-2000 by L.L. No. 6-2000]

LDR Low-Density Residential
MDR Medium-Density Residential
HDR High-Density Residential
CLT Commercial Low Traffic
CMT Commercial Medium Traffic
CHT Commercial High Traffic
BTD Business and Technology
RSH Research
HHS Human Health Services

- B. Combining districts. These districts combine with the underlying basic district to provide additional regulations in areas where specific local conditions or concerns warrant it.
- C. Planned development area. A planned development area is mapped only when the necessary authorization is legislatively granted by the Board of Trustees of the Village in accordance with the planned development area provisions set forth in Appendix A-2 of this Chapter 145. The authorized planned development area thereby supersedes and replaces the otherwise applicable provisions of the basic zoning district(s) where such planned development area is located. Notwithstanding the foregoing, any previously approved planned development area in existence prior to the adoption and enactment of the planned development area provisions set forth in Appendix A-2 shall continue to be governed by and in accordance with the terms and provisions of Appendix A-1 of this Chapter 145.

§ 145-34. Zoning Map.¹¹

All land in the Village falls within one or another of the established basic districts as shown on the Zoning Map. Such land may also fall within one (1) or more of the combining districts shown on the Zoning Map. The map and all notations and references shown thereon are hereby incorporated into and made a part of this chapter.

§ 145-35. Interpretation of Zoning Map boundaries.

Incorporation of the districts bounded and defined as shown on the map entitled "Zoning Map of the Village of Lansing" and the map and all notations, references and other information shown thereon are as much a part of this chapter as if the notations, references and other matters set forth by the map were all fully described herein. Where uncertainty

¹¹Editor's Note: The Zoning Map is included at the end of this chapter.

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exists as to the boundaries of the districts as shown on the Zoning Map the following rules must apply:

- A. Boundary lines are intended to follow center lines of streams, streets and road lines as shown on plots of record at the time this chapter becomes effective.
- B. Where the map indicates a boundary approximately upon a lot line, such lot line must be construed to be said boundary.
- C. Where boundaries are shown approximately parallel to a street, highway, railroad, stream or lakeshore, such boundaries are to be construed to be parallel to the center line of the street, highway or railroad or parallel to the thread of the stream or parallel to the lakeshore and at such distance from the right-of-way as indicated on the map. If no dimension is specified on the map, the boundary is to be determined by use of the graphic scale on the map.
- D. Where boundaries divide a lot, location of any such boundaries is to be determined by the use of the scale appearing on the map.

§ 145-36. Purpose of district regulations.

The purpose of these §§ 145-36 through 145-50 is to set forth the land uses which will be permitted in the Village of Lansing and to specify the basic and combining districts in which each use will be permitted, subject to all of the general and special regulations related to the district in which the land use is located.

§ 145-37. Environmental review.¹²

An environmental review may be required before issuance of any building land use permit or Special Permit, in accordance with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations (SEQRA), or in the event that the proposed action is exempt under SEQRA, in accordance with any other environmental review required under this Chapter 145 for the purpose of determining whether the proposed action will have any significant adverse environmental impacts. [Amended 7-02-2007 by L.L. No. 4-2007]

§ 145-38. Assumed prohibition of uses.

All uses not specifically set forth in this section or in the Chart of Uses, § 145-81, or described as typical uses in categories in § 145-82 are expressly prohibited.

§ 145-39. Low-Density Residential District (LDR).

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village in areas where public utilities are limited and where low-density, predominantly single-family residential development and agriculture are desired as the basic land use pattern.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Utility service, underground.
 - (2) Natural parks.

¹²Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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- (3) One-unit residential building.
 - (4) Two-unit residential building.
 - (5) Alteration to building or improved site or change in use that does not result in change in applicable parking space requirements [**Added 10-16-2000 by L.L. No. 5-2000; Amended 2-1-2016 by L.L. No. 1-2016**]
- C. Permitted uses with additional conditions. (see section 145-58)[**Amended 3-1-1999 by L.L. No. 3-1999; Amended 2-1-2016 by L.L. No. 1-2016**]
- D. Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows:
- (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Religious facility.
 - (c) Schools.
 - (d) Outdoor recreation/club.
 - (e) Alteration to building or improved site or change in use that results in change in applicable parking space requirements [**Added 10-16-00 by L.L. No. 5-2000**]
 - (2) General and additional conditions for certain special permits (see section 145-60)M. [**Amended 3-6-1995 by L.L. No.1-1995; 3-1-1999 by L.L. No. 3-1999; Amended 2-1-2016 by L.L. No. 1-2016; Amended 2-1-2016 by L.L. No. 1-2016**]
 - (a) Mobile home.
 - (b) Home occupation.
 - (c) Commercial crop/animal
 - (d) Additional residential building on single lot.
 - (e) Assisted living facility.
 - (f) Special care facility.
- E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:
- (1) Minimum lot size.
 - (a) Sewered areas.
 - [1] One-unit residential buildings: thirty thousand (30,000) square feet.
 - [2] Two-unit residential buildings: forty thousand (40,000) square feet.
 - [3] All other uses: thirty thousand (30,000) square feet.
 - (b) Non-sewered areas.
 - [1] One-unit residential buildings: sixty thousand (60,000) square feet.
 - [2] Two-unit residential buildings: ninety thousand (90,000) square feet.
 - [3] All other uses: sixty thousand (60,000) square feet.
 - (2) Maximum lot coverage.
 - (a) Sewered and non-sewered areas, all uses: ten percent (10%).
 - (3) Minimum street frontage.
 - (a) Sewered and non-sewered areas.
 - [1] One-unit residential buildings: one hundred fifty (150) feet.
 - [2] Two-unit residential buildings: two hundred (200) feet.
 - [3] All other uses: one hundred fifty (150) feet.

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- (4) Front yard setback minimum.
 - (a) Sewered and non-sewered areas.
 - [1] One-unit and two-unit residential buildings: forty (40) feet.
 - [2] All other uses: seventy-five (75) feet.
- (5) Side yard setback minimum.
 - (a) Sewered and non-sewered areas.
 - [1] All principal uses: twenty-five (25) feet.
 - [2] All accessory buildings: fifteen (15) feet.
- (6) Rear yard setback minimum.
 - (a) Sewered areas.
 - [1] All principal uses: forty (40) feet.
 - [2] All accessory buildings for one-unit and two-unit residential buildings: twenty (20) feet.
 - [3] All other accessory buildings: twenty-five (25) feet.
 - (b) Non-sewered areas.
 - [1] All principal uses: forty (40) feet.
 - [2] All accessory buildings: twenty-five (25) feet.
- (7) Parking setback standards.
 - (a) Sewered areas.
 - [1] Front yard.
 - [a] One-unit and two-unit residential uses: twenty (20) feet.
 - [b] All other uses: twenty-five (25) feet.
 - [2] Side yard, all uses: fifteen (15) feet.
 - [3] Rear yard.
 - [a] One-unit and two-unit residential uses: twenty (20) feet.
 - [b] All other uses: twenty-five (25) feet.
 - (b) Non-sewered areas.
 - [1] Front yard.
 - [a] One-unit and two-unit residential uses: twenty (20) feet.
 - [b] All other uses: twenty-five (25) feet.
 - [2] Side yard, all uses: fifteen (15) feet.
 - [3] Rear yard, all uses: twenty-five (25) feet.
- (8) Building height maximum.
 - (a) Sewered and non-sewered areas.
 - [1] All principal uses: thirty-five (35) feet.
 - [2] All accessory buildings: fifteen (15) feet.
- (9) Parking requirements.
 - (a) Sewered and non-sewered areas.
 - [1] See Article V. [Amended 2-1-2016 by L.L. No. 1-2016]

§ 145-39.1 Shannon Park Planned Development Area [Added 1-18-1999 by L.L. No. 1-1999]

A. Intent. The legislative intent of this subsection is to define and establish standard regulations for this planned residential development called Shannon Park containing

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both one- (1) and two- (2) family detached homes and town house units with consistent style and architecture.¹³

- B. Permitted Uses.
 - (1) Utility Service Underground
 - (2) Natural parks
 - (3) One-Unit Residential Building
 - (4) Two-Unit Residential Building
 - (5) Town House Units
 - (6) Alteration to building or improved site or change in use that does not result in change in applicable parking space requirements [**Added 12-4-00 by L.L. No. 6-2000**]
- C. Permitted Uses with Additional Conditions (see Section 145-58) Permitted Uses with Additional Conditions
 - (1) Additional Residential Building on a Single Lot [**Amended 12-4-00 by L.L. No. 6-2000; Amended 2-1-2016 by L.L. No. 1-2016**]
- D. General and additional conditions for certain special permits (see section 145-60) Permitted and Special Permits:
 - (1) General and Additional Conditions
 - (a) Home Occupation
 - (b) Alteration to building or improved site or change in use that results in change in applicable parking space requirements [**Amended 2-1-2016 by L.L. No. 1-2016**]
 - (2) Alteration to Building or Improved Site or Change in Use that Results in Change in Applicable Parking Space Requirements [**Added 12-4-00 by L.L. No. 6-2000**]
- E. Dimensions: Lot, Yard, Building and Parking Requirements
 - (1) Minimum Lot Size – Sewered and Non-Sewered Areas
 - (a) One-Unit Residential Buildings: twenty-four thousand (24,000) square feet
 - (b) Two-Unit Residential Buildings: twenty-four thousand (24,000) square feet
 - (c) Town House Units: four thousand (4,000) square feet
 - (2) Maximum Lot Coverage – Sewered and Non-Sewered Areas
 - (a) One- and Two-Unit Residential Building: ten percent (10%)
 - (b) Town House Units – twenty-five percent (25%)
 - (3) Minimum Street Frontage – Sewered and Non-Sewered Areas
 - (a) One-Unit-Residential Buildings: one hundred (100) feet
 - (b) Two-Unit Residential Buildings: one hundred (100) feet.
 - (c) Town House Units – Note: The Village acknowledges that the individual town house units in the Shannon Park Development Area have frontage only on the private road/parking area that is owned in common by the town house unit owners' Homeowners' Association; this arrangement is acceptable in accordance with this Zoning Law for the Shannon Park Planned Development Area town house units but shall not be determinative of frontage requirements for lots on private roads elsewhere in the Village.
 - (4) Front yard Setback Minimum – Sewered and Non-Sewered Areas
 - (a) One-Unit Residential Buildings: forty (40) feet
 - (b) Two-Unit Residential Buildings: forty (40) feet

¹³Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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- (c) Town House Units – Front yard setbacks for the Shannon Park Planned Development Area town house units shall be measured from the commonly owned private road/parking area, and all as-currently-built town house units are deemed to be in compliance with the front yard setback requirements of this Zoning Law; any addition to the town house units that would result in diminished front yard setback shall require an area variance.
- (5) Side Yard Setback Minimum – Sewered and Non-Sewered Areas
 - (a) One-Unit Residential Buildings: twenty-five (25) feet
 - (b) Two-Unit Residential Buildings: twenty-five (25) feet
 - (c) Town House Units: twenty (20) feet
 - (d) All Accessory Buildings: fifteen (15) feet
- (6) Rear Yard Setback Minimum – Sewered and Non-Sewered Areas
 - (a) One-Unit Residential Buildings: forty (40) feet
 - (b) Two-Unit Residential Buildings: forty (40) feet
 - (c) Town House Units: twenty-five (25) feet
 - (d) All Accessory Buildings for:
 - [1] One- and Two-Unit Residential: twenty (20) feet
 - [2] All Other Accessory Buildings: twenty-five (25) feet
- (7) Parking Setback Standards
 - (a) Sewered Areas
 - [1] Front Yard: One- and Two-Unit Residential: twenty (20) feet
All Other Uses: twenty-five (25) feet
 - [2] Side Yard: One- and Two-Unit Residential: ten (10) feet
All Other Uses: fifteen (15) feet
 - [3] Rear Yard: One- and Two-Unit Residential: twenty (20) feet
All Other Uses: twenty-five (25) feet
 - (b) Non-Sewered Areas
 - [1] Front Yard: One- and Two-Unit Residential: twenty (20) feet
All Other Uses: twenty-five (25) feet
 - [2] Side Yard: All Uses: fifteen (15) feet
 - [3] Rear Yard: All Uses: twenty-five (25) feet
- (8) Building Height Requirement – Sewered and Non-Sewered Areas
 - (a) All Principal Uses: thirty-five (35) feet
 - (b) All Accessory Buildings: fifteen (15) feet
- (9) Parking Requirements.
 - (a) Sewered and Non-Sewered Areas
 - [1] See Article V. [Amended 2-1-2016; by L.L. No. 1-2016]

§ 145-40. Medium-Density Residential District (MDR). [Amended 2-1-2016; by L.L. No. 1-2016]

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village where moderately dense residential development can be supported by the road system, the topography, public water and sewer facilities and where such development is the desired predominant land use.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Utility service underground.
 - (2) Natural parks.
 - (3) One-unit residential building.

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- (4) Two-unit residential building.
- (5) Alteration to building or improved site or change in use that does not result in change in applicable parking space requirements [**Added 10-16-2000 by L.L. No. 5-2000**]
- C. Permitted uses with additional conditions. (see section 145-58)
- D. Permitted with Special Permit. Uses permitted with a Special Permit are as follows:
 - (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Religious facility.
 - (c) Schools.
 - (d) Outdoor recreation/club.
 - (e) Alteration to building or improved site or change in use that results in change in applicable parking space requirements [**Added 10-16-00 by L.L. No. 5-2000**]
 - (2) General and additional conditions for certain special permits (see section 145-60) General and additional conditions. [**Amended 3-6-1995 by L.L. No. 1-1995; 3-1-1999 by L.L. No. 3-1999; Amended 2-1-2016; by L.L. No. 1-2016**]
 - (a) Home occupation
 - (b) Commercial crop/animal.
 - (c) Additional Residential Building on a single lot
 - (d) Assisted living facility
 - (e) Special care facility
- E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall as follows:
 - (1) Minimum lot size.
 - (a) Sewered areas.
 - [1] One-unit residential buildings: twenty thousand (20,000) square feet.
 - [2] Two-unit residential buildings: twenty-five thousand (25,000) square feet.
 - [3] All other uses: twenty thousand (20,000) square feet.
 - (b) Non-sewered areas.
 - [1] One-unit residential buildings: sixty thousand (60,000) square feet.
 - [2] Two-unit residential buildings: ninety thousand (90,000) square feet.
 - [3] All other uses: sixty thousand (60,000) square feet.
 - (2) Maximum lot coverage.
 - (a) Sewered areas, all uses: fifteen percent (15%).
 - (b) Non-sewered areas, all uses: ten percent (10%).
 - (3) Minimum street frontage.
 - (a) Sewered areas.
 - [1] One-unit residential buildings: one hundred (100) feet.
 - [2] Two-unit residential buildings: one hundred twenty-five (125) feet.
 - [3] All other uses: one hundred (100) feet.
 - (b) Non-sewered areas.

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- [1] One-unit residential buildings: one hundred fifty (150) feet.
- [2] Two-unit residential buildings: two hundred (200) feet.
- [3] All other uses: one hundred fifty (150) feet.
- (4) Front yard setback minimum.
 - (a) Sewered and non-sewered areas.
 - [1] One-unit and two-unit residential buildings: forty (40) feet.
 - [2] All other uses: seventy-five (75) feet.
- (5) Side yard setback minimum.
 - (a) Sewered areas.
 - [1] One-unit and two-unit residential building principal uses: twenty (20) feet
 - [2] Accessory buildings: ten (10) feet.
 - [3] All other principal uses: twenty-five (25) feet.
 - [4] All other accessory buildings: fifteen (15) feet.
 - (b) Non-sewered areas.
 - [1] All principal uses: twenty-five (25) feet.
 - [2] All accessory buildings: fifteen (15) feet.
- (6) Rear yard setback minimum.
 - (a) Sewered areas.
 - [1] All principal uses: forty (40) feet.
 - [2] All accessory buildings for one-unit and two-unit residential buildings: twenty (20) feet.
 - [3] All other accessory buildings: twenty-five (25) feet.
 - (b) Non-sewered areas.
 - [1] All principal uses: forty (40) feet.
 - [2] All accessory buildings: twenty-five (25) feet.
- (7) Parking setback standards.
 - (a) Sewered areas.
 - [1] Front yard.
 - [a] One-unit and two-unit residential uses: twenty (20) feet.
 - [b] All other uses: twenty-five (25) feet.
 - [2] Side yard.
 - [a] One-unit and two-unit residential uses: ten (10) feet.
 - [b] All other uses: fifteen (15) feet.
 - [3] Rear yard.
 - [a] One-unit and two-unit residential uses: twenty (20) feet.
 - [b] All other uses: twenty-five (25) feet.
 - (b) Non-sewered areas.
 - [1] Front yard.
 - [a] One-unit and two-unit residential uses: twenty (20) feet.
 - [b] All other uses: twenty-five (25) feet.
 - [2] Side yard, all uses: fifteen (15) feet.
 - [3] Rear yard, all uses: twenty-five (25) feet.
- (8) Building height maximum.
 - (a) Sewered and non-sewered areas.
 - [1] All principal uses: thirty-five (35) feet.
 - [2] All accessory buildings: fifteen (15) feet.
- (9) Parking requirements. [**Amended 2-1-2016; by L.L. No. 1-2016**]
 - (a) Sewered and non-sewered areas.

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[1] See Article V.

§ 145-41. High-Density Residential District (HDR).

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village where predominantly residential development is the desired land use; where high-density development is the most efficient use of land areas which are adjacent to major highways and shopping facilities and which are served by public utility systems.
- B. Permitted uses. Permitted uses shall be as follows: **[Amended 2-1-2016; by L.L. No. 1-2016]**
 - (1) Utility service underground.
 - (2) Natural parks.
 - (3) One-unit residential building.
 - (4) Two-unit residential building.
 - (5) Alteration to building or improved site with no change in use and no change in applicable parking space requirements **[Added 10-16-2000 by L.L. No. 5-2000]**
- C. Permitted uses with additional conditions.(see section 145-58) **[Amended 3-1-1999 by L.L. No. 3-1999; Amended 2-1-2016; by L.L. No. 1-2016]**
- D. Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows: **[Amended 2-1-2016; by L.L. No. 1-2016]**
 - (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Religious facility.
 - (c) Schools.
 - (d) Group residential.
 - (e) Outdoor recreation/club.
 - (f) Indoor recreation/club.
 - (g) Government buildings.
 - (h) Museums/public buildings.
 - (i) Undertaking.
 - (j) Clinic.
 - (k) Multiunit residential building (only in sewered areas).
 - (l) Alteration to building or improved site or change in use that results in change in applicable parking space requirements **[Added 10-16-00 by L.L. No. 5-2000]**
 - (2) General and additional conditions for certain special permits (see section 145-60). **[Amended 3-6-1995 by L.L. No. 1-1995; 3-1-1999 by L.L. No. 3-1999]**
 - (a) Mixed Use.
 - (b) Home occupation.
 - (c) Office/studio/service.
 - (d) Additional Residential Building on a single lot.
 - (e) Assisted living facility
 - (f) Special care facility.
- E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:
 - (1) Minimum lot size:

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- (a) Sewered areas:
 - [1] One-unit residential buildings: twelve thousand (12,000) square feet.
 - [2] Two-unit residential buildings: fifteen thousand (15,000) square feet.
 - [3] Multiunit residential buildings: six thousand (6,000) square feet per dwelling unit.
 - [4] All other uses: twelve thousand (12,000) square feet.
- (b) Non-sewered areas:
 - [1] One-unit residential buildings: sixty thousand (60,000) square feet.
 - [2] Two-unit residential buildings: ninety thousand (90,000) square feet.
 - [3] All other uses: sixty thousand (60,000) square feet.
- (2) Maximum lot coverage.
 - (a) Sewered areas, all uses: twenty percent (20%).
 - (b) Non-sewered areas, all uses: ten percent (10%).
- (3) Minimum street frontage.
 - (a) Sewered areas.
 - [1] One-unit residential buildings: one hundred (100) feet.
 - [2] Two-unit residential buildings: one hundred twenty-five (125) feet.
 - [3] Multiunit residential buildings: one hundred fifty (150) feet.
 - [4] All other uses: one hundred (100) feet.
 - (b) Non-sewered areas.
 - [1] One-unit residential buildings: one hundred fifty (150) feet.
 - [2] Two-unit residential buildings: two hundred (200) feet.
 - [3] All other uses: one hundred fifty (150) feet.
- (4) Front yard setback minimum.
 - (a) Sewered and non-sewered areas.
 - [1] One-unit and two-unit residential buildings: forty (40) feet.
 - [2] All other uses: seventy-five (75) feet.
 - (b) Parcels Fronting on North Triphammer Road.

Notwithstanding the foregoing building setback standards, in the case of a parcel that formerly included some area acquired by the Village of Lansing in connection with the Village's North Triphammer Road reconstruction project, for the purposes of measuring the front yard building setback requirement for the new development on such parcel, the measurement shall include the width of the area so acquired by the Village of Lansing along North Triphammer Road.

[Added 4-20-1998 by L.L. No. 2-1998]
- (5) Side yard setback minimum.
 - (a) Sewered areas.
 - [1] One-unit and two-unit residential buildings:
 - [a] Principal uses: twenty (20) feet.
 - [b] Accessory buildings: ten (10) feet.
 - [2] Multiunit residential buildings:
 - [a] Principal uses and accessory buildings: fifty (50) feet.
 - [b] All other principal uses: twenty-five (25) feet.

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- [3] All other accessory buildings: fifteen (15) feet.
- (b) Non-sewered areas.
 - [1] All principal uses: twenty-five (25) feet.
 - [2] All accessory buildings: fifteen (15) feet.
- (6) Rear yard setback minimum.
 - (a) Sewered areas.
 - [1] One-unit and two-unit residential buildings:
 - [a] Principal uses: twenty (20) feet.
 - [b] Accessory buildings: ten (10) feet.
 - [2] Multiunit residential buildings, principal uses and accessory buildings: fifty (50) feet.
 - [3] All other principal uses: forty (40) feet.
 - [4] All other accessory buildings: twenty-five (25) feet.
 - (b) Non-sewered areas:
 - [1] All principal uses: forty (40) feet.
 - [2] All accessory buildings: twenty-five (25) feet.
- (7) Parking setback standards.
 - (a) Sewered areas.
 - [1] Front yard.
 - [a] One-unit and two-unit residential uses: twenty (20) feet.
 - [b] All other uses: twenty-five (25) feet.
 - [2] Side yard.
 - [a] One-unit and two-unit residential uses: ten (10) feet.
 - [b] All other uses: twenty-five (25) feet.
 - [3] Rear yard.
 - [a] One-unit and two-unit residential uses: ten (10) feet.
 - [b] All other uses: twenty-five (25) feet.
 - (b) Non-sewered areas.
 - [1] Front yard.
 - [a] One-unit and two-unit residential uses: twenty (20) feet.
 - [b] All other uses: twenty-five (25) feet.
 - [2] Side yard, all uses: fifteen (15) feet.
 - [3] Rear yard, all uses: twenty-five (25) feet.
 - (c) Parcels Fronting on North Triphammer Road
Notwithstanding the foregoing parking setback standards, in the case of a parcel that formerly included some area acquired by the Village of Lansing in connection with the Village's North Triphammer Road reconstruction project, for the purposes of measuring the front yard parking setback requirement for new development on such parcel, the measurement shall include the width of the area so acquired by the Village of Lansing along North Triphammer Road. **[Added 4-20-1998 by L.L. No. 2-1998]**
- (8) Building height maximum:
 - (a) Sewered and non-sewered areas:
 - [1] All principal uses: thirty-five (35) feet.
 - [2] All accessory buildings: fifteen (15) feet.
- (9) Parking requirements. **[Amended 2-1-2016; by L.L. No. 1-2016]**
 - (a) Sewered and non-sewered areas.
 - [1] See Article V.

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§ 145-42. Commercial Low Traffic District (CLT).

