

RESOLUTION No. 2023-

***RELATIVE TO AMENDMENT TO THE CITY OF NIAGARA FALLS ZONING ORDINANCE ENTITLED “ZONING REGULATIONS RELATED TO THE USE, CULTIVATION, PRODUCTION, AND SALE OF RECREATIONAL CANNABIS”***

By

Council Member Kenny Tompkins

**WHEREAS**, the recent legalization of recreational cannabis by New York State has required local municipalities to address a number of land use and zoning issues pertaining to cannabis related businesses; and

**WHEREAS**, accordingly, the City has developed specific guidelines related to the regulation of Cannabis-related operations in the City of Niagara Falls which are contained in the proposed Zoning Ordinance amendment, entitled “Zoning Regulations Related to the Use, Cultivation, Production, and Sale of Recreational Cannabis,” which is attached hereto as Exhibit A; and

**WHEREAS**, the City Council adopted Resolution No. 2022-82 referring the proposed amendment of the City’s Zoning Ordinance to the Niagara County Planning Board and the City of Niagara Falls Planning Board, on December 14, 2022; and

**WHEREAS**, the Niagara County Planning Board reviewed the proposed amendment and disapproved of the action “due to the negative impact to Niagara County” on January 23, 2023, attached hereto as Exhibit B; and

**WHEREAS**, the City of Niagara Falls Planning Board held a public hearing on March 29, 2023 and have incorporated any public comments into the recommendation to

**Bax** \_\_\_\_\_ **Cauley** \_\_\_\_\_ **Myles** \_\_\_\_\_ **Tompkins** \_\_\_\_\_ **Zajac** \_\_\_\_\_

the City Council; and

**WHEREAS**, the City of Niagara Falls Planning Board approved the recommendation, attached hereto as Exhibit C and incorporated as part of this Resolution, at the meeting held on April 12, 2023; and

**WHEREAS**, furthermore, the City Council determined the proposed action to be a Type 1 action and declared its intent to act as Lead Agency for the purposes of SEQRA under Resolution 2022-82 on December 14, 2022; and

**WHEREAS**, on behalf of the City Council, by the City's Corporation Counsel, notice was sent to all involved and interested agencies on March 3, 2023; and

**WHEREAS**, the City Council has given consideration to the criteria for determining significance as set forth in Section 617.7(c)(1) of the SEQR Regulations and the information contained in the Full Environmental Assessment Form (SEAF) Part 1, attached hereto and incorporated into this Resolution as Exhibit D; and

**WHEREAS**, the City Council, has reviewed and accepted Parts 2 and 3 of the FEAF completed on their behalf by the City's Environmental Planner; and

**NOW BE IT THEREFORE RESOLVED**, the City Council of the City of Niagara Falls has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure; use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archeological, architectural, or aesthetic resources; natural resource; potential for erosion;

flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

**BE IT FURTHER RESOLVED**, the City Council hereby adopts the proposed amendment to the City’s Zoning Ordinance, Chapter 1329 “*REGULATIONS RELATED THE USE, CULTIVATION, PRODUCTION, AND SALE OF RECREATIONAL CANNABIS*” and Schedule 1 Use Table, into the City’s Zoning Ordinance as last revised on September 15, 2021.

**Bax** \_\_\_\_\_ **Cauley** \_\_\_\_\_ **Myles** \_\_\_\_\_ **Tompkins** \_\_\_\_\_ **Zajac** \_\_\_\_\_