

Section 1. Title.

This Local Law shall be known as Introductory Local Law #2- 2024, a Local Law to amend Chapter 340-23 of the Code of the Village of Spencerport

Section 2. Purpose.

The purpose of this Local Law is to amend Chapter 340-23 of the Code of the Village of Spencerport to add cannabis dispensaries as a permitted use in the B-3 zoning district.

Section 3. Authority.

This Local Law is adopted pursuant to §10 of the Municipal Home Rule Law of the State of New York.

Section 4. Changes to Code.

§ 340-23 of the Code of the Village of Spencerport is repealed, in its entirety, and replaced with the following:

§ 340-23. B-3 District (Union Street from cemetery south, including Nichols Street and Brockport Road).

The B-3 District is the entrance to the Village from the south along Routes 31 and 259 and is generally visible from Route 531. This area has been the focus of recent commercial development. While not visible from, or adjacent to, the Canal Town area, this entry area sets the tone for the Village for a large percentage of the visitors entering the Village. The intent is to continue to foster development in this area while recognizing that the nature of the area is such that most users arrive in motor vehicles. In creating this classification, the Village Board seeks to allow the existing structures to continue but to encourage their redesign, redevelopment and, where appropriate, reconstruction in better harmony with a Canal Town theme while taking into account the different site characteristics and character of existing buildings which have been constructed in the recent past of the properties located within the B-3 District.

A. Additional permitted uses.

- (1) Banks.
- (2) Indoor movie theaters.
- (3) Bowling alleys.
- (4) Public garages.
- (5) Garden stores and nurseries.
- (6) Cannabis dispensaries (excluding on-site consumption), subject to all permits from New York State Office of Cannabis Management.

B. The following uses shall be permitted in the B-3 District, subject in each case to the granting of a special permit by the Zoning Board of Appeals after a public hearing as provided in Article IX:

- (1) Sit-down and carryout restaurants, including, as an accessory use, drive-through or drive-up service.
- (2) Day-care centers.
- (3) Gasoline filling stations.
- (4) Convenience stores.
- (5) Car washes.
- (6) Automobile showrooms. The use permitted hereunder shall be limited to new automobile sales and to service shops, both conducted within an enclosed building as one business enterprise, and to sales of such used cars as are taken in trade.

- C. Site characteristics.
 - (1) Lot sizes.
 - (a) Minimum width: 100 feet.
 - (b) Minimum depth: 150 feet.
 - (2) Setbacks.
 - (a) Front: 50 feet.
 - (b) Side: 10 feet; 40 feet when adjoining a residential district.
 - (c) Rear: 30 feet; 50 feet when adjoining a residential district.
 - (3) Building height: maximum 35 feet.
 - (4) Building size: minimum in accordance with State Fire Prevention and Building Code for use.
 - (5) Maximum lot coverage: 35%.
- D. Parking requirements. Parking requirements shall be based on the type of business as set forth in § 340-29, Off-street parking.
- E. Landscaping requirements: as contained in the Architectural Design Standards, which is a separate local law.³
- F. Exterior lighting: as contained in the Architectural Design Standards, which is a separate local law.
- G. Architectural requirements, including roofs, siding material, windows, window treatments, awnings and entrances shall be set forth in the Architectural Design Standards, which is a separate local law.
- H. Signs: as contained in the Architectural Design Standards, which is a separate local law.

Section 5. If any clause, sentence, paragraph, section or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.

Section 6. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

