

**TOWN OF LANSING LOCAL LAW AMENDING ARTICLE XVI OF THE LAND USE
ORDINANCE TO ADD § 1612 TO MAP AND CODIFY PLANNED DEVELOPMENT
AREA ZONE #3 - THE EASTLAKE PLANNED DEVELOPMENT AREA**

TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK

LOCAL LAW NUMBER 5 OF 2016

Be it enacted by the Town of Lansing as follows:

SECTION 1: TITLE & APPLICATION; FINDINGS

A. This Local Law shall be known as "Local Law Number 5 of 2016." This Local Law amends the Town of Lansing Land Use Ordinance, by adding a § 1612 to Article XVI for the purpose of formally codifying, mapping, approving, and adopting Planned Development Area ("PDA") #3 for the Eastlake PDA, and by specifying the allowed land uses and related regulations for such PDA #3.

B. The Town of Lansing Comprehensive Plan and Land Use Ordinance encourage the efficient use of land to promote sustainable and intelligent designs, such as a residential developments with integrated and supporting neighborhood uses, especially in areas where residential density is highest, as the Comprehensive Plan recognizes that innovative and integrated residential developments supports residential density, reduces the costs of services, preserves land and agricultural uses, and generally benefit and define the community. The Town Board finds that this PDA was, is, and remains inherently consistent with the planning and zoning objectives of the Town.

C. PDA #3 was approved in or about 1988, by application of Cheryl Nickel, Developer, as a residential subdivision with a community center. The development of the site was governed by the Eastlake Declaration of Covenants and Restrictions, dated August 22, 1988 and filed August 24, 1988 in the Tompkins County Clerk's Office at Liber 32 of Miscellaneous Records, Page 736. This declaration was thereafter amended by a First Amendment to the Declaration of Covenants and Restrictions - Eastlake, as filed in said Clerk's Office upon June 29, 2007 as Instrument Number 510977-001 (hereinafter jointly and severally the "Declaration"). Other than the community center building and land upon Cayuga Lake as acquired by the Eastlake Homeowners Association, Inc. from the Developer (Inst. #509607-001), the balance of the PDA is a traditional residential subdivision generally consistent with current and past R1 zoning requirements in the Town of Lansing.

D. The Final Plat for PDA #3 was filed in the Tompkins County Clerk's Office upon August 24, 1988, as Instrument #BF-017906-001, at Map Drawer K 109-114 (the "Final Plat").

SECTION 2: PLANNED DEVELOPMENT AREA #3 - THE EASTLAKE PDA

A. Planned Development Area ("PDA") #3, to also be known as the Eastlake PDA, is hereby established, permitted, and defined with permitted uses and applicable definitions, as hereafter follows. PDA #3 shall be enumerated as Section 1612 of the Land Use Ordinance, as follows:

§ 1612 PDA #3 - The Eastlake Planned Development Area.

1. PDA #3 shall use all definitions as are applicable to the Land Use Ordinance generally. Unless otherwise regulated differently under the rules and procedures applicable to PDA #3 under this § 1612, the general provisions of the Land Use Ordinance shall apply, as shall all rules and procedures applicable for R1 zones generally, specifically including but not limited to rules pertaining to site planning, special permitting, and zoning permits.

2. Except as to Lots 19, 44, 99, and 189, the allowed principal and supplementary or accessory land uses permitted within the PDA are and include all uses as permitted as of right in the R1 zone, except as follows:

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

b. The use of land for public or commercial power generation, including as licensed utility providers, shall be prohibited.

c. Two-family and larger multi-family dwellings are prohibited.

d. Only one single-family dwelling is allowed per lot. No ECHO housing, residential accessory uses or apartments, or mother-in-law or accessory dwellings or apartments are allowed except as built as an integral part of the single family dwelling (or its detached garage) and when not part of a stand-alone structure. Retirement, congregate and shared housing facilities are prohibited.

e. No accessory uses are allowed except traditional professional and home offices where they comply with the requirements set forth for home offices as set forth below.

f. The keeping of animals (other than traditional household pets), livestock, or chickens shall be prohibited. The keeping or raising of horses or ponies is prohibited, and 4H, animal husbandry, and similar land uses are prohibited.

g. Government buildings and schools, churches and places of worship, public or private clubs, community residences, youth centers, libraries, museums, nursery schools, day care facilities, nursing homes, hospitals, health related clinics, bed and breakfast facilities (and similar rental arrangements), and theatres are not permitted.

h. Farming as a business or commercial activity is not permitted. Roadside stands are prohibited. Traditional non-commercial residential plantings and gardening are allowed.

