PEDC Meeting
Planning and Economic Development Committee
Ithaca Common Council

Amended 7/08/19

AGENDA ITEMS

<table>
<thead>
<tr>
<th>Item</th>
<th>Voting Item?</th>
<th>Presenter (s)</th>
<th>Time Start</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Call to Order/Agenda Review</td>
<td>No</td>
<td>Seph Murtagh, Chair</td>
<td>6:00</td>
</tr>
<tr>
<td>2) Public Comment</td>
<td>No</td>
<td></td>
<td>6:05</td>
</tr>
<tr>
<td>3) Action Items (Voting to Send on to Council)</td>
<td>Yes</td>
<td>Alex Phillips, Planning</td>
<td>6:30</td>
</tr>
<tr>
<td>a) City Mural Proposal</td>
<td>Yes</td>
<td>Gino Leonardi, Planning</td>
<td>6:40</td>
</tr>
<tr>
<td>b) Alterations to Non-Conforming Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Action items (Approval to Circulate)</td>
<td>Yes</td>
<td>JoAnn Cornish, Planning</td>
<td>7:00</td>
</tr>
<tr>
<td>a) Revision to West State Street Zoning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) Discussion</td>
<td>Yes</td>
<td>Jennifer Kusznir, Planning</td>
<td>7:30</td>
</tr>
<tr>
<td>a) Immaculate Conception PUD</td>
<td>No</td>
<td>Staff Presentation</td>
<td>8:00</td>
</tr>
<tr>
<td>b) Infill Guidelines</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) Review and Approval of Minutes</td>
<td>Yes</td>
<td></td>
<td>8:30</td>
</tr>
<tr>
<td>a) June 2019</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Adjournment</td>
<td>Yes</td>
<td></td>
<td>8:35</td>
</tr>
</tbody>
</table>

If you have a disability and require accommodations in order to fully participate, please contact the City Clerk at 274-6570 by 12:00 noon on Tuesday, July 9th, 2019.

** Out of consideration for the health of other individuals, please try to refrain from using perfume/cologne and other scented personal care products at City of Ithaca meetings. Thank you for your cooperation and understanding. **
One artist is seeking approval for a mural recommended by the Community Life Commission on June 17th. Last fall, the Community Life Commission (CLC) agreed to change the City's mural review. The change in procedures established two deadlines for mural proposals (February 15th and May 15th) that would allow final approval to happen during warmer months for painting. A Mural Subcommittee was established to undertake a more detailed review of proposals, collect public comments, and make a recommendation on proposals to the CLC. After reviewing the subcommittee's work, the CLC made its formal recommendation to the Common Council. The set of proposals is now ready for consideration by Common Council.

The second deadline under these new procedures was May 15, 2019, and one proposal was submitted. Planning staff worked with CLC member Rusty Keeler to establish the 2019 Mural Subcommittee, which included Jim Garmhausen (mural artist), Samantha Hillson (former Public Art Commission member), John Spence (Executive Director, Community Arts Partnership), and Jay Stooks (mural artist). The group met for its initial review of the proposals on May 30th and asked staff to circulate the proposal for public comment. This proposal was: "Water is Life" by Lynn Golan (Under the Columbia St Pedestrian Bridge).

The Mural Subcommittee met again on June 13th to review public comment. The public response to the proposals was generally in support of the mural. Members made the following comments and recommendations on individual proposals:

"Water is Life” by Lynn Golan (Under the Columbia St Pedestrian Bridge.)
Public comment was supportive, with some comment around the sketch. The subcommittee recommends approval of this proposal, while asking the mural artist to include colorful local fish species in the mural.

The proposals and the submitted public comments are attached for your review. If you have any questions prior to the meeting, please contact me at aphillips@cityofithaca.org.

---

1 Rusty Keeler submitted a mural proposal in February and did not serve on the Mural Subcommittee for Round 1 and 2.
PROPOSAL # 1:

WATER IS LIFE

COLUMBIA ST PEDESTRIAN BRIDGE
Columbia St & Giles St, Ithaca, NY, 14850
PROPOSAL # 1:

WATER IS LIFE
Description:

This design is a conceptual image of the way water interweaves and connects all of life globally. The painting will be in full color with many textural elements. Some of the design elements are fluid brush strokes to represent the fluidity and movement of water, bold lines, and many familiar and not so familiar animals, plants and coral. I will use a wide range of colors to bring dimension and liveliness into the painting. There will be many shades of blues, purples, oranges, greens, yellows and browns. The woman at the center of the piece represents humanity’s place amongst the greater circle of life. She sits upon Taughannock Falls, a local landmark that has strong roots to the identity of Ithaca. The DNA strand, which flows from the woman and down the waterfall, represents the essential connection that water has to human life, and is echoed as the strand untangles and falls back into the water. Surrounded by cattails, frogs, bees, and local birds (not drawn), she is grounded in the local eco-system of the Finger Lakes. Coral grows off of her, while tropical fish and a sea turtle swim around her to symbolize the global connection to exotic lands, all connected by the ocean water.

The mural will be in full color with a broad palate. It will have shades of blues, purples, grey and white for the water, deep oranges and bright colors for the coral reef, and greens for the native plants. There will be colorful tropical fish in colors of yellow, orange, greens and blues, and other marine life like coral and clams in similar vibrant colors. The painting style is realistic and detailed, but loose and fluid, with large brush strokes and bold lines. You can see my style of painting in some of the photos below.
Location:

I’d like to paint this mural next to a body of water. I propose the concrete legs of the Columbia Street Pedestrian Bridge. The height of this location and its location right next to Six Mile Creek makes it a perfect location for this mural.

The mural is intended to go up to the second section of the column. The specific height is dependent on the equipment I am able to secure. My rough estimate is that it is about 30 feet high and 7 feet wide. I have access to ladders that reach up to 40 feet high, and scaffolding that will allow for the height and security I want. I am open to suggestions the committee might have about placement on the column. I have included an image below that shows my ideal placement, so you can get a sense of the scale.

I would like this mural up on the second column because it will be a bold placement and better capture the spirit of the painting. It would also prevent the mural from getting painted over with graffiti or otherwise, and better preserve the work.
PROPOSAL # 1:

WATER IS LIFE

PREVIOUS WORKS
LYNN GOLAN
PROPOSAL # 1:

WATER IS LIFE

This is a mural I was the lead painter on in Oneonta, NY. 2014.
8 feet tall and 30 feet wide.
Resolution to Select Artwork for City Mural Program

WHEREAS, in 2010, the City created a mural and street art program to beautify blank walls within the city, while providing local artists from all sections of the community an opportunity to showcase their work, and

WHEREAS, the Board of Public Works approved Columbia Street Pedestrian Bridge for future murals and street art, throughout the city, by resolution on May 11, 2015, and

WHEREAS, Lynn Golan has submitted a proposal to paint a mural on a pier of the Columbia Street Pedestrian Bridge, and

WHEREAS, the Community Life Commission formed a mural subcommittee to assess mural proposals, hold public comment and recommend proposals for consideration, and

WHEREAS, the Mural Subcommittee held a public comment period on the mural designs and locations at its meeting on June 13th, 2019 to gather input on the proposed murals, and the responses to the proposals have been mixed, and

WHEREAS, the installation of the murals will be funded by the artists and will be budget-neutral to the City, and

WHEREAS, at its meeting on June 17th, 2019, the Community Life Commission voted to recommend that the Common Council approve the mural project at their proposed locations on condition to consider the needed treatment of the surface and liability of painting on the site; now, therefore, be it

RESOLVED, that the City of Ithaca Common Council selects the proposals by Lynn Golan as recommended by the Community Life Commission, for installation on a pier of the Columbia St Pedestrian Bridge, and be it further

RESOLVED, that the selected artist may proceed with the installation of their murals upon the execution of an agreement with the City as reviewed by the City Attorney.
City Mural Program Round II
Public Comment

- I like the overall image of the art but at first glance it looked like a crucifix to me. Maybe the artist can figure out a way to change that in some way.
  - John Efroymson (408 Columbia St.)

- I rally[sic] like this proposal. I like the artwork and the concept. I wish it could be somewhere where more people would see it.
  - Janet M. Olsen

- I don't love it but I have no objections.
  - JoAnn Cornish

- I support Lynn Golan's idea for a public mural. In my opinion, the addition of some local species of fish would widen its appeal.
  - Ed Gottlieb
To: Planning and Economic Development Committee

From: Gino Leonardi, Zoning Administrator

Date: July 5, 2019

Re: Alterations of Non-Conforming Uses and Structures

As zoning evolved over the years, non-conforming uses and structures were the byproduct of the changes to the zoning ordinance. At first it was believed that all non-conforming uses would be eliminated over time. But instead, non-conforming uses have enjoyed longevity within our neighborhoods. In 2016, Building Commissioner, Phyllis Radke adopted a policy concerning extensions and enlargements of nonconforming uses and structures. The policy was enacted to allow these structures to be altered and repaired without causing the structures to be defined as an extension or an enlargement. The intent of the policy was to give land owners the opportunity to maintain the buildings and prevent the structures from deteriorating. Otherwise, if the land owner wanted to alter the structure of a non-conforming use, the only method available was a use variance from the Board of Zoning Appeals. To obtain a use variance the applicant would have to prove financial hardship and that the hardship was not self-created. In the case of improving a non-conforming use, a variance has proven to be impossible to obtain.

