

## Village of Ellicottville

Local Law No. XX of the year 2023

Proposed Zoning Code Amendments to

2012 Zoning Local Law Adopted March 12, 2012

### **SECTION 1 – Purpose and Legislative Intent**

The Board of Trustees of the Village of Ellicottville hereby finds and declares that the sale and use of Cannabis constitutes a business which impacts upon the public health, safety, and general welfare of the people of the Village. The intent of this law is intended to allow the establishment of cannabis uses in locations and manners consistent with the zoning and land use goals of the Village of Ellicottville, and to further achieve the following purposes:

- A. The protection of character and stability of residential areas;
- B. To provide adequate and suitably located commercial cannabis use facilities;
- C. To ensure that the operation of cannabis use facilities is done in a safe and controllable manner for the well-being of all in the community.
- D. To help prevent nuisance conditions from arising out of commercial activities involving sales and site use of cannabis.

### **SECTION 2 – Definitions**

**CANNABIS CONSUMPTION ESTABLISHMENT** – any building, structure, location, property, business, or entity that is licensed by the State for the purposes of consuming, smoking, ingesting, injecting, or otherwise using cannabis, any cannabis product, and/or any cannabis related product.

**CANNABIS RETAIL DISPENSARY** – “Retailer” means any person who sells at retail any cannabis product, to cannabis consumers. A State-issued retail dispensary license authorizes the acquisition, possession, sale, and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers.

**CANNABIS USE FACILITY** – any location, property, building, structure, accessory structure, or facility where cannabis, cannabis products, and/or related materials are located, sold, manufactured, used, smoked, ingested, processed, grown, cultivated, bartered, used, delivered, transported, advertised, or stored including retail dispensaries, cultivators, nurseries, processing facilities, distributors and distribution centers, adult use cooperatives, adult use microbusinesses, and delivery services and operations.

### **SECTION 3 – RESTRICTIONS**

Cannabis uses shall be permitted subject to the following restrictions:

- A. No Cannabis Use Facility shall be located within five hundred (500) feet of a school building, library, park or other public building or similar space.

- B. No Cannabis Use Facility shall be located within two (200) feet of a church or similar place of worship.
- C. No Cannabis Use Facility shall be located within two (200) feet of a residential district.
- D. No Cannabis Use Facility shall be located within five (500) feet of another.
- E. No Cannabis Consumption Establishment shall be located within a building containing residential dwelling units, whether such dwelling units are used for long-term or short-term dwelling purposes.

**SECTION 4 – GENERAL REGULATIONS**

- A. Odor at a Cannabis Consumption Establishment shall be controlled to limit odors onto adjoining properties to the greatest extent possible.
- B. Mobile retail sales shall be strictly prohibited. Nothing herein shall prevent licensed delivery vehicles with sufficient security features from making deliveries. All delivery operations shall be listed and described as part of the Special Use Permit application.
- C. All Cannabis Use Facilities shall install a fully operational camera system sufficient to be used at night and covering all areas of the property.

**SECTION 5 – LAND USE**

Added to Section 3B, Schedule of Requirements, Land Use Tables

<b>USE – DESCRIPTION</b>	<b>C</b>	<b>VR</b>	<b>LD</b>	<b>MD</b>	<b>HD</b>	<b>VC-1</b>	<b>VC-2</b>	<b>VC-3</b>	<b>I</b>	<b>RMHD</b>
Cannabis Retail Dispensary	NP	NP	NP	NP	NP	C	C	C	NP	NP
Cannabis Consumption Establishment	NP	NP	NP	NP	NP	C	C	NP	C	NP
Cannabis Use Facility (not including Retail Dispensaries and Consumption Establishments)	NP	NP	NP	NP	NP	NP	NP	NP	C	NP

**SECTION 6 – EFFECTIVE DATE**

This local law shall be effective immediately upon filing with the New York Secretary of State.