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

3. Home office regulations and requirements are as follows:

a. Home offices must comply with the following standards:

- i. Such home office does not generate more than 10 additional traffic trips per day.
- ii. There are no more than two non-family employees.
- iii. No more than 30% of the enclosed building space or livable space may be used for non-residential or rental purposes.
- iv. No sales of goods or services to the general public are advertised upon or concerning the property.
- v. No sales of goods or services to the general public occur more than one day per month, such sale is for arts and crafts (and similar goods) created on-premises, and such monthly allowed sale does not generate more than 20 additional traffic trips upon such sale day.

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

4. Allowed uses of land for Lots 19, 44, 99, and 189 are as follows:

a. Lot 19 - Shall be an indoor and outdoor recreational use lot known as the Eastlake Recreational Center, and land and any structures thereupon may be used only for indoor and outdoor recreation, related recreational purposes and storage, meetings rooms and meeting hall purposes, and as a general community center for community-based events (and not for general commercial banquets, catering, or reception hall purposes). Recreation includes things like tennis and basketball courts and playgrounds, but does not include stables or the keeping or raising of animals, including but not limited to dogs, horses, or ponies.

(i) Business offices and professional offices are permitted within this building upon site plan approval by the Town Planning Board.

b. Lot 44 - Up to 4 single family residences are allowed upon this lot. Each residence must be separately owned and owner-occupied and may not be rented on any regular or recurring basis, whether commercially, seasonally, or otherwise.

c. Lot 99 - May be used as a joint home and office space, subject to a maximum floor area of 15,000 ft² (including all levels) and requiring at least one parking space for each 400 ft² of enclosed or floor space. The office space may be leased and subleased. Office use must be for traditional professional or other offices that do not generate high volumes of traffic. Thus, offices that generate such traffic, such as dental or medical clinics, veterinary clinics, hospitals, or real estate offices are prohibited. Any change in the nature of such office use, and any sublease or division of use or interests in the office space (such as renting to two different persons or entities), shall be subject to site plan review by the Town Planning Board. The goals of any site plan review process, and any mitigation or conditions required, shall be focused upon noise, traffic, and maintaining uses and intensities of use as are generally compatible with nearby

residential areas. Thus, and by way of non-exclusive examples, attention should be paid to the number of vehicle trips, lighting issues, and signage.

d. Lot 189 – Is limited only to recreational uses and supporting structures; namely, stairs, sheds, and dock spaces along the shoreline of Cayuga Lake. Such use is personal and private to the lot-owners within the PDA and no dock rentals, wharves or wharfage, or anchoring rentals, leases, license, fees, or similar uses or arrangements are permitted.

5. Yardage requirements and set-back requirements, density, building and structure height, and coverage regulations are as follows:

a. All building and structure setbacks, excluding roadways and pedestrian walkways and trails, shall be at least 60' from the roadway centerline and 15' from all side yards, and 25' from the rear yard line. All internal PDA set-back and yardage requirements shall be as set forth in the Land Use Ordinance for R1 zones, except as may otherwise be set forth or required herein.

b. Density regulations shall require that the PDA maintain a 30% minimum open space standard per lot and a 30% minimum open space standard for the entirety of the PDA.

c. Buildings shall not exceed 3 stories and no building or structure shall exceed a height of greater than 35 vertical feet measured from the average grade to the highest point in the roof line, excluding chimneys and vents.

