

DEFINITIONS

Summary:

Add definitions for any use which is referenced in the zoning law and not defined. Add definitions for any new uses included in this update to the law.

Gas Station: Any building or land used for the sale of motor fuel, oil, and motor vehicle accessories, which may include facilities for lubricating, washing, or servicing motor vehicles, but not painting or body repairs. Total size of a gas station including all buildings and impermeable surfaces intended for driving or parking must be less than 100,000 square feet.

Gas Station Convenience Store: A gas station with an on-site retail location selling retail goods or food to individual customers. Not to include showers or lodging for travelers. Total size of a gas station convenience store including all buildings and impermeable surfaces intended for driving or parking must be less than 100,000 square feet.

Truck Stop, Travel Plaza: Any building, group of buildings, or land used for fueling, servicing, selling retail goods, and/or retail services for travelers such as showers and short term lodging, short or long term parking which total size of all buildings and impermeable surfaces intended for driving or parking is over 100,000 square feet.

Cannabis Cafe: A retail facility which sells any cannabis product and allows on-site consumption which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.

Cannabis Dispensary: A retail facility that sells at retail any cannabis product, the sale of which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.

Private Air Strip: Buildings and land used for the take off, landing, and storage of fixed wing aircraft owned by an individual or company not to be used for flights which require purchase of tickets or admission.

Club: An incorporated organization established pursuant to the New York Not-For-Profit Corporation Law for a social, educational, or recreational purpose, catering exclusively to members and their guests, whose activities are not conducted primarily for profit.

SECTION 506

INDUSTRIAL/COMMERCIAL DISTRICT

– IC

Summary:

The Industrial/Commercial District is referenced as a future land use area around the Route 63, Route 20 (Texaco Town) intersection. The goal of this addition to the zoning law is to create a zoning designation that adheres to the Comprehensive Plan. Once this update is adopted parcels in the future land use area of the Comprehensive Plan may rezone to this designation.

The Industrial/Commercial District is designed to accommodate a mix of industrial and commercial uses around the intersection of Route 20 and Route 63. Commercial uses should be given preference to utilize road frontage for easy access of customers while industrial and mixed uses should utilize the interior of this area preferably in a business-park style layout to ensure efficient use of space and shared access roads.

Permitted Uses:

Retail use and service
Restaurant
Professional Office
Personal Service Business
Wholesale Trade
Bank
Enclosed Manufacturing Industry
Enclosed Warehouse or Wholesale Trade
Public Utility
Enclosed Service or Repair
Machinery transportation equipment sales, service and repair
Enclosed Industrial Process
Freight or Trucking Terminal
Contractors Yard
Farm and all usual agricultural operations
Accessory Building and Use
Self-service storage facility
Drive in business
Indoor Recreation Facility

Uses Requiring a Special Use Permit

Business Park
Gas Station, Gas Station Convenience Store
Truck Stop / Travel Plaza
Adult Uses
Child Day Care Center
Indoor Recyclable handling and recovery facility
Indoor Disposal transfer station
Commercial Communication Tower
Ponds
Animal Kennel
Residential Uses
Cannabis Cafe
Cannabis Dispensary
Race Track

Multiple Special Uses

Summary:

The Comprehensive Plan calls for in-depth utilization of special use permits in the A&R-1 Districts. The goal of this addition is to allow in certain cases multiple special use permits on a parcel. Additionally this will bring into conformance to existing businesses which perform multiple uses on one parcel.

SECTION 401 BUILDINGS, USES AND LOTS

- A. **One Principal Building and Use Per Lot** - There shall not be more than one (1) principal building and one (1) principal use on any one lot in the Agricultural & Residential A&R-1, A&R-2 and the Residential - R Districts except as provided for in the following:

(4) Multiple uses requiring a special use permit if approved by the Planning Board as part of the Special Use Permit Application Process

SECTION 808 PLANNING BOARD

D. Special Use Permit

8. Standards

- o. For A&R 1 Districts multiple uses with a special use permit. Multiple use shall not inhibit home occupation regulations. Multiple uses must be allowable uses in the district. Additional uses must be of a lesser impact than existing primary use including but not restricted to:

Traffic and parking

Noise

Dust

Equipment being used outdoors

Lighting (Dark Sky Compliance)

Hours of operation between 11pm - 6am

All multiple uses require a special use permit and must follow all regulations of said use already laid out in zoning law.

