

LOCAL LAW #2 OF 2022 OF THE TOWN OF SCIPIO
A Local Law Amending Certain Sections of the Town of Scipio Zoning Ordinance

Be it enacted by the Town Board of the Town of Scipio as follows:

Section 1. Authority

This local law is enacted pursuant to the provisions of the New York Town Law and the New York Municipal Home Rule Law.

Section 2. Purpose

The purpose of this local law is to add definitions and provisions for commercial cultivation and processing of cannabis and cannabis products; and to amend the existing front setback for single-family and two-family dwellings in the Waterfront Zoning District in the Town of Scipio Zoning Ordinance.

Section 3. Amendments to Section 2.02- Definitions. The following definitions shall be added to Section 2.02 of the Town of Scipio Zoning Ordinance:

Cannabis - means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the federal Food and Drug Administration. Associated definitions as defined in New York State Law, Chapter 7-A of the Consolidated Laws of New York; Cannabis Law dated March 31, 2021 or as amended include:

- (1) **Cannabinoid** - means the phytocannabinoids found in hemp and does not include synthetic cannabinoids as that term is defined in subdivision (g) of schedule I of section thirty-three hundred six of the public health law.
- (2) **Cannabinoid Hemp** - means any hemp and any product processed or derived from hemp that is used for human consumption provided that when such product is packaged or offered for retail sale to a consumer, it shall not have a concentration of more than three tenths of a percent delta-9 tetrahydrocannabinol.
- (3) **Cannabis Product** - or "adult-use cannabis product" means cannabis, concentrated cannabis, and cannabis-infused products for use by a cannabis consumer.
- (4) **Cannabis-Infused Products** - means products that have been manufactured and contain either cannabis or concentrated cannabis and other ingredients that are intended for use or consumption.
- (5) **Cannabis Trim** - means all parts of the plant of the genus Cannabis other than cannabis flower that have been harvested, dried, and cured, but prior to any further processing.
- (6) **Hemp** - means the plant Cannabis sativa L. and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration

(THC) of not more than three-tenths of a percent on a dry weight basis. It shall not include "medical cannabis" as defined in this section.

- (7) **Hemp Extract** - means all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers derived from hemp, used or intended for human consumption, for its cannabinoid content, with a delta-9 tetrahydrocannabinol concentration of not more than an amount determined by the office in regulation. For the purpose of this article, hemp extract excludes (a) any food, food ingredient or food additive that is generally recognized as safe pursuant to federal law; or (b) any hemp extract that is not used for human consumption. Such excluded substances shall not be regulated pursuant to the provisions of applicable state law, rules and regulations.
- (8) **Medical cannabis** - means cannabis as defined in this section, intended for a certified medical use, as determined by the NYS Cannabis Control Board in consultation with the NYS Commissioner of Health.

Commercial Cultivation or Processing of Cannabis and Cannabis Products - A business located wholly within one or more buildings where cannabis is grown and or processed for distribution including wholesale. This use may be conducted as a principal use, an accessory use or in combination with another permitted use. In cases and scenarios, the Commercial Cultivation or Processing of Cannabis and Cannabis Products Business must be licensed by the State of New York and receive necessary approvals from the Town of Scipio to operate. Associated definitions as defined in New York State Law, Chapter 7-A of the Consolidated Laws of New York; Cannabis Law dated March 31, 2021 or as amended include:

- (1) **Cultivation** - means growing, cloning, harvesting, drying, curing, grading, and trimming of cannabis plants for sale to certain other categories of cannabis license- and permit-holders.
- (2) **Nursery** - means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult use cannabis cultivators, microbusinesses, cooperatives and registered organizations.
- (3) **Processor** - means a licensee that extracts concentrated cannabis and/or compounds, blends, extracts, infuses, or otherwise manufactures concentrated cannabis or cannabis products, but not the cultivation of the cannabis contained in the cannabis product.

Section 4. Amendments to Section 4.05 - Use Table. The use(s) shall be added to the end of the use table in Section 4.05 of the Town of Scipio Zoning Ordinance as follows:

Use Table (Continued)				
Key: P = Permitted by Right SC = Special Conditions SP = Special Permit N = Not Permitted				
Use Category	Zoning District			Section Reference
	ARD	HD	WD	
Commercial Cultivation or Processing of Cannabis and Cannabis Products	SP*	N	N	5.07, A(22)

Section 5. Amendments to Section 5.07 - Requirements for Defined Special Uses. The following provisions for Commercial Cultivation or Processing of Cannabis and Cannabis Products shall be added as Section 5.07, A(22):

