

LOCAL LAW NUMBER #2 OF 2023

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

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sections of Chapter 270 of the official code of the Town of Lansing and, where indicated, certain sections are also superseded in their entirety.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

The Town Board of The Town of Lansing, New York, pursuant to Resolution dated January 18, 2023, does hereby adopt and pass this Local Law Number #2 of 2023, and therefore, be it so enacted as follows:

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

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

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

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

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

ADULT RESIDENTIAL CARE FACILITY
AGRICULTURE
BED-AND-BREAKFAST
CHURCH or OTHER PLACE OF PUBLIC WORSHIP
CLUB
CONTRACTOR'S/LANDSCAPING YARD
HOME OCCUPATION OR BUSINESS
KENNEL
OPEN SPACE
PLANT/LANDSCAPE NURSERY, GREENHOUSE AND GARDEN CENTER FOR
COMMERCIAL/RETAIL
RESTAURANT
ROADSIDE STAND
STORAGE CONTAINER, UNIT
USED CAR LOT

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

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

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

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

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

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

Regulations and controls relating to land uses or activities in the Town of Lansing are set forth in Schedule I (§ 270-10). Regulations relating to lot size, yards, building height, coverage and so forth are set forth in Schedule II (§ 270-11). Said schedules are hereby adopted with all explanatory

matter thereon and information related thereto being a material part of this chapter. However, the Rural Agriculture (RA) District and Agriculture (AG) Zoning District do not use Schedule I (§ 270-10) and Schedule II (§ 270-11), and instead rely upon the rules and regulations set forth in § 270-12 (for the RA zone) and § 270-13 (for AG zone), respectively.

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

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

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

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

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

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

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

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

M. The Town of Lansing Zoning Code Article VII: Parking and Loading, §§ 270-37 through 270-41, is expressly repealed and superseded by the new Article VII entitled

“Article VII Zoning Uses - Principal Accessory Temporary final draft 12152022,” as appended to this local law.

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

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

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

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

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

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

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

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

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

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

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

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