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village where service facilities are the desired land use; where public utilities to serve such facilities are available; and where areas that border on residential areas or do not have an adequate road system to handle large volumes of vehicular traffic are reserved for low traffic uses, thereby preserving the residential environment of the surrounding areas. The further intent of this subsection is to define and establish permitted uses with respect to which traffic generation, site design and architectural design are consistent with (i) the other permitted uses in this district and (ii) all applicable standards and design guidelines, it being understood that all improvement should conform with the applicable CLT District Design Guidelines (to which Guidelines all applicants for permits and approvals are directed. **[Added 9-10-2003 by L.L. No. 3-2003]**)
- B. Permitted uses. Permitted uses shall be as follows:
- (1) Utility service underground.
 - (2) Natural parks.
 - (3) One-unit residential building.
 - (4) Two-unit residential building.
 - (5) Temporary Non-Commercial Activities. **[Added 2-1-2016 by L.L. No. 1-2016]**
 - (6) Alteration to building or improved site with no change in use and no change in applicable parking space requirements. **[Added 10-16-2000 by L.L. No. 5-2000; Amended 4-2-2012 by L.L. No. 3-2012; Amended 2-1-2016 by L.L. No. 1-2016]**
- C. Permitted uses with additional conditions. (see section 145-58) Uses permitted with additional conditions shall be as follows: **[Amended 3-1-1999 by L.L. No. 3-1999; Amended 2-1-2016 by L.L. No. 1-2016]**
- (1) Alteration to building or improved site.
 - (2) Temporary commercial activities. (see subsection C under §145-58) **[Added 10-17-2011 by L.L. No. 7-2011]**
 - (3) Employee cafeteria food and beverage service **[Added 2-1-2016 by L.L. No. 1-2016]**
- D. Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows:
- (1) General conditions. **[Amended 2-1-2016 by L.L. No. 1-2016]**
 - (a) Utility transmission/storage/plants.
 - (b) Religious facility.
 - (c) Schools.
 - (d) Outdoor recreation/club.
 - (e) Indoor recreation/club.
 - (f) Office/studio/service.
 - (g) Government buildings.
 - (h) Museums/public buildings.
 - (i) Undertaking.
 - (j) Clinic.
 - (k) Low impact technology.
 - (l) Multiunit residential building.

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- (m) Alteration to building or improved site that results in a change in use or a change in applicable parking space requirements. **[Added 10-16-00 by L.L. No. 5-2000; Amended 4-2-2012 by L.L. No. 3-2012]**
- (2) General and additional conditions for certain special permits (see section 145-60). **[Amended 6-6-1989 by L.L. No. 5-1989; 1-9-1990 by L.L. No. 1-1990; 8-3-1998 by L.L. No. 6-1998, 3-1-1999 by L.L. No. 3-1999; 12-2-02 by L.L. No. 2-2002; 2-1-16 by L.L. No. 1-2016]**
 - (a) Home occupation.
 - (b) Mixed Use.
 - (c) Bank administrative operations.
 - (d) Assisted living facility.
 - (e) Special care facility.
 - (f) Redevelopment on a larger site of a pre-existing non-conforming use currently in operation in the CLT Zoning District.
 - (g) Additional residential building on a single lot.
- E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:
 - (1) Minimum lot size.
 - (a) All Uses: ten thousand (10,000) square feet. **[Amended 4-17-06 by L.L. No. 3-2006]**
 - (2) Maximum lot coverage: none, except what is required by minimum street frontage, front, side and rear yard setbacks and by front, side and rear parking requirements.
 - (3) Minimum street frontage.
 - (a) All uses: one hundred (100) feet. **[Amended 4-17-06 by L.L. No. 3-2006]**
 - (4) Front yard setback minimum **[Amended 7-9-2001 by L.L. No. 4-2001]**
 - (a) All uses – seventy-five (75) feet, except lots in the Commercial Low Traffic District that have a front yard along North Triphammer Road.
 - (b) All uses for lots having a front yard along North Triphammer Road shall not be subject to front yard setback minimum, but, instead, shall be subject to the requirement that at least twenty-five (25) feet of a façade of all buildings developed on such lots be located within one (1) foot to either side of, and parallel to, a line located a distance of twenty-five (25) feet from the front line. Such front lot line shall be the newly established front lot line for each such lot as a result of the Village’s acquisition of additional road right-of-way along North Triphammer Road Reconstruction Project. No portion of such façade shall be located closer to such front lot line than twenty-four (24) feet.
 - (5) Side yard setback minimum, all uses: twenty-five (25) feet.
 - (6) Rear yard setback minimum:
 - (a) All principal uses: forty (40) feet. (b) All accessory buildings: twenty-five (25) feet.
 - (7) Parking setback standards. **[Amended 6-6-1989 by L.L. No. 4-1989]**
 - (a) Front yard, all uses: twenty-five (25) feet.
 - (b) Side yard, all uses: fifteen (15) feet.
 - (c) Rear yard, all uses: fifteen (15) feet.
 - (d) Parcels Fronting on North Triphammer Road

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Notwithstanding the foregoing parking setback standards, in the case of a parcel that formerly included some area acquired by the Village of Lansing in connection with the Village's North Triphammer Road reconstruction project, for the purposes of measuring the front yard parking setback requirement for new development on such parcel, the measurement shall include the width of the area so acquired by the Village of Lansing along North Triphammer Road. **[Added 4-20-1998 by L.L. No. 2-1998]**

- (8) Building height maximum.
 - (a) All principal uses: thirty-five (35) feet.
 - (b) All accessory buildings: fifteen (15) feet.
 - (9) Parking requirements: see Article V.
 - (10) Buffer strip width: seventy-five (75) feet; see § 145-24.
- F. **[Added 11-6-1990 by L.L. No. 11-1990]** Non-sewered areas. In every case where a lot is not provided with disposal of sanitary wastes by means of public sewer, use of such lot shall, in addition to all other requirements under this chapter (including but not limited to the dimensions requirements set forth in § 145-44E¹⁴ and the requirements of § 145-57B), be subject to the following additional provisions and requirements:
- (1) Any private sewage disposal system installed or to be installed on such lot shall meet in all respects the following minimum separation distances:

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¹⁴Editor's Note: Local Law No. 11-1990 provided as follows: "Notwithstanding any implication to the contrary, and solely for the purposes of § 145-42F as created by this chapter, when referring to § 145-44E in accordance with the first sentence of § 145-42F, the dimension '150 feet' shall be deemed to read '75 feet.'"

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Separation Distance (feet) from:

	Septic Tank	Leaching Beds	Seepage Pits	Sewer Line
Drilled well, public	100	200	200	50(a)
Drilled well, private	50	100	100	50(a)
Dug well	75	150	150	50(a)
Water line (pressure)	10	10	10	10(b)
Water line (suction)	50	100	150	50(a)
Foundation	10	20	20	--
Surface water	50	100	100	25
Open drainage	25	35	35	25
Culvert (tight pipe)	25	35	35	10
Culvert opening	25	50	50	25
Catch basin	25	50	50	--
Interceptor drain	25	35(c)	35(c)	25
Swimming pool, in-ground	20	35	50	10
Reservoir	50	100	100	50
Property Line	25(d)	25(d)	25(d)	25(d)
Top of embankment or Steep slope	25	25	25	25

NOTES:

(a) Twenty-five (25) feet if cast-iron pipe.

(b) Water (pressure) and sewer lines may be in the same trench if water line is placed on an undisturbed bench or shelf so that the bottom of the water main is at least twelve (12) inches higher than the top of the sewer and the sewer is not subject to settling, vibration, superimposed loads or frost action.

(c) If bottom of drain is above finished grade at leaching facility; otherwise fifty (50) feet.

(d) Except seventy-five (75) feet from front property line (road right-of-way), and seventy-five (75) feet from any property line abutting a residential district.

(1) A second area on such lot shall be reserved for installation of a replacement private sewage disposal system, such reserved area to meet all of the minimum separation distances set forth in Subsection F(1) above. Until such time as such lot is served by a public sewer, such reserved area shall remain unused for any purpose other than the installation of a replacement private sewage disposal system.

(2) Any and all areas used or intended to be used for installation of a private sewage disposal system and/or replacement private sewage disposal system shall be located on such lot so that each such area used or intended to be used

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for installation of a private sewage disposal system complies with any and all minimum setback requirements set forth in Subsection E above.

- (3) Until such time as such lot is served by a public sewer, any and all areas used or intended to be used for installation of a private sewage disposal system and/or replacement private sewage disposal system shall be used solely for such purpose and all other uses (including but not limited to parking) shall be prohibited.
 - (4) Installation of any private sewage disposal system (on the primary site on such lot and/or on the reserved site for a replacement system) shall require a Special Permit therefor under § 145-59, the issuance thereof being subject to the general conditions set forth in § 145-59E. For the purposes of determining compliance with § 145-59E(6) (water and sewerage or waste disposal facilities are adequate), the applicant shall submit as part of his, her or its application projected flow rates for the proposed private sewage disposal system. The Planning Board shall determine the compliance of such proposed private sewage disposal system with the requirements of § 145-59E(6) in accordance with generally accepted and established standards, including but not limited to the standards set forth in the following manuals and/or any other available manuals and reference materials:
 - (a) New York State Department of Health Manual; Waste Treatment Handbook, Individual Household Systems.
 - (b) New York State Environmental Conservation Publication - Standards for Waste Treatment Works - Institutional and Commercial Sewage Facilities.
- G. **[Added 11-6-1990 by L.L. No. 11-1990]** In each case that a lot in a commercial low traffic district is developed in accordance with the provisions of Subsection F above, the following additional requirements shall apply to the development of such lot:
- (1) The owner of the lot shall provide a complete, fully-operable sewer system serving the building(s) constructed on such lot, in accordance with all applicable laws, regulations and ordinances, which shall originate at said building(s) and terminate at a point not greater than one (1) foot from the point on the public sewer main line, or the main line intended to be a public sewer main line, to which said sewer system would be connected if a sewer permit were currently available. This sewer system shall meet all legally-required standards of design and construction which would apply if such sewer system were, upon installation, to satisfy all sewerage disposal requirements for the subject lot as if no septic system were present on such lot.
 - (2) The owner of the lot shall, within two (2) business days of the earliest date upon which such material will be processed by the Village, submit to the appropriate governmental offices all applications, forms, surveys, records and any other information or materials necessary or appropriate in order for the lot owner to obtain a sewer permit enabling said lot owner to connect the sewer system described in Subsection G(1) above to the appropriate public sewer main. Upon submission of the information and material described in the immediately preceding sentence, the lot owner shall be obligated to deliver to the appropriate governmental offices all such fees

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and charges as are collectible by such governmental offices at the time of application for the subject sewer permit.

- (3) Not later than the latest date permitted in accordance with the provisions of Chapter 111, Sewers, of the Code of the Village of Lansing, the lot owner, in accordance with all applicable provisions of Chapter 111, Sewers, shall connect the sewer system on the subject lot to the appropriate public sewer main so that the sewer system described in Subsection G(1) above is fully operable by such date, and from such date forward the septic system installed on such lot shall be disconnected and remain unused.¹⁵
- (4) In the event that the owner of the subject lot fails to undertake the steps necessary to timely make the connection of the sewer system to the public sewer main described in Subsection G(3) above, the Village shall, in addition to any other rights and remedies available to the Village, have the authority to undertake such steps as are necessary to make such connection of the sewer system to the public sewer main, and all costs, expenses, liabilities and obligations incurred by the Village in connection with such undertaking shall be immediately due and payable by the owner of the subject lot and shall be collectible by the Village in any manner permitted under applicable law, including but not limited to by adding such costs, expenses, liabilities and/or obligations to the next tax bill provided by the Village to the lot owner.

§ 145-42.1 Lansing Meadows PDA. [Added 6-29-2010 by L.L. No.4-2010, Amended 5-1-2017 by L.L. No. 2- 2017]

- A. Intent. The legislative intent of this subsection is to define and establish standard regulations for this Planned Development Area called Lansing Meadows PDA containing two commercial areas (Areas A and Area A-1), a residential area (Area B) and a protected wetland/bird habitat (Area C) [see Zoning Map amendment]; where public utilities to serve such facilities are available; where areas that border on Oakcrest Road are reserved for residential uses, thereby preserving the residential environment of the surrounding areas; where residential uses in Area B are reserved for senior housing thereby providing an appropriate housing option for senior citizens within walking distance of commercial and recreational services; where vehicular access to the commercial development in the PDA is solely from the adjacent commercial property, thereby minimizing traffic impact on Oakcrest Road and surrounding residential areas; and where existing wetlands are preserved and enhanced as a bird habitat and to provide a buffer between the residential and commercial development in the PDA and further buffer the commercial development in the PDA from Oakcrest Road.
- B. Permitted uses. Permitted uses shall be as follows:
 - Areas A & A-1
 - (1) Temporary Non-Commercial Activities. [Added 10-17-2011 by L.L. No. 7-2011]
 - Areas A, A-1 & B
 - (1) Utility service underground.

¹⁵Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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- (2) Natural parks.
- (3) Alteration to building or improved site or change in use that does not result in change in applicable parking space requirements.

Area C

- (1) Utility service underground.
- (2) Natural parks.
- C. Permitted uses with additional conditions. (see section 145-58) [**Amended 2-1-2016; by L.L. No. 1-2016**]
- D. Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows: [**Amended 2-1-2016; by L.L. No. 1-2016**]

Area A

- (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Indoor recreation/club.
 - (c) Office/studio/service.
 - (d) Government buildings.
 - (e) Motel/hotel.
 - (f) Sales/repair/maintenance.
 - (g) Theater/nightclub/discotheque.
 - (h) Alteration to building or improved site or change in use that results in change in applicable parking space requirements.
 - (i) Museums/public buildings.
 - (j) Low Traffic Food and Beverage.
 - (k) High Traffic Food and Beverage.
 - (l) Members only fuel station. [**Added 9-27-2011 by L.L. No. 6-2011**]
- (2) General and additional conditions.

Area A

- (a) Mixed Use. (see subsection F under § 145-60)

Area A-1 [**Added 5-1-2017 by L.L. No. 2- 2017**]

- (3) General and additional conditions (see section 145-60)
 - (a) Indoor recreation/club.
 - (b) Outdoor recreation/club.
 - (c) Office/studio/service.
 - (d) Small scale sales.
 - (e) Low Traffic Food and Beverage.
 - (f) High Traffic Food and Beverage
 - (g) Alteration to building or improved site or change in use that results in change in applicable parking space requirements.
 - (h) Mixed Use. (see subsection F under § 145-60)
 - (i) One-unit residential building. (see subsection N under §145-60)
 - (j) Two-unit residential building. (see subsection N under §145-60)
 - (k) Multiunit residential building. (see subsection N under §145-60)
 - (l) Home occupation. (see subsection D under § 145-60)
 - (m) Planned Development Area clustered housing (see subsection O under § 145-60).

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Area B

- (2) General and additional conditions (see section § 145-60)
 - (a) One-unit residential building. (see subsection O under § 145-60)
 - (b) Two-unit residential building. (see subsection O under § 145-60)
 - (c) Multiunit residential building. (see subsection O under § 145-60)
 - (d) Home occupation. (see subsection D under § 145-60)
 - (e) Planned Development Area clustered housing (see subsection O under § 145-60). **[Added 9-27-2011 by L.L. No. 6-2011]**
- E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:
 - (1) Minimum lot size.
 - (a) All Uses: ten thousand (10,000) square feet.
 - (2) Maximum lot coverage: none, except what is required by minimum street frontage, front, side and rear yard setbacks and by front, side and rear parking requirements (such setbacks as provided for below and as set forth on Appendix D of this Chapter 145).
 - (3) Minimum street frontage.
 - (a) Area A-Commercial area: none
 - (b) Area A-1- Commercial area: sixty (60) feet
[Added 5-1-2017 by L.L. No. 2- 2017]
 - (c) Area B-Residential area: seventy-five (75) feet
 - (d) Area C-Wetland/bird habitat area: none
[Amended 12-1-2014 by L.L. No. 7-2014]
 - (4) Front yard setback minimum.
 - (a) As set forth on Appendix D [entitled “Lansing Meadows PDA Setback Provisions”] of this Chapter 145.
 - (5) Side yard setback minimum.
 - (a) As set forth on Appendix D [entitled “Lansing Meadows PDA Setback Provisions”] of this Chapter 145.
 - (6) Rear yard setback minimum:
 - (a) As set forth on Appendix D [entitled “Lansing Meadows PDA Setback Provisions”] of this Chapter 145.
 - (7) Parking setback standards.
 - (a) As set forth on Appendix D [entitled “Lansing Meadows PDA Setback Provisions”] of this Chapter 145.
 - (8) Building/structure height maximum.
 - (a) All principal uses: thirty-five (35) feet.
 - (a) All accessory buildings: fifteen (15) feet.
 - (b) Exterior lights: thirty-five (35) feet.
 - (9) Parking requirements: see Article V.
 - (10) Buffer strip width: seventy-five (75) feet. (see § 145-24)
[Amended 1-10-2012 by L.L. No. 1-2012]

145-42.2 Commercial Medium Traffic District (CMT). **[Added 2-1-2016 by L.L. No. 1-2016]**

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village where the desired land uses are service facilities and small retail areas that encourage a more foot traffic and; where public utilities to

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serve such facilities are available. This district is fully surrounded by commercial districts and is not contiguous to any residential area (LDR, MDR, HDR), thus preserving the Commercial Low Traffic district and its original intent of preserving the residential environment of the surrounding areas. The further intent of this subsection is to define and establish permitted uses with respect to which traffic generation, site design and architectural design are consistent with (i) the other permitted uses in this district and (ii) all applicable standards and design guidelines, it being understood that all improvements should conform with the applicable CLT District Design Guidelines (to which Guidelines all applicants for permits and approvals are directed.)

- B. Permitted uses. Permitted uses shall be as follows:
- (1) Utility service underground.
 - (2) Natural parks.
 - (3) Alteration to building or improved site with no change in use and no change in applicable parking space requirements.
 - (4) Temporary Non-Commercial Activities.
- C. Permitted uses with additional conditions (see section 145-58). Uses permitted with additional conditions shall be as follows:
- (1) Alteration to building or improved site.
 - (2) Temporary commercial activities. (see subsection C under §145-58)
 - (3) Employee cafeteria food and beverage service.
- D. Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows:
- (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Religious facility.
 - (c) Schools.
 - (d) Indoor recreation/club.
 - (e) Office/studio/service.
 - (f) Government buildings.
 - (g) Museums/public buildings.
 - (h) Clinic.
 - (i) Small scale sales.
 - (j) Low traffic food and beverage.
 - (k) Alteration to building or improved site that results in a change in use or a change in applicable parking space requirements.
 - (l) Low Impact Technology.
 - (m) Bank administrative operations.
 - (n) Special Care Facility [**Added 3-1-2021 by L.L. No. 1-2021**]
 - (2) General and additional conditions for certain special permits (see section 145-60).
 - (a) Home occupation.
 - (b) Mixed use.
 - (c) Redevelopment on a larger site of a pre-existing non-conforming use currently in operation in the CLT Zoning District.
- E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:
- (1) Minimum lot size.

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- (a) All Uses: ten thousand (10,000) square feet. Maximum lot coverage: none, except what is required by minimum street frontage, front, side and rear yard setbacks and by front, side and rear parking requirements.
- (2) Minimum street frontage.
 - (a) All uses: one hundred (100) feet.
- (3) Front yard setback minimum
 - (a) All uses – twenty five (25) feet, except lots in the Commercial Medium Traffic District that have a front yard along North Triphammer Road.
 - (b) All uses for lots having a front yard along North Triphammer Road shall not be subject to front yard setback minimum, but, instead, shall be subject to the requirement that at least twenty-five (25) feet of a façade of all buildings developed on such lots be located within one (1) foot to either side of, and parallel to, a line located a distance of twenty-five (25) feet from the front line. Such front lot line shall be the newly established front lot line for each such lot as a result of the Village’s acquisition of additional road right-of-way along North Triphammer Road Reconstruction Project. No portion of such façade shall be located closer to such front lot line than twenty-four (24) feet.
- (4) Side yard setback minimum, all uses: twenty-five (25) feet.
- (5) Rear yard setback minimum:
 - (a) All principal uses: forty (40) feet.
 - (b) All accessory buildings: twenty-five (25) feet.
- (6) Parking setback standards.
 - (a) Front yard, all uses: twenty-five (25) feet.
 - (b) Side yard, all uses: fifteen (15) feet.
 - (c) Rear yard, all uses: fifteen (15) feet.
 - (d) Parcels Fronting on North Triphammer Road
Notwithstanding the foregoing parking setback standards, in the case of a parcel that formerly included some area acquired by the Village of Lansing in connection with the Village’s North Triphammer Road reconstruction project, for the purposes of measuring the front yard parking setback requirement for new development on such parcel, the measurement shall include the width of the area so acquired by the Village of Lansing along North Triphammer Road.
- (7) Building height maximum.
 - (a) All principal uses: thirty-five (35) feet.
 - (b) All accessory buildings: fifteen (15) feet.
- (8) Parking requirements: see Article V.
- (9) Buffer strip width: seventy-five (75) feet; see § 145-24.

§ 145-43. Commercial High Traffic District (CHT).

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village where a concentration of retail shopping, transient and service facilities is the desired land use; where public utilities to serve such facilities are available; where a well developed road system is available for uses

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that generate a high amount of vehicular traffic; and where commercial development is concentrated rather than scattered or in strip development along major roads.

- B. Permitted uses. Permitted uses shall be as follows:
- (1) Utility service underground.
 - (2) Natural parks.
 - (3) Alteration to building or improved site or change in use that does not result in change in applicable parking space requirements. **[Added 10-16-2000 by L.L. No. 5-2000]**
 - (4) Temporary Non-Commercial Activities. **[Added 10-17-2011 by L.L. No. 7-2011]**
- C. Permitted uses with additional conditions. (see section 145-58) **[Amended 2-1-2016; by L.L. No. 1-2016]**
- (1) Temporary commercial activities. (see subsection C under §145-58) **[Amended 10-17-2011 by L.L. No. 7-2011]**
 - (2) Employee cafeteria food and beverage service.
- D. Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows:
- (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Indoor recreation/club.
 - (c) Office/studio/service.
 - (d) Government building.
 - (e) Museums/public buildings.
 - (f) Hospital.
 - (g) Clinic. **Added 2-1-2016; by L.L. No. 1-2016]**
 - (h) Motel/hotel.
 - (i) Sales/repair/maintenance.
 - (j) Theater/nightclub/discotheque.
 - (k) Construction sales/storage.
 - (l) Large equipment.
 - (m) Automotive sales/service/lots.
 - (n) Commercial assembly soft goods.
 - (o) Transportation services.¹⁶
 - (p) Alteration to building or improved site or change in use that results in change in applicable parking space requirements. **[Added 10-16-00 by L.L. No. 5-2000]**
 - (q) Low Traffic Food and Beverage. **[Added 9-10-2003 by L.L. No. 3-2003]**
 - (r) High Traffic Food and Beverage. **[Added 9-10-2003 by L.L. No. 3-2003]**
 - (s) Religious facility. **[Added 7-7-2008 by L.L. No. 3-2008]**
 - (t) Small scale sales. **Added 2-1-2016; by L.L. No. 1-2016]**
 - (u) School. **Added 2-1-2016; by L.L. No. 1-2016]**
 - (2) General and additional conditions for certain special permits (see section 145-60). **[Amended 2-1-2016; by L.L. No. 1-2016]**

¹⁶Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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- (a) Warehousing/storage/distribution. [**Amended 6-6-1989 by L.L. No. 5-1989**]
 - (b) Adult entertainment business. (see Section 145-60 (L) below) [**Added 7-20-1998 by L.L. No. 5-1998**]
 - (c) Mixed Use. (See Section 145-60 F below) [**Amended 12-17-2007 by L.L. No. 9-2007**]
 - (d) Home occupation.
 - (e) Assisted living facility.
 - (f) Special care facility.
- E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:
- (1) Minimum lot size.
 - (a) All uses: ten thousand (10,000) square feet. [**Amended 4-17-06 by L.L. No. 3-2006**]
 - (2) Maximum lot coverage: no maximum coverage, except for what is required by minimum street frontage, front, side and rear yard setbacks and by front, side and rear parking requirements.
 - (3) Minimum street frontage.
 - (a) All uses: one hundred (100) feet. [**Amended 4-17-06 by L.L. No. 3-2006**]
 - (4) Front yard setback minimum, all uses: seventy-five (75) feet.
 - (a) Parcels Fronting on North Triphammer Road
Notwithstanding the foregoing building setback standards, in the case of a parcel that formerly included some area acquired by the Village of Lansing in connection with the Village's North Triphammer Road reconstruction project, for the purposes of measuring the front yard building setback requirement for new development on such parcel, the measurement shall include the width of the area so acquired by the Village of Lansing along North Triphammer Road. [**Added 4-20-1998 by L.L. No. 2-1998**]
 - (5) Side yard setback minimum.
 - (a) All principal uses: twenty-five (25) feet.
 - (b) All accessory buildings: fifteen (15) feet.
 - (6) Rear yard setback minimum, all uses: twenty-five (25) feet.
 - (7) Parking setback standards. [Amended 6-6-1989 by L.L. No. 4-1989]
 - (a) Front yard, all uses: twenty-five (25) feet.
 - (b) Side yard, all uses: fifteen (15) feet.
 - (c) Rear yard, all uses: fifteen (15) feet.
 - (d) Parcels Fronting on North Triphammer Road.
Notwithstanding the foregoing parking setback standards, in the case of a parcel that formerly included some area acquired by the Village of Lansing in connection with the Village's North Triphammer Road reconstruction project, for the purposes of measuring the front yard parking setback requirement for new development on such parcel, the measurement shall include the width of the area so acquired by the Village of Lansing along North Triphammer Road. [**Added 4-20-1998 by L.L. No. 2-1998**]

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- (8) Building height maximum.
 - (a) All principal uses: thirty-five (35) feet.
 - (b) All accessory buildings: fifteen (15) feet.
- (9) Parking requirements: see Article V.
- (10) Buffer strip width: one hundred fifty (150) feet; see § 145-24.

