

**DRAFT LOCAL LAW TO AMEND
VILLAGE OF LAKE PLACID/TOWN OF NORTH ELBA
LAND USE CODE**

Section 1. Section 1.7.2(D)(1) of the Code is hereby amended by changing "Fawn Ridge Drive" to read "Fawn Ridge LLC".

Section 2. Sections 2.4(D), 2.5(D), 2.7(D) and 2.8(D) of the Code are each hereby amended by deleting the phrase in the last sentence of said sections which reads "is not in compliance with this Code".

Section 3. Section 2.6(C), Section 2.7(C) and Section 2.8(C) of the Code are each hereby amended by adding "adult-use on-site cannabis consumption", "adult-use retail cannabis dispensary" and "smoke shop and tobacco/vape store" to the lists of Conditional Uses in Village Center, Gateway Corridor and Old Military Road districts (with adult-use on-site cannabis consumption to be allowed only on properties within the boundary of the Village of Lake Placid).

Section 4. "Figure 3.1" of the Code, "Minimizing Visual Impact", which currently follows Section 3.6.6, is hereby re-positioned to follow Section 3.4(B).

Section 5. Section 4.2.4(B)(1) of the Code is hereby amended by changing the first listed item of said section to read as follows: "Front Yard - - Not to be located in any required front yard setback area".

Section 6. Section 4.2.4(B) of the Code is amended by re-positioning the last sentence of said section ("the maximum height of any accessory building or structure shall be 18 feet, but shall in no instance exceed the height of the principal building or use") to be the sixth listed item in Paragraph 1 of Section 4.2.4(B).

Section 7. Section 4.4.5(B)(8)(d) of the Code is hereby amended to read as follows: "Elevation of the lowest floor for all structures and their service equipment, meets current standards of the Federal Emergency Management Agency (FEMA)."

Section 8. Section 4.6 of the Code is hereby amended such that its fourth subsection is correctly titled "4.6.4 Health Safety and Welfare Considerations."

Section 9. Section 4.6.4 of the Code is hereby amended by re-lettering its last four paragraphs to be lettered "K", "L", "M" and "N", respectively.

Section 10. Section 4.6.4(D)(1) of the Code is hereby amended by changing the reference to "Residential Countryside" to read "Rural Countryside".

Section 11. Section 5.3.1(B) of the Code is hereby amended by adding the following to Table 1 (Off-Street Parking Requirements): Add "Adult-use Retail Cannabis Dispensary" to Use Types. Minimum spaces required: 1 per 200 sq.ft. of gross floor area. Add "Adult-use On-Site Cannabis Consumption" to Use Types. Minimum spaces required: 1 per 3 seats, or 50 sq. ft. of floor area available to patrons where no seating is generally available.

Section 12. Section 5.3.1 of the Code is hereby amended to relabel the third and fourth subsections "C" and "D"

Section 13. A new Section 5.5.12 is hereby added to said Code, to read as follows:

5.5.12 Adult-use On-site Cannabis Consumption

- A. Shall not be located within 500 feet, measured property line to property line, from a school (public or private).
- B. Shall not be located within 200 feet, measured property line to property line, from a church or religious institution.
- C. If the property Use adjoins a property in the Town Residential, Village Residential or Rural Countryside District the Review Board may require additional screening and buffers to sufficiently minimize adverse impacts from sight and sound.
- D. Outdoor smoking consumption is prohibited.
- E. No outdoor displays or window displays of product or its likeness.
- F. Signage cannot depict product or its likeness.

Section 14. A new Section 5.5.13 is hereby added to said Code, to read as follows:

5.5.13 Adult-use Retail Cannabis Dispensary

- A. Shall not be located within 500 feet, measured property line to property line, from a school (public or private).
- B. Shall not be located within 200 feet, measured property line to property line, from a church or religious institution.
- C. If the property Use adjoins a property in the Town Residential, Village Residential or Rural Countryside District the Review Board may require additional screening and buffers to sufficiently minimize adverse impacts from sight and sound.
- D. No outdoor displays or window displays of product or its likeness.
- E. Signage cannot depict product or its likeness.

Section 15. A new Section 5.5.14 is hereby added to the Code, to read as follows:

5.5.14 Smoke Shop and Tobacco/Vape Store

- A. Shall not be located within 500 feet, measured property line to property line, from a school (public or private).
- B. Shall not be located within 200 feet, measured property line to property line, from a church or religious institution.
- C. If the property Use adjoins a property in the Town Residential, Village Residential or Rural Countryside District the Review Board may require additional screening and buffers to sufficiently minimize adverse impacts from sight and sound.
- D. No outdoor displays or window displays of product or its likeness.
- E. Signage cannot depict product or its likeness.

Section 16. Section 6.3.2(O) is amended to list, as a prohibited sign type, "signs for short-term rentals."

Section 17. Section 8.2.3(B)(2) of the Code is hereby amended by adding a parenthetical reading “(See Section 2 Base District/Standards)”, after the phrase “tabular summary of pertinent statistics” in the existing language.

Section 18. Section 8.2.5(A)(7) of the Code is amended to read “The Review Board shall draft findings of fact pertaining to the application, where deemed necessary or appropriate by the Review Board”.

Section 19. Section 10.2 of the Code is hereby amended by adding three new definitions, to read as follows:

Adult-use On-site Cannabis Consumption: “On-site consumption” means the consumption of cannabis in an area licensed for on-site consumption by the Cannabis Control Board. An on-site consumption license authorizes the acquisition, possession, and sale of cannabis from the licensed premises of the on-site consumption licensee to cannabis consumers for use at the on-site consumption location.

Adult-use Retail Cannabis Dispensary: A 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. “Retailer” means any person who sells at retail any cannabis product, to cannabis consumers as licensed by the Cannabis Control Board.

Smoke Shop and Tobacco/Vape Store: shall mean any premises primarily dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco or cannabis accessory apparatus.

Section 20. Section 10.2 of the Code is amended by correcting the reference to “retain trade” in line 6 of the definition of “Retail Business or Retail Trade”, so as to read “retail trade”.

Section 21. Appendix 5 of the Code is hereby retitled “Appendix 5 - - SEQR”, and its text is deleted entirely and replaced by the following text: “The actions of the Town Board and Village Board of Trustees in the enactment of amendments to this Code, and the actions of the Review Board and Zoning Board of Appeals in performing their functions under this Code, shall be subject to the New York State Department of Environmental Conservation statewide “State Environmental Quality Review” Regulations, 6 NYCRR Part 617, effective January 1, 2019.

Section 22. Appendix 7 of the Code is hereby amended to read “Fee Schedule Listed in Application Forms.”

Section 23. The “Legend” on the Map entitled “Planning Districts - - Village Vicinity” is hereby amended to also list “Village Center”, keyed to a pink color box matching the color of the Village Center District on the map.

Section 24. This local law shall take effect immediately upon filing with the New York State Department of State.