

Town of Amsterdam

PROPOSED LOCAL LAW NO. ____ OF THE YEAR 20__

A LOCAL LAW TO AMEND THE TOWN OF AMSTERDAM ZONING LAW TO ALLOW CANNABIS RETAIL DISPENSARIES IN THE B-1, B-2, and M-1 ZONING DISTRICTS AND ESTABLISH CERTAIN USE-SPECIFIC STANDARDS RELATING THRETO

Section 1. Legislative Intent

It is the intent of this local law to amend the Town of Amsterdam Zoning Ordinance, as the same may have been amended from time to time, to allow Cannabis Retail Dispensary, as defined in this law, as a special permit use within the Town’s B-1 Business District, B-2 Restricted Business District, and M-1 Manufacturing/Mixed Use District. It is further the intent of this local law to establish Supplementary Regulations for Cannabis Retail Dispensaries.

Section 2. Authority

This local law is adopted by the Town Board of Town of Amsterdam (hereinafter referred to as the “Town Board”) pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; Article I of the Town Zoning Law, particularly Section 2 which authorize the Town to adopt zoning provisions that promote health and general welfare, encourage the most appropriate use of land throughout the Town, encourage development in accord with a comprehensive plan and professional planning techniques, and improve the quality of life throughout the Town; and Article 4 of the New York State Cannabis Law.

Section 3. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary, as provided under NYS law.

Section 5. Amendment

Section 5.A.

Article II – Definitions, Section 4 is hereby amended as follows:

5.A.1. New definitions are added as follows:

“CANNABIS RETAIL DISPENSARY: A retail facility that sells at retail any cannabis product, the sale of which requires an Adult-Use Retail Dispensary license under the provisions of the New York State Marijuana Regulation and Taxation Act.”

“COMMUNITY FACILITY: A facility that may include, but not be limited to, a facility that provides day care to children; a public park; a playground; a public swimming pool; a library; or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents.”

“RETAIL STORE OR SHOP WITH DRIVE-THRU OR CURB SERVICE – Any retail store or shop with drive thru, drive-up, or curb service design.”

5.A.1. The definition of RETAIL STORE OR SHOP is hereby amended to read as follows:

“A commercial activity designed for and primarily characterized by the direct on-premises sale of goods and services to the ultimate consumer, generally involving stock-in-trade such as normally associated with department stores, food markets and similar establishments, but also including financial institutions, cannabis retail dispensaries, business and professional offices and services, including on-premises manufacturing, processing, servicing, preparation and wholesale business transactions customarily associated therewith, but clearly incidental thereto. This term shall not include restaurants, motor vehicle businesses, places of public assembly or medical centers.”

Section 5.B. Article IV – Use Regulations is hereby amended as follows:

5.B.1. A new use, “8. Retail Store or Shop with Drive-Thru or Curb Service” is added to Section 11. B-1 Business District to the list of uses permitted by the Planning Board as Special Permit Uses.

5.B.2. A new use, “6. Retail Store or Shop with Drive-Thru or Curb Service” is added to Section 12. B-2 Restricted Business District to the list of uses permitted by the Planning Board as Special Permit Uses.

5.B.3. A new use, “21. Retail Store or Shop with Drive-Thru or Curb Service” is added to Section 13. M-1 Manufacturing/Mixed Use District to the list of uses permitted by the Planning Board as Special Permit Uses.

Section 5.C. Zoning Schedule B – Business and Manufacturing Districts of the Town of Amsterdam Zoning Ordinance is hereby amended to add the following information to the following fields as defined in brackets:

[Zoning District]	[B-1]	[B-2]	[M-1]
[Special Permit Uses Permitted by the Planning Board]	Retail Store or Shop with Drive-Thru or Curb Service	Retail Store or Shop with Drive-Thru or Curb Service	Retail Store or Shop with Drive-Thru or Curb Service
[Minimum Lot Size – Area in Sq. Ft.]	---	---	---
[Minimum Lot Size – Width in Feet]	---	---	---
[Lot Coverage (Maximum Percent)]	25	25	25
[Min. Living Area (Square Feet)]	---	---	---
[Building Height (Maximum) – Stories]	2	2	2
[Building Height (Maximum) – Feet]	30	30	30
[Yard Dimensions (Minimum in Feet) – Front]	25	25	25
[Yard Dimensions (Minimum in Feet) – Side]	10**	10**	10**
[Yard Dimensions (Minimum in Feet) – Rear]	30	30	30

Section 5.D. Supplementary Regulations

5.D.1. Article VIII – Supplementary Regulations of the Town of Amsterdam Zoning Ordinance is hereby amended to add a new section, designated as “Section 37 – Cannabis Retail Dispensaries”, to said Article VIII to read as follows:

1. Application for Cannabis Retail Dispensary

An application for a Cannabis Retail Dispensary shall include the following, in addition to the requirements set forth at Article VI – Site Plan Review:

- a. Copy of licenses and permits issued for the proposed site under Title 9 of the NYS Official Compilation of Codes, Rules, and Regulations

(i.e., pertaining to Cannabis Retail Dispensary and Delivery licenses) as well as relevant application materials submitted to the Office of Cannabis Management, including:

- i. Site Plan
 - ii. Security and Employee Training and Safety Plan
 - iii. Delivery Service Plan, as applicable
- b. Evidence of site control, in the form of a deed or lease arrangement or as required by OCM
 - c. All proposed signage
 - d. Floor plan showing areas for customer use and other areas
 - e. Traffic Plan addressing potential impacts from normal operations and on Opening Day. The Planning Board, in its discretion, may also require the Traffic Plan specifically address weekends or holidays during the first six months of operation.
 - f. Odor Control Plan – This can involve physical controls, design and/or siting considerations, and employee training and practices.

2. Setbacks

In addition to the requirements set forth in NYS law and as may be required under NYS regulations, Cannabis Retail Dispensaries must be set back a distance of at least 500 feet from community facilities. Measurement of the required setback shall be in accordance with the requirements provided by NYS regulation.

3. Façade Treatments and Appearance

Blank walls, defined a ground-floor wall or portion of a ground-floor wall over 8 feet in height and a horizontal length greater than 30 feet and does not include a transparent window or door, which have frontage on a public street shall be treated in order to maintain consistency with neighborhood character. Treatments can include, display windows, landscape planting beds, vertical trellis, special building detailing that adds visual interest, or other treatment acceptable to the Planning Board. Firewalls are exempt from these requirements. Where it finds that treatment of any blank walls is not required to maintain consistency with neighborhood character, the Planning Board, in its discretion, may waive this requirement.

5.D.2. Article VIII – Supplementary Regulations of the Town of Amsterdam Zoning Ordinance is hereby amended to add a new section, designated as “Section 38 – Retail Store or Shop with Drive-Thru or Curb Service,” to said Article VIII to read as follows:

1. Compatibility with Residential Districts

Arrangements of ingress and egress of vehicles, lights, menu boards, fences, intercom audio systems, and screening shall be approved by the Planning Board in such a way as not to interfere with uses in the Residential District.

2. Design Standards

A traffic queuing and circulation analysis must be submitted that demonstrates that there will be no queuing on public streets or rights-of-way, that all sidewalk areas will be kept clear of standing vehicles, and that addresses safety of roadway users. An additional 4-space vehicle queuing area for each service lane must be provided. Drive-through facilities should be located at the side or rear of buildings and landscaping should be used to reduce the visibility of such facilities.

Section 5. Severability

The provisions of this chapter are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, clauses, or parts of this chapter.