- (22) Commercial Cultivation or Processing of Cannabis and Cannabis Products. No person shall construct, establish, operate, maintain, or be issued a certificate of occupancy for any Commercial Cultivation or Processing of Cannabis and Cannabis Products Business within the Town unless such use meets the following standards:
- a. License Required: No person may operate a Commercial Cultivation or Processing of Cannabis and Cannabis Products Business without a valid license issued by New York State.
 1. There shall be an annual fee for Commercial Cultivation or Processing of Cannabis and Cannabis Products Businesses as established by the Town Board by resolution in the Town of Scipio Fee Schedule.
 2. Home Occupations: A Commercial Cultivation or Processing of Cannabis and Cannabis Products Business license shall not be issued for a home occupation. Cannabis and Cannabis Products may not be sold from any residential dwelling unit nor shall cannabis be grown in a residence with the intent to sell.
 - b. At a minimum, Commercial Cultivation or Processing of Cannabis and Cannabis Products Business shall be located within the following distances from the specified land uses listed below:
 1. 100 feet from any property that is used, in whole or part, for residential purposes.
 2. All distances set forth herein shall be measured from lot line to lot line. Any relief from the distance buffer referenced under this section shall require the issuance of a use variance from the Zoning Board of Appeals.
 - c. Disposal of Cannabis: Cannabis waste shall be stored, secured, and managed in accordance with applicable state laws.
 - d. Signage: All signs shall comply with the sign provisions set forth in Article IX. In addition, no signage associated with a Cannabis Consumption Site, Dispensary, Sale or Distribution of Cannabis Products Business shall use the word “marijuana”, “cannabis”, or any other word or phrase commonly understood to refer to marijuana, nor shall any images of the marijuana plant be used in signage.
 - e. Ventilation: All licensed Commercial Cultivation or Processing of Cannabis and Cannabis Products Business facilities shall be equipped with a proper ventilation system that filters out the odor of cannabis so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of any and all buildings used for the business.
 - f. Hazardous Chemicals: Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation or processing of cannabis shall comply with all local, state, and federal laws. An application for approval of any Commercial Cultivation or Processing of Cannabis and Cannabis Products Business shall include a floor plan showing the location of the storage of such chemicals and shall be subject to review and approval.
 - g. Where there is a conflict between the regulations as provided in this Section and any other law, rule or regulation of the Town including this Ordinance, the most restrictive law, rule, or regulation shall apply.

Section 6. Amendments to Section 6.01 - District Regulations and Dimensional Requirements.

The minimum front setback requirement for Single-Family Dwellings and Two-Family Dwellings located in the Waterfront Zoning District shall be changed from 20 feet to 50 feet. The Dimensional Requirements Table in Section 6.01, C shall be amended as follows:

Dimensional Requirements Table							
District/Use	Minimum Lot Size	Minimum Lot Width (ft.)	Minimum Setbacks			Maximum Lot Coverage	Maximum Building Height (ft.)
			Front (ft.)	Side (ft.)	Rear (ft.)		
Agricultural / Residential District (ARD)							
Agricultural Structure as the principal structure	2 acres	100 ft	20 ft	20 ft	30 ft	20%	n/a
Single- or Two Family Dwelling as principal structure	1 acre	100 ft	20 ft	20 ft	30 ft	20%	35 ft.
Other Principal Structures	1 acre	100 ft	50 ft	20 ft	30 ft	20%	35 ft.
Hamlet District (HD)							
Single-Family Dwelling	3/4 acre	80 ft	20 ft	5 ft	40 ft	20%	35 ft.
Two-Family Dwelling	3/4 acre	80 ft	20 ft	5 ft	30 ft	20%	35 ft.
Multi-Family Dwelling	3/4 acre	65 ft	20 ft	5 ft	30 ft	25%	35 ft.
Other Principal Structures	1 acre	80 ft	50 ft	20 ft	30 ft	20%	35 ft.
Waterfront District (WD)							
Single-Family Dwelling	3/4 acre	80 ft	50 ft	5 ft	20 ft	*	35 ft.
Two-Family Dwelling	3/4 acre	65 ft	50 ft	5 ft	20 ft	*	35 ft.
Other Principal Structures	1 acre	80 ft	50 ft	20 ft	20 ft	*	35 ft.
All Districts							
Accessory Structures	n/a	n/a	**	10 ft	10 ft	***	20 ft.
* See Section 4.08, B(1)							
** See Section 6.02, A(2)							
*** Accessory structures count towards the total maximum lot coverage for the lot they are located on.							

Section 7. 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 8. Effective date

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