
IN THE MATTER

Of

**LOCAL LAW 2023 - 13 AMENDING
CHAPTER 155 OF THE TOWN CODE
SECTION 155-3 (DEFINITIONS) AND 155-
20.1 RESIDENTIAL TRANSITIONAL
DISTRICT (RT) TO ALLOW FOR SHORT
TERM AGRICULTURAL RETAIL SALES
(INCLUDING CANNABIS SALES) IN THE
RESIDENTIAL TRANSITIONAL (RT)
DISTRICT AND REQUIRING AN
OPERATING PERMIT FOR SAME UNDER
CHAPTER 59 OF THE TOWN CODE**

**RESOLUTION ENACTING
LOCAL LAW**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, and virtually on the platform commonly referred to as Zoom, the Town Facebook page and YouTube on the 15th of November 2023, at 6:30 p.m.

The meeting was called to order by John T. Deer, Supervisor, and the following were present, namely:

	John T. Deer	Supervisor
	Sara Bollinger	Councilor
Absent	Elaine Denton	Councilor
	Alissa Italiano	Councilor
	Katelyn M. Kriesel	Councilor
	William Nicholson	Councilor
	Heather Allison Waters	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, the Town Board has been approached by cannabis growers that have inquired about short term sales of cannabis and other agricultural products in the Town;

WHEREAS, the State of New York has authorized the dispensing and on-site use of cannabis in the State and the Town of Manlius has opted into allowing such uses in the Town;

WHEREAS, the Residential Transitional District (“RT”) is the most appropriate zoning district to consider these types of short-term retail in existing buildings;

WHEREAS, a Local Law has been introduced before the Board, to wit: Local Law No. 2023 - 13, amending Chapter 155 of the Town Code entitled “Zoning” as follows:

**LOCAL LAW 2023 - 13, A LOCAL LAW AMENDING
CHAPTER 155 ENTITLED “ZONING” TO CHANGE THE
DEFINITIONS OF RETAIL TO INCLUDE
AGRICULTURAL USES, INCLUDING CANNABIS, IN THE
RT ZONING DISTRICT AND AMENDING CHAPTER 59
TO REQUIRE AN OPERATING PERMIT REGARDING
SAME:**

**Be it enacted by the Town Board of the Town of Manlius, Onondaga County,
New York as follows:**

Section 1. Article I Section 3B (Definitions) of Chapter 155 of the Town Code shall be amended as follow:

§ 155-3 Definitions.

A. Except where specifically defined herein, all words in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "lot" includes "plot"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company or organization. Doubt as to the precise meaning of any word used in this chapter shall be clarified by the Board of Appeals under its powers of interpretation.

B. When used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

RETAIL SALES

A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to, apparel shops, appliance sales, auto parts stores without service, bookstores, department stores, factory outlet stores, florists, gourmet/specialty food stores, grocery stores, cannabis dispensaries (not including onsite consumption) and similar agricultural and consumer goods.

Section 2. Article III of Chapter 155 of the Town Code (District Régulations) shall be amended to allow certain Farm Products to be sold retail in the Residential Transitional District (RT) as follows:

§ 155-20.1. Residential Transitional District (RT).

B. The following uses shall be permitted in a Residential Transitional (RT) District, provided that no major alterations in the exterior appearance of existing buildings shall be allowed, except in conformity with Subsection H hereof:

(2) Uses as set forth below and other uses of a substantially similar kind, upon approval of a combined site plan and accessory use permit (requiring the fee for site plan only) pursuant to Article IV, §§ 155-28 and 155-29, provided that such uses are confined to buildings existing on the effective date of this amendment:

- (a) Offices of religious and educational institutions.
- (b) Offices of physicians, surgeons, dentists, lawyers, architects, engineers, planners, real estate agents, public stenographers, mailing service without presses, telephone answering services.
- (c) Funeral homes.
- (d) Day-care center.
- (e) Care home.
- (f) Teaching of music, dance or other similar types of instruction when limited to five pupils at a time.
- (g) Bed-and-breakfast accommodations.
- (h) Dressmaker and/or tailoring.
- (i) Decorator.
- (j) Photographer.

(k) Art studio.

(l) Apartment(s) for residential use.

(m) The sale of Farm Products (either in original form or processed into a product, excluding livestock), including cannabis, which the Code Enforcement Officer is authorized to approve with an Operating Permit pursuant to Chapter 59 of the Town Code if there are no permanent alterations to the exterior of existing building(s) and such retail sales will for less than 30 consecutive days. All sales of Farm Products under an Operating Permit shall follow all signage requirements under Chapter 155-26. Under no circumstances shall more than three (3) Operating Permits be issued for a specific site in any calendar year.

Section 3. Section 59-10, entitled Operating Permits, of Chapter 59 of the Town Code shall be amended to require operating permits for the short-term sale of Farm Products as Follows:

§59-10 Operating permits.

A. Operation permits required. Operating permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(9) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board. Any person who proposes to undertake any activity or to operate any type of building listed in this § 59-10 shall be required to obtain an operating permit prior to commencing such activity or operation, and

(10) Sale of Farm Products, including cannabis, if there are no permanent alterations to the exterior of existing building(s) and such retail sales will for less than 30 consecutive days and pursuant to Section 155-20.1B(2)(m).

Section 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

*Underline indicates New Language

WHEREAS, the Town Board held a public hearing on October 8, 2023 and held open until November 1, 2023, at which time the public was given the opportunity to speak for and/or against Local law 2023-13;

WHEREAS, Onondaga County Planning Board November 1, 2023;

WHEREAS, Town of Manlius Planning Board October 23, 2023;

WHEREAS, the Town reviewed Part II of the Short Environmental Assessment Form at its November 15, 2023 meeting and determined that Local Law 2023-13 would not have a significant environmental impact because it is temporary allowance for retail in the RT Zone;

WHEREAS, it is the desire of the Town Board to allow for opportunities to showcase farm/agricultural products on a temporary basis in the RT zone as long;

WHEREAS, it is the further desire of the Town Board to restrict such opportunities to temporary retail sales at existing buildings to monitor the impact of such retail sales on the neighborhood;

WHEREAS, because of the temporary nature of such retail sales, the Town Board believes it is appropriate to streamline the process of sales of Farm Products through the Operating Permit process already existing in the Town Code;

WHEREAS, the Town Board believes that Local Law 2023-13 balances the desire to showcase farm products with the concern about tempering the impacts on the neighborhood;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Manlius, County of Onondaga, State of New York, hereby approves Local Law 2023-13 as set forth in this Resolution; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to file Local Law 2023-13 with the Secretary of State within 20 days of the adoption of this Local Law and pursuant to Municipal Home Rule Law.

I, ALLISON WEBER, Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 15th day of November 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 15th day of November 2023.

DATED: November 15, 2023
Fayetteville, New York

Allison Weber
Town Clerk of the Town of Manlius
Onondaga County, New York