

## Chapter 270. Zoning

### Article VIII. Site Development Standards

#### § 270-40. General Provisions.

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

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

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

#### § 270-40.1 Landscape Plan.

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

#### § 270-40.2 Landscape Installation.

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

#### § 270-40.3 Landscape Maintenance.

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

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

#### § 270-40.4 Buffer Yards.

##### A. Buffer Yard Parameters

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

##### B. Buffer Yard Landscape

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

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

§ 270-40.5 Fences and walls.

- A. Except as otherwise specified in other provisions of this chapter, fences and walls up to six feet high are permitted as of right in all zones and in all locations, including yards, setbacks, and buffer areas.
- B. A fence or wall may be built up to a common lot line but may not encroach on the adjoining property nor interfere with adequate sight distance for vehicles exiting from driveways on the parcels sharing common lot lines.
- C. Fences and walls are not allowed within public road right-of without the written permission from the public entity that holds the right-of way and, when required, applicable roadway use or construction permits, licenses, and the like
- D. Fences and walls must be constructed of permanent, durable materials, such as brick, stone, concrete, textile block, wood, iron, or steel. Vinyl or chain link fence materials are not allowed in the L1, R1, R2, or R3 Zoning Districts.
- E. No fence or wall may be constructed of barbed wire, concertina wire, razor wire, electrically charged wire, railroad ties; standard, fluted, or split face concrete masonry units (CMU); scrap metal, tarps, or any other material determined by the Code Enforcement Officer to be detrimental to the public health, safety, and welfare. This restriction does not apply to lawful Farm Operations in the AG Zoning District.
- F. The height of all fences and walls is measured from the average ground level within two feet of the base of the fence or wall. An additional one foot of height is allowed, above the maximum permitted height, for posts, columns, light fixtures, or other decorative details.
- G. Deer fences up to eight feet in height are permitted as of right in all zones and in all locations, including yards, setbacks and buffer areas. (See definition for deer fencing.)
- H. Fences and walls up to eight feet in height are permitted as of right in all locations, including yards, setbacks and buffer areas, for lawful Farm Operations.

- I. An open fence enclosing a tennis, basketball, pickleball, or other recreational court may be erected to a maximum of 12 feet in height, irrespective of the above standards.
- J. Fences shall be erected with the finished side (if any) facing the road and abutting properties, and with backers, supports, and posts on the inside of the fence, unless they constitute an integral part of the finished side, or unless the fence is of the type that requires posts to be placed in an alternating pattern inside and outside the fence to maintain stability.
- K. Fence and wall heights shall be measured vertically from the natural grade to the top of the fence or wall at each point along the fence or wall.
- L. Maintenance. Fences and walls, including supports, must be maintained in a proper state of repair. Any damage to or deterioration of a fence or wall, whether due to vandalism, weather, age, loss of mortar, or peeling paint, must be repaired as soon as practicable or within 30 days of receipt of notice from the Code Enforcement Officer.

#### § 270-40.6 Retaining walls.

- A. Except as otherwise specified in other provisions of this chapter, retaining walls are permitted as of right in all zones and in all locations, including yards, setbacks, and buffer areas (subject to the above rules in § 270-40.5).
- B. A retaining wall may be built up to a common lot line but may not encroach on the adjoining property nor interfere with the adequate sight distance for vehicles exiting from driveways on the parcels sharing the common lot line.

#### § 270-40.7 Lighting Plan.

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

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

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

#### § 270-40.8 Parking

- A. The intent of this Article VII is to ensure that all nonfarm land use activities in the Town of Lansing be provided with sufficient and safe off-street motor vehicle parking and loading space to adequately serve, and meet the needs of, persons associated with such land use activities. The requirements of this article do not apply to agricultural land uses.
- B. Off-street parking requirements.
  - 1. Required spaces. There are no provisions that establish a minimum number of off-street parking spaces for development. However, development proposals subject to Site Plan review (270-27) are required to provide off-street parking as determined by the Planning Board. Where provided, off-street vehicle parking must comply with the standards of this section.
  - 2. Size and access. Each required off-street parking space shall have a dimension of at least nine feet by 18 feet exclusive of passageways and driveways thereto. Each such space shall have direct and usable access to a road, designed and located so as not to require the backing of any vehicle into a road right-of-way, except that this provision shall not apply to one- and two-unit dwellings.
- C. Parking in yards. Off-street parking space, open to the sky, may be located in any yard area required by Schedule III[2] of this chapter, except that:
  - 1. No more than 50% of the area of any required front yard may be used for parking.
  - 2. No parking space may be located less than 10 feet from any property line of an adjacent residential lot.
  - 3. For nonresidential land use activities, all front yard area not used for parking or access shall be improved by grass, trees, shrubs or other forms of landscaping.
- D. Screening and landscaping. For nonresidential land uses in lake shore and residential districts (L1, R1, R2 and R3 Districts), off-street parking areas adjacent to an existing residence shall provide for a buffer yard designed to screen the parking area from such adjacent residence.
- E. Parking area lighting. If an off-street parking area is to be lighted, such illumination shall be designed using cutoff fixtures, or equivalent, installed so that light does not create glare onto adjacent residential properties or onto any adjacent roadway. Wherever practical, luminaires shall provide for glare-free, downward directed, and shielded lighting as promotes the dark-sky standards of

the International Dark-Sky Association ("IDA"), Tucson, Arizona, including, for example, meeting the goals and standards expressed in the "Outdoor Lighting Ordinance and Community Standards" Information Sheet No. 172 and the IDA "Outdoor Lighting Code Handbook." Excessive lighting for promotional or commercial visibility purposes shall be discouraged.

F. Off-street loading requirements.

1. Location and size. All required off-street loading berths shall be located on the same lot as the land use activity to be served, shall not be located in any front yard area or located on a front facade and shall be at least 12 feet in width and 35 feet in length.
2. Space requirements. Areas for off-street loading shall only be required in commercial and industrial districts and only when necessary to provide adequate service. Unless modified by the Zoning Board of Appeals, one loading space shall be provided for each 15,000 square feet of floor area or major fraction thereof.

§ 270-41. Variance.

In case of practical difficulty or unusual conditions arising out of the requirements of this article, such requirements may be modified or waived through an application to the Zoning Board of Appeals for an area variance in accordance with the provisions of § 270-55 of this chapter.