The 2016 policy was specific to the internal changes in nonconforming uses and structures and how to determine if a proposed alteration to a building would be permitted. The ordinance is clear that increasing the number of unrelated individuals residing in a residential structure is an extension and adding a new dwelling unit is an enlargement under the ordinance. Therefore, a reasonable objective method was needed to determine if the proposed alterations to a building, constitute an extension or enlargement of a nonconforming use or structure. The method implemented was based on the measurements of the bedrooms and habitable space that affected the occupancy within a single dwelling unit. If the bedrooms sizes and the habitable space were increased to allow additional unrelated individuals to occupy the dwelling, then the alteration would be considered an extension or enlargement. Adding a bathroom or other alteration that did not increase the occupancy or the number of dwelling units, would not be considered an extension or enlargement. This standard worked well as an objective measure for determining if the use or structure was extended or enlarged. But, the method was applied to individual units rather than to the building as a whole.

Recent concerns about the lack of housing and the need for land owners to upgrade their apartments and/or property has prompted a review of the past determination. The purpose was to determine if non-conforming uses should be allowed to continue and in what condition. Non-conforming uses within neighborhoods have been and will continue to be an integral part of the neighborhoods. The continuation of these structures would be better served if the structures were allowed to be upgraded and brought up to code. The proposed interior alterations would not include any increase in occupancy or enlargement of the building footprint. Amending the current policy to allow non-conforming uses be altered throughout the building and not restrict the alterations based on the occupancy within on one unit requires your consideration.

For additional information, please see attached document Alterations to a Nonconforming Use or Structure.
Re: Alterations to a Nonconforming Use or Structure

In 2016, Building Commissioner Phyllis Radke adopted a policy concerning extension and enlargement of nonconforming uses and structures. The subsequent determination was specific to the internal changes in nonconforming uses and structures and how to determine if a proposed alteration to a building would be permitted. The ordinance is clear that increasing the number of unrelated individuals residing in a residential structure is an extension and adding a new dwelling unit is an enlargement under the ordinance, but a reasonable objective method was needed to determine if the proposed alterations to a building constitute an extension or enlargement of a nonconforming use or structure.

The adopted interpretation was based on a method of measurement for habitable space within the dwelling unit. If the habitable space was increased to allow additional unrelated individuals to occupy the dwelling, then the alteration would be considered an extension or enlargement. Adding a bathroom or other alteration that does not increase the occupancy or the number of dwelling units would not be considered an extension or enlargement.

This standard worked well as an objective measure for determining if a use or structure is extended or enlarged, but the method was applied to individual units rather than to the building as a whole. The ordinance refers to extensions and enlargements as expanding the use or a larger scope of operations for both structures and property. It does not emphasize individual units, rather it measures the extent of change to the whole structure. Specifically, the definitions of extension or enlargement seem to be more specific concerning occupancy than the rearrangement of an existing building: extension, “an addition of unrelated individuals residing in a residential structure,” and enlargement, “additional numbers of dwelling unit and additional number of unrelated individuals occupying residential buildings”. The ordinance outlines the usage of these requirements and applies them to the building as a whole.

Further review of this determination reveals that the standards for a “change of use” may also have to be considered when determining the legitimate use of the proposed method for extensions and enlargements. Meaning, can the limits of an alteration of a nonconforming use or structure be determined by the extent of the alteration if it does not meet the definition of an extension or enlargement? Can the alteration cause a change in the intensity of the use if the occupancy remains the same? If the zoning ordinance specifically limits extensions and enlargements to meet the definitions, and a property does not exceed these requirements, can it be considered an extension or enlargement? Example, the owner of an existing nonconforming four-unit dwelling, wants to redistribute the bedrooms in the building. The proposal includes taking three-bedrooms from a seven-bedroom unit and adding them to a studio apartment. The result would be a four-bedroom apartment and a three-bedroom apartment that would maintain the overall occupancy previously permitted in the building, and the alteration does not create or exacerbate any other deficiency.

Using the current method, this type of alteration would not be permitted. The original occupancy of the studio apartment was permitted to have one unrelated individual. The alteration increased the occupancy by adding two unrelated occupants to the studio apartment for a total of three unrelated in the unit. But, if the strict application of the ordinance were used, the ordinance would permit this alteration because it does not increase the occupancy in the building or add additional units to the building.
A nonconforming use of a property is not affected by the rearrangement of rooms within the apartments¹. The rearrangement of rooms due to alterations would not constitute a change of use. The adding or subtracting unrelated individuals within an apartment, without increasing the overall occupancy of the building, does not change the volume of use². In order to meet the definition of extension or enlargement, the building would have to make greater or expanded use of a property or enlarge buildings, structures, or land with respect to bulk or mass. An alteration to a nonconforming property, unless it makes a significate change in use to the building or land, would not be an extension of use ³.

In conclusion, the determination by Phyllis Radke should be amended to include the calculation of habitable space based on the building as a whole. The adopted measure for using the habitable space, as it applies to the Housing Code, is a reasonable method to use and should continue, except it should apply it to the entire building. The criteria for the using the habitable space calculation must maintain the established occupancy and be determined by the bedroom sizes within the building. The number of occupants must be limited by the allowable number of unrelated individual and shall not include the related occupancies in the calculation. The occupancy of a building should not be imposed rather it must be the result of the bedroom sizes and overall habitable space as outline in Section 210-8.

¹ Salkin 10:22 Change of use, note²: Rearrangement, resulting from renovations, of a nonconforming dormitory to apartments, both for students, is not a change of use. Keim v. City of Syracuse, 12 Misc.2d 616, 480 N.Y.S.2d 86 (Sup. Ct. Onondoga City 1984)
² Salkin 10:23 Change in volume of Use: Footnote ¹, the mere increase in volume of a nonconforming use does not affect its validity or constitute a change of use. (Town of Ithaca v. Hull)
³ Salkin 10:23 Change in volume of Use: Footnote ⁶, an increase in the volume of use, without a significant change in the kind of use, is not a proscribed extension of a nonconforming use. However, an increase in volume or intensity when coupled with a variation or alteration in the specific type of use will result in an illegal extension.

Sincerely,

Gino Leonardi, Zoning Administrator
To: City of Ithaca Common Council

FROM: JoAnn Cornish, City of Ithaca, Director of Planning and Development

DATE: Revised July 5, 2019, (Original May 17, 2019, Updated June 5, 2019)

RE: Proposal to Amend Sections of Chapter 325, Zoning, of the City Municipal Code Pertaining to Proposed Revisions to the CBD 60 Zoning District

In response to concerns and suggestions made at the July 3, 2019 Common Council meeting, the vote to rezone certain blocks of West State Street was tabled for further discussion at the July 10, 2019 Planning and Economic Development Committee of Common Council.

Originally proposed were:

- Minimum story height of 12 feet, floor to floor on the ground floor, and 10 feet floor to floor on subsequent floors, and
- Limit the overall height to 52 feet and 5 stories (12 feet floor to floor height on the first story and 10 feet floor to floor on subsequent stories) with an opportunity to build an additional 15 feet in height for a 6th story, under the City’s Planned Unit Development Ordinance, if the developer includes 20% of the total unit count as affordable (50% to 80% of Area Median Income) or other community benefit(s), and
- All new construction located in the existing portion of the CBD-60 Zoning District, directly fronting on the 300, 400, and 500 blocks of West State Street, contain a stepback of 15 feet after the first 32 feet in height. (In reviewing step back requirements for Collegetown, a minimum of 12 feet is required. We may want to consider changing the proposed 15 foot stepback to a 12 foot stepback to be consistent with Collegetown Zoning)

Suggested additions to the proposed revisions to the CBD 60 Zoning District on the 300, 400, and 500 Block of West State Street were to limit the façade length to 60 feet and limit the building footprint to 7,200 square feet.

Because we are taking a second look at this revised zoning, and because it was also brought up at the Common Council meeting, I wanted clarification as to whether or not Common Council wants to require a first floor active use requirement similar to that of the Primary Commons. (Section 325-8D (3) in the City Code “Zoning Regulations-Additional Restriction in the CBD Districts”) Active street-level uses are one of the keys to the vitality of the West State Street Corridor and are defined as uses that encourage high levels of pedestrian activity, enliven the streetscape, and create well-lit space with ample visibility into the storefront area. Active uses include, but are not limited to:

(a) Retail store or service commercial facility.
(b) Restaurant, fast-food establishment, or tavern.
(c) Theater, bowling alley, auditorium, or other similar places of public assembly.
(d) Hotel.
(e) Public Park or playground.
(f) Bank or monetary institution.
(g) Confectionary, millinery, dressmaking, and other activities involving light hand fabrication as well as sales.

Additional uses may be permitted if the Planning and Development Board determines them to be an active use and grants special approval for the use. The Planning Board may also grant a special approval of a non-active use if a property owner is able to show that the physical structure is not easily adaptable to be used as one of the above listed active uses.

As I mentioned at the Council meeting, we also have design guidelines to help influence the design of new buildings in the downtown core. When looking at the vocabulary of the West State Street buildings the section below seems most relevant:
**Compatible Building Design**

Buildings should be compatibly scaled and draw on Downtown’s architectural traditions, yet also allow new, creative designs. This will create visual continuity along the street and a cohesive transition from building to building. This guideline is particularly relevant in the Downtown Core and Tuning Fork Character Areas.

**BD.25. Design a building and its elements to be compatible with the scale and elements on nearby traditional buildings.**

- Articulate a building mass to include vertical and horizontal elements that are similar to those elements on nearby traditional buildings.
- Express the floors of a building in a way that is compatible with the floor expression of traditional buildings on a block.

Please feel free to contact me should you have questions, corrections, or comments.
To:   Planning and Economic Development Committee

From: Jennifer Kusznir, Economic Development Planner

Date: July 8, 2019

RE: City of Ithaca Planned Unit Development (PUD) –Proposed Zoning: INHS Redevelopment of the Former Immaculate Conception School

The purpose of this memo is to provide information regarding the proposed Planned Unit Development (PUD) zoning for the Ithaca Neighborhood Housing Services project to be located, for a Planned Unit Development (PUD) project to be located at 320-324 & 330 W. Buffalo St, and 309 N. Plain Street.