§ 145-44. Business and Technology District (BTD). [Amended 6-6-1989 by L.L. No. 5 -1989]

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village where light manufacturing and other specialized uses of a similar business and technological nature are appropriate, together with additional and compatible administrative, governmental, office, studio and service uses; and to protect the value of these areas by discouraging incompatible development and small lot divisions that will reduce the efficient use of land for the purposes provided for in this district.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Utility service underground.
 - (2) Natural parks.
 - (3) Alteration to building or improved site or change in use that does not result in change in applicable parking space requirements. [Added 10-16-2000 by L.L. No. 5-2000]
 - (4) Temporary Non-Commercial Activities. [Added 10-17-2011 by L.L. No. 7-2011]
- C. Permitted uses with additional conditions. (see section 145-58) **Amended 2-1-2016; by L.L. No. 1-2016**
- D. Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows:
 - (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Commercial assembly soft goods.
 - (c) Light industry/manufacturing.
 - (d) Research/design/prototype production.
 - (e) Bank administration.¹⁷
 - (f) Transportation services.
 - (g) Government buildings.
 - (h) Outdoor recreation club.
 - (i) Indoor recreation.
 - (j) School. [Added 2-1-2016; by L.L. No. 1-2016]
 - (k) Alteration to building or improved site or change in use that results in change in applicable parking space requirements. [Added 10-16-00 by L.L. No. 5-2000]
 - (2) General and additional conditions. (see section 145-60) [Amended 2-1-2016; by L.L. No. 1-2016]
 - (a) Office/studio/service.
 - (b) Motel/hotel.

¹⁷Editor's Note: Original Section 202.09c, Subsection 10, which listed warehousing/storage/distribution and which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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(c) Warehousing/storage/distribution.¹⁸

(d) Low Traffic Food and Beverage. **[Added 9-10-2003 by L.L. No. 3-2003]**

E. **[Amended 10-18-1988 by L.L. No. 5-1988; 6-6-1989 by L.L. No. 5-1989]**
Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:

- (1) Minimum lot size (sewered and non-sewered areas), all uses: forty thousand (40,000) square feet.
- (2) Maximum lot coverage (sewered and non-sewered areas), all uses: twenty-five percent (25%).
- (3) Minimum street frontage (sewered and non-sewered areas), all uses: two hundred (200) feet.
- (5) Front yard setback minimum (sewered and non-sewered areas), all uses: seventy-five (75) feet.
- (6) Side yard setback minimum (sewered and non-sewered areas), all uses: twenty-five (25) feet.
- (7) Rear yard setback minimum (sewered and non-sewered areas), all uses: twenty-five (25) feet.
- (7) Parking setback standards (sewered and non-sewered areas). **[Amended 6-6-1989 by L.L. No. 4-1989]**
 - (a) Front yard, all uses: twenty-five (25) feet.
 - (b) Side yard, all uses: fifteen (15) feet.
 - (c) Rear yard, all uses: fifteen (15) feet.
- (8) Building height maximum (sewered and non-sewered areas).
 - (a) All principal uses: forty-five (45) feet.
 - (b) All accessory buildings: fifteen (15) feet.
- (9) Parking requirements (sewered and non-sewered areas): see Article V.
- (10) Buffer strip width (sewered and non-sewered areas): one hundred fifty (150) feet; see § 145-24.

F. **[Added 10-18-1988 by L.L. No. 5-1988; Amended 6-6-1989 by L.L. No. 5-1989]** Non-sewered areas. In every case where a lot is not provided with disposal of sanitary wastes by means of public sewer, use of such lot shall, in addition to all other requirements under this chapter [including but not limited to the dimensions requirements set forth in Subsection E above and the requirements of § 145-57C(2)], be subject to the following additional provisions and requirements:

- (1) Any private sewage disposal system installed or to be installed on such lot shall meet in all respects the following minimum separation distances:

(See next page)

¹⁸Editor's note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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Separation Distance (feet) from:

	Septic Tank	Leaching Beds	Seepage Pits	Sewer Line
Drilled well, public	100	200	200	50(a)
Drilled well, private	50	100	100	50(a)
Dug well	75	150	150	50(a)
Water line (pressure)	10	10	10	10(b)
Water line (suction)	50	100	150	50(a)
Foundation	10	20	20	--
Surface water	50	100	100	25
Open drainage	25	35	35	25
Culvert (tight pipe)	25	35	35	10
Culvert opening	25	50	50	25
Catch basin	25	50	50	--
Interceptor drain	25	35(c)	35(c)	25
Swimming pool, in-ground	20	35	50	10
Reservoir	50	100	100	50
Property line	25(d)	25(d)	25(d)	25(d)
Top of embankment or Steep slope	25	25	25	25

NOTES:

- (a) Twenty-five (25) feet if cast-iron pipe
 - (b) Water (pressure) and sewer lines may be in the same trench if water line is placed on an undisturbed bench or shelf so that the bottom of the water main is at least twelve (12) inches higher than the top of the sewer and the sewer is not subject to settling, vibration, superimposed loads or frost action.
 - (c) If bottom of drain is above finished grade at leaching facility; otherwise fifty (50) feet.
 - (d) Except seventy-five (75) feet from front property line (road right-of-way), and one hundred fifty (150) feet from any property line abutting a residential district.
- (2) A second area on such lot shall be reserved for installation of a replacement private sewage disposal system, such reserved area to meet all of the minimum separation distances set forth in Subsection F(1) above. Until such time as such lot is served by public sewer, such reserved area shall remain unused for any purpose other than the installation of a replacement private sewage disposal system.
 - (3) Any and all areas used or intended to be used for installation of a private sewage disposal system and/or replacement private sewage disposal system shall be located on such lot so that each such area used or intended to be used for installation of a private sewage disposal system complies with any and all minimum setback requirements set forth in Subsection E above.
 - (4) Until such time as such lot is served by public sewer, any and all areas used or intended to be used for installation of a private sewage disposal system and/or replacement private sewage disposal system shall be used solely for such purpose and

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all other uses (including but not limited to parking) shall be prohibited. Installation of any private sewage disposal system (on the primary site on such lot and/or on the reserved site for a replacement system) shall require a Special Permit therefor under § 145-59, the issuance thereof being subject to the general conditions set forth in § 145-59E. For the purposes of determining compliance with § 145-59E(6) (water and sewerage or waste disposal facilities are adequate;), the applicant shall submit as part of his, her or its application projected flow rates for the proposed private sewage disposal system. The Planning Board shall determine the compliance of such proposed private sewage disposal system with the requirements of § 145-59E(6) in accordance with generally accepted and established standards, including but not limited to the standards set forth in the following manuals and/or any other available manuals and reference materials:

- (a) New York State Department of Health Manual; Waste Treatment Handbook, Individual Household Systems.
- (b) New York State Environmental Conservation Publication - Standards for Waste Treatment Works - Institutional and Commercial Sewage Facilities.

§ 145-45. Research District (RSH).

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village where research and other specialized uses of a similar educational nature are appropriate and to protect the value of these areas by discouraging incompatible development and small lot subdivisions that will reduce the efficient use of land for research.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Utility service underground.
 - (2) Natural parks.
 - (3) Alteration to building or improved site or change in use that does not result in change in applicable parking space requirements. [**Added 10-16-2000 by L.L. No. 5-2000**]
 - (4) Temporary Non-Commercial Activities. [**Added 10-17-2011 by L.L. No. 7-2011**]
- C. Permitted uses with additional conditions (see section 145-58) Permitted uses with additional conditions: [**Amended 2-1-2016; by L.L. No. 1-2016**]
 - (1) Temporary Commercial Activities. (see subsection C under §145-58) [**Amended 10-17-2011 by L.L. No. 7-2011**]
 - (2) Employee cafeteria food and beverage. [**Added 2-1-2016; by L.L. No. 1-2016**]
- D. Permitted with Special Permit:
 - (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Research/design/prototype production.
 - (c) Alteration to building or improved site or change in use that results in change in applicable parking space requirements. [**Added 10-16-00 by L.L. No. 5-2000**]
- E. Dimensions: lot, yard, building and parking requirements. Lot, yard, building and parking requirements shall be as follows:
 - (1) Minimum lot size, all uses: forty thousand (40,000) square feet.
 - (2) Maximum lot coverage, all uses: twenty-five percent (25%).
 - (3) Minimum street frontage, all uses: two hundred (200) feet.
 - (4) Front yard setback minimum, all uses: seventy-five (75) feet.
 - (5) Side yard setback minimum, all uses: twenty-five (25) feet.
 - (6) Rear yard setback minimum, all uses: twenty-five (25) feet.

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- (7) Parking setback standards.¹⁹
 - (a) Front yard, all uses: twenty-five (25) feet.
 - (b) Side yard, all uses: fifteen (15) feet.
 - (c) Rear yard, all uses: fifteen (15) feet.
- (8) Building height maximum.
 - (a) All principal uses: forty-five (45) feet.
 - (b) All accessory buildings: fifteen (15) feet.
- (9) Parking requirements: see Article V.
- (10) Buffer strip width: seventy-five (75) feet; see § 145-24.

§ 145-46. Human Health Services District (HHSD). [Added 12-15-1993 by L.L. No. 15-1993]

- A. Intent. The legislative intent of this section is to define and establish standard regulations for the Village in areas where facilities related to the provision of human health services are the desired land use; where public utilities to serve such facilities are available; where both residential and other forms of nonresidential use would be less desirable than use for provision of human health services; and where convenience of location and ease of access render such areas most efficiently used for such purposes of provision of human health services.
- B. Permitted uses. Permitted uses shall be as follows:
 - (1) Utility service underground.
 - (2) Natural parks.
 - (3) Alteration to building or improved site or change in use that does not result in change in applicable parking space requirements. **[Added 10-16-2000 by L.L. No. 5-2000]**
 - (4) Temporary Non-Commercial Activities. **[Added 10-17-2011 by L.L. No. 7-2011]**
- C. Permitted uses with additional conditions (see section 145-58) Permitted uses with additional conditions: **[Added 10-17-2011 by L.L. No. 7-2011; Amended 2-1-2016; by L.L. No. 1-2016]**
 - (1) Temporary Commercial Activities. (see subsection C under §145-58). **[Added 10-17-2011 by L.L. No. 7-2011]**
 - (2) Employee cafeteria food and beverage. **[Added 2-1-2016; by L.L. No. 1-2016]**
- D. Permitted with Special Permit. Uses permitted with a Special Permit shall be as follows: **[Amended 2-1-2016; by L.L. No. 1-2016]**
 - (1) General conditions.
 - (a) Utility transmission/storage/plants.
 - (b) Offices of health care professionals currently holding valid licenses from the State of New York, provided that such health care professionals serve human, rather than animal, health needs. For the purposes of this § 145-46, the term "health care professionals" shall be defined as including all licensed health care practitioners, as such term is used in § 18 of the Public Health Law of New York State, referencing Articles 131 (medicine), 131-B (physician's assistants and specialist's assistants), 132 (chiropractic), 133 (dentistry and dental hygiene), 136 (physical therapy and physical therapist assistants), 139

¹⁹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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(nursing), 141 (podiatry), 143 (optometry), 153 (psychology), 154 (social work), 156 (occupational therapy) and 159 (speech-language pathologists and audiologists) of the Education Law of the State of New York and § 2560 (midwives) of the Public Health Law of the State of New York, but excluding those persons referenced in Article 144 (ophthalmic dispensing) of the Education Law of the State of New York.

- (c) Hospital.
 - (d) Clinic.
 - (e) Medical laboratories.
 - (f) Offices of licensed acupuncturists, and offices of nutritionists who are not representatives of any commercial weight loss program.
 - (g) Alteration to building or improved site or change in use that results in change in applicable parking space requirements. **[Added 10-16-2000 by L.L. No. 5-2000]**
- (2) General and additional conditions for certain special permits (see section 145-60): **[Amended 2-1-2016; by L.L. No. 1-2016]**
- (a) Pharmacies, provided that such pharmacies offer for sale nothing other than prescription drugs, and/or offer for sale or rental physician-prescribed medical devices and aids such as wheelchairs, crutches and/or hospital beds, and provided that such pharmacy has on premises during all hours of operation a licensed pharmacist.
 - (b) Assisted living facility.
 - (c) Special care facility.
- E. Dimensions: lot, yard, building, parking and buffer strip requirements. Refer to all requirements of § 145-42E, (Commercial Low Traffic District dimensions) and § 145-24B (Commercial Low Traffic District buffer strip dimensions). **[Amended 4-17-2006 by L.L. No. 3-2006]**
- F. Non-sewered areas. Refer to § 145-42F, Commercial Low Traffic District non-sewered areas.
- G. Additional requirements. Refer to § 145-42G, Commercial Low Traffic District.
- H. Specifically excluded uses. Notwithstanding any term or provision of this § 145-46 that may be interpreted to the contrary, other than following receipt of a use variance in accordance with all applicable provisions of this zoning chapter and of the laws of the State of New York, no land within the HHSD may be used as a location of insurance offices, insurance agencies or insurance brokerage firms; as general, over-the-counter drugstores or other retail stores, other than pharmacies as expressly conditioned in Subsection D(2)(a) above; gyms, spas, health or exercise clubs; commercial weight loss programs; opticians or optical stores; nursing homes; veterinary offices; beauticians, barbers, hair dressers or hair stylists; or any other non-health-related services.

§ 145-47. Flood Hazard Combining District (FHC). [Amended 5-19-2008 by L.L. No. 2-2008]

- A. Intent. The legislative intent of this section is to establish a combining district which combines with and adds to the regulations of the basic districts to protect the health, safety and welfare of the inhabitants of the Village from the unpredictable hazards of possible flooding, including the protection of persons and property, the preservation

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of water quality and the minimizing of expenditures for relief, insurance and flood control projects by requiring special floodproofing measures to be taken when building in the Flood Hazard Combining District. The provisions of this section take precedence over any other zoning section, law or code to the extent that the provisions of this section are inconsistent with the other provisions.

- B. Permitted uses: Special Permit required (see §145-59). All construction shall be in accordance with Chapter 78 (entitled “Flood Damage Prevention Law”) of the Village of Lansing Code. Boundaries: see Zoning Map.²⁰
- C. Boundaries: See Chapter 78 (entitled “Flood Damage Prevention Law”) of the Village of Lansing Code and the Flood Insurance Rate Map (FIRM) referred to in such Chapter 78 of the Village of Lansing Code.

§ 145-48. Conservation Combining District (CC). [Amended 5-20-1996 by L.L. No. 1-1996]

- A. Intent. The legislative intent of this section is to establish a combining district which combines with and adds to the regulations of the basic districts to protect fragile natural areas, including wildlife habitat, the lakeshore, certain natural drainageways and steep slopes, where changes and/or development would be adverse to the environment, community values, public health, safety and general welfare of the Village. The provisions of this section take precedence over any other zoning section, law or code to the extent that the provisions of this section are inconsistent with the other provisions.
- B. All uses in the Drainageway Conservation Combining District, the Steep Slope Conservation Combining District, and the Unique Natural Area Conservation Combining District require a Special Permit and an environmental review. Development is prohibited on slopes of greater than twenty-five (25%) percent unless the applicant can demonstrate through engineering studies and to the satisfaction of the Planning Board that the proposed development will cause no adverse environmental impact that will not be satisfactorily mitigated.
- C. Dimensions and boundaries: see Zoning Map.
 - (1) The Drainageway Conservation Combining District is extended along the course of all streams which are shown on the Village’s Zoning Map, as well as all streams that the Planning Board, in reviewing the subject property, determines cross the property and are subject to these regulations, including a distance up to two hundred (200) feet on each side of the thread of the stream. All drainageways not specifically included in the Drainageway Conservation Combining Districts must be protected from alteration in accordance with Section 145-25.
 - (2) The Steep Slope Conservation Combining District includes all lots (i) that contain slopes of greater than fifteen percent (15%) based upon a USGS DEM (digital elevation model) which interpolates values between 20’ contours calculated within a 33.3’ grid cell, and as delineated on the Zoning Map (the “Steep Slope Area”); and (ii) upon which disturbance(s) are proposed to be located within fifty (50) feet of the outer extremity of the Steep Slope Area and/or where disturbance(s) may negatively impact the lot in question regardless of distance, as determined by the Village Zoning and Code Officer.

²⁰Editor's Note: The Zoning Map is included at the end of this chapter.

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[Amended 7-02-2007 by L.L. No. 3-2007; Amended 2-1-2016; by L.L. No. 1-2016]

- (3) The Unique Natural Area Conservation Combining District includes those lands in the Village of Lansing that are designated as Unique Natural Areas by the Tompkins County Environmental Management Council.

§ 145-49. Airport Combining District (AC). [Deleted 5-02-2005 by L.L. No. 2-2005]

§ 145-50. Farm and Craft Market Combining District (FCMC). [Added 2-1-1993 by L.L. No. 4-1993]

- A. Intent. The legislative intent of this section is to establish a combining district which combines with and adds to the regulations of the basic districts, in the interests of the public health, safety and general welfare in the Village, to permit home occupations with advertising signs and yard displays, regulated in accordance with the terms of this zoning chapter and Chapter 115, Signs, of the Code of the Village of Lansing, in areas of the Village where these operations are compatible with the character of the neighborhoods in which they are located and where traffic conditions are such that these operations shall not constitute a hazard to the public.
- B. Permitted uses: uses permitted in the basic district in accordance with Article IV and all other applicable terms of this zoning chapter, as well as uses permitted in accordance with a Special Permit issued for a home occupation with an advertising sign and/or yard display as provided in § 145-60D.
- C. Dimensions and boundaries: see Zoning Map.²¹ The Farm and Craft Market Combining District shall exist along both sides of Route 34 in the northernmost section of the Village, within the area defined as such on the Zoning Map. Home occupations with advertising signs and yard displays, as limited by the terms of § 145-60D of this chapter, shall be permitted only in locations where there exists, as determined by the Planning Board during the annual process of reviewing the Special Permit application for such home occupations, sufficient visibility, sufficient shoulder width and sufficient distance from major intersections such that the operation of the roadside business, and the parking of customers' automobiles at the business, does not constitute a traffic hazard to the public or a hazard to customers of the business and operation of the home occupation is maintained in accordance with all terms of § 145-83A of this zoning chapter. Any Special Permit issued for a home occupation with advertising signage and/or yard displays in the Farm and Craft Market Combining District in accordance with this § 145-50 and § 145-60D(2) hereinafter shall have a term of one (1) year from the date of issuance. Such Special Permit shall be renewable annually upon satisfactory review by the Planning Board of all applicable Special Permit conditions, including those factors identified above, subsequent to receipt by the Planning Board of a written report from the Code Enforcement Officer of his or her inspection of the subject site within ninety (90) days preceding renewal.

²¹Editor's Note: The Zoning Map is included at the end of this chapter.

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ARTICLE V Off-Street Parking

§ 145-51. Basic requirements and specifications.

- A. Off-street parking and loading must be provided as specified in this section and must be paved or graveled, drained, maintained and provided with necessary access driveways. All parking is required to be on the lot on which it relates, unless otherwise stated, and must not therefore be encroached upon in any manner by non-parking uses. Open parking areas for five (5) cars or more must be landscaped and screened from adjoining streets, subject to approval by the Planning Board (see section 145-54 for number of parking spaces required). **[Amended 2-1-2016; by L.L. No. 1-2016]**
- B. An off-street parking space shall be at least nine (9) feet wide and eighteen (18) feet long. Drive lanes within or accessing parking lots shall be at least twenty-four (24) wide where intended for two way traffic and twelve (12) feet wide where intended for one way traffic. **[Added 2-1-2016; by L.L. No. 1-2016]**

§ 145-52. Loading space.

Loading space must be adequate for the proposed use and must not encroach upon public access or parking spaces.

§ 145-53. Traffic control.

Traffic patterns in CHT, CLT, BTM and RSH districts must be clearly indicated with direction signs and traffic islands; parking spaces, fire lanes and pedestrian walkways and pickup points must be delineated by surface markings, signs, abutments or other methods sufficient to control traffic and parking and to ensure the safety of the citizens.

§ 145-54. Number of parking spaces required. **[Amended 2-1-2016; by L.L. No. 1-2016]**

All uses permitted by this chapter must provide adequate off-street parking, and for those uses included in the following schedule, in at least the amount specified. The maximum allowable must not exceed twenty percent (20%) more than the specified amounts. In the case of mixed use of a building or property, the space requirements must be computed for each use and the total requirements for all uses must be provided in accordance with this section.

- A. Religious facility: one (1) parking space for each four (4) seats.
- B. One- and Two-Family Residential Buildings: parking spaces for each dwelling unit shall be adequate for the number of vehicles using that dwelling unit.
- C. Other Residential Buildings (such as multifamily residential, assisted living facility, group residential): one and one half (1 ½) spaces per dwelling unit.
- D. Outdoor recreation/club and parks: one (1) parking space for each five thousand (5,000) square feet of open space area or major fraction thereof, up to ten (10) spaces, and thereafter one (1) space for each ten thousand (10,000) square feet or major fraction thereof.

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- E. Indoor recreation/club: one (1) parking space for each two hundred (200) square feet of gross floor area except for bowling alleys and tennis courts, which require four (4) parking spaces for each alley or court.
- F. Office/studio/service: one (1) parking space for each two hundred (200) square feet of gross floor area except for
 - (a) offices of doctors, dentists, physical therapists and veterinarians, and similar medical service providers, which require (i) four (4) parking spaces for each doctor, dentist, dentist, physical therapist, veterinarian and other similar medical service providers, and (ii) one parking space for each office employee. **[Amended 9-10-2003 by L.L. No. 3-2003 and 2-6-2006 by L.L. No. 2-2006]**; and
 - (b) barbers, beauty shops, spas and related uses, which require two and one-half (2 ½) spaces for each work station (rounded to the next highest number). **[Amended 2-6-2006 by L.L. No. 2-2006]**
- G. Undertaking: one (1) parking space for each fifty (50) square feet of gross floor area and sufficient area for off-street marshaling of funeral processions.
- H. Motel/hotel: one and one-fourth (1 ¼) parking spaces for each room let for rent.
- I. Sales/repair/maintenance: One (1) parking space for each three hundred (300) square feet of gross floor area except for drive-in/drive-through facilities such as ice cream stands, banks, etc. for which parking and driveway areas must be shown to be adequate for the proposed use, such adequacy being of primary importance where the possibility of impeded traffic flow on a main thoroughfare exists. **[Amended 9-10-2003 by L.L. No. 3-2003]**
- J. Small scale sales: One (1) parking space for each three hundred (300) square feet of gross floor area except for drive-in/drive-through facilities such as ice cream stands, banks, etc. for which parking and driveway areas must be shown to be adequate for the proposed use, such adequacy being of primary importance where the possibility of impeded traffic flow on a main thoroughfare exists.
- K. Theaters: one (1) parking space for each four (4) seats.
- L. Government buildings, museum/public buildings, hospital/clinics, construction sales/storage, large equipment, automotive sales/service/lots, warehousing/storage, and any other uses not listed in subsections (A) through (K) above. Parking and driveway areas must be shown to be adequate for the proposed use as determined by the Village of Lansing Planning Board. Such adequacy must be of primary importance where the possibility of impeded traffic flow on a main thoroughfare exists.²² **[Amended 10-16-2000 by L.L. No. 5-2000]** In order to satisfy the requirement for adequate parking on the parcel, the developer must establish to the satisfaction of the Planning Board, and show on the site plan for the development, the location(s) in which up to fifty percent (50%) additional parking spaces can be developed in the event that the number of parking spaces to be currently developed proves inadequate for either the proposed use or a change in use in the future. The terms of § 145-55, “Reduced Number of Parking Spaces”, below shall not

²²Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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be applicable in the case of any use listed in this subsection J. **[Added 6-18-01 by L.L. No. 3-2001]**

M. Low Traffic Food and Beverage.

- (1) Restaurant without bar: One (1) parking space for each one hundred (100) square feet of gross floor space
- (2) Restaurant with bar: Two (2) parking spaces for each one hundred (100) square feet of gross floor space

N. High Traffic Food and Beverage.

- (1) Bar or tavern: Two (2) parking spaces for each one hundred (100) feet of gross floor area.
- (2) Restaurant (with or without bar) with drive-in/drive-through and/or carry-out service; bar or tavern with carry-out service; exclusively drive-in/drive-through, carry-out and/or similar services: parking and driveway areas must be shown to be adequate for the proposed use, such adequacy being of primary importance where the possibility of impeded traffic flow on a main thoroughfare exists.