5. Roadway, parking, and transportation requirements are as follows:

a. All public-use roadways shall be dedicated public highways, with appurtenant utility easements. The Developer and the Town may also agree, in the future, to the dedication of such further or additional roadways, trails, pathways, or easements as may hereafter be created or built. All future roads shall be constructed to Town of Lansing roadway and related specifications as to sub-base and roadway surfacing, even if the same may not be proposed to be dedicated to the Town, and all future pathways and pedestrian ways shall be constructed in a safe and workmanlike manner and, unless to Cayuga Lake, such pathways and pedestrian ways shall be constructed in accord with plans approved by the Town Department of Parks and Recreation.

b. All parking spaces for Lots 19 and 99 shall have a minimum width of 8.5', a minimum depth of 18', and a minimum vertical clearance height of 7', except handicapped and impaired parking spaces – which shall conform to all code and legal requirements in terms of the number of spaces, their location, and the minimum dimensions thereof.

c. All roadways shall be engineered, designed, constructed, and maintained in such manner as to permit the safe passage of fire trucks and other emergency vehicles.

d. All reserved areas for potential future roadways as shown upon the Final Plat shall remain reserved and unimproved unless heretofore or hereafter expressly abandoned as reserved future roadways by resolution of the Town Board.

6. Landscaping plans and buffering requirements are as follows:

a. Landscaping shall be designed to manage and prevent water drainage to and stormwater runoff upon adjacent properties.

b. All trees shall be preserved to the greatest extent possible, and no tree with a trunk diameter over 8" as measured 4' above grade shall be removed except when necessary in relation to proposed improvements to any lot. Such removal shall be noted upon any plan, building permit application, or similar document.

c. All planted buffering and landscaping, including screening vegetation, shade trees, and other plantings, shall contain only native vegetation (i.e., no exotic or invasive non-native species shall be permitted). All plantings shall be maintained by the lot owner(s) and replaced with similar vegetation whenever a plant or tree shall die, become diseased, or fail of its purpose relative to providing screening or buffering.

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

8. Lighting shall only be in locations of approved lighting poles and plans, plus any security or passage lighting for buildings. All future lighting and lighting fixtures shall be shielded and designed so as to avoid glare upon adjacent properties.

9. The Town Sign Local Law shall apply, except certain signage is further restricted within the PDA as follows:

i. Single Family residences shall not post signs greater than 4 ft² unless granted a permit therefore by the Town.

ii. Home Offices are restricted to signage no greater than 2 ft².

ii. Signs on Lot 99 may not exceed 9 ft², and no more than two such signs are allowed unless granted a permit by the Town.

iv. Signs in Lot 19 may not exceed 12 ft², and no more than four such signs are allowed unless granted a permit by the Town or unless they are directional signs or temporary signs related to events that last less than 3 days.

10. All fuel tanks, water tanks, and similar storage tanks shall be installed fully underground or sited and fully screened in a manner as approved the Town Planning Board upon site plan review.

11. Any proposed use not specifically herein allowed is expressly prohibited. Any future plan or proposal not here specifically allowed is prohibited unless an amendment to the PDA and its development plan are approved through the applicable procedures as outlined in the Land Use Ordinance. However, in no event may: (i) the open space percentage of 30% be reduced, with such open space measurement to be expressed as a percentage of land that is undeveloped by buildings or impervious surfaces as compared to the total acreage of the PDA; and (ii) multiple residences be allowed upon any lot other than Lot 44, except for allowed accessory apartments.

12. The area encompassed and rezoned in accordance with this Local Law is described as follows: Those lands being known as Town of Lansing Tax Parcel Numbers 42.-1-54.1 through 42.-1-54.27, and the roadways servicing the same, comprising approximately 42 acres of land and being more particularly bounded and described as follows:

Beginning at a point located 3.66' northerly of a highway marker in the westerly line of NYS Route 34 located near the northeasterly corner of Lot 19 as shown upon the Final Plat, and thence proceeding

S 86° 30' 37" W a distance of 3,106.48' to a pin located in the northerly line of Lot 189; and thence continuing

S 86° 30' 37" W a distance of 133.33', more or less, to a point in the easterly shoreline of Cayuga Lake; and thence running

Southerly along the easterly shoreline of Cayuga Lake a distance of 626', more or less, to a point at the southwesterly corner of Lot 139, such point being just westerly of a pin located near the shoreline of Cayuga Lake; and thence running

Easterly a few feet to such pin in the southerly line of Lot 139; and thence proceeding

N 87° 01' 08" E a distance of 94', more or less, to a pin located in the southerly line of said Lot 139; and thence continuing

N 87° 01' 08" E a distance of 498.26' to an indeterminate point, and continuing thereafter an indeterminate distance along the southerly line of the PDA, comprising the southern boundaries of Lots 139 and 109, including as passing twice through the loop road leading down to the lakeside lots along Cayuga Lake, and terminating at a pin located in the southerly line of said Lot 109; and thence continuing