The Common Council granted this project an approval in concept at the July Common Council meeting. The next step in the PUD process is for the Common Council to consider the proposed zoning proposal for the project site. The site is currently zoned R-2b. Attached is a comparison chart of the existing R-2b zoning and the applicant’s proposed PUD zoning. The applicant is proposing two subzones, the boundaries of which can be seen on the enclosed layout plan.

If the Committee is in agreement with the proposed rezoning, then staff will circulate the draft zoning and return next month with any comments that are received.

If you have questions or require additional information, please feel free to contact me at jenniferk@cityofithaca.org.
### PLANNED UNIT DEVELOPMENT APPLICATION FOR NEW ZONING

<table>
<thead>
<tr>
<th>Permitted Primary Uses</th>
<th>Permitted Accessory Uses</th>
<th>Off Street Parking Requirement</th>
<th>Off Street Loading Requirement</th>
<th>Minimum Lot Size</th>
<th>Max Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Area in Square Feet</td>
<td>Width in Feet at Street Line</td>
</tr>
<tr>
<td>Existing</td>
<td>Proposed</td>
<td>Existing</td>
<td>Proposed</td>
<td>Existing</td>
<td>Proposed</td>
</tr>
<tr>
<td>Residential</td>
<td>Accessory uses as permitted in an R-1 district; R-2c only. (2) Private garage for not more than six (6) cars per building.</td>
<td>No Change-Same as existing R-2b)</td>
<td>1. Residential uses: 1 space for first 3 bed or sleeping rooms per dwlg. unit; 2 spaces for 4 or 5 bed or sleeping rooms per dwlg. unit; 1 space for ea. add’l. bed or sleeping room in the Dwlg. unit. 2. Non Residential Uses: Same as R-1. 3. Neighborhood commercial facility: 1 space per 500 gross SF of floor area.</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

### Maximum % Lot Coverage

<table>
<thead>
<tr>
<th></th>
<th>Front Minimum</th>
<th>Side Minimum</th>
<th>Other Side Minimum</th>
<th>Rear Yard Minimum</th>
<th>Minimum Building Height</th>
<th>Additional Restrictions/Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Proposed</td>
<td>Existing</td>
<td>Proposed</td>
<td>Existing</td>
<td>Proposed</td>
<td>Existing</td>
</tr>
<tr>
<td>35%</td>
<td>50%</td>
<td>10 feet</td>
<td>15', porches, stoops, canopies allowed up to 5' from property line</td>
<td>one side at least 10', zero feet between units, 10' to public right of way or 20' to adjacent building</td>
<td>10 feet</td>
<td>none</td>
</tr>
</tbody>
</table>

BY SPECIAL PERMIT OF BOARD OF APPEALS: (See Zoning Chart)
To: Planning and Economic Development Committee  
From: Jennifer Kusznir, Senior Planner  
Alexander Phillips, Planner  
Date: July 3, 2019  
Re: Amendments to the Infill Housing Regulations

The purpose of this memo is to provide additional information regarding proposed amendments to the City’s Zoning Ordinance concerning proposed infill housing regulations.

This proposal was last discussed at the June Planning Committee meeting. Since that time, staff has done additional research on infill housing and accessory dwelling units (ADU’s). We would like to present this information and discuss how to proceed.

**Existing Zoning Regulations**

Below is a brief overview of the existing zoning regulations regarding construction of a second residential structure in an R-1 or R-2 zone. A more in depth presentation of current regulations will be provided at the meeting.

**R-1 and R-2 Zoning Districts**

Currently, the only permitted primary residential uses allowed in the R-1 and R-2 Zoning Districts are single family dwelling units (R-1) and single family dwelling units and duplexes (R-2).

Accessory dwelling units are allowed only if the dwelling unit is owner occupied and if a temporary special permit has been obtained. The temporary special permit, a building inspection, and an affidavit stating that the conditions as originally set forth have not changed in any way, must be renewed every three years.

There shall be no more than one accessory apartment per lot.

No owner occupant shall occupy an accessory apartment as his or her primary residence unless he or she has occupied the main unit in the property after the development of the accessory apartment for a period of five years.

By omission, two or more primary residential structures are allowed on a single tax parcel in the R-1 and R-2 zone provided certain area requirements are met.

All primary structures on a lot are required to meet the minimum lot size requirements. This means that in order to have more than one primary structure, a lot must have double the required minimum lot size, and the total building area of all of the buildings cannot be greater than the maximum percent of lot coverage.
Infill Development Research

Staff has researched information about various communities to understand different approaches to infill development, standard regulations that encourage and manage infill development, and challenges other communities have faced. Below is a brief overview. A full presentation will be provided at the meeting:

- What are Accessible Dwelling Units (ADUs)? ADUs can include dwelling units in any of the following configurations:
  - Detached (Backyard Cottages, Carriage Houses)
  - Attached (Basement Suites, Garden Apartments)
  - Conversions (Garages)
- Why encourage ADUs?
  - Promotes affordable housing options, supplements income, offers a variety of housing choices, and reduces sprawl
- What are tools for encouraging/managing infill development?
  - Zoning Regulations
  - Special Permits
  - Additional Requirements

Infill Development Questions

In order to determine how to proceed with establishing regulations to encourage/manage infill development within the City, staff is seeking Council guidance on the following questions:

1. Should the City restrict or encourage infill development within residential zoning districts?
2. Should more than 1 primary structure be allowed within residential zoning districts (R-1, R-2, R-3)?
3. Should the City restrict infill development to residential lots that are owner occupied, within the R-1 and/or R-2 zoning districts?
4. Should the City require a special permit for any residential infill development projects within the R-1 and/or R-2 Districts?
5. Should the City require inspections, permits, and/or fees for ADUs? Should these be waived for owner occupied properties?
6. Should the City establish minimum contiguous green space requirements?
7. Are there R-1/R-2 areas that should be rezoned to R-3 zones?
8. Should secondary structures be limited in size, or have other design requirements?
9. Should ADUs be subject to parking requirements?
10. Should infill development be restricted to larger lots? Currently all structures on a lot are subject to a total maximum percent lot coverage (20% - 25% in R-1 zones, 30% - 35% in the R-2 zones). Two possible options can be considered:
    - Require all secondary structures be subject to area requirements for a primary structure. This will restrict infill development to larger lots.
    - Allow secondary structures, by special permit, on lots that do not meet the minimum lot area requirements for a second structure. Special permits could be
granted to properties that are able to maintain the minimum contiguous green space requirements.

**Staff Proposal**

- New Definitions-Staff proposes that the following new definitions be established
  - Contiguous Green Space
  - Secondary Structure
  - Rear Yard Infill Development
  - Street Front Infill Development
- New Regulations
  - Exempt ADUs from parking requirements
  - Restrict R-1, R-2, CR-1, and CR-2 to 1 primary structure
  - Create a minimum contiguous green space requirement
  - Create Design and Orientation Restrictions
    - Orient buildings towards the street
    - Require the roof of an ADU have a similar pitch to the primary structure
    - Require the height of the infill structure to be similar to the height of other buildings on the street (no taller than tallest, no shorter than the shortest)
    - Limits size of new structures to no more than 60% of the existing structure

If you have any concerns or questions regarding any of this information, feel free to contact me at 274-6410.
Chair Seph Murtagh called the meeting to order at 6:00 p.m.

1) Call to Order/Agenda Review

There were no changes to the agenda.

2) Public Comment

Fay Gougakis, 171 E. State Street, spoke against allowing dogs on the Commons. She reiterated that she is a good person and cares about the community. When it comes to political issues, she becomes excited. That doesn’t make her bad. She feels she is not getting the respect one person deserves. We need structure and infrastructure.

Rich DePaolo, Town of Ithaca, spoke in favor of the IWWTF Disclosure Agreement. It is an important facility to remain as is. Developers must be aware that any
development of new facilities should be made aware of such agreement. He encourages the City to move this forward, circulate it for comments, etc.

Theresa Alt, 206 Eddy Street, Ithaca is pleased to see the Immaculate Conception PUD is going forward.

Anne Sullivan, Bell Sherman neighborhood, spoke on infill housing. Commercial landlords are buying up properties to change the neighborhoods. Accessory housing is much less to build and/or purchase. This may impact existing homes’ property value.

3) Special Order of Business

a) Public Hearing – Special Permits

Alderperson Fleming moved to open the public hearing; seconded by Alderperson Brock. Carried unanimously.

Joe Fredell, 208 Lake Avenue, spoke on and provided his typed comments as well on the Special Permit Ordinance. A few key points are: 1) There are no controls on lot coverage recommendation, etc. 2) There is no mention of site-plan review and 3) Both JoAnn Cornish and Seph Murtagh stated they will meet with neighborhoods before going on with this change.

Ann Sullivan, 109 Irving Place, spoke on special permits. She has read this proposal several times over and still doesn’t understand it. She has many questions. It doesn’t seem there is any enforcement in place. Penalties need to be in place. Infill housing will also cause more draining problems.

Dan Hoffman, 415 Elm Street, spoke on special permits as it relates to the community gardens which are already regulated in the special permits ordinance.

Alderperson Fleming moved to close the public hearing; seconded by Alderperson Brock. Carried unanimously.

b) Public Hearing – West State/MLK Street Rezoning

Alderperson Brock moved to open the public hearing; seconded by Alderperson Fleming. Carried unanimously.