O. Low Impact Technology.

- (1) One (1) parking space for each three hundred (300) square feet of gross floor area. **[Subsections M, N and O Added 9-10-2003 by L.L. No. 3-2003]**

§ 145-55. Reduced number of parking spaces required. [Added 9-5-1989 by L.L. No. 6-1989; Amended 6-18-01 by L.L. No. 3-2001²³]

- A. As part of any Special Permit application, the applicant therefor may request as part of such application, a waiver of the minimum specified number of parking spaces as set forth in § 145-54 of this chapter.
- B. In such event, if the Planning Board or Board of Trustees, whichever shall have jurisdiction, finds as part of such Special Permit application that due to the special circumstances of such Special Permit application, the minimum specified number of parking spaces required as set forth in § 145-54 are not required in the interests of public health, safety and general welfare or are inappropriate because of the particular nature of the plans for which such Special Permit is being sought, the Planning Board or Board of Trustees, as the case may be, may as part of its approval of the Special Permit application reduce the minimum specified number of parking spaces otherwise required pursuant to § 145-54 to be constructed currently in connection with the proposed development by such amount as such Board determines, in its discretion, shall be appropriate considering the use intended for the property that is the subject of the Special Permit application, and such other features of the proposed development as such Board deems relevant. Any such reduction shall be subject to § 145-59 of this Law governing the issuance of Special Permits, and any and all subsections contained therein, with respect to the requirement of specific conditions and measures which may be imposed by the Planning Board or the Board of Trustees within their respective jurisdictions. **[Amended 6-18-01 by L.L. No. 3-2001]**
- C. In addition thereto, any such reduction in the minimum specified number of parking spaces may be made subject to additional appropriate conditions, including the reservation of land areas on the site for which Special Permit is being sought for

²³Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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future use as additional parking spaces which parking spaces, when added to the reduced number of parking spaces which may be approved pursuant to this § 145-55, will equal the minimum specified number of parking spaces required pursuant to § 145-55.

- D. Any such reduction in the minimum specified number of parking spaces shall also include as a condition thereof the procedure for determining the necessity of using some or all of any such reserved land areas for additional parking spaces and any time requirements therefor. Upon any change in use and/or occupancy of the improvements for which such off-street parking spaces are required, the owner of the property upon which such improvements are situated shall notify the Village Zoning Officer, whereupon any previously granted reduction in the minimum specified number of parking spaces granted under this § 145-55 shall be subject to further review and revision. Such further review and revision shall follow the procedure set forth in this Law for a Special permit application.
- E. Under all circumstances, the granting of a reduction in the minimum specified number of parking spaces as required pursuant to § 145-54 shall not be approved if such action has the effect of nullifying the intent and purpose of the Village General Plan or other provisions of this Zoning Law. Any permit and/or certificates of compliance issued by the Village covering the property and/or improvements for which the off-street parking reduction has been granted shall contain a notation to the effect that such premises are subject to the off-street parking waiver granted under this section and any conditions related thereto.

ARTICLE VI Permits

§ 145-56. Applicability.

- A. When required. A building/land use permit or Special Permit is required for: erecting, moving or structurally altering a building or structure; changing the category of use of a building; excavating; site improvements; and changing the category of use of land.²⁴
- B. Environmental review. An environmental review may be required.²⁵
- C. Exemptions. Notwithstanding the above, no permit is required for normal maintenance and repair work, for painting, interior decoration, landscaping, removal of dead or diseased trees, nor, in residential districts, for storage of travel trailers, snowmobiles, boats and similar objects.

§ 145-57. Procedures and fees.

- A. Application and issuance.
 - (1) Application for building/land use permits or Special Permits must be made to the Zoning Officer and such permits may be issued by the Zoning Officer, as required by the provisions of this chapter, after a review of the work proposed.
 - (2) In the case of a building/land use permit to be issued for work at a site that is not directly accessible from a public road, the Code Enforcement Officer

²⁴Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁵Editor's Note: Amended at time of adoption of Code; see Ch.1, General Provisions, Art. I.

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shall have the authority to have typed or printed on such permit the following language: "Please note that the site to which this permit refers is not directly accessible from any public road. Therefore, unless and until the Village of Lansing has accepted dedication of a road providing direct access to such parcel as a public road, and satisfactory title to such road has been conveyed to the Village, the Village of Lansing shall not be responsible for the maintenance, repair or completion of any such road." **[Added 3-19-1991 by L.L. No. 7-1991]**

- B. Variance appeals. Where the proposed construction, alteration or use of building or use of land is in violation of any of the provisions of this chapter, an appeal may be made where authorized. After an appeal has been made, and the Board of Zoning Appeals has acted in accordance with §§ 145-72 through 145-75 of this chapter, where it is appropriate:
- (1) The building/land use permit may be issued subsequent to a written decision of the Board of Zoning Appeals to grant the variance; or
 - (2) Special Permit procedures may be instituted (see § 145-59) subsequent to a written decision of the Board of Zoning Appeals to grant the variance.
- C. Application material. Every application for a building/land use permit or Special Permit shall be made by the owner of the property for which such permit is sought or by the designated agent of such owner. Under any and all circumstances, if the owner is not a resident of Tompkins County, the owner must designate a resident of Tompkins County as the designated and lawful agent of the owner. Every application must state the full name and address of the owner and shall provide permission to all authorized personnel of the Village (including but not limited to its Zoning Officer and Code Enforcement Officer) to enter upon the property for which the permit is sought in conjunction with the approval process for such permit and the supervision of all work performed pursuant to such permit. Where such application is made by a person other than the owner, such application shall be accompanied by an affidavit of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application. Such affidavit shall further contain a statement that the owner authorizes the applicant to permit all authorized personnel of the Village of Lansing (including but not limited to its Zoning Officer and Code Enforcement Officer) to enter upon the property for which the permit is sought in conjunction with the approval process for such permit and the supervision of all work performed pursuant to such permit. **[Amended 4-17-1990 by L.L. No. 5-1990]**
- (1) Plans.
 - (a) The application must be accompanied by plans in triplicate, showing the actual shape, dimensions and location of the lot to be built upon or to be changed in its use, in whole or in part. Such plans must be drawn to scale unless an exemption is made by the Zoning Officer. All dimensions related to the location and size of the lot must be based on actual survey.
 - (b) In addition, the plans must show:
 - [1] The exact location, size and height of every existing building or structure and of any building or structure to be erected or altered.
 - [2] In the case of a proposed new building or structure or proposed alteration of any existing building or structure as would substantially alter its appearance, drawings or sketches showing

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the affected front, sides and/or rear elevations of the proposed building or structure as it will appear after the work for which the permit is sought has been completed.

- [3] The existing use of each building or structure or part thereof.
 - [4] The proposed use of each building or structure or part thereof.
 - [5] The number of rooming units or dwelling units, or the capacity of group residential facilities the building contains.
 - [6] When no buildings are involved, the location of the present use and proposed use to be made of the lot.
 - [7] Designation of any deed or deeds pertaining to the lot.
 - [8] The location and establishment of any drainageways.
 - [9] Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter.
- (2) Certificate of utility approval. **[Amended 4-17-1990 by L.L. No. 5-1990]**
- (a) In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary waste by means of public sewer, the application must be accompanied by a copy of an application to the Tompkins County Health Department for approval of the proposed method of water supply and/or disposal of sanitary waste in conformance with Village specifications and regulations. In the event that a certificate of approval by the Tompkins County Health Department has not been issued at the time final approval of the building/land use permit or Special Permit is granted by the appropriate Village Board or official, such approval shall be made contingent upon receipt by the Village of such certificate of approval from the Tompkins County Health Department. No building/land use permit or Special Permit shall be issued by the Village until such time as the Village has received a copy of such certificate of approval by the Tompkins County Health Department.
 - (b) In every case where the lot is proposed to be provided with public water supply and/or the disposal of sanitary waste by means of public sewers, the application must be approved by the Zoning Officer as to compliance with Village specifications and regulations.
- (3) Notice of Ground Disturbance pursuant to Chapter 124 of the Village Code-Village of Lansing Stormwater Management, Erosion and Sediment Control Law and such additional documents as are required to comply with such Law. **[Amended 12-17-2007 by L.L. No. 12-2007]**
- D. Fees for building/land use or Special Permits. **[Amended 2-21-1989 by L.L. No. 1-1989; 1-8-1991 by L.L. No. 1-1991; 5-19-2003 by L.L. No. 1-2003]**
- (1) Residential building. At the time of submission of an application for a building/land use or Special Permit for a residential building or structure, the applicant must deliver to the Village a fee determined as follows:
 - (a) For each one-unit or two-unit residential building:
 - [1] One-unit building: eight hundred dollars (\$800.00)
 - [2] Two-unit building: one thousand two hundred dollars (\$1,200) **[Amended 5-06-2019 by L.L. No. 4-2019]**

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- (b) For each accessory building to residential building [maximum area of two hundred (200) square feet, maximum height of 15 feet]: fifty dollars (\$50.) basic fee plus two dollars (\$2.) per one thousand dollars (\$1,000.) of estimated cost.
 - (c) For any multiunit residential building: one hundred dollars (\$100.) basic fee plus four dollars (\$4.) per one thousand dollars (\$1,000.) of estimated cost.
 - (d) For any repairs, alterations or additions to the:
 - [1] Principal building: fifty dollars (\$50.) basic fee plus two dollars (\$2.) per one thousand dollars (\$1,000.) of estimated cost
 - [2] Accessory building: fifty dollars (50.) basic fee plus two dollars (\$2.) per one thousand dollars (\$1,000.) of estimated cost.
 - (e) For any demolition: one dollar (\$1.) per estimated one thousand dollars (\$1,000.) cost, with minimum of fifty dollars (\$50.)
 - (f) For any site improvements or change in use of land: fifty dollars (\$50.) basic fee plus two dollars (\$2.) per one thousand dollars (\$1,000.) of estimated cost.
 - (g) For a change in category of use of building: fifty dollars (\$50.).
- (2) Nonresidential buildings. At the time of submission of any application for a building/land use or Special Permit for a nonresidential building or structure, the applicant must deliver to the Village a fee determined as follows:
- (a) For each principal building of nonresidential occupancy: two hundred dollars (\$200.) basic fee plus four dollars (\$4.) per one thousand dollars (\$1,000.) of estimated cost.
 - (b) For each accessory building to nonresidential occupancy [maximum area of two hundred (200) square feet, maximum height of fifteen (15) feet]: two hundred dollars (\$200.) basic fee plus four dollars (\$4.) per one thousand dollars (\$1,000.) of estimated cost.
 - (c) For any repairs, alterations or additions: one hundred dollars (\$100.) basic fee plus four dollars (\$4.) per one thousand dollars (\$1,000.) of estimated cost.
 - (d) For any demolition: one dollar (\$1.) per estimated one thousand dollars (\$1,000) cost, with minimum of fifty dollars (\$50.).
 - (e) For any site improvement or change in use of land: one hundred dollars (\$100.) basic fee plus four dollars (\$4.) per one thousand dollars (\$1,000) of estimated cost.
 - (f) For a change in category of use of building: fifty dollars (\$50.).
 - (g) For a change in nonresidential occupancy: fifty dollars (\$50.).
- (3) No application may be processed until such time as the Village has received payment in full of the required fee, as calculated in accordance with this § 145-57D.
- (4) For any building occupied in part for residential use and in part for nonresidential use, the required fee shall equal the higher of the residential or the nonresidential fees, as calculated above, plus one hundred dollars (\$100.).

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- (5) No fee shall be required for a certificate of registered nonconformance. [Amended 12-2-1996 by L.L. No. 3-1996²⁶]
- (6) Special Permit review fees for large-scale development. [Added 10-16-1995 by L.L. No. 6-1995]²⁷
- (a) In the case of any application for a Special Permit for the development or construction of a nonresidential building, structure or improvement in connection with which the lead agency responsible for the State Environmental Quality Review Act (SEQRA) for said Special Permit application determines that an environmental impact statement under SEQRA shall be required, the applicant shall comply with the following requirements. Prior to completion of the first draft of the required environmental impact statement, the applicant shall deliver to the Village a sum of money equal to one percent (1%) of the estimated cost of construction, which funds shall be held by the Village in escrow and disbursed in accordance with the hereinafter requirements. This sum shall be in addition to, and not in lieu of, all other fees required to be delivered to the Village by the applicant in accordance with the foregoing terms of this § 145-57D. The initial draft of the environmental impact statement shall not be deemed to be complete until said funds have been delivered to the Village in escrow.
- (b) In the course of the Village's review of the Special Permit application, if the Village incurs expenses, costs or charges necessary for the review of and decision making upon the Special Permit application that total in excess of two thousand five hundred dollars (\$2,500.), the Village shall pay such expenses out of the escrowed funds. In any event that, as a result of the Village's use of the escrowed funds to pay such expenses, the escrowed funds drop below two thousand five hundred dollars (\$2,500.) prior to approval of the Special Permit, the applicant shall replenish the escrow account to the amount originally established.
- (c) The Village shall be under no obligation to render a final decision concerning the issuance or denial of the Special Permit application unless and until the fees and expenses of the Village to be paid from the escrowed funds, in accordance with the terms of this § 145-57D, have been delivered by the applicant. During any period in which the Village has not received such funds from the applicant, the Special Permit application shall be deemed to be incomplete, and all time periods that would otherwise run shall be tolled, notwithstanding that all other aspects of the Special Permit application may be complete.
- (d) The fees and expenses of the Village that shall be paid from these escrowed funds shall include, but shall not be limited to, the actual cost to the Village for engineering, legal, environmental and other consultant's review, analysis and reports, including, but not limited to, the preparation of environmental impact statements and the reports and studies necessary for the same, such as traffic impact studies, as well as the costs of all inspections, data collection and research necessary for the completion of the Village's Special Permit review process and the

²⁶Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁷Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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SEQRA process required in connection therewith²⁸. Also included in such expenses shall be the actual expenses incurred by the Village in advertising hearings and in recording the hearings as well as document recording fees necessary in connection with the Special Permit approval.

- (e) In the event that, upon a final decision on the Special Permit application having been made, any balance remaining in the escrow fund with the Village, the Village shall promptly return to the applicant all such remaining fees.²⁹ Notwithstanding any of the terms or conditions of this Subsection D(6), the Village shall be under no obligation to return to the applicant any portion of other fees required to be delivered by the applicant to the Village in accordance with the terms of this § 145-57D other than the fees required in accordance with the terms of this Subsection D(6), which other fees shall be applied to the Village's general and regular costs of processing the Special Permit application.
- (7) For a Special Permit for a Home Occupation, a fee of thirty dollars (\$30.) shall be paid by the applicant at the time of the application. **[Added 12-2-1996 by L.L. No. 3-1996]**
- (8) For temporary commercial activities, a fee of fifty dollars (\$50.) shall be paid by the applicant at the time of application. **[Added 5-19-2003 by L.L. No. 1-2003]**
- E. Routing. **[Amended 4-17-1990 by L.L. No. 5-1990]**
 - (1) One (1) copy of a building/land use permit application and plans must be forwarded to the Planning Board when such application has been approved or denied by the Zoning Officer. For any buildings or uses requiring Special Permit procedures, one (1) copy of the application and plans submitted in conjunction with the required Special Permit shall be forwarded to the Planning Board, one (1) copy to the Board of Trustees, one (1) copy to the Village Engineer and one (1) copy to the Village Code Enforcement Officer. For any buildings or uses requiring Special Permit procedures, no Special Permit shall be approved until such time as the Planning Board or Board of Trustees, whichever Board shall be responsible for the approval of such Special Permit, has received written recommendations from the Village Engineer and Village Code Enforcement Officer as to the compliance of the proposed buildings and/or uses with the general conditions required for all Special Permits as set forth in § 145-59E of this chapter. Failure of the Village Engineer or Village Code Enforcement Officer to submit his or her respective written recommendation within thirty (30) days of the submission of such application and plans to such Village Engineer or Village Code Enforcement Officer shall be deemed to be a favorable recommendation from said Village Engineer or Village Code Enforcement Officer for the purposes of this § 145-57E(1).
 - (2) If in the case of an application for any buildings or uses requiring Special Permit procedures as set forth in § 145-59, the Planning Board or Board of Trustees (whichever Board shall be responsible for approval of such Special Permit) is prepared to approve such Special Permit but, at such time, the

²⁸Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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Village Engineer and Village Code Enforcement Officer have not completed their required review of the drawings, plans, specifications and other construction documents submitted in conjunction with such application to confirm the compliance of all such materials with any and all applicable local laws and Fire Prevention and Building Code³⁰ requirements, such Board may approve such Special Permit contingent upon the foregoing final approval by the Village Engineer and Village Code Enforcement Officer of such drawings, plans, specifications and other construction drawings.³¹ In such event, the Special Permit shall not be issued until such time as all such drawings, plans, specifications and other construction documents have been approved in final form by the Village Engineer and Village Code Enforcement Officer. If, during their respective review of such drawings, plans, specifications and other construction documents the Village Engineer or Village Code Enforcement Officer determines that such drawings, plans, specifications and/or construction documents reflect information materially inconsistent with the Special Permit application materials previously submitted to the Planning Board or Board of Trustees, such Village Engineer or Code Enforcement Officer may refer the question of any such inconsistencies back to the Board which may have approved such Special permit, in which case such Board shall be entitled to re-examine such Special Permit application and, if such Board deems it appropriate, to revoke or modify its prior approval of such Special permit. In such event, the referral of such matter back to the Board which may have granted Special permit approval may, at such Board's option be considered as a resubmission of such application, in which case such Board shall repeat all of the same Special Permit procedures set forth in § 145-59 of this chapter.

- F. Ground marking. The lot and the location of the building thereon must be staked out on the ground or the location otherwise indicated to the Zoning Officer before construction is started.
- G. Certificate of compliance for new or altered uses.
 - (1) At the time a building/land use permit or Special Permit is issued an application shall be made for a certificate of compliance. The certificate must be issued upon completion of all work done in conformance with the provisions of this chapter. No fee is required for a certificate of compliance.³²
 - (2) It is unlawful to use or occupy or 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 therefore by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this chapter.
 - (3) **[Amended 4-17-1990 by L.L. No. 7-1990; 1-8-1991 by L.L. No. 1-1991³³]**
A temporary certificate of compliance may be issued by the Code Enforcement Officer for a period not exceeding six (6) months during

³⁰Editor's Note: See Ch. 75, Fire Prevention and Building Construction.

³¹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³²Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³³Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such terms, conditions and safeguards as will protect the safety of the occupants and the public. No temporary certificate shall be issued unless and until the Village has received a performance guaranty in an amount approved by the Village Engineer or Code Enforcement Officer and in a form acceptable to the Village Attorney, provided that all improvements to be made by the applicant shall be made fully in compliance with this chapter and any other applicable law. Any applicant seeking such temporary certificate of compliance shall submit his written request therefor to the Zoning Officer reciting the reasons for which the applicant believes the issuance of a temporary certificate of compliance is appropriate and/or necessary, which written request shall be accompanied by a fee determined as described below. In the event that all improvements have not been completed to the satisfaction of the Code Enforcement Officer by the end of the six-month term of the temporary certificate of compliance, the applicant may submit a written request for a single, six-month extension of the temporary certificate of compliance, which request shall recite the reasons for which the applicant believes the extension of the temporary certificate is appropriate and/or necessary, and which written request shall be accompanied by a fee as described below:

- (a) For a residential building: fifty dollars (\$50.), plus one and one-fourth (1 1/4) multiplied by any fees or expenses incurred by the Village as a result of or in connection with the review, consideration, administration, analysis and granting or denial of the temporary certificate of compliance; such fees and expenses shall include, but shall not be limited to, any compensation payable by the Village for time devoted to the temporary certificate by the Village Code Enforcement Officer, the Village Attorney, the Village Engineer or any other employee of or consultant retained by the Village.
 - (b) For a nonresidential building: two hundred fifty dollars (\$250.), plus one and one-fourth (1 1/4) multiplied by any fees or expenses incurred by the Village as a result of or in connection with the review, consideration, administration, analysis and granting or denial of the temporary certificate of compliance; such fees and expenses shall include, but shall not be limited to, any compensation payable by the Village for time devoted to the temporary certificate by the Village Code Enforcement Officer, the Village Attorney, the Village Engineer or any other employee of or consultant retained by the Village.
 - (c) For extension of a temporary certificate for a residential building: fifty dollars (\$50.).
 - (d) For extension of a temporary certificate for a nonresidential building: two hundred fifty dollars (\$250.).
- (4) In the event that a certificate of compliance is to be issued for a structure constructed on a parcel of land which is not directly accessible from a road then owned by the Village or another governmental body and then in use as a public road, the Code Enforcement Officer shall have the authority to have typed or printed on the original certificate of compliance the following language: "Please note that the structure to which this certificate of

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compliance refers is located on a parcel of land which is not directly accessible from any public road. Therefore, unless and until the Village of Lansing has accepted dedication of a road providing direct access to such parcel as a public road, and satisfactory title to such road has been conveyed to the Village, the Village of Lansing shall not be responsible for the maintenance, repair or completion of any such road." In addition, in the event that a certificate of compliance is issued in regard to a structure constructed on a lot that does not have direct access from a public road, the owner of any private road providing access to such lot may be required, by resolution of the Board of Trustees, to erect, at such owner's expense, a sign, in form and substance satisfactory to the Board of Trustees, at each intersection in the Village of such private road with a public road, stating that the private road is not a public way, and/or deliver written notice to the occupants, residents, purchasers, tenants and subtenants of the structure to which the certificate of compliance applies, with copies of such notices delivered to the Village, confirming that the owner of such private road, and not the Village, shall remain obligated for the maintenance, repair and completion of such private road until such time as such private road may be accepted by the Village and satisfactory title thereto has been conveyed to the Village. **[Added 3-19-1991 by L.L. No. 7-1991]**

H. Completion and conformance.

- (1) If the work described in any building/land use or Special Permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit must expire and be canceled by the Zoning Officer and written notice thereof must be given to the persons affected, together with notice that further work as described in the canceled permit must not proceed unless and until a new permit has been obtained.
- (2) The Zoning Officer may extend the expiration date of a building/land use permit or Special Permit for two (2) additional periods of six (6) months each for good cause. **[Amended 4-12-1991 by L.L. No. 8-1991]**
- (3) Building/land use or Special Permits or certificates of zoning compliance issued on the basis of plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized must be deemed in violation of this chapter and punishable as provided by § 145-78 hereof.
- (4) The Zoning Officer or Board of Trustees may revoke a building/land use or Special Permit if it has been found that there is a significant deviation from the plans upon which such permit was issued, as it falls within the scope of this chapter.