Cannabis Related Supplementary Regulations

Summary:

Cannabis Cafe and Cannabis Dispensary are new additions to the special use in the Industrial Commercial (IC) district. These regulations are designed to regulate and give broad power to the planning board about the aesthetic of these establishments.

ARTICLE VI SUPPLEMENTAL REGULATIONS

SECTION 622 CANNABIS

A. Purpose

Any establishment selling cannabis shall be restricted to the IC zoning district and shall conform with the following restrictions in pursuit of the health, safety, and welfare of the community.

B. Signage

All signage and exterior display must be in text form. There shall be no exterior display, included inside windows visible from the exterior of images relating to cannabis, cannabis consumption, smoke, or other paraphernalia. There shall be no exterior display of the following words alone or incorporated into a portmanteau; marijuana, pot, gonja, bud, weed, mary jane.

SETBACK CHANGES

Summary:

The Town of Pavilion desires a codified method to enhance our existing setback requirements which takes into consideration the distance to existing residences, schools, churches, and daycare or senior care facilities. Current setbacks are only restricted to property lines. We also desire a codified method of determining a distance to the aforementioned structures based on the size and scope of a special use. The following setback regulations would apply for special uses in the A&R1 and A&R2 zoning district.

Commercial Communication Towers:

All commercial communication towers must be located no less than 200 ft from a dwelling, school, church, daycare facility or senior care facility.

For towers over 50 feet in height, the tower must be located no less than 3 times the total height of the tower (and any attached structures) from any dwelling, school, church, daycare facility or senior care facility unless waived in writing by the landowner of the structure.

The following uses in A&R1 and A&R2 will adhere to the following setback requirements:

Commercial Solar Farms
Multi-Family Homes
Motel
Outdoor Recreation Facility
Indoor Recreation Facility
Club
Animal Kennel
Motor-vehicle Repair Shop
Community Center
Nursing Home
Mobile Home Park
Child Day Care Facility
Adult Care Facility
Self-Service Storage
Light Industrial Use
Skilled Trade Shop
Animal Waste Storage
Professional Office

The setback requirements listed below shall pertain to the distance that any building utilized in said use shall exist from another dwelling, school, church, daycare facility, or senior care facility. Property line setbacks are separate from the requirements listed below.

These uses shall have an **Use Area Size** calculated by the code enforcement officer which shall be the total square footage of the buildings utilized for this use. Driveways and parking areas are not to be used in this calculation.

Developments determined to have a **Use Area Size** of 3000 square feet or less are exempt from these requirements.

The setback shall be determined by multiplying **Use Area Size by 0.035**
example: (7,500 sq-ft x 0.035 = 262.5 feet)

The setback shall not exceed 350 feet.

COMMERCIAL SOLAR FARM

Fence height shall be 8' or the current height required by NYSERDA or other NY code.

SECTION 805 FEES FOR PERMITS, AMENDMENTS, APPEALS, SITE PLAN REVIEW, SPECIAL USE PERMITS, AND OTHER ADMINISTRATIVE ACTIONS

For Commercial, Industrial, and Special Use Permits; Fees may be charged for processing applications for preliminary plat approval for major subdivisions and final plat approval for major subdivisions, as well as for site plan reviews, public hearings, consulting fees, engineering expenses, attorney and legal expenses, inspection expenses, bad check charges, state environmental quality reviews, appeals, variances, special use permits and other administrative actions. The fees shall be set by the Town Board by resolution and may be changed from time to time in the same manner.