N 86° 29' 09" E a distance of 295.4' along the southerly boundary of said Lot 109 to a pin; and thence proceeding

N 86° 39' 39" E a distance of 487.73' along the southerly boundaries of Lots 109 and 99 to a pin; and thence proceeding

N 86° 40' 40" E an indeterminate distance listed as 220.59' and 701.28' on either side of a match line upon the Final Plat to a pin located in the southerly line of Lot 59; and thence proceeding

N 86° 49' 32" E a distance of 204.88' to a pin; and thence proceeding

N 86° 42' 31" E a distance of 570.71 to a highway monument in the westerly line of NYS Route 34; and thence proceeding

N 12° 15' 42" E a distance of 25.02' to another highway monument in the westerly line of NYS Route 34; and thence proceeding

S 86° 36' 12" W a distance of 373.74' to a pin; and thence proceeding

N 03° 23' 48" W a distance of 24' to a pin; and thence proceeding

N 57° 06' 54" E a distance of 169.89' to a pin located on the municipal boundary line between the Town of Lansing and the Village of Lansing; and thence proceeding

N 35° 35' 12" E a distance of 18.22 feet along such municipal boundary to a point; and thence proceeding

S 86° 36' 12" W a distance of 17.18' to a point in the then approximate centerline of a creek; and thence proceeding

Northeasterly along such creek centerline an approximate distance of 132.9' to a point, such course also being measured by a chord bearing of N 37° 31' 45" E, and a chord distance of 130.2 feet; and thence running

N 86° 36' 12" E a distance of 202.71' to a pin, passing through a pin at 10'; and thence proceeding

N 09° 56' 43" E a distance of 394.69' to an existing highway monument, then and additional 3.66' along such course to the point and place of beginning; however

Excluding any described lands as are located within the Village of Lansing, and including any roadways servicing the PDA, and incorporating any descriptions of such roadways in any deeds dedicating the same.

13. All utility and waterline easements, and all water main rights-of-way, as shown upon the Final Plat shall be and be deemed dedicated to and accepted by the Town, its successors and assigns.

14. The landowners within the PDA assume sole responsibility for the land development activities within the PDA and all worksites, including all related staging and construction areas and lands within and without the PDA, and agree to assume all responsibility for any injury or damage that may or does occur as a result of any excavation, construction, or related work. The landowners, to the fullest extent permitted by law, shall indemnify and hold the Town, its officers, agents, and employees harmless from and against any, each, and all losses, actions, causes of action, claims, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, and demands whatsoever, whether arising in law, admiralty or equity (all together and severally hereafter the "Claims"), including but not limited to reimbursement to the Town for any amounts expended for expert, consulting, engineering, and attorneys' fees and expenses arising from or in relation to any Claim. The Town shall not be liable or responsible for any injury to persons or damage to property due to any acts or failures to act unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Town. No right or cause of action is hereby implied or created that does not already exist in law or equity.

15. The Town of Lansing Zoning Map is hereby amended to incorporate the location and boundaries of PDA #3.

SECTION 3: SEVERABILITY; INTERPRETATION

If the provision of this Local Law shall be adjudged or held invalid or unenforceable by a court or other tribunal of competent jurisdiction, such determination, order, or judgment shall not affect or invalidate the remainder of this Local Law, and any such invalidity or unenforceability shall be confined in its operation to the provision directly involved in the controversy in which such determination, order, or judgment shall have been rendered, and such invalidity or unenforceability shall not apply to other jurisdictions, persons or circumstances and, in all cases, the balance hereof shall remain in force and effect. Section and other headings are for reference and convenience only and shall not be deemed or construed to limit or define the requirements of clauses set forth thereunder. References to laws and regulations (including references within this local law to other sections of this local law), and the sections and subsections thereof, shall be construed to apply to such law or regulation as now exists or as may hereafter be amended or recodified, and no typographical error or error of reference shall be given significant meaning or effect. The gender or neuter of pronouns shall be construed as the context or use thereof admits or requires, and the singular shall be construed as the plural, and *vice versa*, when the context thereof so admits or requires.

SECTION 4: EFFECTIVE DATE

This Local Law shall be and become effective immediately upon filing with the New York Secretary of State.