§145-58. Additional conditions for building/land use permits. [Amended 4-17-1990 by L.L. No. 7-1990]

The following additional conditions are required for building/land use permits for:

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- A. **Additional residential building. [Amended 3-1-1999 by L.L. No. 3-1999]**
An additional residential building may be constructed on a single lot provided that, in addition to satisfying all other applicable requirements of the Zoning Law, including the General Conditions for a Special Permit, the additional building satisfies the following additional conditions. The additional building must be located at least such distance from the existing residential building on the lot as is necessary to comply with applicable provisions of the New York State Building Code. The additional building must be compatible in design, scale and exterior finish with both the existing residential building on the lot and with the existing residences in the vicinity, neighborhood or subdivision in which the lot is located. The additional residential building may be connected to the existing residential building by a path, walkway or deck. (If connection is made by an enclosed structure, the “additional” building shall be deemed to be an addition to the existing building.) Notwithstanding any other requirements of this Zoning Law, if an additional residential building is added to a single lot in either the Low or Medium Density Residential District, no more than a total of three (3) residential dwelling units, including the dwelling units in the existing residential building on the lot, shall exist on such lot.
- B. **Alteration to building or improved site.**
(1) Such alterations shall be permitted in all cases that:
(a) All construction of the alteration conforms to all requirements of this chapter applicable to construction in the subject zoning district.
(b) There will be no change in the category of use or in the amount of parking necessitated with respect to an existing or proposed building and/or site.
(c) The applicant has satisfied the Code Enforcement Officer that:
[1] The proposed alteration to the building or site meets all applicable building and fire codes.
[2] The applicant has received all required approvals, licenses and other authorizations from all federal, State and local agencies having jurisdiction.
(2) Where such alterations or improvements meet the conditions stated in B(1)(a) and (c) above but not B(1)(b), such alterations or improvements shall be permitted with a Special Permit. **[Amended 1-8-1991 by L.L. No. 2-1991]**
- C. **Temporary commercial activities. Permitted with written permission of owner of property; driveways and parking areas must be adequate for proposed use; all other district regulations must be complied with; written approval for temporary sign design and placement must be obtained from the Zoning Officer, although no sign permit is required. Please reference Temporary Commercial Activities matrix below for applicable uses and time limitations in the designated districts. [Amended 10-17-11 by L.L. No. 7-2011; Amended 7-7-14 by L.L. No. 2-2014]**

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Temporary Commercial Activities	Zoning Districts	Time Duration
Special Events ^{(1) (2) (4) (5)} defined as an activity or event, the primary purpose of which is not the sale of goods or services.	CLT, CHT, BTD, HHSD, RSH, PDA ⁽⁶⁾	Maximum of 5 consecutive days and no more than 21 days per year.
Carnivals and Circus ^{(1) (4) (5)}	CLT, CHT, PDA ⁽⁶⁾	Maximum of 10 consecutive days and no more than 21 days per year.
Seasonal Use ^{(1) (3) (4) (5)} defined as Farmers Market and like uses	CLT, CHT, PDA ⁽⁶⁾	Between May 1 st and November 30 th . Maximum of 2 consecutive days and no more than 1 event per week.
Holiday Sales ^{(1) (4) (5)} such as Christmas tree sales, Halloween pumpkin sales, and other like uses	CLT, CHT, PDA ⁽⁶⁾	Maximum of 42 days per year per this general use category.
Temporary outdoor sale ^{(1) (3) (4) (5)} defined as any temporary outdoor use that is not classified as a special event, seasonal use, holiday sales, or food vender	CLT, CHT, PDA ⁽⁶⁾	Maximum of 120 days per year per tax parcel. This excludes accessory outdoor sales of 120 square feet or smaller, which is applicable to the current stores in the Village of Lansing
Stationary Food Vendor ^{(1) (2) (4) (5)} defined as food vendors with temporary structures that are stationary at one location	CLT, CHT, PDA ⁽⁶⁾	Maximum of 5 consecutive days and no more than forty two days per year.

- 1 Tents and membrane structures having an area in excess of 200 square feet and canopies in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the code enforcement official.
- 2 If used less than eight hours per week no permit is required.
- 3 Requires Special Permit Approval
- 4 Approved by Zoning and Code Officer
- 5 No more than one use in any single category per tax parcel at any one point in time
- 6 This is only applicable to the Lansing Meadows Planned Development Area, Area A

BTD-Business and Technology District
 CLT- Commercial Low Traffic District
 CHT-Commercial High Traffic District
 HHSD- Human Health Services District
 RSH- Research District
 PDA-Planned Development Area

- D. Employee cafeteria foods and beverage service. Permitted as alteration to building or improved site subject to the conditions as required in §145-58B. **[Added 5-16-2011 by L.L. No. 5-2011]**

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§ 145-59. Special Permits.

- A. Intent. The legislative intent of this section is to set forth regulations, procedures and conditions which apply to certain permitted uses which are sufficiently unique in terms of their nature, location and effect on the surrounding environment and the quality of the community to warrant special evaluation of each individual case.
- B. Applicability. **[Amended 6-5-1995 by L.L. No. 5-1995³⁴]**
- (1) A Special Permit is required for all uses designated as permitted with Special Permit in §§ 145-36 through 145-50, all uses occurring in the Human Health Services, Flood Hazard, Conservation and Farm and Craft Market Combining Districts, set forth in §§ 145-46, 145-47, 145-48, 145-49 and 145-50. Such uses are not permitted until all applicable general, additional and special conditions required have been complied with and a Special Permit has been authorized by the Planning Board.
 - (2) The Planning Board shall have review and decision authority over all Special Permits for which authority is not expressly reserved to the Board of Trustees.
- C. Exemptions. **[Amended 4-17-1990 by L.L. No. 7-1990]**
The following shall be exempt from the requirements for Special Permit:
- (1) Any change in uses which does not involve any new structure or building or addition thereto, nor any structural alterations that could result in a substantial change to the exterior appearance and/or aesthetic characteristics of an existing building. **[Amended 4-2-2012 by L.L. No. 3-2012]**
 - (2) Any minor alteration to the facade of a proposed or existing building (e.g., the elimination of an exterior window or door) which does not result in an increase in the gross floor area square footage of such building, provided that all construction associated with such minor alteration conforms to the requirements of this chapter and all applicable Building and Fire Codes.
- D. Special Permit procedures.
- (1) Issuance of Special Permit. Within their respective jurisdictions, and following proper review procedures and an approval, the Planning Board and the Board of Trustees may authorize the Zoning Officer to issue a Special Permit.
 - (2) Submission date of application. Every application for a Special Permit, complete and accompanied by the required fee (see § 145-57D) and all materials and data required by this chapter (see § 145-57C) shall be filed with the Village Clerk at least twelve (12) days prior to the regular or special meeting of the Board to which such application must be submitted as provided in this § 145-59. The Code Enforcement Officer may, at his or her sole discretion, waive the twelve day requirement stated above if the Code Enforcement Officer determines that all other legal requirements such as those for public and supplementary notice will be satisfied. **[Amended 2-1-2016 by L.L. No. 1-2016]**
 - (3) Notice of public hearing. **[Amended 6-5-1995 by L.L. No. 5-1995]**
 - (a) For those uses over which it has either sole or preliminary review authority, the Planning Board shall conduct a public hearing, within sixty-two (62) days from the day that the Village has received a

³⁴Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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- completed application for a Special Permit, at which the Special Permit will be reviewed and must publish and post notice in at least three (3) prominent places at least five (5) days prior to the hearing, stating the nature of the request and the time and place of the hearing.
- (b) The Planning Board shall attempt to provide to the Board of Trustees, at least five (5) days prior, written notice of any public hearing of the Planning Board at which a Special Permit request will be reviewed. Such notice shall be delivered to the Village Clerk and shall state the nature of each Special Permit request to be reviewed and the time and place of the hearing. The giving of such notice to the Board of Trustees shall not constitute a requirement of this section and the failure to give or receive such notice shall not affect the validity or binding authority of any action, recommendation or decision made by the Planning Board pursuant to its authority under this section.
 - (c) In the case of any Special Permit application for which the Board of Trustees has sole authority for review, the Board of Trustees shall conduct a public hearing, within sixty-two (62) days from the day that the Village has received a completed application for a Special Permit, and all other requirements of this § 145-59 concerning review of such Special Permit shall apply to the Board of Trustees' review of such application in the same manner as such requirements would otherwise apply to the Planning Board's review of a Special Permit application hereunder. **[Amended 12-18-1995 by L.L. No. 7-1995]**
- (4) Supplementary notice. **[Amended 3-5-1986 by L.L. No. 2-1986]**
- (a) It is the intent of this subsection to provide a supplementary means of notification to residents of the Village concerning Planning Board actions that may be of community interest. The means of notification described below are considered additional to the primary means of notification, posting and publishing in the newspaper. The Village bears no responsibility to ensure that the supplementary means of notification are received by the residents.
 - (b) Events requiring supplementary notification:
 - [1] The application for a Special Permit to build on or change the use of a previously vacant parcel.
 - [2] A proposal to change the use of land or an existing building from residential to either a commercial or business and technological use, or from a commercial to a business and technological use.
 - [3] **Reserved 9-15-2008 by L.L. No. 4-2008**
 - (c) Method of supplementary notification. The applicant shall send written notice by mail to all owners of Village property contiguous to the boundaries of the property under consideration. Such notice shall state the nature of the request, the time and place of the public hearing and such additional information as shall be required by the Village Zoning Officer. Such notice shall be mailed no less than five (5) days prior to the public hearing. Proof of such mailing shall be filed with the Board hearing such application prior to the holding of the public hearing. **[Amended 6-5-1995 by L.L. No. 5-1995]**
- (5) Planning Board review and referral. **[Amended 8-1-1994 by L.L. No. 4-1994; 6-5-1995 by L.L. No. 5-1995]**

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- (a) In the case of a Special Permit application for which the Planning Board is required to provide a recommendation to the Board of Trustees, the Planning Board shall render such recommendation within thirty-two (32) days following the later of the completion of the application or the close of any public hearing conducted by the Planning Board in connection with said application. The Planning Board's recommendation to the Board of Trustees shall be in writing.
 - (b) At least ten (10) days prior to the public hearing to be conducted in connection with the Special Permit application, the Board authorized to conduct such hearing shall mail notices thereof to the applicant and to the Tompkins County Planning Department, as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in accordance with § 239-m.
- (6) Mandatory review of approved Special Permits. If more than three (3) years have elapsed between the date that the Planning Board approves the issuance of a Special Permit/building permit and the date that the applicant satisfies the conditions for the issuance of the Special Permit/building permit, the Code Enforcement Officer may not issue that Special Permit/building permit until the Planning Board has reviewed that Special Permit/building permit and reaffirmed its approval with any additional conditions or modifications to existing conditions that may be required by changes in circumstances. **[Added 8-1-1994 by L.L. No. 4-1994]**
- (7) Decisions on Special Permit applications. The Board authorized to decide upon (i) a Special Permit application or (ii) an application to amend a previously approved Special Permit shall do so within sixty-two (62) days after the close of the required public hearing; provided, however, that in the case of a “minor” amendment to a previously approved Special Permit for which a public hearing is not required (in accordance with §145-59 F below), the Board authorized to decide upon such matter shall do so within sixty-two (62) days after the Board meeting at which the Board commenced its review of the proposed Special Permit amendment. The time within which the authorized Board must render its decision may be extended by mutual consent of the applicant and the authorized Board. The decision of the authorized Board on the Special Permit application shall be filed in the office of the Village Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant at that time. The decision shall be deemed to have been rendered as of the date that the final vote has been taken by the authorized Board on the Special Permit application. **[Added 6-5-1995 by L.L. No. 5-1995; Amended 4-2-2012 by L.L. No. 3-2012]**
- (8) Area variance required. In the event that a Special Permit application contains one (1) or more features that do not comply with applicable provisions of this chapter, the applicant may apply to the Village of Lansing Board of Zoning Appeals for an area variance, in accordance with the terms of § 145-72 of this chapter, without the necessity of a decision or determination of any administrative official charged with the enforcement of the requirements of this Chapter 145 as the basis for such area variance application. **[Added 6-5-1995 by L.L. No. 5-1995]**

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- (9) Conditions to Special Permits. The Board authorized to decide upon a Special Permit application shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Permit. Upon the granting of the Special Permit, any such conditions must be met by the applicant, or the applicant's successors in interest, and, in the event that the applicant, or the applicant's successors, fail to meet any such condition of the Special Permit, the Village Code Enforcement Officer shall withhold any building or Similar Permit that would otherwise be issued in connection with or as a result of the granting of the Special Permit until such time as the Code Enforcement Officer has verified compliance with all such conditions. **[Added 6-5-1995 by L.L. No. 5-1995]**
 - (10) Waiver of conditions. The Board authorized to decide upon the Special Permit application may, when reasonable, waive any pre-established requirements for the approval, approval with conditions or disapproval of the Special Permit application. Any such waiver may be subject to such appropriate conditions as the authorized Board may impose, in accordance with § 145-60 below. Any such waiver may be exercised in the event that the requirements to be waived are found not to be requisite in the interest of the public health, safety or general welfare, or are found to be inappropriate to a particular Special Permit. **[Added 6-5-1995 by L.L. No. 5-1995]**
- E. General conditions required for all Special Permits. The Planning Board and the Board of Trustees within their respective jurisdiction may require specific measures that must be taken to implement these general conditions. Both Boards may require performance standards higher than the minimum specified in this chapter (§ 145-83) if the potential adverse impact on the neighborhood warrants it. In those instances where the Planning Board recommends action to the Board of Trustees, such recommendation shall include a note of necessary modification to performance standards. No Special Permit will be granted by the Planning Board or the Board of Trustees unless the requested activity meets the following requirements.
- (1) It will not be detrimental to or endanger the public health, safety or general welfare.
 - (2) It will not be injurious to the use and enjoyment of other property in the vicinity or neighborhood.
 - (3) It will not impede the orderly development of the vicinity or neighborhood and is appropriate in appearance and in harmony with the existing or intended character of the vicinity or neighborhood.
 - (4) The street system and off-street parking facilities can handle the expected traffic in a safe and efficient manner.
 - (5) Natural surface water drainageways are not adversely affected.
 - (6) Water and sewerage or waste disposal facilities are adequate.
 - (7) The general environmental quality of the proposal, in terms of site planning, architectural design and landscaping, is compatible with the character of the neighborhood.
 - (8) Lot area, access, parking and loading facilities are sufficient for the proposed use.
 - (9) The requested use or facility conforms in all other respects to the applicable regulations of the district in which it is located.

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- (10) The applicant has shown that steps will be taken where necessary to meet all performance standards and all other applicable general regulations.
- F. Amendments to Previously Approved Special Permits. The following provisions shall govern the approval of amendments to a previously approved Special Permit (excepting amendments to a previously approved Special Permit for a Telecommunications Facility for which such amendments shall be governed by § 145-60 K.)
- (1) No amendment(s) to a previously approved Special Permit shall be made unless and until (i) the party seeking such amendment(s) submits an application therefor setting forth information and materials regarding such proposed amendment satisfactory to the Village Code and Zoning Officer, together with a fee in an amount consistent with the applicable required fee for a building/land use or Special Permit as set forth in §145-57 D above; and (ii) the Planning Board or the Board of Trustees (whichever Board shall be responsible for approval of such Special Permit) has approved such amendment(s) as provided for in subsection F(2) below.
 - (2) Upon the Village Code and Zoning Officer having received a complete and satisfactory application for the proposed amendment(s) to a previously approved Special Permit as provided for above, and upon its referral to the Planning Board or the Board of Trustees (whichever Board shall be responsible for approval of such Special Permit), the applicable Board shall make an initial determination as to whether such proposed amendment(s) is/are deemed to be “minor” or “major”. Such determinations shall be made in the sole discretion of the applicable Board. Except as may otherwise be provided in this subsection F, (i) if the proposed amendment(s) is/are determined to be “major”, approval thereof shall be in accordance with all Special Permit provisions and procedures set forth in § 145-57 and this § 145-59, and, if applicable, referral of the proposed major amendment(s) to the Tompkins County Planning Department and neighboring municipalities in accordance with General Municipal Law Sections 239 -l, -m and -nn will be required; and (ii) if the proposed amendment(s) is/are determined to be “minor”, approval thereof shall be in accordance with all Special Permit provisions and procedures set forth in § 145-57 and all provisions and procedures set forth in this §145-59 except for subsections 145-59 D(3), 145-59 D(4), and 145-D(5)(b), and, if applicable, referral of the proposed minor amendment(s) to the Tompkins County Planning Department and neighboring municipalities in accordance with General Municipal Law Sections 239 -l, -m and -nn will be required. **[Added 4-2-2012 by L.L. No. 3-2012]**
- G. Renewal of Special Permits for Temporary Commercial Activities and Commercial Storage.
- (1) The Village Code and Zoning Officer shall have the administrative authority to grant approval for the renewal of a previously approved Special Permit for a Temporary Commercial Activity or Commercial Storage. No renewal of such a previously approved Special Permit for

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a Temporary Commercial Activity or Commercial Storage shall be considered unless and until the party seeking such renewal submits an application therefor setting forth information and material(s) regarding such proposed amendment satisfactory to the Village Code and Zoning Officer, together with a fee in an amount consistent with the applicable required fee for a building/land use or Special Permit as set forth in §145-57 D above. If the proposed Special Permit renewal application material(s) is/are determined sufficiently adequate, satisfactory and acceptable to the Village Code and Zoning Officer, he/she may act upon such application and grant approval thereof administratively, in which case the application material(s) shall not be required to be referred to the Planning Board, nor shall the renewal application need to be referred or submitted to the Tompkins County Planning Department and neighboring municipalities in accordance with General Municipal Law Sections 239 -l, -m and -nn. If, however, the Village Code and Zoning Officer determines that the renewal application material(s) is/are sufficiently adequate, satisfactory and acceptable to the Village Code and Zoning Officer, but that further and more extensive review and evaluation should be undertaken by the Village Planning Board, such renewal application shall be referred to and considered and acted upon by the Village Planning Board as a minor special permit amendment as provided for in § 145-59 F(2) above.

- (2) In the event the party seeking the Special Permit renewal for the Temporary Commercial Activity or the Commercial Storage substantively alters said application material(s) from what was previously approved by the Planning Board, approval for the renewal request shall be deemed to be a new and separate special permit application and shall be acted upon in accordance with all Special Permit provisions and procedures set forth in § 145-57 and this § 145-59. **[Added 11-19-2012 by L.L. No. 5-2012]**

§ 145-60. Additional conditions for certain Special Permit uses. [Amended 2-1-2016 by L.L. No. 1-2016]

The following additional conditions are required for Special Permits for:

- A. **Reserved 9-15-2008 by L.L. No. 4-2008**
- B. Mobile homes. Permitted when constructed after 1973 and conforming to the New York State Uniform Fire Prevention and Building Code (New York Executive Law, Article 18).³⁵
- C. Home occupation. **[Amended 12-2-1996 by L.L. No. 3-1996]**
 - (1) The intent of this subsection is to permit a Village resident the opportunity to use his or her residence as a workplace, while protecting the character of the residential neighborhood from any adverse effects that may result from the presence of a Home Occupation. For the purposes of this Section, the term

³⁵Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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“adverse effects” shall mean a significant and undesirable change in the character of the neighborhood.

- (2) Home Occupations shall be permitted subject to and in accordance with the following Additional Conditions. The Home Occupation shall be permitted provided that:
 - (a) The Home Occupation is carried on wholly within the principal building or within a building or other structure accessory thereto.
 - (b) Not more than one full-time equivalent person not residing in the dwelling unit is engaged in the Home Occupation.
 - (c) There is no use of any equipment or process which creates visible or audible electrical interference with any electrical appliance found in any other home.
 - (d) There are no noxious odors, vibrations, glare or fumes that are detectable to normal sensory perception outside of the home in which the Home Occupation is conducted.
 - (e) There is no exterior display and no exterior signage except as permitted under the provisions of the Village of Lansing Sign Law applicable in the zoning district in which the Home Occupation is conducted.
 - (f) There is no exterior storage of materials that are used in connection with the Home Occupation.
 - (g) No goods are offered for sale at the site of the Home Occupation except those crafted or assembled entirely on the premises.
 - (h) There exists on the premises adequate parking for all traffic generated by the Home Occupation, including parking for the person not residing in the dwelling unit who is engaged in the Home Occupation.
 - (i) The applicant has submitted to the Village’s Code Enforcement Officer a completed application for a Special Permit for the Home Occupation.
 - (j) The vehicular traffic resulting from the operation of the Home Occupation as stated in the application does not constitute a significant increase in the total traffic otherwise occurring in the residential area in which the Home Occupation is located.
- (3) For the purposes of the Planning Board’s review of the Special Permit application for a Home Occupation, the action taken by the Planning Board shall be deemed to be a “Type II” action under Section 617.5 of the New York State Environmental Quality Review Act, and any grant of Special Permit for Home Occupation is determined not to have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7 (c) of said Act.
- (4) Notwithstanding the foregoing requirements of this § 145-60D, and as an express exception thereto, on properties within the Farm and Craft Market Combining District with frontage on Route 34, home occupations are permitted one (1) unlighted sign not exceeding nine (9) square feet in area and not exceeding fifteen (15) feet in height, in accordance with the terms of Chapter 115, Signs, and one (1) yard display area no more than fifteen (15) feet in depth, no more than twenty (20) feet in width (as measured parallel to New York State Route 34) and outside the right-of-way of New York State Route 34, which yard display area contains no permanent structures and which is maintained in a neat and safe condition, and otherwise in accordance with all applicable provisions of this zoning chapter, including

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but not limited to the provisions of § 145-83A, by the owner of such property at the owner's expense. **[Amended 2-1-1993 by L.L. No. 4-1993]**

- D. Commercial crop/animal. Permitted when roadside stands are not located in any required front yard or right-of-way; the handling of animal waste is in accordance with Tompkins County Health Department regulations; there is no outdoor storage of refuse or feed; and no existing nonfarm residence is located closer than one thousand (1,000) feet from the penning or feeding area. Kennels are considered a type of commercial crop/animal use.
- E. Mixed use. Permitted upon a determination by the Planning Board that the development of the parcel for both commercial and residential uses shall be compatible with the character of the neighborhood or immediate area surrounding the proposed development. The Planning Board's determination shall be based upon review of the developer's submission of all information that the developer determines shall be useful to the Planning Board's evaluation of the proposed development, and that the Planning Board requests, which material shall include, at a minimum, architectural elevations of the proposed structure(s), a site plan for the proposed structure(s), architectural drawings defining the areas within the proposed development to be designated for commercial and for residential use and a written explanation of the character and purpose of the proposed development. **[Amended 3-6-1995 by L.L. No. 1-1995]**
- F. Office/studio/service. **[Amended 6-6-1989 by L.L. No. 5-1989]**
- (1) Veterinary clinic in HDR: permitted when such facility is designed to accommodate small animals exclusively, such as dogs, cats and birds; the facility is completely enclosed and there are no open boarding or exercise facilities; there is no outdoor storage of refuse, feed or other materials and no on-site incineration of refuse.
 - (2) Office/studio/service in BTM: permitted subject to the following conditions **[Amended 4-17-1990 by L.L. No. 6-1990; 9-10-2003 by L.L. No. 3-2003; 2-6-2006 by L.L. No. 2-2006]**:
 - (a) Doctor, dentist, physical therapist, veterinarian, barber, beauty shop, spa, tutoring, photographic and tailoring uses shall not be permitted.
- G. Warehousing/storage/distribution. **[Amended 6-6-1989 by L.L. No. 5-1989]**
- (1) Temporary storage of goods in a trailer or other movable vehicle may be permitted for a time period not to exceed six (6) months.
 - (2) Distribution services and facilities shall be prohibited in the CLT District.
- H. Motel/hotel. **[Added 6-6-1989 by L.L. No. 5-1989]**
- Permitted in BTM District subject to the following conditions:
Maximum of one hundred ten (110) rooms; maximum of sixty thousand (60,000) square feet of building area; restaurant and bar capacity not exceeding seventy (70) people; conference areas limited to aggregate of one thousand (1,000) square feet; no retail sales except those incidental to patrons and guests of the motel/hotel; parking areas limited to use by motel/hotel guests and staff only. Under all circumstances, and notwithstanding the existence of a buffer strip as otherwise provided for under the chapter, a motel/hotel use shall be prohibited in any area within a BTM District which area abuts a residential district. (For the purposes of this latter restriction concerning a BTM District abutting a residential district, an area of a BTM District shall not be considered or deemed to be abutting a

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residential district if such BTD District area is separated from the residential district by a public street.)

- I. Bank administrative operations. **[Added 1-9-1990 by L.L. No. 1-1990]**
 - (1) Permitted in Commercial Low Traffic District subject to the following additional conditions: no tellers and no automatic teller machines (ATMs) shall be permitted.
- J. Telecommunications Facility **[Added 5-18-1998 by L.L. No. 4-1998]**
 - (1) Special Permit Required. No telecommunications facility shall be erected, moved, reconstructed, altered or used in any district unless and until the person seeking to do so shall have obtained a Special Permit from the Planning Board in accordance with this section and the other provisions of this law governing the issuance of Special Permits.
 - (2) General Criteria. No Special Permit or renewal thereof or amendment of a current Special Permit relating to a telecommunications facility shall be granted by the Planning Board unless it finds that such telecommunications facility:
 - (a) is necessary to meet current or reasonably expected needs for the applicant's system and demands for service and coverage within the intended area;
 - (b) conforms with all federal and state laws and all applicable rules or regulations promulgated by the Federal Communications Commission (the "FCC"), Federal Aviation Administration (the "FAA"), or any other federal agencies having jurisdiction;
 - (c) is designed and constructed in a manner which minimizes visual impact to the extent practical;
 - (d) complies with all other requirements of this Zoning Law, unless expressly superseded herein;
 - (e) is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility;
 - (f) when including the construction of a tower, such tower is designed to accommodate future shared use by at least two (2) other telecommunication service providers unless the Planning Board waives or modifies such co-location requirements based upon its determination that enforcing such requirements will necessitate a tower structure that will be contrary in design, size and nature with other standards and requirements provided for in this subsection K and would thereby be inconsistent with the overall intent and purpose of these regulations. Any subsequent location of telecommunication equipment by other service providers on existing towers technically and structurally capable of accommodating a shared use shall require the amendment of the Special Permit for such tower, in accordance with the provisions hereof for initial issuance of such Special Permit; and **[Amended 8-21-2006 by L.L. No. 4-2006]**
 - (g) shall be situated on the lot on which it is to be developed in such a manner and location as to allow for development of any portion of the Village's Greenway that is also to be located on such lot in accordance with the Village's Greenway Plan or any modification thereof as determined by the Planning Board.

