

BE IT ORDAINED AND ENACTED OCTOBER 25, 2023 BY THE TOWN OF CICERO,
COUNTY OF ONONDAGA, STATE OF NEW YORK, AS FOLLOWS:

LOCAL LAW FILING – Town of Cicero

Local Law No. 13 of the year 2023

A local law adopting a resolution approving the final form to implement special permit requirements, Article XIV Special Use Permits of the Town of Cicero Zoning Code.

Cicero Town Board approved on October 25, 2023.

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

1. Local Law 13 of 2023

Motion was made by Supervisor Aregano.

Move for the adoption of a resolution to approve the adoption of Local Law #13 of 2023 in the final form to implement special permit requirements, Article XIV Special Use Permits of the Town of Cicero Zoning Code.

ARTICLE XIV. SPECIAL USE PERMITS

§ 210-94 PURPOSE & INTENT

- A. The purpose of this Article is to regulate special uses, which by nature of their operation, may have a higher potential for incompatibility with adjacent uses or otherwise unique characteristics which require a case-by-case review of their location, design, configuration, and impacts on the surrounding area.
- B. The standards of this Article are intended to provide for the individual review and approval of such uses to ensure compatibility of the use in its proposed location and mitigate any potential adverse impacts the use may have on the district or neighborhood.

§ 210-95 APPLICABILITY

- A. **Permit Required.** A special use permit shall be obtained for all uses as noted in this Chapter prior to their establishment or operation.
- B. **Additional Use Regulations.** In addition to the general district and development requirements of this Chapter, specially permitted uses shall also conform to the requirements of Article VI, where applicable.

D. Permit Required.

- 1. All smoke shops and tobacco retailers within the Town of Cicero after the effective date of this chapter must obtain a special use permit and site plan approval in accordance with Article VII (Site Plan Approval) and Article XIV (Special Use Permits) of this chapter.

F. Location.

- 1. Smoke shops and tobacco retailers may be eligible for a special use permit in, and only in, any zoning district of Chapter 210 of the Code of the Town of Cicero that allows for retail establishments or retail sales and service uses, provided that:

§ 210-96

REVIEW PROCEDURE

- A. **Authorized Review Body.** Special use permit applications shall be reviewed and decided upon by the Town Board.
- B. **Application Requirements.** Special use permit applications shall include all materials as required by §210-97.
- C. **Review Criteria.** In conducting their review, the Town Board shall consider the special use permit review criteria provided in §210-98, as applicable.
- D. **Public Hearings.** A public hearing shall be held for all special use permit applications prior to issuance of decision.
- E. **Coordinated Reviews.** The review of special use permit applications may be coordinated with other development applications.

§ 210-97

APPLICATION REQUIREMENTS

A special use permit application shall include the following, as applicable:

- A. A site plan denoting the location of the subject property and all structures thereon, as well as all property, uses, and structures within 300 feet of the proposed use.
- B. A description of the proposed use and nature of its operation, including:
 - 1. A business plan, vision, or model, and/or summary of products, goods, and services to be sold or provided;
 - 2. The proposed hours of operation;
 - 3. The number of employees at maximum shift;
 - 4. The maximum seat capacity;
 - 5. The timing and manner of any and all anticipated deliveries;
 - 6. A recycling and waste management plan; and
 - 7. The nature and type of all mechanical equipment provided and/or required.
- C. An interior floor plan, including, but not limited to, the arrangement of seats, kitchen and/or bar size and location, storage areas, bathroom facilities, and location of machines or other mechanical equipment.
- D. A narrative describing how the proposed use will satisfy the review criteria of §210-98.
- E. All SEQR Documentation as required by NYS Law.
- F. Where site plan review is also required, the application materials of Article VII shall also apply.

REVIEW CRITERIA

A. General Criteria. In reaching a decision, the Town Board shall consider and shall determine, either from its own knowledge and investigation or from testimony or other information submitted to it, written findings on whether the proposed use:

1. Will be generally consistent with the goals of the Town's adopted plans and studies;
 2. Will meet all relevant standards, guidelines, and requirements set forth in this Zoning Law, including any applicable supplemental regulations of Article VI;
 3. Will be an economically viable use of the property and/or will not cause there to be any significant decrease in the future economic viability of the property;
 4. Will be compatible with existing uses adjacent to and near the property;
 5. Will provide adequate measures (such as landscaping and screening) to mitigate potential adverse impacts on surrounding property and preserve or enhance the character of the Town;
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II. Effective Date

This Local Law shall take effect upon filing with the Secretary of State.

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Ad Content Proof

PLEASE TAKE NOTICE that the Town of Cicero Town Board will hold a Public Hearing on Wednesday, October 25, 2023, at 6:30 p.m. to be held at 8236 Brewerton Rd., to consider enacting a new Local Law to regulate smoke shops and implement special permit requirements. If you would like to view the meeting virtually from your computer, tablet, or smartphone go to: <http://www.youtube.com/c/TownofCiceroNY13039> By the Cicero Town Board

Dated – 10/17/2023
TOWN BOARD TOWN OF CICERO
COUNTY OF ONONDAGA, NEW YORK

Tracy Cosilmon
Cicero Town Clerk