Ann Sullivan, 109 Irving Place, loves the idea of this change in zoning. Brilliant idea.
Susan Holland, Historic Ithaca, 212 Center Street, spoke in favor of the MLK/West State rezoning. They are in favor of these changes to zoning and appreciate the chance to express an opinion.

Dan Hoffman, 415 Elm Street, has concerns of the rezoning and the City’s design guidelines. The impact on small businesses will see increased rental rents.

Alderperson Fleming moved to close the public hearing; seconded by Alderperson Brock. Carried unanimously.

Chair Murtagh stated that the special permits legislature and the code are very complicated. That is why this is being reviewed.

Alderperson Brock agreed with Chair Murtagh that the special permits ordinance is very complex. She also thanked Rich DePaolo and Fay Gougakis for their comments.

4) Action Items (Voting to Send onto Council)

a) Special Permits

Deputy Director Lisa Nicholas provided an explanation of the special permits. These permits have always been handled at the BZA. Most recently it was decided to move these permits from the BZA to the Planning Board. All verbiage remains the same. The ordinance was just cleaned up to read better and consolidated into one ordinance. Special permits have always been on the books including accessory apartments.

Mayor Svante Myrick joined the meeting at 6:45 p.m.

Alderperson Brock raised the question of different types of accessory structures which need a special permit.
To: Planning & Economic Development Committee

From: Megan Wilson, Senior Planner

Date: April 3, 2019

RE: Proposed Revisions to Special Permits, Accessory Apartments, and Other Related Section of the City Zoning Code

Following the March Planning & Economic Development Committee meeting, staff circulated the proposed revisions to Article III, Special Conditions and Special Permits, and three related amendments to Chapter 325, Zoning, of the City Municipal Code for additional review and comment. The proposed amendments were also submitted to the Tompkins County Department of Planning and Sustainability for review pursuant to §239-l-m of New York State General Municipal Law. The County’s response to this review will be distributed separately once receive. Two of the ordinances under consideration (Ordinance 1: Special Permits and Accessory Apartments and Ordinance 2: Permitted Accessory Uses in the R-3 Districts) have been revised based on comments submitted by Alderperson Brock and are attached with tracked changes for your review. Staff recommends that these suggested revisions be included for adoption. No other comments have been submitted to date.

All four draft ordinances as well as a Short Environmental Assessment Form, dated March 26, 2019, are attached for your consideration. Staff will attend the May 8th meeting to discuss the proposed amendments and address any questions. If you have questions or comments prior to the meeting, please feel free to contact Lisa Nicholas me at 274-6557 or lnicholas@cityofithaca.org.
Revisions to Article III, Special Conditions and Special Permits, and Related Sections of Chapter 325, Zoning, of the City Municipal Code – Declaration of Lead Agency for Environmental Review

Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried unanimously.

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action, and

WHEREAS, the proposed zoning amendments are related and are considered one action for the purposes of environmental review, and

WHEREAS, the proposed zoning amendments are a “Type I” Action under the City of Ithaca Environmental Quality Review Ordinance, and the State Environmental Quality Review Act and is subject to environmental review; now, therefore, be it

RESOLVED, that the Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review for the revisions to Article III, Special Conditions and Special Permits, and related sections of Chapter 325, Zoning, of the City Municipal Code.

Revisions to Article III, Special Conditions and Special Permits, and Related Sections of Chapter 325, Zoning, of the City Municipal Code – Determination of Environmental Significance

Moved by Alderperson Brock; seconded by Alderperson Fleming. Carried unanimously.

WHEREAS, the City of Ithaca is considering revisions to Article III, Special Conditions and Special Permits, and related sections of Chapter 325, Zoning, of the City Municipal Code, and

WHEREAS, appropriate environmental review has been conducted including the preparation of a Short Environmental Assessment Form (FEAF), dated March 26, 2019, and

WHEREAS, the proposed amendments have been reviewed by the Tompkins County Department of Planning and Sustainability pursuant to §239-l-m of New York State General Municipal Law, which requires that all actions within 500 feet of a County or State facility, including County and State highways, be reviewed by the County Planning Department, and has also been distributed for review by the City of Ithaca
Parks, Recreation, and Natural Resources Commission and the City of Ithaca Planning and Development Board, and

WHEREAS, the proposed action is an “Unlisted” Action under the City Environmental Quality Review Ordinance and the State Environmental Quality Review Act, and

WHEREAS, the Common Council of the City of Ithaca, acting as lead agency, has reviewed the SEAF prepared by planning staff; now, therefore, be it

RESOLVED, that this Common Council, as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth in the Short Environmental Assessment Form, dated March 26, 2019, and be it further

RESOLVED, that this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary, and be it further

RESOLVED, that this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in the City Clerk’s Office, and forward the same to any other parties as required by law.
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend §325-8, District Regulations, for the R-3 Zoning District

The ordinance to be considered shall be as follows:

ORDINANCE NO.
Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried unanimously.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council as follows:

Section 1. Section 8, District Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to update all headings pertaining to uses allowed by special permit in all districts to read as follows (changes will appear on the District Regulations Chart, which is a part of Chapter 325):

<table>
<thead>
<tr>
<th>Column 1:</th>
<th>BY SPECIAL PERMIT OF PLANNING AND DEVELOPMENT BOARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOARD OF APPEALS</td>
<td></td>
</tr>
</tbody>
</table>

Section 2. Section 8, District Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to update a section reference in the district regulations for Permitted Accessory Uses in the R-1 Zoning District to read as follows (changes will appear on the District Regulations Chart, which is a part of Chapter 325):

<table>
<thead>
<tr>
<th>Column 3:</th>
<th>Permitted Accessory Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.</td>
<td>Home occupations: Special permits are required in certain situations. See §325-9B(1) §3259C(i).</td>
</tr>
</tbody>
</table>

Section 23. Section 8, District Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to modify the district regulations for Permitted Accessory Uses in the R-3 Zoning District to read as follows (changes will appear on the District Regulations Chart, which is a part of Chapter 325):

<table>
<thead>
<tr>
<th>Column 3:</th>
<th>Permitted Accessory Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Required off-street parking.</td>
</tr>
<tr>
<td>2.</td>
<td>Private garage for 4 or more cars.</td>
</tr>
<tr>
<td>3.</td>
<td>Structures for construction purposes, not to remain over two years.</td>
</tr>
<tr>
<td>4.</td>
<td>Sign in connection with permitted use (see Sign Ordinance, Ch. 272 of City of Ithaca Municipal Code).</td>
</tr>
<tr>
<td>5.</td>
<td>By special permit: Tower or structures for receipt or transmission of electronic signals for commercial purposes or for the generation of electricity to be used on the premises where generated in any district (see §325-9). Except for personal wireless service facilities.</td>
</tr>
<tr>
<td>6.</td>
<td>Adult Day Care Home.</td>
</tr>
</tbody>
</table>
7. **Home occupations:** special permits are required in certain situations (see §325-9B(1)).

8. By special permit: Neighborhood parking area subject to regulation of §325-20(B).


**Section 3.** Section 8, District Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to modify the district regulations for Permitted Primary Uses in the I-1 District to read as follows (changes will appear on the District Regulations Chart, which is a part of Chapter 325):

Column 2: Permitted Primary Uses

3. Any use not permitted in any other zoning district, subject to the issuance of a special permit of the Board of Zoning Appeals in accordance with §325-9 and concurrence by the Common Council.

**Section 45.** Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend §325-19, Transition Regulations

The ordinance to be considered shall be as follows:

ORDINANCE NO.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council as follows:

Section 1. Section 19, Transition Regulations, of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to add the following subsection:

  E. Development in R-3 Districts which abut R-1 Districts. The development of any permitted use in the R-3a or R-3b Zoning Districts, except a one-family or two-family dwelling, shall be subject to the following special conditions if the land on which the development occurs directly abuts land in either the R-1a or R-1b Zoning District:

  (1) Minimum lot size (area in square feet): The required area in square feet needed to satisfy the minimum lot size requirement shall be 150% of the requirement shown on the District Regulations Chart for the R-3a or R-3b District.

  (2) Maximum building height: The maximum building height requirement shall be the same as the requirement for the abutting R-1a or R-1b District.

  (3) Maximum percent of lot coverage by buildings: The maximum percent of lot coverage by buildings shall be 75% of the requirement shown on the District Regulations Chart for the R-3a or R-3b District.

  (4) Yard dimensions, side or rear yards: The minimum required side or rear yard requirement shall be 150% of the requirement shown on the District Regulations Chart for the R-3a or R-3b District if the side or rear yard abuts land in the R-1a or R-1b District.

Section 2. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend §325-40, Board of Appeals; Variances

The ordinance to be considered shall be as follows:

ORDINANCE NO.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council as follows:

Section 1. Section 325-40B(2)(b) of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended as follows:

(b) Required information. Every appeal or application for relief shall set forth the interpretation that is claimed or the use for which a special permit is sought or the details of the variance applied for and the grounds for which it is claimed that the variance should be granted, as the case may be. Appeals and applications shall be in writing, on forms prescribed by the Board of Appeals, and shall be filed with the Secretary of the Board. The applicant shall provide a site plan and such other drawings and/or additional information as is necessary for the Board of Appeals to properly consider the appeal or application for relief.

Section 2. Section 325-40B(2)(d) of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended as follows:

(6) Special permit applications for accessory apartments, bed-and-breakfast homes, and home occupations: $100
(7) All other special permit applications (including bed-and-breakfast inns): $150

Section 3. Section 325-40B(2)(e) of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended as follows:

(e) Notices to the public. If a variance, or interpretation or a special permit is requested, the appellant shall send notice of the same by mail to all property owners within 200 feet of the boundaries of the lot under consideration. Such notice shall state the relief sought, the type of use contemplated and such additional information as shall be required by the Zoning Administrator. Director of Zoning Administration or the designee of the Director of Planning and Development and shall be mailed five days prior to the meeting of the Planning Board which next precedes the public hearing. Proof of such mailing shall be filed with the Board of Appeals prior to the holding of the public hearing.

