

Cannabis Retail Dispensary

Local Law

Section 1. Cannabis Retail Dispensary

A. Purpose. The purpose of this section is to provide zoning district locations and regulations governing cannabis retail dispensary establishments in accordance with New York State's Cannabis Law, as amended or changed. It is the express purpose and intent of this section to minimize the adverse impacts cannabis retail dispensaries may have on adjacent properties and to provide standards for the placement, design, siting, safety, security, monitoring, modification, and discontinuance of cannabis retail dispensaries. This section outlines reasonable conditions that will protect the public health, safety, and welfare of the Town of Ulster community. This section is intended to encourage appropriate land use and reasonable safeguards to govern the time, place, and manner of cannabis retail dispensary operations.

B. Authorization to approve or deny Special Use Permits to establish cannabis retail dispensaries. A Special Use Permit shall be required before any property may be used as a cannabis retail dispensary. The power to approve, approve with conditions, or deny such application is vested in the Town of Ulster Town Board, except that those applications that may be processed administratively as set forth in Subsection D below.

C. Districts where Special Use Permit may be issued. Subject to the granting of a Special Use Permit, cannabis retail dispensary establishments may be permitted only in the following zoning districts:

(1) Highway Commercial

(2) Retail Commercial

D. Changes in operator or site. Changes in owner or operator of an existing cannabis retail dispensary or minor building or site modifications of a legally existing cannabis retail dispensary may be reviewed and a revised Special Use Permit may be approved administratively by the Building and Zoning Department. If it is determined that the change in operator will result in a substantial change in operation or site plan, the application can be referred to Town of Ulster Town Board for a revised Special Use Permit and/or to the Town of Ulster Planning Board for a revised site plan approval, subject to a public hearing if required by law or at the discretion of the board having jurisdiction.

E. Cannabis retail dispensary standards, requirements, and considerations. In addition to the standards set forth Article XI of Chapter 190 of the Town of Ulster Town Code, the following standards, requirements and/or considerations shall be addressed in any application for Special Use Permit and/or site plan approval associated with a retail cannabis dispensary:

(1) Minimum distances. For the purposes of this law, distance shall be measured on a straight line from the nearest boundary line(s) of the specified use or zoning district to the nearest point of the building footprint or tenant space footprint of the proposed cannabis retail dispensary.

(a) A cannabis retail dispensary shall not be located within 500 feet of any residential zoning district.

(b) A cannabis retail dispensary shall not be located within 1,000 feet of any recreational facility, school, place of worship, park, public playground, child-care facility, children's camp, or similar use(s), as determined by the Code Enforcement Officer.

(c) A cannabis retail dispensary shall not be located within 1,500 feet of any other cannabis retail dispensary.

(2) Hours of operation. Cannabis retail dispensaries may be open for business between the hours of 9:00 a.m. and 8:00 p.m. Monday through Saturday and between the hours of 11:00 a.m. and 5:00 p.m. on Sundays. Hours of operation must be provided in the application submission to the Town.

(3) The cannabis retail dispensary shall provide for adequate and proper security at the premises to deter and prevent illegal activities from taking place on or near the applicant's premises and avoid conduct that has an adverse effect on the health, safety and/or welfare of the surrounding neighborhood.

(4) No marijuana or marijuana product shall be smoked, eaten, or otherwise consumed or ingested on the premises where sold. All dispensaries permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.

(5) No drive-through service shall be permitted at a cannabis retail dispensary.

(6) No outside storage of marijuana, marijuana products, or related supplies is permitted.

(7) The applicant must provide an odor control plan that provides for proper and adequate ventilation and demonstrates that any odors associated with the cannabis products stored on site shall be effectively confined to the premises or so treated in order to avoid any negative impacts to neighboring properties or tenant spaces.

(8) Any Special Use Permit issued under this section shall contain a condition that the cannabis retail dispensary shall not operate, and the Special Use Permit shall not be valid, until the applicant has obtained all required licenses and permits issued by the State of New York and any of its agencies.

(9) In case of conflict between any of the provisions contained in Article XI of Chapter 190 of the Town of Ulster Town Code, and any other law, rule or regulation, the stricter, more restrictive provision shall govern and apply.

(10) Subject to applicable law, the Special Use Permit application to the Town of Ulster Town Board must include a copy of all information submitted to the State of New York in application for a license to operate under the New York State Cannabis Law, as amended or changed.

F. License and permit revocation violations and penalties for offenses.

(1) License and permit revocation.

(a) A revocation of the cannabis retail dispensary license by New York State shall render the Special Use Permit null and void and of no further force and effect, and result in the immediate closure of the dispensary.

(b) Any violation of this section and/or conditions of approval shall be grounds for revocation of a Special Use Permit issued under this section.

(2) Violations and penalties for offenses.

(a) Notice of violation(s) of this section shall be provided to the business operator in writing directing the conditions requiring correction. Notwithstanding the provisions set forth in Chapter 61 of the Town of Ulster Town Code, the notice shall provide a time limit, as determined reasonable by the Code Enforcement Officer, to resolve the observed or reported violations.

(b) Failure to take corrective action shall be punishable in accordance with the provisions set forth in the Town of Ulster Town Code.