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- (3) Co-Location and Alternative Sites. The shared use of existing telecommunications facilities or other structures shall be preferred to the construction of new facilities. Any Special Permit application, renewal or amendment thereof shall include proof that reasonable efforts have been made to co-locate within an existing telecommunications facility or upon an existing structure. The application shall include an adequate inventory report, including an area map identifying relevant locations, specifically describing the nature, size and location of existing telecommunications facility sites and structures exceeding seventy-five percent (75%) of the height of the proposed tower within the area intended to be serviced by the proposed tower as well as describing alternative sites for the proposed tower. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location as well as an evaluation of opportunities for development of alternative sites.
- The applicant must demonstrate that the proposed telecommunications facility cannot be accommodated on existing telecommunications facility sites or other existing structures or other sites in the inventory due to one (1) or more of the following reasons, which reasons shall be provided to the Planning Board in written form:
- (a) the planned equipment would exceed the structural capability of existing and approved telecommunications facilities or other structures, considering existing and reasonably anticipated future use for those facilities;
 - (b) the planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
 - (c) existing or approved telecommunications facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
 - (d) other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures or alternative sites;
 - (e) the property owner of the existing telecommunications facility or other structure or alternative site refuses to allow such co-location.
- (4) Dimensional Standards.
- (a) A fall zone around any tower constructed as part of a telecommunications facility must have a radius at least equal to one and one-half (1 ½) times the height of the tower and any antenna (ae) attached upon its zenith. The entire fall zone must not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not, except as set forth below, contain any structure other than those associated with the telecommunications facility. If the tower or facility is attached to an existing structure or is otherwise situated, designed and/or constructed in a manner that negates the need for some or all of the required fall zone area, relief from the requirements of this subsection (4)(a) may be granted by the Planning Board on a case-by-case basis if it is determined by such Board after submission of competent evidence, that modification of

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such requirement will not endanger the life, health, welfare or property of any person and will not unduly adversely affect residents of any surrounding area. In granting any such waiver, the Board may impose conditions reasonably necessary to protect the public or other property from potential injury. **[Amended 8-21-2006 by L.L. No. 4-2006]**

- (b) Any telecommunications facility must be located on a single lot.
 - (c) Any telecommunications facility, and the lot on which it is located, shall comply with the setback, frontage, minimum lot size, and yard standards of the underlying zoning district in which the telecommunications facility is erected and the fall zone requirements provided in subsection (4)(a) above (or as otherwise modified by the Planning Board as permitted in subsection (4)(a) above). To the extent there is a conflict, the more restrictive provision shall govern. **[Amended 8-21-2006 by L.L. No. 4-2006]**
 - (d) Notwithstanding provisions to the contrary of any other section of this Zoning Law, the front, side, and rear yard setback requirements of the underlying zoning district in which a telecommunications facility is erected shall apply not only to a tower, but also to all tower parts including guy wires and anchors, and to any accessory buildings that constitute a part of the telecommunications facility.
- (5) Lighting and Marking.
- (a) Any lighting and marking on a telecommunications facility, and any tower constituting a part thereof, shall, at a minimum, satisfy the requirements of the FCC and FAA.
 - (b) In addition to the requirements of the preceding paragraph, an applicant may be compelled to add FAA-acceptable lighting and marking, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety and would not unduly adversely affect residents of any surrounding property.
- (6) Appearance and Buffering.
- (a) The use of any portion of a telecommunications facility for signs, or promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited, provided, however, that signage including no text or graphics other than health or safety warnings, which signage complies with the requirements of the Village's Sign Law, and which signage has been reviewed and approved as part of the Special Permit, may be placed on the telecommunications facility.
 - (b) The telecommunications facility shall have the least visual effect practical on the environment, as determined by the Planning Board. Any tower that is not subject to FAA marking as set forth above shall otherwise:
 - [1] have a galvanized finish, or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Planning Board, or
 - [2] be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not

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impair the ability of the facility to perform its designed function.

- (c) Accessory structures shall maximize the use of building materials, colors, and textures designed to blend in with the natural surroundings.
 - (d) In fulfilling the requirements of the State Environmental Quality Review Act (“SEQRA”), the Planning Board may require a Full Environmental Assessment Form (“EAF”) for the proposed telecommunications facilities. A Visual Environmental Assessment Form (Visual EAF) may be required as an addendum thereto. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.
 - (e) The telecommunications facility shall have appropriate vegetative buffering, satisfactory to the Planning Board, around the fences of the tower base areas, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, and public roads. The Planning Board may require the applicant to install and maintain screening of any telecommunications facility adjacent to waterways, landmarks, refuges, community facilities, or conservation or historic areas within view of the public.
 - (f) Without limiting the requirements of the preceding paragraph, existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall occur in connection with the telecommunications facility except in accordance with the terms of the Special Permit for such facility. Clear cutting of all trees in a single contiguous area exceeding twenty thousand (20,000) square feet shall be prohibited.
 - (g) The Planning Board may require additional information, such as line-of-sight drawings, detailed elevation maps, visual simulations, before and after renderings, and alternate tower designs to more clearly identify adverse impacts for the purpose of their mitigation.
 - (h) Equipment or vehicles not used in direct support, renovations, additions or repair of any telecommunications facility shall not be stored or parked on the Facility site.
- (7) Access and Parking.
- (a) Access ways shall make maximum use of existing public or private roads to the extent practicable. New access ways constructed solely for a telecommunications facility must be at least twenty (20), but no more than thirty (30) feet wide, and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
 - (b) The road surface (driveways) shall be centered within access ways and not more than sixty percent (60%) of the width of the legal access way shall be covered with any form of improved surface.
 - (c) Parking areas shall be sufficient to accommodate the greatest number of service vehicles required to service the facilities located on the premises at any one time.

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- (d) Driveways or parking areas shall provide adequate on site turn-around, such that service vehicles shall exit the lot moving forward and will not have to back out onto a public road.
- (8) Security.
 - (a) Towers, anchor points of guyed towers, and accessory structures shall each be surrounded by fencing of sufficient height, style and location as determined by the Planning Board, to adequately secure the site, the top foot of which may, at the discretion of the Planning Board in deference to the character of the neighborhood, be comprised of three-strands of barbed wire to discourage unauthorized access to the site. The Planning Board may waive or modify the requirements for fencing if, in its discretion, the Board determines that other forms of security are adequate, or that, by reason of location, neighborhood or character of the site, security will not be significantly compromised by the omission, relocation or reduction in size, of the otherwise required fencing.
 - (b) Motion-activated or staff-activated security lighting around the base of a tower or accessory structure entrance may be installed provided that such lighting does not project off the site. Such lighting should only be activated when the area within the fenced perimeters has been entered.
 - (c) There shall be no permanent climbing pegs within fifteen (15) feet of the ground of any tower.
 - (d) A locked gate at the intersection of the access way and a public road may be required to obstruct entry by unauthorized vehicles. Such gate must be located entirely upon the lot and not on the public right-of-way.
- (9) Engineering and Maintenance.
 - (a) Site plans for a telecommunications facility must bear the seal of a professional engineer licensed to practice in the State of New York. Every facility shall be built, operated and maintained to acceptable industry standards, including but not limited to the most recent, applicable standards of the Institute of Electric and Electronic Engineers (“IEEE”) and the American National Standards Institute (“ANSI”).
 - (b) Every telecommunications facility shall be inspected, at the owner’s expense, at least every second year for structural integrity and for electric and magnetic field limits and power density (conforming to FCC 96-326 Table 1) by a New York State licensed engineer. A copy of the inspection report shall be submitted to the Village’s Code Enforcement Officer. Any unsafe condition revealed by such report shall be corrected within ten (10) days of notification of same from the Village to the record landowner on which the facility is constructed. The time period for correction may, on application of the landowner or owner of the facility, be extended by the Village Board of Trustees if it is impracticable to complete the correction within said ten days and if there is no imminent danger to life, limb or other person’s property. If the unsafe condition is not corrected within the applicable time period, the Special Permit for construction

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of the facility may, after a hearing by the Village Board of Trustees on at least ten (10) day's prior notice to the landowner of record given by certified mail, return receipt requested, or other equally effective manner of providing notice, be revoked by such Board. Revocation may occur only if the Board of Trustees finds that there is an unsafe condition which poses a risk of bodily injury or significant property damage. Upon such revocation, the facility shall be removed or dismantled to the point of removing all unsafe conditions.

- (c) A safety analysis by a qualified professional must accompany any Special Permit application or amendment or renewal thereof, for the purpose of certifying that general population/uncontrolled (as such term is defined in the FCC's Section 1.1310, 47 C.F.R. §1.1310) electromagnetic radiation exposure does not exceed standards set by the FCC or any permit granted by the FCC.
 - (d) The Village, at the expense of the applicant, may employ its own consultant(s) to examine the application and related documentation and make recommendations as to whether the criteria for granting the Special Permit have been met, including whether the applicant's conclusions regarding need, co-location, safety analysis, visual analysis, and structural inspection, are valid and supported by generally accepted and reliable engineering and technical data and standards.
- (10) Removal.
- (a) At the time of submittal of the application for a Special Permit for a telecommunications facility, the applicant shall submit an agreement to remove all antennae, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower(s) dedicated solely for use within a telecommunications facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve (12) consecutive months. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding and sodding, as appropriate depending upon the season of the work, of exposed soils.
 - (b) At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the telecommunications facility and property restoration, with the municipality as the assignee, in an amount approved by the Planning Board upon the recommendation of the Village Engineer, but not less than fifty thousand (\$50,000) dollars.
 - (c) Upon any amendment of the Special Permit, the Planning Board may adjust the required amount to the financial security bond to adequately cover increases in the cost of removal of the telecommunications facility and property restoration.
- (11) Application. The application for a Special Permit, for the construction of a telecommunications facility shall include, without altering any other application requirements as set forth in this Zoning Law:

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- (a) A completed project application form in such detail and containing such information as the Planning Board may require.
- (b) Completed EAF and visual EAF (if such Visual EAF is required by the Planning Board). **[Amended 8-21-2006 by L.L. No. 4-2006]**
- (c) Site plan in accordance with the requirements of this section including, without limitation
 - [1] The exact location including geographic coordinates of the proposed telecommunications facility including any towers, guy wires and anchors, if applicable;
 - [2] The maximum height of the proposed facility, including all appurtenances;
 - [3] A detail of tower type, if any, including engineering drawings from the tower manufacturer (monopole, guyed, free-standing, or other);
 - [4] The location, type and intensity of any lighting on the tower;
 - [5] Property boundaries and names of all adjacent landowners;
 - [6] Proof of the landowner's consent to the erection of the facility and agreement to abide by the provisions of this section K if the applicant is not the landowner; **[Amended 8-21-2006 by L.L. No. 4-2006]**
 - [7] The location of all other structures on the property and all structures on any adjacent property within one hundred feet of the property lines, together with the distance of these structures from any proposed tower;
 - [8] The location, nature and extent of any proposed fencing, landscaping and screening;
 - [9] The location and nature of any proposed utility easements and access roads or drives; and
 - [10] The location of the fall zone for the tower, if any.
 - [11] Documentary evidence that the proposal satisfies the requirements of subsection 145-60 (K) (2) (b) above.
 - [12] The location of any portion of the Village's Greenway that is to be developed in accordance with the Village's Greenway Plan or any modification thereof as determined by the Planning Board on the lot on which the telecommunications facility is proposed to be located.
- (d) Agreement that the applicant will negotiate in good faith with any subsequent applicant seeking to co-locate a telecommunications facility on the initial applicant's facility unless such agreement is not required because the co-location requirement has been waived as permitted in subsection K(2)(f) above. This agreement, if required, shall commit the initial applicant and landowner and their respective successors in interest to: **[Amended 8-21-2006 by L.L. No. 4-2006]**
 - [1] Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.

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- [2] Negotiate in good faith for shared use by third parties.
 - [3] Allow shared use if an applicant agrees in writing to pay reasonable charges for same.
 - [4] Make no more than a reasonable charge for shared use, based upon generally accepted accounting principles. The charge may include but shall not necessarily be limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference or causing uses on the site to emit electromagnetic radiation in excess of levels permitted by the FCC.
- (e) The agreement for removal of the facility referred to above.
 - (f) Copies of all documents submitted to the FCC or any other governmental agency having jurisdiction.
 - (g) Any applicable application or other fees, including any deposits required by the Village to pay the costs of any consultants retained by the Village as provided herein.
- (12) Fees and Deposits.
- (a) The fees for a Special Permit application for a telecommunications facility shall be calculated in accordance with Section 145-57 (D) (2) above, and in any event that the telecommunications facility includes a tower, the tower shall be considered to be the principal building and all other structures to be accessory buildings.
 - (b) In addition to the delivery of the fees described at (i) above, the applicant shall deliver with its application an amount equal to one percent (1%) of the estimated cost of the project. This sum shall be held by the Village in a non-interest bearing account, and these funds shall be available to the Village to pay consultants engaged by the Village to assist in review of the application. Following grant or denial of the application, the Village shall return to the applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the applicant shall deposit such funds as are then necessary for the Village to pay any outstanding fees to said consultants.
- (13) Miscellaneous.
- (a) Any Special Permit granted hereunder shall be valid only for the dimensions and number of structures for the telecommunications facility contained in the original application as so approved. Any subsequent amendments or additions shall require a new application for same following the procedures set forth in this section.
 - (b) In considering the application, the Planning Board may, if the application is granted, impose such reasonable conditions as it may deem necessary to minimize any adverse impacts of the facility or its construction, or to assure continued compliance with the terms of this section.

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- (c) A condition of any Special Permit granted hereunder shall require that the applicant convey a permanent right-of-way to the Village for the area of any portion of the Village Greenway that is to be located on the subject lot in accordance with the Village's Greenway Plan or any modification thereof as determined by the Planning Board, which right-of-way shall provide the Village the right to improve and maintain such area, and which shall be in form and substance satisfactory to the Village's attorney.
 - (d) In the event that a court of competent jurisdiction renders a decision invalidating any portion of this local law, the balance of this local law shall be unaffected thereby and shall remain in full force and effect as if the invalidated portion had never been a part of this local law.
 - (14) Notice of Public Hearing. Notwithstanding any provision of the Zoning Law to the contrary, the requirements for delivery of notice of the public hearing for the Special Permit described in this section shall be expanded to include notice to all property owners that are identified by the Planning Board as being affected by the proposed telecommunications fixtures.
- K. Adult Entertainment Businesses. **[Added 7-20-1998 by L.L. No. 5-1998]**
 - (1) Adult entertainment businesses are prohibited within:
 - (a) Two hundred fifty (250) feet of any zoning district designated by the Village as a Low Density Residential, Medium Density Residential, High Density Residential, Residential Planned Development Area, Commercial Low Traffic, Business and Technology, Research, or Human Health Services zoning district;
 - (b) Five hundred (500) feet of any public or private school, licensed daycare facility, youth center, library, municipal office, museum or historic site;
 - (c) Five hundred (500) feet of any church, place of worship or other religious facility or institution;
 - (d) Five hundred (500) feet of any park or playground;
 - (e) Five hundred (500) feet of any other adult entertainment business;
 - (f) Any zoning district other than Commercial High Traffic. The distance provided hereinabove shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the space to be occupied by the adult entertainment business to the nearest point of the parcel or property on which is located a use from which the adult entertainment business is to be separated or to the nearest point of the land use district boundary line from which the adult entertainment business is to be separated, as the case may be.
 - (2) Exceptions.
The provisions of this article shall not apply to any theater, concert hall or similar establishment which is primarily devoted to theatrical performance of reasonable artistic value as determined by local community standards.
 - (3) Severability.
Should any section or provision of this local law be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the balance of this local law.

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- (4) For the purposes of the Village of Lansing Zoning Law, the following terms shall have the meanings set forth below:
- (a) “Adult Entertainment Business” shall include the following:
- [1] Adult arcades where, for any form of consideration, one or more motion picture projections, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions, which are characterized by emphasis upon the depiction or descriptions of “specified sexual activities” or “specified anatomical areas.”
 - [2] An adult book and/or video store which has a substantial (50% or more) portion of its stock in trade and offers for sale, for any consideration, any one or more of the following:
 - [a] Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual representations, which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”, or
 - [b] Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”
 - [3] Adult cabarets, meaning any nightclub, bar (including establishments which do not serve alcoholic beverages), restaurant, or similar establishment, which regularly features live performances characterized by exposure of “specified anatomical areas” or by “specified sexual activities”, or films, motion pictures, video cassettes, slides or other photographic reproductions characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.
 - [4] An adult motion picture theater, meaning a theater where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are regularly shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.
 - [5] An adult theater, meaning a theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.
 - [6] Massage parlor where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment or manipulation of the human body is administered, unless by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapist, or similar

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professional person licensed by the state. This definition shall not be deemed to include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service and is provided by any of the aforementioned professionals.

[7] Peep show, meaning a retail establishment which presents live or filmed performances, viewed from individual enclosures, for which a fee is charged, which performances are characterized by an emphasis on depiction or description of “specified sexual activities” or “specified anatomical areas”.

[8] Adult hotel or motel, meaning a hotel or motel which excludes minors by reason of age.

[9] Any other business the income of which is primarily derived from the display or sale of material portraying specified anatomical areas or specified sexual activities, and not otherwise defined in 1-8 above, that defines itself primarily through its exclusion of minors.

(b) Specified Anatomical Areas

[1] Less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; and

[2] Human male genitals in a discernible turgid state even if completely and opaquely covered.

(c) Specified Sexual Activities

[1] Human genitals in a state of sexual stimulation or arousal; or

[2] Acts of human masturbation, sexual intercourse or sodomy; or

[3] Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

- (5) Not more than one (1) adult use shall be permitted on any individual lot.
- (6) All building openings, including doorways and windows, of the adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into any adult entertainment business from the outdoors.
- (7) No person under the age of eighteen (18) years shall be permitted into or on the premises of any adult entertainment business.
- (8) No adult entertainment business shall display any exterior or outdoor advertising of any kind, other than signage complying with all of the requirements of the Village Sign Law and of the Village Zoning Law.
- (9) An adult entertainment business shall comply with all other requirements of the Village Zoning Law, as well as all applicable County, State and Federal laws and regulations.

L. Redevelopment on a Larger Site of a Pre-existing Non-conforming Use Currently in Operation in Commercial Low Traffic District. **[Added 8-3-1998 by L.L. No. 6-1998; Amended 2-1-2016 by L.L. No. 1-2016]**

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- (1) Redevelopment of a pre-existing non-conforming use currently being operated in the Commercial Low Traffic District shall be permitted by Special Permit issued by the Planning Board provided that the redevelopment proposal satisfies all general conditions for a Special Permit as well as the following additional conditions. The site upon which the pre-existing non-conforming use is redeveloped must be bounded on all sides by lots located wholly in the Commercial Low Traffic, Commercial Medium Traffic or the Commercial High Traffic Zoning District, and no adjacent lot may, at the time of redevelopment be improved with any type of residential improvement. The applicant must establish to the satisfaction of the Planning Board that the redevelopment of the pre-existing non-conforming use on a larger site shall benefit the general health, safety and welfare of the Village and its residents as compared to the ongoing operation of the pre-existing non-conforming use in its current location and configuration, particularly with regard to the alleviation of the adverse impact of traffic generated by such pre-existing non-conforming use on North Triphammer Road. Specifically, the redevelopment proposal must include provision for parking on-site to accommodate all anticipated parking requirements for operation of the use, as well as sufficient area to accommodate all anticipated stacking of cars in connection with any drive-thru operations in connection with such use. Additionally, if such use is relocated to another site in the course of the proposed development, the issuance of a Special Permit for redevelopment of such a pre-existing non-conforming use shall be conditioned upon the elimination of all aspects of non-conformity on the existing site of the pre-existing non-conforming use; if redevelopment occurs on the existing site in combination with an adjacent parcel, this requirement shall be inapplicable. If redevelopment does occur on the existing site in combination with an adjacent parcel, the two shall be combined into a single parcel, which shall not be subdivided for so long as the pre-existing non-conforming use continues to exist on such parcel. Further, if the pre-existing non-conforming use is redeveloped on another site, such other site must consist of a single parcel which shall be used only for the pre-existing non-conforming use, and which likewise shall not be subdivided for so long as the pre-existing non-conforming use continues to exist on such parcel. The application for a Special Permit under this Section 145-60(M) (1) shall not be deemed to be complete until the applicant has delivered to the Village Planning Board a traffic study, prepared by a professional engineer licensed in New York State specializing in traffic engineering, analyzing the impact of the redevelopment of the pre-existing non-conforming use on traffic on North Triphammer Road. In addition to any other requirements for the Special Permit, together with delivery of this traffic study, the applicant shall deposit in escrow with the Village the sum of Ten Thousand and No/100 (\$10,000.), from which escrow account the Village shall draw funds to pay expenses of the Village's own traffic engineer to evaluate the applicant's traffic study and/or complete an independent traffic study. If the Village's costs for such purposes exceed the escrowed amount, the applicant shall deliver the excess to the Village upon receipt of an invoice therefor, and the Village shall not proceed with consideration of the application nor issue a building permit for the redevelopment until such account has been paid in full. If, after payment of the Village's traffic engineer's fees, and after issuance or denial of the Special

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Permit, there remains any balance in the escrow account, the Village shall return this balance to the applicant.

M. Low Traffic Food and Beverage in Business and Technology District [**Added 9-10-2003 by L.L. No. 3-2003; Amended 5-16-11 by L.L. No. 5-2011**]

Food and beverage services shall be permitted subject to the following conditions:

- (1) There shall be no more than four (4) low traffic food and beverage service uses located within the Business and Technology District.
- (2) Such food and beverage service use shall be located within and operated from a building in the Business and Technology District and shall not occupy more than two thousand (2,000) square feet.
- (3) Such food and beverage service area may provide no more than fifty (50) interior or exterior on-site seating.
- (4) No signage of any kind for such food and beverage service area shall be allowed, unless approved in the special permit application for the business by the Village of Lansing, on the outside of any building or at any other location within the Business and Technology District for advertising, identification or other purposes. [If such business is located within the Cornell Business and Technology Park, said business shall comply with the Cornell Business and Technology Park Planned Sign Area provisions.]
- (5) There shall be no more than two (2) interior identification signs permitted. One (1) such sign shall be allowed at the entrance to the space occupied by such food and beverage service provider and one (1) shall be permitted in a window which will be no larger than four (4) square feet. Signage shall conform in all respects to the signage standards for such building.
- (6) Such food and beverage service area shall be open for business only during the regular business hours of those businesses located within the Business and Technology District, and under no circumstances shall be open earlier than 5:30 A.M. or later than 6:00 P.M.
- (7) Any such food and beverage service provider shall be allowed to accept orders for food and beverages to be picked up or delivered, and shall be further allowed to visit buildings with food carts and similar mobile apparatus intended for the delivery of permitted food and beverage products.

N. One-unit residential building, two-unit residential building, multiunit residential building and Planned Development Area clustered housing in Lansing Meadows PDA Area B. [**Added 6-29-2010 by L.L. No.4-2010, Amended 9-27-2011 by L.L. No. 6-2011**]

- (1) Housing units in the Lansing Meadows PDA Area B shall meet Fair Housing Act definition of “housing for older persons”.