Section 4. Section 325-40B(2)(f) of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended as follows:
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Article III, Special Conditions and Special Permits

The ordinance to be considered shall be as follows:

ORDINANCE NO.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council as follows:

Section 1. The title of Article III of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby amended to read “Special Permits and Related Special Conditions”.

Section 2. Section 9 of Chapter 325, Zoning, of the Municipal Code of the City of Ithaca is hereby repealed in its entirety.

Section 3. A new section 9, entitled “Special Permits”, of Chapter 325, Zoning, is hereby added to the Municipal Code of the City of Ithaca, to read as follows:

A. Intent. The intent of this section is to set forth regulations and conditions which shall apply to certain land uses and activities which are incongruous or 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.
(1) The uses listed under the district regulations in §325-8, District Regulations, which require a special permit from the Planning and Development Board are as follows:
(a) Accessory apartments in all R-1, R-2, CR-1, and CR-2 districts.
(b) Cemeteries in all districts.
(c) Public utility facilities in all districts.
(d) Schools and related uses in all residential districts.
(e) Nursery schools or child day-care centers in R-2, CR-2 and R-U districts.
(f) Neighborhood retail or service commercial facilities in R-2, R-3, CR-2, CR-3, and CR-4 districts.
(g) Hospitals or sanatoriums in R-3, CR-3, and CR-4 districts.
(h) Any use other than public recreation, classrooms, or living accommodations in P-1 districts that are located within 200 feet of adjoining residential districts.
b) West State/MLK Street Rezoning

Draft Resolution – Declaration of Lead Agency

Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried Unanimously

An Ordinance Amending the Municipal Code of the City of Ithaca, Chapter 325, Entitled “Zoning” to Establish Minimum Story Height Requirements in all CBD Zoning Districts and a Minimum Stepback Requirement for Properties on the 300, 400, and 500 Blocks of West State/MLK Street.

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action, and

WHEREAS, the proposed zoning amendment is an “Unlisted” Action pursuant to the City Environmental Quality Review (CEQR) Ordinance, which requires environmental review under CEQR; now, therefore, be it

RESOLVED, that the Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review of the proposal to amending the Municipal Code of the City of Ithaca, Chapter 325, Entitled “Zoning,” to Establish Minimum Story Height Requirements in all CBD Zoning Districts and a Minimum Stepback Requirement for Properties on the 300, 400, and 500 Blocks of West State/MLK Street.

Draft Resolution – Negative Declaration of Environmental Significance,

Moved by Alderperson Brock; seconded by Alderperson Fleming. Carried unanimously.

An Ordinance Amending the Municipal Code of the City of Ithaca, Chapter 325, Entitled “Zoning” to Establish Minimum Story Height Requirements in all CBD Zoning Districts and a Minimum Stepback Requirement for Properties on the 300, 400, and 500 Blocks of West State/MLK Street.
WHEREAS, the Common Council of the City of Ithaca is considering a proposal to establish minimum story height requirements in all CBD Zoning Districts and a minimum stepback requirement for properties on the 300, 400, and 500 blocks of West State/MLK Street, City of Ithaca Tax Parcels; 71.-1-10, 71.-1-11, 71.-1-12, 71.-1-13, 71.-1-14, 71.-1-15, 71.-1-16, 71.-1-17, 71.-1-18, 71.-1-19.1, 71.-1-19.2, 71.-1-22, 71.-1-3, 71.-1-4, 71.-1-5, 71.-1-7, 71.-1-8, 71.-1-9, 71.-2-12, 71.-2-14, 71.-2-15, 71.-2-18, 71.-2-19, 71.-2-20, 71.-2-4, 71.-2-5, 71.-5-1, 71.-5-10, 71.-5-11, 71.-5-12, 71.-5-13, 71.-5-17.2, 71.-5-18, 71.-5-19, 71.-5-2, 71.-5-20, 71.-5-22, 71.-5-23, 71.-5-24, 71.-5-4, 71.-5-5, 71.-5-7, 71.-5-8, 71.-5-9, 71.-6-1, 71.-6-10, 71.-6-11, 71.-6-12, 71.-6-13, 71.-6-14, 71.-6-15, 71.-6-17, 71.-6-18, 71.-6-19, 71.-6-20, 71.-6-21, 71.-6-22, 71.-6-23, 71.-6-24, 71.-6-25, 71.-6-26, 71.-6-5, 71.-6-6, 71.-6-7, 71.-6-8, 71.-6-9, 72.-3-10, 72.-3-12, 72.-3-14, 72.-3-15, 72.-3-16, 72.-3-17, 72.-3-18.1, 72.-3-18.2, 72.-3-19, 72.-3-2, 72.-3-20, 72.-3-23.2, 72.-3-24, 72.-3-26, 72.-3-3, 72.-3-6, 72.-3-7, 72.-3-8, 72.-3-9, 72.-4-10, 72.-4-13, 72.-4-14, 72.-4-3, 72.-4-4, 72.-4-5, and 72.-4-9, and

WHEREAS, the proposed action is a Type 1 Action under the City Environmental Quality Review Ordinance, § 176-4 Type 1 Actions, B.7, “The adoption of zoning map changes and changes in the allowable uses within any zoning district, affecting 2 or more acres in the district”, and

WHEREAS, the appropriate environmental review has been conducted, including the preparation of a Full Environmental Assessment Form (FEAF) Part 1, dated May 22, 2019, and Part 2, dated May 23, 2019, and

WHEREAS, the Common Council of the City of Ithaca, acting as lead agency, has reviewed the FEAF prepared by Planning Staff; now, therefore, be it

RESOLVED, that this Common Council, as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth on the Full Environmental Assessment Form, Part 1, dated May 22, 2019, and Part 2, dated May 23, 2019, and be it further

RESOLVED, that this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary, and be it further

RESOLVED, that this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in
the City Clerk’s Office, and forward the same to any other parties as required by law.
An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Establish Minimum Story Height Requirements in all CBD Districts and a Minimum Stepback Requirements for Properties on the, 300, 400, and 500 Blocks of West State Street

The ordinance to be considered shall be as follows:

ORDINANCE NO.
Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried unanimously.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF ITHACA, CHAPTER 325, ENTITLED “ZONING” TO AMEND ALL CBD ZONING DISTRICTS

BE IT NOW ORDAINED AND ENACTED by the Common Council of the City of Ithaca that Chapter 325 (Zoning) of the Municipal Code of the City of Ithaca is hereby amended as follows:

Section 1. Chapter 325, Section 325-8A, District Regulations Chart, be amended to add minimum story heights in all CBD Zoning Districts, to read as follows:

“All new construction in the CBD Zoning Districts are required to have a minimum height of 12’ floor to floor on the first story and a minimum 10’ floor to floor for each subsequent story.”

Section 2. Chapter 325, Section 325-8A, District Regulations Chart, be amended to change the maximum height in the CBD-60 district to 62’, and to change the maximum height in the CBD-50 district to 52’. This is intended to allow for a 12’ minimum height of the first story and a 10’ minimum height of each subsequent story.

Section 3. Chapter 325, Section 325-5 of the Municipal Code of the City of Ithaca, entitled “Zoning Map” is hereby amended to change the zoning designation of the following parcels, or some portion of these parcels, as shown on the attached map entitled “Proposed West State Street Rezoning from CBD-60 to CBD-50 – May 23, 2019”, from CBD-60 to CBD-50: 71.-1-10, 71.-1-11, 71.-1-12, 71.-1-13, 71.-1-14, 71.-1-15, 71.-1-16, 71.-1-17, 71.-1-18, 71.-1-19.1, 71.-1-19.2, 71.-1-22, 71.-1-3, 71.-1-4, 71.-1-5, 71.-1-7, 71.-1-8, 71.-1-9, 71.-2-12, 71.-2-14, 71.-2-15, 71.-2-18, 71.-2-19, 71.-2-20, 71.-2-4, 71.-2-5, 71.-5-1, 71.-5-10, 71.-5-11, 71.-5-12, 71.-5-13, 71.-5-17.2, 71.-5-18, 71.-5-
Section 4. The City of Ithaca Planning and Development Board, the City Clerk and the Planning Department shall amend the zoning map and the district regulations chart in accordance with the amendments made herewith.

Section 5. Chapter 325, Section 325-8D, Additional Restrictions in the CBD District, is hereby amended to add a subsection (4) to read as follows:

325-8D.
4. In order to maintain the existing character and to preserve the pedestrian scale along the street front, all new construction located in the portion of the CBD-60 District directly fronting on the 300, 400, and 500 blocks of West State/MLK Street, the front façade of any newly-constructed structure must contain a stepback of 15' after the first 32' in height, before the structure can build up to the maximum allowable height in this district.

Section 6. Severability. Severability is intended throughout and within the provisions of this local law. If any section, subsection, sentence, clause, phrase or portion of this local law is held to be invalid or unconstitutional by a court of
competent jurisdiction, then that decision shall not affect the validity of the remaining portion.

Section 7. Effective date. This ordinance shall take effect immediately and in accordance with law upon publication of notices as provided in the Ithaca City Charter.
c) Immaculate Conception Planned Unit Development – Conditional Approval

Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried unanimously.

