

ORDINANCE #1 of 2024

AMENDING THE ZONING CHAPTER OF THE AUBURN CITY CODE

By Councilor _____

April 4, 2024

WHEREAS, the City Council of the City of Auburn on February 15, 2018, by Ordinance No. 1 of 2018 amended in its entirety the previous Zoning Ordinance; and

WHEREAS, the City Council of the City of Auburn on October 6, 2022, by Ordinance No. 2 of 2022 added sections to the Zoning Ordinance which addressed permissible uses of cannabis; and

WHEREAS, the New York State Office of Cannabis Management has since promulgated rules and regulations which preempt in part sections of Ordinance No. 2 of 2022; and

WHEREAS, Ordinance No. 1 of 2024, attached hereto and incorporated herein, proposes to update Chapter 305 of the City Code to bring the City's Zoning Ordinance in compliance with State regulations; and

WHEREAS, the passage of Ordinance No.1 of 2024, is categorized as a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) and New York State Code, Rules, and Regulations Sections 617.5(c)(16), and, therefore, pursuant to NYCRR Section 617.3(f) a determination under SEQRA is not required; and

NOW THEREFORE BE IT ENACTED that the Auburn City Council does hereby repeal the following sections of Ordinance 2 of 2022, "Zoning"

1. Section 305-12
2. Section 305-28(B)

and,

BE IT FURTHER ENACTED that the Auburn City Council does hereby adopt Ordinance No. 1 of 2024 attached and incorporated herein, which replaces the following Sections of Chapter 305 of the Auburn City Code entitled "Zoning":

1. Section 305-12
2. Section 305-28(B)

and,

BE IT FURTHER ENACTED that the foregoing repeal and adoption shall take effect immediately.

Seconded by Councilor _____

	Ayes	Noes
Councilor Kent		
Councilor Overstreet-Wilson		
Councilor Cuddy		
Councilor Calarco		
Mayor Giannettino		
Carried and Adopted		

CHAPTER 305 ZONING

305-12. Uses Table

	Downtown (D)	Central Corridor (CC)	Single Family (R-1)	Multi- family (R-2)	General Com. (C)	Neigh. Com. (NC)	High- way Com (HC)	Spec Com (SC)	General Industrial (I)	Industrial Park (I-1)	Resource Recovery (I-2)
Cannabis on-site consumption	P						P				
Cannabis retail dispensary	P				P		P				

P - Permitted Use

S - Special Use Permit Required

A - Permitted as an Accessory Use

Blank - Prohibited Use

*Accessory use subject to special use permit

305-28(B). Limitations on location.

(1) No on-site consumption or retail dispensary shall be permitted within 1,000 feet of another on-site consumption or retail dispensary.

(2) No on-site consumption or retail dispensary shall be permitted within 500 feet of a **building used exclusively as a** school, nursery school, daycare, playground, public library or municipal park.

~~(3) No on-site consumption or retail dispensary shall be permitted within 300 feet of a single-family, two-family, or townhouse residential use.~~

~~(4)~~(3) No on-site consumption or retail dispensary shall be permitted within 200 feet of a **building used exclusively as a** house of worship.

~~(5)~~ (4) Said distances shall be measured ~~from~~ **in a straight line from the center of the nearest entrance of the premises licensed and operating as a retail dispensary the center of the nearest entrance of the building occupied exclusively as a house of worship, school or retail dispensary.**