O. Assisted living facility. Permitted upon determination by the Planning Board that the design, scale, exterior appearance, project traffic volume and pattern, lights and noise level are compatible with the character of the neighborhood or immediate area surrounding the proposed development. [**Added 2-1-2016 by L.L. No. 1-2016**]

P. Special care facility. Permitted upon determination by the Planning Board that the design, scale, exterior appearance, project traffic volume and pattern, lights

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and noise level are compatible with the character of the neighborhood or immediate area surrounding the proposed development. **[Added 2-1-2016 by L.L. No. 1-2016]**

- Q. Commercial Area A-1 in the Lansing Meadows Planned Development Area. All uses in the commercial area designated as area A-1 of the Lansing Meadows Planned Development Area shall be prohibited from accessing Oakcrest Road by way of any vehicular traffic, unless such use is a residential use as provided under area B of the Lansing Meadows Planned Development Area. **[Added 5-1-2017 by L.L. No. 2-2017]**

§ 145-60.1. Compliance with State Environmental Quality Review Act. [Added 6-5-1995 by L.L. No. 5-1995]

The Board authorized to consider the Special Permit application shall comply with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations (SEQRA), or in the event that the proposed action is exempt under SEQRA, in accordance with any other environmental review required under this Chapter 145 for the purpose of determining whether the proposed action will have any significant adverse environmental impacts. **[Amended 7-02-2007 by L.L. No.4-2007]**

§ 145-60.2. Court review. [Added 6-5-1995 by L.L. No. 5-1995]

Any person aggrieved by decision made pursuant to the terms of this § 145-59 may apply to the Supreme Court for review under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of the Board's decision in the office of the Village Clerk.

§ 145-61. Special Permits in combining districts. [Amended 5-19-08 by L.L. No. 2-2008]

- (A) Special conditions for Flood Hazard Combining District.³⁶

Required information. Flood Hazard Combining District uses must be reviewed with consideration of measures designed to reduce the impact of a flood on the proposed construction. Information to be furnished by the applicant must include, but is not limited to, all materials submitted as part of any floodplain development permit application submitted in accordance with Chapter 78 (entitled "Flood Damage Prevention Law") of the Village of Lansing Code, and all construction and required floodproofing shall be in accordance with such Chapter 78 of the Village of Lansing Code.

- B. Special Permits in Conservation Combining District. **[Amended 5-2-1996 by L.L. No. 1-1996]**

- (1) Special conditions for Drainage way Conservation Combining Districts. Drainage way Conservation Combining District uses will be granted a Special Permit only after the Planning Board has satisfied the requirements of SEQRA, or in the event that the proposed action is exempt under SEQRA, the Planning Board has

³⁶Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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satisfied the requirements of its own independent environmental review for the purpose of determining whether the proposed action will have any significant adverse environmental impacts. **[Amended 7-02-2007 by L.L. No. 4-2007]**

- (2) Special conditions for Steep Slope Conservation Combining District. Steep Slope Conservation Combining District uses will be granted a Special Permit only after the Planning Board has satisfied the requirements of SEQRA, or in the event that the proposed action is exempt under SEQRA, the Planning Board has satisfied the requirements of its own independent environmental review for the purpose of determining whether the proposed action will have any significant adverse environmental impacts. **[Amended 7-02-2007 by L.L. No. 4-2007]**
 - (a) Required information. Steep Slope Conservation Combining District uses must be reviewed with consideration of measures designed to reduce the impact of the proposed construction on slope stability. Information to be furnished by the applicant must include, but is not limited to the following:
 - [1] A plat plan and elevations with dimensions of lots and existing and proposed structures, storm drainage systems, landscaping, streets, parking, and sewage disposal systems.
 - [2] An erosion and sediment control plan.
 - [3] A detailed grading plan, showing existing and final contours at two (2) feet intervals.
 - (b) The Planning Board may impose additional requirements necessary for the protection of a Steep Slope Conservation Combining District as part of the Special Permit or subdivision process. Such requirements may include, but are not limited to the following:
 - [1] Increased lot size.
 - [2] Increased setbacks.
 - [3] Clustering of structures.
 - [4] Open space set-asides.
 - [5] Preservation of trees and other vegetation.
 - [6] Reduction of road pavement widths.
 - [7] Reduction in the amount of grading.
 - [8] Installation of erosion control measures.
- (3) Special conditions for Unique Natural Area Conservation Combining Districts. Unique Natural Area Conservation Combining District uses will be granted a Special Permit only after the Planning Board has satisfied the requirements of SEQRA, or in the event that the proposed action is exempt under SEQRA, the Planning Board has satisfied the requirements of its own independent review for the purpose of determining whether the proposed action will have any significant adverse environmental impacts. **[Amended 7-02-2007 by L.L. No. 4-2007]**

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- (a) Required information for Unique Natural Area Conservation Combining Districts. Uses in Unique Natural Area Conservation Combining Districts must be reviewed with consideration of measures designed to reduce the impact of the proposed construction on rare and scarce flora and fauna. Information to be furnished by the applicant must include, but is not limited to the following:
- [1] A plat plan and elevations with dimensions of lots and existing and proposed structures, storm drainage systems, landscaping, streets, parking, and sewage disposal systems.
 - [2] An inventory of flora and fauna.
 - [3] A plan for limiting impacts on all existing rare and scarce flora and fauna.
- (b) ³⁷Additional required information for Unique Natural Area Conservation Combining Districts UNA-64, UNA-89, UNA-90 and UNA-103. Uses in Unique Natural Area Conservation Combining Districts UNA-64, UNA-89, UNA-90 and UNA-103 must be reviewed with consideration of measures designed to reduce the impact of the proposed construction on slope stability. Information to be furnished by the applicant must include, but is not limited to the following:
- [1] An erosion and sediment control plan.
 - [2] A detailed grading plan, showing existing and final contours at two (2) feet intervals.
- (c) ³⁸Additional required information for Unique Natural Area Conservation Combining District UNA-88. Uses in Unique Natural Area Conservation Combining District UNA-88 must be reviewed with consideration of measures designed to reduce the impact of the proposed construction on wetlands. Information to be furnished by the applicant must include, but is not limited to the following:
- [1] A wetland delineation.
 - [2] A plan for limiting impacts on wetlands.
- (d) The Planning Board may impose additional requirements necessary for the protection of Unique Natural Area Conservation Combining Districts as part of the Special Permit or subdivision process. Such requirements may include, but are not limited to the following:
- [1] Increased lot size.
 - [2] Increased setbacks.
 - [3] Clustering of structures.
 - [4] Open space set-asides.
 - [5] Preservation of trees and other vegetation.
 - [6] Preservation of rare and scarce flora and fauna.
 - [7] Preservation of wetlands.

³⁷Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³⁸Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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- [8] Reduction of road pavement widths.
 - [9] Reduction in the amount of grading.
 - [10] Installation of erosion control measures.³⁹
- C. Special conditions for Airport Combining District. [~~Deleted 5-02-2005 by L.L. No. 2-2005~~]

ARTICLE VII Nonconforming Uses, Lots and Structures

§ 145-62. Intent.

- A. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited or restricted under the terms of this chapter or future amendment.
- B. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuance. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities must not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land must not be extended or enlarged after passage of this chapter by the addition of any uses of a nature which would be prohibited generally in the district involved.
- D. Any lawful nonconforming use in existence on the effective date of this chapter or amendments thereto may continue as the use of right. A certificate of registered nonconformance may be obtained, upon application, from the Zoning Officer which will certify that the lawful nonconforming use was established prior to the effective date of this chapter or amendments thereto.
- E. To avoid undue hardship, nothing in this chapter is deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal is deemed to be actual construction, provided that work is diligently carried on until completion of the building involved.

§ 145-63. Nonconforming lots of record.

- A. In any district in which one-unit residential buildings are permitted, a one-unit residential building and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter.

³⁹Editor's Note: Original sections 145.61 B 4 and 145.61 B 5, which originally followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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- B. No minimum yard dimensions on any such nonconforming lot shall, however, be reduced so as to be less than eighty percent (80%) of the requirements (Appendix C, Dimensions Chart), and no height restrictions or parking requirements may be changed without a variance.⁴⁰

§ 145-64. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost at time of destruction as estimated by the Village Engineer, it must not be reconstructed except in conformity with the provisions of this chapter.
- C. Should such structure be moved for any reason for any distance whatever, it must thereafter conform to the regulations for the district in which it is located after it is moved.

§ 145-65. Nonconforming uses.⁴¹

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located may be enlarged except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but such use must not be extended to occupy any land outside such building.
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use must thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, a lot or structure and lot in combination is discontinued or abandoned for twelve (12) consecutive months, the structure, lot or structure and lot in combination must not thereafter be used except in conformance with the regulations of the district in which it is located.

⁴⁰Editor's Note: Original Section 402.03, Nonconforming uses of land, which followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴¹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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§ 145-66. Required restoration.

Nothing in this chapter is deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE VIII

Administration, Appeals and Enforcement

§ 145-67. RESERVED 3-01-2010 BY L.L. No. 3-2010

§ 145-68. Enforcement.⁴²

This chapter is to be enforced by the Zoning Officer who is appointed by and serves at the pleasure of the Board of Trustees. The Board of Trustees, if circumstances warrant, has the power to appoint additional officers, either on a temporary or permanent basis. The Zoning Officer, Code Enforcement Officer, Planning Board, Board of Zoning Appeals and Board of Trustees have the right to enter onto property to make reviews of proposed or pending permit applications and to make regular inspections of buildings and/or land development sites.

§ 145-69. Certificate of registered nonconformance.

A certificate of registered nonconformance may be obtained, upon application, from the Zoning Officer for any lawful nonconforming use in existence on the effective date of this chapter or amendments thereto. Such certificate will indicate the date of establishment of such nonconforming use and the nature of the use and must state specifically wherein the nonconforming use differs from the provisions of this chapter.

§ 145-70. Certificate of registered home occupation.

Any person conducting a lawful home occupation prior to the effective date of this chapter or amendment thereto may obtain, upon application, from the Zoning Officer, a certificate of registered home occupation. Such certificate will indicate the date of establishment of such use and the nature of the home occupation and will, in the absence of a Special Permit, serve to protect the right to continue such use without further permits. Nothing in this section prevents the application for Special Permit for a continuing home occupation, which was established heretofore, if the person conducting the home occupation prefers to follow Special Permit procedures.

§ 145-71. Records to be maintained.⁴³

The Zoning Officer must maintain a record of all certificates of compliance, certificates of registered home occupation and certificates of registered nonconformance and one (1) copy must be furnished when requested to any person.⁴⁴

⁴²Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴³Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴⁴Editor's Note: Original Section 501.05, regarding fee exemptions, which originally followed this August 2021

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§ 145-72. Board of Zoning Appeals.

- A. Establishment and powers.
- (1) There is hereby established a Board of Zoning Appeals to function in the manner prescribed by § 7-712 of the Village Law of the State of New York.
 - (2) The jurisdiction of the Board of Zoning Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this chapter and Chapter 115, Signs, of the Code of the Village of Lansing. The Board of Zoning Appeals shall have the authority to call upon any department, agency or employee of the Village for such assistance as shall be deemed necessary and as shall be authorized by the Board of Trustees. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. In voting upon such a reversal or the grant of any such variance, the Board of Zoning Appeals shall seek to make a decision whereby the intent of this chapter is observed, the public health, safety and welfare secured and substantial justice done. **[Amended 9-15-1992 by L.L. No. 2-1992]**
 - (3) The Board of Zoning Appeals is also empowered to hear and decide all matters referred to it or upon which it is required to pass by the terms of this chapter.
- B. Membership.
- (1) The members of the Board of Zoning Appeals must be residents of the Village of Lansing and are appointed by the Board of Trustees to serve for terms as prescribed by law. Vacancies occurring on the Board of Zoning Appeals by expiration of term or otherwise must be filled as prescribed by law.
 - (2) There shall be five (5) members of the Board of Zoning Appeals. No person who is a member of the Village Board of Trustees shall be eligible for membership on the Board of Zoning Appeals. **[Added 9-15-1992 by L.L. No. 2-1992]**
- C. Officers. The Board of Trustees must designate a Chairman and the Board of Appeals must choose its Vice Chairman who presides in the absence of the Chairman. In the absence of both the Chairman and the Vice Chairman, the Board of Zoning Appeals must choose one (1) of its members as Acting Chairman. Such Chairman, or the party acting in his or her stead during his or her absence, assumes duties of the Chairman and may administer oaths and compel the attendance of witnesses.
- D. Rules of procedure. The Board of Zoning Appeals must adopt such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter and all its resolutions and orders must be in accordance therewith. The Board of Zoning Appeals must take minutes of all its meetings and keep a record of its proceedings and its vote on every question.

section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. In addition, original Section 501.06, regarding violation notification, hearing, remediation and imposition of penalties, was moved and is now § 145-77.

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§ 145-73. Grievances and appeals.

Any person aggrieved by any decision of any officer charged with the administration and enforcement of this chapter may take an appeal to the Board of Zoning Appeals.

- A. Appeals to be heard by the Board of Zoning Appeals. The Board of Zoning Appeals must, in accordance with the provisions hereinafter contained in this section:
 - (1) Hear and determine appeals from applicants on the refusal of the Zoning Officer to issue a building/land use permit, or certificate of compliance, certificate of registered home occupation or certificate of registered nonconformance in accordance with the provisions of this chapter.
 - (2) Hear and determine appeals from any person aggrieved by the issuance of a building/land use permit, or certificate of compliance, certificate of registered home occupation or certificate of registered nonconformance in accordance with the provisions of this chapter.
 - (3) Review any order or decision of the Zoning Officer where the order or decision is based upon the requirements of this chapter.
- B. Appeals not to be heard by the Board of Zoning Appeals. The Board of Zoning Appeals does not have jurisdiction to hear appeals from determinations of the Board of Trustees or Planning Board, in particular determinations relating to the creation of a planned development area or the issuance of Special Permits pursuant to the provisions of § 145-59.
- C. Appeals to courts. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or any officer, department, board or bureau of the Village may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision of the Board in the office of the Village Clerk.⁴⁵

§ 145-74. Variances.

- A. Types. There are two (2) types of variance situations. One concerns lot requirements and the other concerns land use.
 - (1) **[Amended 9-15-1992 by L.L. No. 2-1992]** The Board of Zoning Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer of the Village of Lansing, to grant area variances from the area or dimensional requirements of this chapter; such variances shall include variances of lot requirements (including minimum area, frontage and setbacks), dimensions, required distances, required parking facilities, restrictions on height, bulk, size or density and variances from the terms of Chapter 115, Signs, of the Code of the Village of Lansing. In making its determination, the Board of Zoning Appeals shall take into consideration the benefit to the applicant of the variance granted, as weighed against the detrimental to the health, safety and welfare of the neighborhood or community by the grant of such variance. In making such determination, the Board of Zoning Appeals shall also consider:

⁴⁵Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.
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- (a) Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance.
 - (b) Whether the benefits sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - (c) Whether the requested area variance is substantial.
 - (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - (e) Whether the alleged difficulty was self-created; however, the Board of Zoning Appeals' determination, following such consideration under this Subsection A(1)(e), that a difficulty was self-created shall not necessarily preclude the Board's granting of the area variance.
- (2) **[Amended 9-15-1992 by L.L. No. 2-1992]** The Board of Zoning Appeals, in granting area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (3) **[Amended 1-8-1991 by L.L. No. 3-1991; 9-15-1992 by L.L. No. 2-1992]** Requirements concerning land use variances. No use variance shall be granted by the Board of Zoning appeals without a showing by the applicant that the applicable provision of this chapter or other applicable regulation or restriction has caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that:
- (a) Under applicable zoning regulations the applicant cannot obtain a reasonable economic return as determined in the sole discretion of the Board of Zoning Appeals, from the property in question, which insufficient return must be established by competent financial evidence satisfactory to the Board of Zoning Appeals.
 - (b) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
 - (c) The requested use variance, if granted, will not alter the essential character of the neighborhood.
 - (d) The alleged hardship has not been self-created.
- (4) **[Amended 9-15-1992 by L.L. No. 2-1992]** The Board of Zoning Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. Further, the Board of Zoning Appeals shall not grant a use variance in any case that such a variance would conflict with the Village's General Plan. The foregoing criteria are intended to supersede, in accordance with Municipal Home Rule § 10, Subdivision (1)(ii)(e)(3), the criteria for granting use variances set forth in New York State Village Law § 7-712-b, and in particular the requirement that to obtain a use variance the applicant must demonstrate that the applicant is deprived of all economic use or benefit from the property. All other criteria and provisions contained in New

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York State Village Law § 7-712-b, except the requirement that the applicant demonstrate that the applicant is deprived of all economic use or benefit from the property, are applicable to use variances sought or granted in accordance with this chapter.⁴⁶

- B. Restrictions on granting variances.
 - (1) The Board of Zoning Appeals is expressly prohibited from basing its decision on:
 - (a) The presence of a nonconforming lot, facility or activity nearby or in the same zoning district.
 - (b) Any condition, lot, facility or activity in another zoning district or another municipality.
- C. Decision by Board of Zoning Appeals and supporting material. Any decision by the Board of Zoning Appeals must be accompanied by a written statement of its findings on either the five (5) points in § 145-74A(1) or the four (4) points in § 145-74A(3), whichever is applicable, which support the decision made, including a summary of the evidence upon which its findings are based. A literal transcript of the evidence is not required, but the evidence must be specifically stated.
- D. Imposition of conditions. The Board of Zoning Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property or the period of time such variance shall be in effect. Each condition shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. **[Added 9-15-1992 by L.L. No. 2-1992]**

§ 145-75. Hearing procedure.

- A. Public hearing. The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal and give due notice of the public hearing by advertising in the official newspaper at least five (5) days prior to the date thereof and by posting in at least three (3) prominent places.⁴⁷
- B. Notification. The applicant shall send written notice of the public hearing by mail to all owners of Village property contiguous to the boundaries of the property under consideration. Such notice shall state the nature of the relief sought, the time and place of the public hearing and such additional information as shall be required by the Zoning Officer. Such notice shall be mailed no less than five (5) days prior to the scheduled public hearing. Proof of such mailing shall be filed with the Board of Zoning Appeals prior to the holding of the public hearing. **[Amended 3-5-1986 by L.L. No. 2-1986]**
- C. Referral. The Board of Zoning Appeals, before taking final action on cases requiring a variance affecting real property lying within a distance of five hundred (500) feet from the boundary of any city, village or town or from the boundary of any existing or proposed County or State park or other recreation area or from the

⁴⁶Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Also, the last unnumbered paragraph of original Section 502.03a, and its Subsections a through d, regarding Zoning Board of Appeals findings before granting a variance, which immediately followed this subsection, was repealed at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴⁷Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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right-of-way of any existing or proposed County or State road or highway or from the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines or from the existing or proposed boundary of any County or State owned land on which a public building or institution is situated or affecting real property within five hundred (500) feet of the boundary of a farm operation within an agricultural district must refer the matter to the Tompkins County Planning Department for report and recommendation. If the County Planning Department fails to make report within thirty (30) days after receipt of referred matter, the Board of Zoning Appeals may act without the report. If the County Planning Department disapproves the proposal, or recommends modification thereof, the Board of Zoning Appeals may act contrary to a disapproval or recommendation only by a vote of a majority plus one (1) of the members thereof. The Board of Zoning Appeals must file a report of its action with the County Planning Department within thirty (30) days after the action is taken. If the Board of Zoning appeals acts contrary to a recommendation of modification or disapproval of a proposed action, the report shall set forth the reasons for the contrary action.⁴⁸

- D. Board of Zoning Appeals decisions. The Board of Zoning Appeals must decide on appeals or other matters referred to it within sixty-two (62) days after final public hearing.
- E. Fees. For appeal and/or application for variance, there is a fee of twenty-five dollars (\$25.). The fee is not refundable. **[Amended 2-21-1989 by L.L. No. 1-1989]**

§ 145-76. Amendments.

- A. Board of Trustees action. The regulations and provisions of this chapter may be amended, supplemented or repealed by the Board of Trustees after legal notice and public hearing as specified in this section.
- B. Planning Board review. Each proposed amendment, if initiated by any agency other than the Planning Board, must be referred to the Planning Board for review and recommendation thereon before the public hearing.
- C. Public hearing. The Board of Trustees sets the time and place for a public hearing on the proposed amendment and causes notice to be given as follows:
 - (1) A notice of time and place is published ten (10) days in advance of the hearing in a paper of general circulation in the Village and is posted in at least three (3) prominent places.
 - (2) Service of written notice. At least ten (10) days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including amendments thereto, affecting property within five hundred (500) feet of the following shall be served personally or by mail by the Village upon each person or persons as listed below:
 - (a) The property of the housing authority erecting or owning a housing project authorized under the Public Housing Law; upon the executive

⁴⁸Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Also, original Section 502.04d, regarding supplementary notice, which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.

- (b) The boundary of a city, village or town; upon the Clerk thereof.
 - (c) The boundary of a county; upon the Clerk of the Board of Supervisors or other person performing like duties.
 - (d) The boundary of a State park or parkway; upon the regional State park commission having jurisdiction over such State park or parkway.
- D. Referral. The Board of Trustees must refer certain proposed amendments to the Tompkins County Planning Department in accordance with §§ 239-l and 239-m of Article 12-B of the General Municipal Law.
- E. Protested changes. In case of a protest against a proposed change or amendment signed by the owners of twenty percent (20%) or more of the area of land included in the proposed change or by twenty percent (20%) or more of all land owners within one hundred (100) feet from the boundaries of the area of land to be included in the proposed change, the amendment must be passed by a favorable vote of a majority plus one (1) of the Board of Trustees.
- F. Subdivision plat approval and cluster housing. In approving subdivision plats which propose use of cluster housing, the Planning Board may give such approval only after this has been disclosed at the public hearing required by Chapter 125, Subdivision of Land. Cluster housing approvals made pursuant to this section are at the discretion of the Planning Board and are to be § 7-738 of the Village Law of the State of New York.

§ 145-77. Notice and remedies. [Amended 2-1-1993 by L.L. No. 3-1993]

- A. In any event that the owner or occupant of a property in the Village has failed to comply with any provision of this zoning chapter, the Village Code Enforcement Officer may issue an order to such person stating the nature of such failure and requiring such person to perform such action as is necessary to achieve remediation of such failure and obtain compliance with this zoning chapter by a stated date and time. This order shall state that the person to which the order is directed must discontinue the illegal use of the land, buildings or structures that are the subject of the order; or must remove the illegal buildings or structures, or make the appropriate additions, alterations or modifications thereto; must discontinue any illegal work in progress; or must take any other action, authorized by this zoning chapter, to remediate the failure to comply with the stated provision(s) of this zoning chapter and/or to ensure compliance with or to prevent further violations of the terms of this zoning chapter. This order shall also state that in the event that the recipient of such order fails to perform such action by such stated date and time, the Village may perform such action, and the cost of such action by the Village shall be charged to the owner of the subject property. Such order shall be served either personally or by registered or certified mail.
- B. Upon receipt of the order, the owner of the subject property shall be obligated to perform the work indicated within the time set forth in the order. If the owner fails to do so, the Code Enforcement Officer shall notify the Village Board of Trustees. The Village Board of Trustees shall thereupon schedule a hearing at which the owner shall have an opportunity to present to the Board the reasons for such failure. Such hearing shall occur within sixty (60) days of the Board's receipt of notice of the failure, and the Board shall cause the owner to be notified of the

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hearing at least ten (10) days in advance of the same. Following such hearing, the Board may determine that the work described in the order is necessary in order to maintain compliance with the terms of this zoning chapter and may order that such work be performed by the Village. Upon making such a determination, the Board may resolve to have the Village Superintendent of Public Works perform such work using Village employees and equipment or contracting for such services in the name of the Village.

- C. In the event that the Village has performed or caused to be performed such work, the Superintendent of Public Works shall file with the Village Treasurer a sworn statement of all costs, expenses and fees incurred by the Village in connection with the performance of such work. Likewise, the Village Clerk shall file with the Village Treasurer a sworn statement of all costs, expenses and fees incurred by the Village in connection with the owner's failure to perform such work, including but not limited to cost of service of the order, legal fees and additional insurance or bond costs. A copy of both such sworn statements, together with an invoice for the total of the same, shall be mailed to the owner of the subject property by registered or certified mail. The owner shall be responsible for the payment of all costs, expenses and fees of the Village in connection with the owner's failure to perform the required work, including but not limited to all costs of labor, materials, service of the order, legal fees, surveying fees, engineering fees and additional insurance or bond costs incurred or expended by the Village in connection with the performance of such work. Whenever used in this section, the term "owner" shall be deemed to refer to the record owner of the subject property as set forth on the current tax rolls prepared by the Tompkins County Assessment Office, as such rolls have been supplied to the Village.
- D. If the owner fails to pay the amount set forth on such invoice within thirty (30) days of the date of mailing of such invoice, the Village Treasurer shall enter the two (2) sworn statements in the records of the Village Treasurer as a lien against the property upon which the work has been performed and shall add the same to the next assessment roll of general Village taxes, and the Village Treasurer shall collect and enforce this assessment in the same manner, by the same proceedings, at the same time and with the same penalties as the Village tax and as part thereof, except that in addition to the penalties otherwise provided for herein, interest shall run from the date of the filing of the sworn statements to the date of the Village tax bill at the maximum rate currently permitted under applicable law. Notwithstanding the foregoing, the Village, at its option, may also institute suit against the owner for such costs, expenses and fees. The provisions set forth in this § 145-77 are not to be deemed exclusive remedies, and shall not prevent or limit the Village from enforcing the provisions of this § 145-77 in any other manner authorized in accordance with this chapter or any other law, rule or regulation of the Village or of the State of New York.