**Proposed Planned Unit Development Application - City of Ithaca**

**Planned Unit Development (PUD) - Conditional Approval: INHS Redevelopment of the Former Immaculate Conception School - Common Council Conditional Approval - Resolution**

WHEREAS, on April 4, 2018, the Common Council adopted legislation creating a Planned Unit Development Overlay District (PUDOD), which allows the Common Council to have flexibility to approve projects that may not fit into the underlying zoning, but may have benefits for the community that outweigh any impacts resulting from not complying with the pre-established regulations for that district; and

WHEREAS, on March 14, 2019, the City of Ithaca received the enclosed application from Ithaca Neighborhood Housing Services, for a Planned Unit Development (PUD) project to be located at 320-324 & 330 W. Buffalo St, and 309 N. Plain Street, and

WHEREAS, the applicant is proposing the redevelopment of the former Immaculate Conception School into a vibrant mixed-use community, with a goal of providing both rental and for-sale housing that is affordable at a range of household incomes (from less than 30% AMI up to 90% AMI for the rental units and 80% AMI or below for the for-sale units) and that is suitable for a range of household sizes (from single people to large families), and

WHEREA, the proposed project will also provide space for non-profit organizations and will transfer the existing gymnasium to GIAC, and

WHEREAS, the total proposed development contains the following elements:

- Retention of the 1948 wing of the existing school building
- Demolition and replacement of the c. 1920s wing of the school with a new four-story wing
- connecting to the 1948 wing to form an “L”
- Retention and rehabilitation of the Catholic Charities Building for their continued use
• Detachment of the gymnasium wing and sale to the City for GIAC’s use
• Construction of an as-yet undetermined number of rental row houses facing W. Buffalo Street between Catholic Charities and N. Plain Street
• Demolition of the existing building at 309 N. Plain Street and construction in that location of a group of rental row houses
• Construction of a group of four for-sale row houses facing N. Plain Street at W. Court Street
• The project will also include either the retention and conversion of the two houses at 330 West Buffalo Street into two rental units, or demolition to allow the construction of an additional group of row houses facing W. Buffalo.
• Adaptive re-use of a portion of the existing school building for non-profit service organizations; and

WHEREAS, the project is intended to provide the following benefits to the community
1. The property is currently wholly exempt. Upon completion, we are projecting the project will pay approximately $45,000 annually in property taxes via a PILOT.
2. The project is expected to result in the creation of 1.5 FTE INHS jobs that will be paid living wages. It is also possible there could be new jobs created by the non-profit organizations that occupy the space, but at this time that is unknown.
3. The project will provide affordable housing.
4. The project will redevelop a vacant school building.
5. The project is required to award at least 30% of the value of our State Housing Trust Fund loan to Certified MWBE contractors, subs, or suppliers.
6. The project will adaptively re-use a largely vacant, centrally located site, supporting the City’s Comprehensive Plan goal of increasing residential density through appropriate infill.
7. The project will also provide space for a number of non-profit organizations that serve the local community at a reduced rent.
8. The project will transfer the existing gymnasium to GIAC; and
WHEREAS, a public information session, hosted by the applicant, was held on May 13, 2019 and the meeting was advertised in the Ithaca Journal, the property was posted with signs and property owners within 500 feet of the property were notified by mail of the meeting, and

WHEREAS, the process for consideration of an application for Planned Unit Development requires that the applicant obtain an approval in concept from the Common Council prior to beginning the site plan review process, and

RESOLVED, that the Common Council does hereby grant an approval in concept to Ithaca Neighborhood Housing Services for their application for a Planned Unit Development district to be established on parcel numbers 60.-2-5, 60.-2-11 and 60.-2-12., and be it further

RESOLVED, that by granting an approval in concept, the Common Council acknowledges that the applicant is able to begin the site plan review process, despite any zoning-based deficiencies in the application, and, be it further

RESOLVED, that the Common Council does hereby request that the City Planning Board update the Common Council after each Planning Board meeting where this project is considered and to request ongoing written comments from the Common Council, and be it further

RESOLVED, that if this project receives a negative declaration of environmental significance and contingent site plan approval, the applicant will return to the Common Council for final consideration of the adoption of the Planned Unit Development district.

d) City Harbor Grant Application Endorsement

Tom Knipe explained the reasoning behind these changes. Alderperson Brock thanked Tom Knipe was all his work on this.

Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried unanimously.
Mayor Svante Myrick left the meeting at 7:05 p.m.

e) IPD/TCSO Co-location Study

A Resolution in Support of Evaluating the Feasibility of Establishing a Joint City and County Public Safety Facility

Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried unanimously.

This resolution is also the same as the one that the County will vote on. Attorney Lavine stated the dollar amounts are left out, but will be added at the Council meeting.

WHEREAS, Tompkins County Administration and the Tompkins County Sheriff are evaluating the need for renovation or replacement of the Public Safety building located on Warren Road in the Town of Lansing, and
WHEREAS, the City of Ithaca is evaluating the need for replacement of the current Police Station located on East Clinton Street in the City of Ithaca, and

WHEREAS, Governor Cuomo has consistently stated support for the concept of municipal shared services in order to reduce cost and increase the efficiency of the provision of governmental services to the public, and

WHEREAS, a report prepared by the TCCOG Municipal Shared Services Taskforce in 2017 recommended the consideration of shared police services, including the use of shared space by the various police agencies operating in Tompkins County, and

WHEREAS, the police agencies have already demonstrated the benefits that arise from cooperation and the use of shared resources, through establishing a joint SWAT team, the Crisis Incident Negotiation Team, cooperation on major investigations and cross-agency drug cases, shared training programs, shared equipment usage, and other activities to improve the overall public safety in our community through working together, and

WHEREAS, in response to the recommendations in the Municipal Shared Services Task Force Report, the City of Ithaca and Tompkins County have engaged in informal conversations about the possibility of increasing the use of shared services, including consideration of meeting the emerging facility needs of the City and County, and

WHEREAS, as a result of those discussions, the City and County (Resolution ID 8071 Appropriation from Contingent Fund and Authorization to Execute an Agreement for Consulting for a Tompkins County and City of Ithaca Law Enforcement Co-Location Study, dated September 20, 2018) agreed to engage a consultant to examine the feasibility of a joint public safety facility to house the City Police Department and the Sheriff Road Patrol and Civil Division, including development of programmatic space needs and the examination of possible sites that would meet program requirements, and

WHEREAS, having received a report and recommendations from their consultant, Kingsbury Architecture, including the identification of possible sites, the City and County desire to further develop whether a joint public safety facility would be a feasible and cost effective solution to the needs of the County and the City, and

WHEREAS, the City and County wish to examine the feasibility of development of one of the identified sites, it is hereby:

RESOLVED, that in cooperation with the City of Ithaca, Tompkins County agrees to funding a more detailed architectural and engineering study of a joint public safety facility, on the property located at ____, being tax map parcel _____, with the County and City providing equal shares in an amount to be determined from each party with the goal of providing and determining the following information:

- Preparation of preliminary sketches to fulfill program requirements;
- Description of site environmental, elevation, floodplain, and soil conditions;
- Estimates of square footage and a proposed building layout;
- Details of shared County/City facilities and functions;
- Plotting of facilities onto the recommended site, including the adaptive reuse of the existing structure located thereon;
- Estimates of cost; and
- Estimates of construction timeline,
with the goal of providing the County and City with the necessary basis to evaluate the costs and
dbenefits associated with such a joint public safety facility, and it is

FURTHER RESOLVED, that in cooperation with the City of Ithaca, Tompkins County agrees to
funding an operational study of a joint public safety facility, with the County and City providing
equal shares in an amount to be determined from each party, with the goal of providing the County
and City with a logistical analysis of the operational use of shared facilities by the Sheriff and City
Police agencies, and

FURTHER RESOLVED, that City and County staff shall prepare Scopes of Work for the
architectural and engineering study and the operational study for further approval by both the City
and County.

FURTHER RESOLVED, that the County Administrator and the City Attorney are hereby directed
to develop the Request For Proposals for an architectural and engineering study, and an
operational study as described herein, and

FURTHER RESOLVED, that the City and County shall make a joint approach to New York State
to request reimbursement of the amount committed through this resolution for evaluation and
planning consulting services, and

FURTHER RESOLVED, that the City and County shall conduct a joint public information session
to describe the proposed project and to receive public input regarding the same.

f) City/Town MOU for Inspections of North Campus Housing

Planning and Economic Development Committee
Draft Resolution, June 12, 2019

Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried unanimously.

Agreement between the City of Ithaca and the Town of Ithaca for Building Permitting,
Inspection, and Related Services for the Cornell University North Campus Residential
Expansion

This Agreement is effective as of ______________, 2019.

WHEREAS, Cornell University (hereafter, “Cornell”), c/o Real Estate Department, Box DH-Real Estate,
Ithaca, New York 14853, has proposed a real estate development project on its campus, entitled the North Campus
Residential Expansion (hereafter, “NCRE”), that seeks to construct five new undergraduate student residence halls
and related facilities on tax parcels 30.-1-1.2 (City) and 67.-1-1.1 (Town); and
WHEREAS, the NCRE proposal requires approval of the City of Ithaca (hereafter, the “City”), 108 E. Green Street, Ithaca, New York 14850, and the Town of Ithaca (hereafter, the “Town” and, collectively with the City, the “Municipal Parties”), 215 N. Tioga Street, Ithaca, New York 14850; and

WHEREAS, two of the NCRE’s proposed residence halls (Buildings 1 and 2 as shown on the preliminary site plans approved by the City and Town on March 26, 2019 and April 2, 2019, respectively) are entirely within the geographic bounds of the City, and the remaining three proposed residence halls (Buildings 3, 4 and 5 on the approved preliminary site plans) are within the geographic bounds of both Municipal Parties; and

WHEREAS, Article IX, Section 1(c) of the New York State Constitution and Article 5-G of the General Municipal Law empower local governments in the State of New York to enter into agreements amongst themselves for the provision of joint services, and Executive Law § 381(2) states “Two or more local governments may provide for joint administration and enforcement of the uniform code, the state energy conservation construction code, or both, by agreement pursuant to article five-G of the general municipal law”; and

WHEREAS, although Cornell proposes to construct five separate residence halls, the City and the Town agree that such proposal constitutes a single unified development project that is best served by uniform building permitting, code inspection, and related services for all five residence halls and other structures and improvements on the NCRE project site (the “Site”);

NOW THEREFORE, in consideration of the mutual covenants and consideration contained herein, the Municipal Parties agree and contract as follows:

1. All portions of the Site within the geographic boundaries of the City (as shown on the final site plans approved by the City and Town) are subject to the City’s zoning ordinance, City Code Chapter 325, the City’s site plan review requirements, City Code Chapter 276, and all other City Code requirements.

