

**BILL NO. \_\_\_\_\_ OF 2022**

A local law to amend Lake Success Code chapter 105 entitled "Zoning."

**BE IT ENACTED** by the Board of Trustees of the Village of Lake Success as follows:

Section One. Lake Success Code Article I entitled "General Provisions" §105-7 entitled "Definitions" is hereby amended by adding the following:

**CANNABIS ESTABLISHMENT**

All facilities approved for use as a cannabis retail sales establishment or cannabis indoor smoking establishment.

No more than two Cannabis Establishments may be located within the ED-A District.

**CANNABIS INDOOR SMOKING ESTABLISHMENT**

Any facility whose business operation is an approved location for indoor smoking of cannabis in any form. Smoking is the inhalation of the smoke of burning cannabis encased in cigarettes, pipes, cigars, electronic cigarettes, pipes, waterpipes, or any similar device. Smoking outside of the establishment shall be prohibited at all times.

**CANNABIS RETAIL SALES ESTABLISHMENT**

A commercial facility that provides cannabis goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Section Two. Lake Success Code Article XIII entitled "Economic Development A District" is hereby amended to add a new §105-94.1 entitled "Special Use; Cannabis Establishments" to read as follows:

§94.1 Special Use; Cannabis Establishments

- A. **Legislative Intent.** The Marihuana Regulation & Taxation Act was signed into law on March 31, 2021, legalizing adult-use cannabis in New York State. The Board of Trustees has determined that consistent with this new legislation, the sale of cannabis products in the commercially zoned ED-A District is appropriate provided the cannabis establishments adhere to strict safety and siting standards and the permitting process set forth in this Article. These standards are necessary to promote the general welfare, health, and safety of Village residents, while also providing the Village with tax revenue generated

from the retail sale of cannabis products that will benefit all Village residents.

**B. Special Use Permit Criteria for Cannabis Uses.**

Cannabis Retail Sales Establishments and Cannabis Indoor Smoking Establishments may be permitted in the ED-A District only when authorized by the Board of Trustees as a special use permit. No more than two Cannabis Establishments may be located within the ED-A District.

All Cannabis Establishments must comply with the following special use permit criteria:

- a) The retail sale of cannabis at a Cannabis Establishment is permitted only between the hours of 11:00 a.m. and 8:00 p.m.
- b) The owner or operator of a Cannabis Establishment is not permitted to process, cultivate, or grow cannabis at said establishment.
- c) All activities associated with Cannabis Establishments shall be conducted within a fixed location and within a fully enclosed building. Drive-thrus and walk-up windows shall not be used for the retail sale of cannabis products.
- d) The owner or operator of a Cannabis Establishment shall provide adequate traffic controls, parking, and vehicular circulation at the premises.
- e) Cannabis Establishments shall provide for adequate exterior and interior security measures at the premises, including security personnel, cameras, lighting, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. Twenty-four-hour video surveillance of the establishment must be implemented and video records must be kept for at least 30 days.
- f) Cannabis and cannabis products shall not be displayed in the windows of Cannabis Establishments.
- g) The owner or operator of a Cannabis Indoor Smoking Establishment must provide sufficient measures and

means of adequate ventilation and air filtration systems to control smoke and odor.

- h) The Board, in its discretion, may impose additional conditions of approval for a Cannabis Establishment to mitigate any potential negative impacts.

C. **Application Requirements for Cannabis Use.** For all Cannabis Establishments, a special use permit application must be submitted to the Village Clerk at least 30 days prior to the Board of Trustees meeting along with 12 sets of the site plan requirements set forth in Article XXV and 12 sets of the following:

- a) Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the State of New York.
- b) A list of mitigation measures designed to minimize any adverse impacts on abutting properties.
- c) A traffic impact, site circulation and parking analysis that evaluates the proposed vehicular site access, proposed parking and site circulation. The analysis shall clearly identify the potential increase in vehicular activity to ensure there are adequate controls for the anticipated flow of vehicles to and from the facility without overcrowding the site and area streets during peak traffic periods. The scope of the traffic impact analysis must be reviewed and approved by the Village's traffic engineering consultant prior to submission with the application.
- d) An opening and special event and holiday traffic management plan that outlines the traffic and on-site circulation controls to be implemented to ensure the protection of the public health and safety during hours of operation during the initial period of opening and periods preceding holidays and special events, as determined by the Board of Trustees during the special permit review.
- e) A security plan showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest street or off-street parking area to ensure the protection of the public's health and safety during hours of operation. The security plan

shall detail how the property will be monitored so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises and shall show the location of any walkway structures, lighting, gates, fencing and landscaping. The security plan shall also address the transport of all cannabis product to the establishment and the security measures taken to prevent theft of cannabis products on-site. The Village and Village Police Department shall have the right to review the security plan and to impose additional safety measures as it deems appropriate.

- f) A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the cannabis establishment.
- g) An applicant who is not the property owner shall submit evidence in the form of a deed, an executed lease or valid purchase and sale agreement documenting the applicant's contingent property interest and legal right to operate a cannabis establishment at the property.
- h) Sign plans depicting the proposed advertising of the Cannabis Retail Sales Establishment at the premises. All signage shall be limited to the name of the business. Illustrations, pictures, and other imagery is prohibited. Moving, rotating, animated, blinking, flashing, projecting or internally illuminated signs are prohibited. Window signs and window advertisements shall be prohibited.
- i) For cannabis indoor smoking establishments, an odor control plan detailing the specific odor-emitting activities on site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities and the administrative and engineering controls that will be implement to control such odors, including maintenance of such controls.

**D. Approval Process for Cannabis Use**

All Cannabis Establishments or any modification (major or minor) to such facility must first make application to the Planning Board for site plan review approval in accordance with Article XXV.

Upon completion of the site plan review process, the applicant must apply to the Board of Trustees for a special use permit in accordance with this section

Section Three. Lake Success Code Article XIII entitled “Economic Development A District” §105-96 entitled “Prohibited Uses” subsection A(2) is hereby amended by to read as follows:

- 2) Retailing of merchandise and services except for Cannabis Establishments that are approved pursuant to Section 105-94.1.

Section Four. This local law shall take effect immediately upon filing with the Secretary of State.