§ 145-78. Penalties for offenses.

- A. In addition to those penalties proscribed by the State law, any individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any legal or commercial entity of any kind or description, who violates any provision of this chapter shall be:

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1. liable to a civil penalty for not more than two hundred fifty dollars (\$250) for each day or part thereof during which such violation continues, which civil penalty shall be recoverable in an action instituted in the name of the Village; and
2. deemed guilty of an offense upon conviction and is subject to a fine equal to two hundred fifty dollars (\$250) or imprisonment for not more than (15) days, or both, for each such violation

Each day that any such violation continues to exist shall be deemed to result in a separate and distinct violation, each of which separate violations shall subject the violator to an additional two hundred fifty dollar (\$250.) civil penalty and/or fine. Notwithstanding the foregoing, in any case that this chapter expressly provides for a grace period within which the violator is permitted to cure violation, each day during such grace period shall not be deemed to result in a separate violation that shall subject the violator to such fine. In addition, a violation of this chapter constitutes a violation under the Penal Law of the State of New York. **[Amended 9-6-1993 by L.L. No. 12-1993⁴⁹, 1-5-09 by L.L. No. 1-2009]**

- B. In addition to other penalties, the Village of Lansing may institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration or use of any building or land in violation of the requirements of this chapter.

§ 145-79. Provisions to be minimum requirements.

The provisions of this chapter are intended to be the minimum requirements necessary to accomplish the purpose of the law and must be interpreted and applied accordingly. When requirements of this chapter conflict with the requirement of other lawfully developed rules, regulations or law, the most restrictive or that imposing higher standards takes precedence.

ARTICLE IX Standards and Measurements

§ 145-80. Table of Approximate Equivalents.

The following table of approximate equivalents may be used:

(CHART ON NEXT PAGE)

⁴⁹Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art.I.
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Customary System		International Standard System	
1	2	3	4
Exact Equivalent of Col. 3	Approximate Equivalent	Appropriate Equivalent	Exact Equivalent of Col. 2
0.98 ft.	1 ft.	30 cm	30.5 cm
1.97 ft.	2 ft.	60 cm	60.9 cm
3.28 ft.	3 ft.	1 m	91.4 cm
4.92 ft.	5 ft.	1.5 m	1.52 m
5.90 ft.	6 ft.	1.8 m	1.83 m
Exact Equivalent of Col. 3	Approximate Equivalent	Appropriate Equivalent	Exact Equivalent of Col. 2
9.84 ft.	10 ft.	3 m	3.05 m
11.81 ft.	12 ft.	3.6 m	3.66 m
24.61 ft.	25 ft.	7.5 m	7.62 m
29.53 ft.	30 ft.	9 m	9.14 m
49.21 ft.	50 ft.	15 m	15.24 m
82.02 ft.	75 ft.	25 m	22.86 m
17.64 ft.	150 ft.	45 m	45.72 m
196.85 ft.	200 ft.	60 m	60.96 m
492.13 ft.	500 ft.	150 m	152.40 m
1.07 sq. ft.	1 sq. ft.	0.1 ca	0.093 ca
10.76 sq. ft.	10 sq. ft.	1 ca	0.93 ca
16.14 sq. ft.	15 sq. ft.	1.5 ca	1.39 ca
48.44 sq. ft.	50 sq. ft.	4.5 ca	4.64 ca
01.65 sq. ft.	100 sq. ft.	9.5 ca	9.30 ca
197.95 sq. ft.	200 sq. ft.	18.5 ca	17.67 ca
299.60 sq. ft.	300 sq. ft.	28.0 ca	279.00 ca
1,076.39 sq. ft.	1,000 sq. ft.	100.0 ca	92.90 ca
10,763.91 sq. ft.	10,000 sq. ft.	1,000.0 ca	929.03 ca
32,291.73 sq. ft.	30,000 sq. ft.	3,000.0 ca	2,787.09 ca
43,055.64 sq. ft.	40,000 sq. ft.	4,000.0 ca	3,716.12 ca
.99 acres	1 acre	4,000 ca	4,046.86 ca
4.94 acres	5 acres	2 ha	2.02 ha

§ 145-81. Chart of Uses. [Amended 12-9-1988 by L.L. No. 7-1988; 6-6-1989 by L.L. No. 5-1989; 1-9-1990 by L.L. No. 1-1990; 3-6-1995 by L.L. No. 1-1995; by L.L. No.3-2008; Amended 2-1-2016 by L.L. No. 1-2016]

The Chart of Uses shall be as follows:

(CHART ON NEXT PAGE)

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Uses	Districts								
	LDR ¹	MDR ¹	HDR ¹	CLT ¹					
Additional residential building On single lot									
Adult Entertainment						CHT**			
Alteration to building or Improved site	LDR ¹	MDR ¹	HDR ¹	CLT ¹	CMT*	CHT ¹	BTD ¹	RSH ¹	HHS ¹
Assisted Living Facility	LDR**	MDR**	HDR**	CLT**		CHT**			HHS**
Automotive sales/services/lots						CHT*			
Bank administrative operations				CLT**	CMT**		BTD*		
Clinic			HDR*	CLT*	CMT*	CHT*			HHS*
Commercial assembly soft goods						CHT*	BTD*		
Commercial crop/animal	LDR**	MDR**							
Construction sales/storage						CHT*			
Employee Cafeteria food and Beverage				CLT ¹	CMT ¹	CHT ¹	BTD ¹	RSH ¹	HHS ¹
Government buildings			HDR*	CLT*	CMT*	CHT*	BTD*		
Group residential			HDR*						
High Traffic Food and Beverage						CHT*			
Home occupation	LDR**	MDR**	HDR**	CLT**	CMT**	CHT*			
Hospital						CHT*			HHS*
Indoor recreation/club			HDR*	CLT*	CMT*	CHT*	BTD*		
Large equipment						CHT*			
Light industry/manufacturing							BTD*		
Low Impact Technology				CLT*	CMT*				
Low Traffic Food and Beverage					CMT*	CHT*	BTD**		
Medical laboratory									HHS*
Members only fuel station									
Mixed use				CLT**	CMT**	CHT**			
Mobile home	LDR**								
Motel/hotel						CHT*	BTD**		
Multiunit residential building (only in sewer areas)			HDR	CLT**					
Museums/public buildings			HDR*	CLT*		CHT*			
Natural Parks	LDR	MDR	HDR	CLT	CMT	CHT	BTD	RSH	HHS
Office/studio/service			HDR**	CLT*	CMT*	CHT*	BTD**		
One-unit residential building	LDR	MDR	HDR	CLT					
Outdoor recreation/club	LDR*	MDR*	HDR*	CLT*			BTD*		
Pharmacy									HHS*
Redevelopment on larger pre-existing non-conforming use currently in operation in CLT zoning				CLT**	CMT**				
Religious facility	LDR*	MDR*	HDR*	CLT*	CMT*	CHT*			
Research/design/prototype Production							BTD*	RSH*	
Sales/repair/maintenance						CHT*			
Schools	LDR*	MDR*	HDR*	CLT*	CMT*	CHT*	BTD*		
Small Scale Sales					CMT*	CHT*			
Special Care Facility	LDR**	MDR**	HDR**	CLT**		CHT**			HHS**
Temporary commercial activities	See section 145-58-C								
Temporary non-commercial activities				CLT	CMT	CHT	BTD	RSH	HHS
Theater/nightclub/discotheque						CHT*			
Transportation services						CHT*	BTD*		
Two-unit residential building	LDR	MDR	HDR	CLT					
Undertaking			HDR*						
Utility service underground	LDR	MDR	HDR	CLT	CMT	CHT	BTD	RSH	HHS
Utility transmission/ Storage/plants	LDR*	MDR*	HDR*	CLT*	CMT*	CHT*	BTD*	RSH*	
Warehousing/storage/distribution						CHT**	BTD**		

NOTES:

* Indicates use is permitted with Special Permit: general conditions.

** Indicates use is permitted with Special Permit: general and additional conditions for certain special permit (145-60).

¹ Indicates use is permitted with additional conditions.(145-58)

Uses within Planned Development Areas should be referred to in their respective district regulations

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§ 145-82. Typical uses; category of use. [Amended 2-1-2016 by L.L. No. 1-2016]

- A. The following subsections illustrate the type of uses consistent with the descriptive term used for permitted and Special Permit uses. These illustrations do not supplant definitions provided in § 145-3 or additional conditions specified in §§§ 145-58 and 145-59. Rather, they suggest uses which can be appropriately carried out under the respective use terms. However, some uses are specifically excluded, as noted. In addition, uses which are included in any subsection are excluded from all other subsections unless specifically listed therein.
- (1) Additional residential building on single lot: Includes any unit building permitted in the same district.
 - (2) Alteration to building or improved site: See § 145-39C(2).
 - (3) Assisted living facility: A supportive housing facility designed for those who need extra help in their day-to-day lives but who do not require the 24-hour skilled nursing care found in traditional nursing homes. Typically these facilities combine housing, personal care services, and light medical care in an atmosphere of safety and privacy. Based on a monthly fee, basic services typically include meals, laundry, housekeeping, recreation and transportation. Residents typically have private locking rooms and bathrooms and personal care services are available on a 24-hour-a-day basis.
 - (4) Automotive sales/service/lots: New and used car and pickup truck sales and service; fuel station (see definitions, § 145-3); service station; parking lot; public garage; car wash; sales lot.
 - (5) Bank administrative operations: Bank administrative and office operations, including loan transactions, and including no more than one (1) teller and one (1) automatic teller machine (ATM).
 - (6) Clinic: An outpatient health clinic or facility, private or public, which provides for medical, surgical, or psychiatric care and treatment for the sick or the injured. The facility may be a group practice in which several physicians work cooperatively, and the facility would not be open on a 24 hour basis (does not include nursing homes or veterinary clinics).
 - (7) Commercial assembly soft goods: Jewelry; leather goods; clothing; scientific instruments.
 - (8) Commercial crop/animal: Production of crops, crop products, livestock and livestock products; production of fiber; keeping, raising or breeding animals whether for commercial sale or for use in commercial activities. Includes kennel, riding academy, plant nursery and on-site sales of products. Does not include uses which are normally part-time or subsistence or recreational which are primarily for use by the household conducting the uses; incidental sales may be conducted on-site if in conformance with sign, yard and parking requirements for the district.
 - (9) Construction sales/storage (indoor or screened storage): Offices and indoor screened storage for building or plumbing/heating contractor; sheet metal assembly, “over-the-counter” sales or construction and building material, such as lumber and plumbing, electrical, heating and air conditioning supplies. For the purposes of better describing this use, the term “over-the-counter” sales shall herein mean the arrangement wherein customers must request or order their goods from a salesperson at a

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counter or other physical barrier that prevents customer access to the businesses' merchandise, stock or inventory, this term expressly excludes any self-serve arrangement wherein merchandise is directly accessible to customers and customers can themselves physically select their purchases from the floor, shelves, racks, counters, tables or other displays. Notwithstanding the limitations of the foregoing description, an "over-the-counter" construction sales establishment may allow for incidental self-service sales of construction or building related goods or supplies in the area accessible to the general public, provided that (a) such self-service sales are only accessory to the primary business, (b) such area accessible to the general public constitutes less than fifteen percent (15%) of the area of the building in which the construction sales establishment operates (excluding any outdoor storage areas from such calculation), (c) not more than one-half (1/2) of the floor area of the portion of the building accessible to the general public is devoted to floor, shelf, rack, counter, table or other displays of goods for sale, including any area devoted to "showroom" or "set-up" space, and (d) notwithstanding the terms of Section 145-54(J) above, the total number of parking spaces for any "Construction Sales/Storage" use that includes any area for such incidental self-service sales shall be limited to (i) one parking space for each 300 square feet of Gross Floor Area accessible to the general public as described in this sentence, plus (ii) any additional parking spaces the Planning Board, on the recommendation of the Code Enforcement Officer, determines will be adequate for the balance of the "Construction Sales/Storage" use not accessible to the general public.

- (10) Employee cafeteria food and beverage service: Food service provided for only the employees (and their guests, clients, customers, etc.) of the building where such service is located (which building is being used for a permitted use).
- (11) Government buildings: Office; fire station; police station; post office.
- (12) Group residential: Club; dormitory; fraternity or sorority house; rooming house; Does not include private or public hospital, motel or hotel
- (13) High traffic food and beverage: Restaurant with or without bar which includes drive-in/drive-through, carry-out and/or similar services; exclusively drive-in/drive-through and/or carry-out food and beverage establishment; bar or tavern.
- (14) Home occupation: Includes uses an activities incidental and accessory or secondary to the use of the dwelling unit for residential purposes; provided, however, that any such use and/or activity shall not be considered a home occupation and therefore shall not be subject to special permit approval under this Zoning Law in the event that (i) there are no employees, 50Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. ZONING December 2014 145103 customers, clients, students or similar individuals visiting the dwelling, (ii) there is no sale of goods and services at the dwelling unit, and (iii) no additional vehicle traffic is produced other than what would be expected for the customary use of the dwelling unit. (See §145-3)
- (15) Hospital- an institution, private or public, that provides medical, surgical, or psychiatric care and treatment for the sick or the injured, which is

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typically open on a 24 hour basis and patients are allowed to stay for an extended period of time if needed (does not include nursing homes or veterinary hospital).

- (16) Indoor recreation/club: Public or private service club; social club; commercial indoor recreation; bowling; tennis; swimming pool; billiards; arcades; etc.
- (17) Large equipment: Marine, agricultural and business and technological sales and services; trucking firm; snowmobile, travel trailer, camper sale and services. Excludes mobile home park and sales.
- (18) Light industry/manufacturing: Manufacturing typically having few if any nuisance characteristics such as electrical equipment manufacture, welding and small metal products manufacture, soft drink bottling, clothing manufacture and pharmaceutical manufacture.
- (19) Low impact technology: Small scale manufacturing and technology having few if any nuisance characteristics; the scale of operations utilizes primarily services such as UPS, Postal Service, Federal Express with little or no tractor trailer traffic and no loading docks; examples are: data processing; computer centers; laser technology applications; communications equipment service and repair; medical laboratories; research, testing design and training applications; custom small industry (production, assembly and packaging)
- (20) Low traffic food and beverage: Sit-down restaurant with or without a bar where food is consumed on premises, which may include carry-out or similar service such as, bakery or café; where there is no drive-in/drive-through or separate entrance for carry-out service.
- (21) Members only fuel station: Fueling facilities for vehicles, including gasoline, diesel, ethanol, methanol, liquid petroleum gas, compressed natural gas, electric charging and similar fuel products, which facilities are (i) associated with a specific shopping club (e.g., BJ's Wholesale, Sam's Club, Costco, etc.); (ii) available only to the members of such specific shopping club; and (iii) located on the same premises as the building housing the specific shopping club.
- (22) Mixed use: see definitions, § 145-3.
- (23) Mobile home: Includes only those constructed after 1973 and conforming to the New York State Uniform Fire Prevention and Building Code. See § 145-60B.
- (24) Motel/hotel: Provision of living accommodations on a primarily transient basis.
- (25) Multiunit residential building: Includes accessory facilities and residential activities, including gardening and keeping of pets. A dwelling unit housing with more than three (3) dogs, over six (6) months old, is considered a kennel.
- (26) Museum/public buildings: Museum; art gallery; observatory; library.
- (27) Natural parks: Undeveloped land without site improvements or facilities.
- (28) Office/studio/service: Architect; insurance; lawyer; realtor; doctor; dentist; physical therapy; veterinarian (includes animals under treatment); secretarial; printing; multicopying; testing lab; administrative office; adult education and training; photography; tailoring; barber; beauty shop; spa; tutoring.

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- (29) One-unit residential building: Includes accessory facilities and residential activities, including gardening or farming and keeping of pets. A dwelling unit housing more than three (3) dogs, over six (6) months old, is considered a kennel.
- (30) Outdoor recreation/club: Public or private developed park; golf; tennis; rod and gun; boating; swimming; and commercial recreational uses. Excludes stadiums, sports arenas, snowmobile and motorbike trails, amusement parks and drive-in theaters.
- (31) Planned development area clustered housing: Multiple residential buildings for rental occupancy grouped on a single un-subdivided parcel which is incorporated as part of an authorized Planned Development Area and owned and controlled by a single entity; subject to Special Permit additional condition set forth in subsection O of § 145-60; the density (including the number of buildings and residential units), dimensions, setbacks and related requirements are to be determined and established as part of required Special Permit review and action; such density, dimensions, setbacks and related requirements so authorized will supersede any inconsistent district regulations and requirements otherwise applicable.
- (32) Religious facility: see definitions, § 145-3.
- (33) Research/design/prototype production: See § 145-45.
- (34) Reserved
- (35) Sales/repair/maintenance: All retail soft and hard goods; laundromat; cleaners; bank; bar or tavern; drive-in restaurant; carry-out service.
- (36) Schools: see definitions, § 145-3
- (37) Small scale sales: All retail of soft and hard goods with a maximum average size of 10,000 square feet per tenant, which may include but not exceed one accessory drive-through that is clearly incidental in nature to the primary business use; jewelry; clothing; pet store; pharmacy; bank; book store; laundromat
- (38) Special care facility: Convalescent, progressive care, senior housing, or nursing home, adolescent or outpatient housing
- (39) Theater/nightclub/discotheque: Does not include drive-in theater.
- (40) Temporary commercial activities and temporary non-commercial activities.
 - a. Temporary commercial activities: (see subsection C under §145-58)
 - b. Temporary non-commercial activities: Private activities or gatherings related to the principal uses permitted in a particular district where no required entry or participation fee is charged, the primary purpose of which is not sale of goods or services; including events conducted by and for the employees and invitees associated with the uses permitted in that particular district. Temporary Commercial Activities.
- (42) Transportation services: Bus companies; taxi services; car rental agencies.
- (43) Two-unit residential building: Includes accessory facilities and residential activities, including gardening or farming and keeping of pets. A dwelling unit housing more than three (3) dogs, over six (6) months old, is considered a kennel.

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- (44) Undertaking: Funeral home; mortuary.
- (45) Utility service underground: Electric; communications; and gas, sewer and water lines providing essential services to normal land use activities.
- (46) Utility transmission/storage/plants: Electric; communications; gas, sewer and water transmission lines; and service including stations, substations, treatment plants, pumping stations and storage tanks.
- (47) Warehousing/storage/distribution: Moving firm; temporary storage; distribution and delivery systems and facilities (including overnight and similar distribution and delivery services).

§ 145-83. Performance standards.

- A. Inspection. Inspections of a facility or use for purposes of enforcing compliance with these performance standards are to be conducted by the Zoning Officer on his or her own initiative, on receipt of a complaining petition, or upon direction by competent public authority.
- B. Landscaping and Groundcover. All required yards and undeveloped open space areas must either be open landscaped and green areas or be left in a natural state. If any such yards and/or undeveloped open space areas are to be landscaped, they must be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state must be properly maintained in a sightly and well-kept condition. Parking areas must also be maintained in a sightly and well-kept condition.
- C. Noise.
 - (1) Noise is to be measured on any property line of the tract on which the operation is located, except that when measuring noise levels for aircraft activities at the Ithaca Tompkins Regional Airport, measurements are to be taken at the location at which a determination is to be made as to whether the noise level exceeds that permitted by this law.
 - (2) Noise must be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity. At the property line the sound pressure level of noise radiated continuously from a facility must not exceed the values given in Tables 1 and 2⁵⁰ in any octave band frequency. The sound pressure level is to be measured with a sound level meter and an octave band analyzer that conform to specifications published by the American Standards Association.
 - (3) For measuring aircraft noise levels related to the Ithaca Tompkins Regional Airport as indicated above, the maximum permissible sound-pressure levels must not exceed sixty-five (65) dB(A) decibel level for more than eight (8) hours per twenty-four (24) hours, and for residential zones they must not exceed forty-five (45) dB(A) for more than thirty (30) minutes during night time hours from 11:00 p.m. to 7:00 a.m.
 - (4) If the noise is not smooth and continuous, one (1) or more of the corrections in Table 2 below may be added to or subtracted from each of the decibel levels given in Table 1:

⁵⁰Editor's Note: Tables 1 and 2 are located on the next page.
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TABLE 1
Maximum Permissible Sound-Pressure Levels at
Specified Points of Measurement for Noise Radiated Continuously

Cycles Per Second	Decibel Level
20 to 75	69
76 to 150	54
151 to 300	47
301 to 600	41
601 to 1,200	37
1,201 to 2,400	34
2,401 to 4,800	31
4,801 to 10,000	28
10,001 to 20,000	26 ¹
20,001 to 30,000	25 ¹
30,001 to 40,000	24 ¹
40,001 to 50,000	23 ¹

¹To avoid possible interference with animal experiments

TABLE 2
Corrections to Table 1
For Noise Not Radiated Continuously

Type of Operation or Character of Noise	Corrections in Decibels
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5 % of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5

*Apply one (1) of these corrections only

- D. Odors. Odors from any use hereafter begun must not be discernible at the property line to a greater degree than odors from plants for the manufacture or fabrication of books, textile weaves, electronic equipment or other plants in which operations do not result in greater degree of odors. The values given in Table III (Odor Thresholds), Chapter 5, Physiological Effects, in the Air Pollution Abatement Manual by the Manufacturing Chemists' Association, Inc., Washington, D.C., latest revision, 1951, are to be used as standard in case of doubt concerning the character of odors emitted. In such case the smallest value given in Table III is to be the maximum odor permitted. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building/land use or Special Permit.
- E. Glare. Glare, whether direct or reflected, such as from spotlights or arc welding, and as differentiated from general illumination, must not be visible at any property or beyond.
- F. Exterior lighting. Any lights used to illuminate exteriors of buildings, signs, other structures or landscaping must be directed and screened so the glare is not

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visible from anywhere off the property. Flashing lights are not to be used for exterior illumination of buildings, signs, other structures or landscaping.

- G. Vibration. Vibration must not be discernible at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. Vibration at any time must not produce at any time an acceleration of more than zero point one (0.1) gravities or result in any combination of amplitudes and frequencies beyond the safe range of Table 7, United States Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of said Bulletin No. 442 are to be used to compute all values for the enforcement of this provision.
- H. Smoke. Measurement must be at the point of emission. The Ringelmann Smoke Chart published by the United States Bureau of Mines is to be used for the measurement of smoke. Smoke not darker or more opaque than No. 1 on said chart may be emitted except that smoke not darker or more opaque than No. 2 on said chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible gray smoke, must also apply to visible smoke of a different color but with an equivalent apparent opacity. The provisions of Subsection M below apply to smoke.
- I. Dust. Solid or liquid particles must not be emitted at any point in concentrations exceeding three-tenths (0.3) grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections are to be applied to a stack temperature of five hundred degrees Fahrenheit (500° F.) and fifty percent (50%) excess air. The provisions of Subsection M below apply to dust.
- J. Gases. Fumes or gases must not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive. The values given in Table I [Industrial Hygiene Standards - Maximum Allowable Concentration for eight-hour day, five (5) days per week], Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes) and Table V (Exposures to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, Physiological Effects, that contains such tables, in the Air Pollution Abatement Manual by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building/land use or Special Permit. The provisions of Subsection M apply to gases.
- K. Hazard. All uses will be carried out with reasonable precautions against fire and explosion hazards.
- L. Radiation. All uses will be carried out so as to cause no dangerous radiation at any lot line as specified by the regulations of the United States Atomic Energy Commission.
- M. Radioactivity. Operations must not cause radioactivity at any property line in violation of 10 CFR 20, Chapter 1, Standards for Protection Against Radiation, dated January 10, 1957, or any subsequent revision or amendment thereof, and 10 NYCRR Part 16, Ionizing Radiation.
- N. Electrical radiation. Any electrical radiation must not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.

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- O. Liquid wastes. All sewage and industrial wastes must be treated and disposed of in such a manner as to comply with the water quality standards set forth by the New York State Department of Environmental Conservation, Tompkins County Health Department or other competent authority.

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