2.) All portions of the Site within the geographic boundaries of the Town (as shown on the final site plans approved by the City and Town) are subject to Town Code requirements, except City Code Chapter 146 (Building Code Enforcement) and Chapter 181 (Fire Prevention) shall apply instead of Town Code Chapter 125 (Building Construction and Fire Prevention) and Town Code § 270-233.A (permit to build). Town Code requirements that apply within the Town’s geographic boundaries include, but are not limited to, Town Code Chapter 270 (Zoning) (except for § 270-233.A (Permit to
build)), Chapter 173 (Outdoor Lighting), Chapter 228 (Stormwater Management and Erosion and Sediment Control), sewer requirements in Town Code Chapters 210 and 214-217, and water requirements in Town Code Chapters 256 and 261. The applicable Town Code requirements are collectively referred to as “Applicable Town Code Requirements Except for fees and charges associated with building permits, certificates of occupancy/compliance, and inspections described in Sections 7 and 9 below, each Municipal Party shall apply, collect and keep all other typically assessed charges or fees associated with all buildings, structures and improvements on the Site within its jurisdiction (such as zoning, special permit, site plan, variance and utility fees and charges).

3.) The City shall consult with building permit applicants, process all initial and future building applications, and issue all initial and future building permits as required by Part 1203 of Title 19 of the New York Codes, Rules and Regulations (NYCRR) and as specified in Section 6 below, for all buildings, structures, and improvements located on the Site requiring such permits regardless of geographic location, including all future proposed buildings, structures, and improvements. All references in this agreement to buildings, structures and/or improvements shall include any alterations or repairs made to them.

4.) The City shall issue no building permit under this agreement for any building, structure, or improvement requiring a building permit that is wholly or partially within the Town unless and until the Town sends the City a “zoning only permit” from the Town Director of Code Enforcement or its designee stating (i) Cornell has satisfied all applicable pre-construction special permit and site plan review requirements and conditions for such building, structure, or improvement (or portion thereof) within the Town and (ii) such building, structure, or improvement (or portion thereof) within the Town requiring a building permit complies with, or has received all necessary variances from, the Town’s zoning chapter, and complies with all other Applicable Town Code Requirements.
5.) The City shall, regardless of location, issue building permits under this agreement in accordance with City Code Chapter 146 (Building Code Enforcement) and City Code Chapter 181 (Fire Prevention), and with all State laws, rules, and regulations as are ordinarily applied by the City for such buildings, structures, or other improvements. This includes, but is not limited to, the New York State Uniform Fire Prevention and Building Code, and the New York State Multiple Residence Law. For those portions of buildings, structures and improvements located within the City of Ithaca, the City will also apply its other local laws, rules, and regulations as are ordinarily applied by the City, including City Code Chapter 210 (Housing Standards).

6.) The City shall collect and keep all building permit fees for building permits it issues under this agreement, regardless of location, as are ordinarily assessed under City Code Chapter 146, or any other City Code or practice, for such buildings, structures, or other improvements.

7.) The City shall, regardless of location, issue all initial and future certificates of occupancy/compliance and conduct all code inspections, operating permit inspections and fire and electrical inspections for any building, structure, or improvement within the Site as required by 19 NYCRR Part 1203. The City shall issue no certificate of occupancy/compliance under this agreement for any building, structure, or improvement requiring such a certificate that is wholly or partially within the Town unless and until the Town sends the City a letter from the Town Director of Code Enforcement (or its designee) stating Cornell has satisfied all applicable pre-certificate special permit, site plan and variance conditions for such building, structure, or improvement (or portion thereof) within the Town. In issuing such certificates and conducting such inspections, the City shall apply City Code Chapter 146 (Building Code Enforcement) and City Code Chapter 181 (Fire Prevention), as well as all State laws, rules, and regulations as are typically applied by the City for such buildings, structures, or improvements within the City, including, but are not limited to, the New York State Uniform Fire Prevention and Building Code and the New York State Multiple Residence Law. For those buildings, structures and improvements (or portions thereof) located within the City of Ithaca, the City will also
apply its other local laws, rules, and regulations as are ordinarily applied by the City, including City Code Chapter 210 (Housing Standards).

8.) The City shall collect and keep all charges and fees for certificates of occupancy/compliance and inspections conducted under this agreement, regardless of location, as are ordinarily assessed under City Code Chapter 146 (Building Code Enforcement), Chapter 181 (Fire Prevention), or any other City Code chapter or practice, for such buildings, structures, or other improvements.

9.) Employees and officers of the City are authorized to, and shall, process, investigate and respond to all code violations and complaints, and issue any orders regarding the enforcement of the State and local laws, rules, and regulations described in the previous paragraphs of this agreement in relation to the Site regardless of location of the underlying building, structure, or improvement. The City further shall maintain records of all inspections and applications pertaining to the buildings, structures, or improvements located within the Town of Ithaca portion of the Site, make such records available to the Town upon reasonable advance notice, shall respond to inquiries from the Town about such records or the City’s services within the Town and provide annual reports as may be reasonably requested by the Town.

10.) The City shall bring any necessary enforcement proceeding for violations of the State and local laws, rules, and regulations (including Applicable Town Code Requirements) described in the previous paragraphs of this agreement in relation to the Site, regardless of location of the underlying building, structure, improvement, use or activity for which proceedings are commenced. The City will pay for all enforcement costs, including witness and attorney time, and will keep all penalties and fines that may be assessed as a result of such enforcement proceedings.

11.) Any authority heretofore conferred on the Town Code Enforcement Officers pursuant to the Town Code or other applicable laws, rules or regulations is hereby conferred upon the City Code
Enforcement Officers and other City employees and officers to undertake the City services within the Town described in this agreement.

12.) The City’s employees performing services under this agreement shall not be considered Town employees for any purpose. The City and its employees shall have no claim against the Town for any compensation, worker’s compensation, vacation pay, sick leave, retirement benefits, social security benefits, disability insurance benefits, unemployment insurance benefits, or any other employee benefits, all of which shall be the City’s sole responsibility. The Town will not withhold on behalf of the City any sums for income tax, unemployment insurance, social security, or any other withholding.

13.) The Town shall not make any payments to the City for its services. The Municipal Parties agree that the fees, charges, penalties and fines that the City will collect under this agreement are adequate compensation to the City for its services.

14.) The City agrees to fully defend, indemnify and hold harmless the Town and its officers, elected officials, Boards, employees, and agents from and against all claims, actions, suits, demands, damages, liabilities, obligations, losses, settlements, judgments, costs and expenses (including without limitation reasonable attorney’s fees and costs) (collectively referred to as “Claims”), whether or not involving a third party claim, which any or all of them may incur, resulting from bodily injuries (or death) to any person, damage (including loss of use) to any property, other damages, or contamination of or adverse effects on the environment, caused by the acts or omissions of the City or the City’s employees, agents or subcontractors, in connection with the services it performs or is required to perform for the Town or on its own behalf under this agreement. This duty for the City to defend, indemnify and hold harmless the Town shall not extend to Claims described in paragraph 13 below.

15.) The Town agrees to fully defend, indemnify and hold harmless the City and its officers, elected officials, Boards, employees, and agents from and against all claims, actions, suits, demands,
damages, liabilities, obligations, losses, settlements, judgments, costs and expenses (including without limitation reasonable attorney’s fees and costs), which any or all of them may incur, resulting from bodily injuries (or death) to any person, damage (including loss of use) to any property, other damages, or contamination of or adverse effects on the environment, caused by the acts or omissions of the Town or the Town’s employees, agents or subcontractors, to the extent they are based on the Town’s zoning, special permits, site plans, or variances.

16.) Each Municipal Party hereby agrees to maintain at all times General Liability insurance in the amount of at least $1,000,000.00 per occurrence for bodily injury or property damage, to list the other Municipal Party as an additional insured under said insurance policy, and to provide written proof of such insurance from the insurer, at the time of execution of this agreement, and as may be otherwise required by the other Municipal Party.

17.) This agreement shall be effective on the date it is fully executed by both Municipal Parties and Cornell (which is signing to indicate that it has seen and approved the agreement). This agreement shall remain in effect for five (5) years as written unless and until terminated or modified upon the written agreement of both Municipal Parties. This agreement shall renew automatically for successive five (5) year terms upon the same terms and conditions unless a Municipal Party gives written notice to the other Municipal Party at least one year prior to the renewal date that the agreement will not renew. Either Municipal Party may terminate this Agreement for convenience upon one year’s notice to the other Municipal Party.

18.) Any notices or other communications given under or in relation to this agreement shall be deemed duly given if served personally or by commercial courier service upon the other Municipal Party at the address set forth above, or if mailed by certified mail to the other Municipal Party at the address set forth above, return receipt requested. All notices shall be effective upon the date of receipt. Either Municipal Party may change the address to which notices are sent by giving notice of such change in the manner set forth above to the other Municipal Party.
19.) While not a party to this agreement, Cornell’s signature on this agreement signifies that it has read and approves of its provisions.

20.) This writing constitutes the entire understanding and complete agreement of the Municipal Parties.

21.) This agreement may be executed in multiple counterparts, all of which together shall constitute the same instrument; and

NOW THEREFORE, be it further resolved, that the Mayor, subject to the advice of the City Attorney, is authorized to execute an MOU with the Town of Ithaca substantially similar to the MOU included herewith.

IN WITNESS WHEREOF, the City and Town, upon passage of proper resolutions of their respective governing boards, authorize their respective Mayor and Supervisor to execute this agreement.

SIGNED:

CITY OF ITHACA

By:

STATE OF NEW YORK
COUNTY OF TOMPKINS: ss.:

On the ___ day of ______ in the year 2019, before me, the undersigned, personally appeared ______ ______, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

TOWN OF ITHACA

By:

STATE OF NEW YORK
COUNTY OF TOMPKINS: ss.:

On the ___ day of ______ in the year 2019, before me, the undersigned, personally appeared ______ ______, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.
5) Action Items (Approval to Circulate)

a) IAWWTF Disclosure of Ordinance

ORDINANCE 2019-
Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried Unanimously.
This will be circulated and will be brought back in July.

Alderperson Brock explained the need to bring this forward now.

BE IT ORDAINED AND ENACTED by the Common Council of the City of Ithaca as follows:

Section 1. Legislative Intent and Purpose.
Common Council makes the following findings of fact:

A. It is the declared policy of the City of Ithaca to conserve, enhance and encourage adequate and appropriate waste water treatment operations within
the City, and to minimize potential conflict between IAWWTF operations and non-industrial land uses within the City.

B. Where non-industrial land uses, especially residential development, extend into the IAWWTF Setback Zone, or locate in the vicinity of the IAWWTF, waste water treatment operations may be the subject of nuisance complaints. Such complaints may request the curtailment of waste water treatment operations, and discourage investments, improvement and expansion for waste water treatment operations. Constraints on operations, management and possible expansion of the IAWWTF is detrimental to the health, safety, and economic viability of City and Town of Ithaca, Town of Dryden and surrounding areas for which it serves. It is the purpose and intent of this Ordinance to protect the resources and services provided by the IAWWTF to the larger community.

C. This policy can best be implemented by educating residents and businesses as to the laws protecting IAWWTF operations from conflicts with non-industrial uses, and by notifying owners and users of real property in the City of inherent potential problems associated with the ownership and/or use of real property located adjacent to or in the vicinity of waste water treatment operations, including, but not limited to, odors, trucks, lighting, construction, noise, dust, chemicals, discharge, smoke and extended hours of operation which may accompany such waste water treatment operations. It is intended that through the use of such notice owners and users of real property within the City will better understand the impact of living near waste water treatment operations and be prepared to accept such problems as the natural result of living on or near the IAWWTF lands.

D. Therefore, the Common Council intends for this Ordinance this notice to implement the above-described education and notification disclosure requirement to all property users within the IAWWTF Setback Zone.

Section 2. Creation of Section 262-137, Preservation of Ithaca Area Waste Water Treatment Facility Disclosure Requirement.

The Ithaca Municipal Code shall be amended so as to create a new Section 262-137 as follows:

§262-137 Preservation of Ithaca Area Waste Water Treatment Facility Disclosure Requirement

A. Definitions. For the purposes of this section:
   (1) “IAWWTF” shall be the Ithaca Area Waste Water Treatment Facility located at 525 Third Street, Ithaca.
   (2) "IAWWTF Setback Zone" shall mean those land areas of the city of Ithaca west of Route 13 within 1,200 feet of the property boundary of the Ithaca Area Waste Water Treatment Facility.
   (3) "IAWWTF operations" shall mean and include, but not be limited to, the delivery and receiving of trucked waste, and sanitary waste, aeration and treatment of waste water, biosolids management, processing of wastewater and biogas, and activities incident to or in conjunction with the treatment and handling of wastewater and residual materials.

B. NUISANCE. No operation, conducted or maintained for the purposes of serving the IAWWTF, and in a manner consistent with the proper and accepted
customs and standards established and followed by similar waste water treatment operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

C. PRESERVATION OF ITHACA AREA WASTE WATER TREATMENT FACILITY DISCLOSURE NOTICE REQUIREMENT:

(1) Upon any transfer by sale, exchange, rental agreement, installment land sale contract, lease, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property, or residential stock cooperative, the transferor shall deliver to the prospective transferee the written statement required by subsection C(2) of this section.

(2) The disclosure statement shall contain the following:

Preservation of Ithaca Area Waste Water Treatment Facility Disclosure Notice

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN TOMPKINS COUNTY, CITY OF ITHACA.

DESCRIBED AS______________.

THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH SECTION 262-137 OF THE ORDINANCE CODE OF THE CITY OF ITHACA AS OF __________.

THE FOLLOWING ARE THE REPRESENTATIONS MADE BY THE SELLER(S)/PROPERTY OWNERS AS REQUIRED BY THE CITY OF ITHACA. The City of Ithaca supports operation of properly conducted waste water treatment operations with the City. If the property in which you are taking an interest is located near the IAWWTF, or included within the IAWWTF Setback Zone, you may be subject to inconveniences or discomfort arising from such operations. Such may include, but may not necessarily be limited to: odors, trucks, lighting, construction, noise, fumes, dust, smoke, discharge, operation of machinery during any 24 hour period, storage and disposal of biosolids and trucked waste, and the application of chemicals, and amendments. One or more of the inconveniences described may occur as a result of any operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live or operate near the IAWWTF, you should be prepared to accept such inconveniences and discomfort as a normal and necessary aspect of living and operating in proximity to a waste water treatment facility.

<table>
<thead>
<tr>
<th>Owner/Seller: ___________________________</th>
<th>Date: ___________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner/Seller: ___________________________</td>
<td>Date: ___________________________</td>
</tr>
<tr>
<td>Buyer/Renter: ___________________________</td>
<td>Date: ___________________________</td>
</tr>
<tr>
<td>Buyer/Renter: ___________________________</td>
<td>Date: ___________________________</td>
</tr>
</tbody>
</table>
(3) All discretionary approvals by the City of Ithaca for parcel maps, subdivision maps or use permits relating to agricultural land, or real property located within the IAWWTF Setback Zone, shall include a condition that the owners of such real property record a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES NOTICE" in substantially the form provided in subsection C(2) of this section.

(4) All applicants for building permits for new residential or commercial construction to be issued by the City of Ithaca located within the IAWWTF Setback Zone shall be provided with a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES NOTICE" in substantially the form provided in subsection C(2) of this section.

(5) The Clerk/Recorder/Assessor of the County shall include a "PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES NOTICE" in substantially the form provided in subsection C(2) of this section with any grant deed, quitclaim deed or land sale contract returned to the grantee by the Clerk/Recorder/Assessor after recording.

(6) "City of Ithaca PRESERVATION OF ITHACA AREA WASTEWATER TREATMENT FACILITIES NOTICE". It is the declared policy of the City of Ithaca to conserve, enhance and encourage waste water treatment operations within the City of Ithaca. Residents, operators, and owners of property within the IAWWTF Setback Zone land should be prepared to accept the inconveniences and discomfort associated with waste water treatment operations, including, but not necessarily limited to: odors, trucks, lighting, construction, noise, fumes, dust, smoke, discharge, operation of machinery during any 24 hour period, storage and disposal of bio solids and trucked waste, and the application of chemicals, amendments. Consistent with this policy, City of Ithaca Code section __________ provides that no operation, conducted or maintained for the purposes of serving the IAWWTF, and in a manner consistent with the proper and accepted customs and standards established and followed by similar waste water treatment operations, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

D. NOTICE TO CORRECT. After receiving a complaint from an occupant within the IAWWTF Setback Zone, the City of Ithaca Assistant Superintendent of Water and Sewer shall immediately notify the Chief Operator of the Ithaca Area Waste Water Treatment Facility of the complaint. If the City of Ithaca Assistant Superintendent of Water and Sewer determines that such activity does not conform with the proper and accepted customs and standards established in similar waste water treatments facilities, he or she shall endeavor specify any measures required to correct the situation, and the time within which the measures must be taken.

6) Discussion
a) Infill Guideline

Chair Murtagh reminded all that this is just a discussion tonight. There will be no vote.

Senior Planner Kusznir stated that in order to help people understand the infill housing concept, she and Planner Phillips constructed two different maps to see where in the City infill development would work. The first set of maps show what currently exist and the second set shows what it would look like.

Alderperson Fleming asked about parking requirements.

Senior Planner Kusznir stated that for the secondary structure there is no parking requirement. It was decided that there is no parking requirement because you cannot have a parking requirement and more green space.

Planner Phillips stated that the maps do not take into account any accessory structures in both sets of the maps.

Chair Murtagh stated we all have to remember that if we adopt this it will drastically constrict the green space in neighborhoods but increase housing, but if we don’t it will allow more green space which would also bring more back yards for relaxation both of very important factors to consider.

7) Review and Approval of Minutes

a) May 2019

Moved to approve by Alderperson Brock as amended; seconded by Alderperson Fleming. Carried unanimously.

8) Adjournment

Moved by Alderperson Fleming; seconded by Alderperson Brock. Carried unanimously. The meeting was adjourned at 8:30 p.m.