

VILLAGE OF SARANAC LAKE, NY

LOCAL LAW NO. ___ OF 2022

A LOCAL LAW TO AMEND THE VILLAGE OF SARANAC LAKE UNIFIED DEVELOPMENT CODE

DRAFT DATE: 1.13.23

SECTION 1: TITLE.

This local law shall be cited as **Local Law No. ___ of 2022** of the Village of Saranac Lake and entitled “Cannabis Facilities Law.”

SECTION 2: LEGISLATIVE INTENT AND PURPOSE.

This local law amends Chapter 106 of the Village Code to provide amendments to the Village’s Unified Development Code to allow cannabis facilities in accordance with the New York State Marihuana Regulation and Taxation Act (MRTA). It is the intent and purpose of this local law to provide a comprehensive zoning plan to govern, regulate, and control Cannabis Facilities within the Village of Saranac Lake in accordance with the Development Code amendments hereinafter set forth. The amendments are necessary and desirable to protect the public health, safety, welfare, and environmental resources, provide a regulatory pathway for the cannabis industry consistent with state regulations, foster a healthy, diverse, and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety, and nuisance factors related to the cannabis industry are adequately addressed.

SECTION 3: AUTHORITY

The Development Code of the Village of Saranac Lake is enacted by the Board of Trustees of the Village of Saranac Lake pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10 and implements authority provided to New York State villages pursuant to Article 7 of New York State Village Law.

SECTION 4: TERMS DEFINED.

Article II, Section 106-6 of the Development Code entitled “Definitions” is hereby amended by adding the following new definitions (new text underlined):

CANNABIS FACILITY – A Cannabis Retail Dispensary, Cannabis Cultivation Facility, Cannabis Distributor, Cannabis Nursery, Cannabis Processing Facility, On-Site Cannabis Consumption Facility, or a Cannabis Microbusiness, operating pursuant to the New York State Marihuana Regulation and Taxation Act, as these terms are defined below.

CANNABIS CULTIVATION FACILITY – A facility that may include, but is not limited to, the agricultural production practices of planting, growing, cloning, harvesting, drying, curing, grading, and trimming cannabis, pursuant to the New York State Marihuana Regulation and Taxation Act.

CANNABIS DISTRIBUTOR – A cannabis facility that sells at wholesale any cannabis product, except medical cannabis, pursuant to the New York State Marihuana Regulation and Taxation Act.

CANNABIS MICROBUSINESS – A cannabis facility operating pursuant to the New York State Marihuana Regulation and Taxation Act, and which includes two or more of the following activities in one facility: cultivation, processing, distribution, delivery, and retail sales.

CANNABIS NURSERY – A cannabis facility operating pursuant to the New York State Marihuana Regulation and Taxation Act, that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult-use cannabis cultivators, microbusinesses, cooperatives, and registered organizations for commercial use or sale.

CANNABIS PROCESSING FACILITY – A cannabis facility that may include, but is not limited to, blending, extracting, infusing, packaging, labeling, branding and otherwise making or preparing cannabis products requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

CANNABIS RETAIL DISPENSARY – A retail facility for the sale of cannabis products, requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

ON-SITE CANNABIS CONSUMPTION FACILITY – A facility for the on-site consumption of cannabis products, requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

LIQUOR STORE – Establishments engaged in the sale of alcoholic beverages for off-premises consumption.

MARIHUANA REGULATION AND TAXATION ACT (MRTA) – Legislation signed into law on March 31, 2021, legalizing adult-use cannabis (also known as marijuana or recreational marijuana) in New York State. The legislation created a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to comprehensively regulate adult-use, medical, and hemp cannabis. The OCM will issue licenses and develop regulations outlining how and when businesses can participate in the new industry.

SECTION 5: DISTRICTS WHERE PERMITTED AND REQUIRED APPROVALS.

Article VIII, Section 106-40 of the Development Code entitled “Schedule of use regulations” is hereby amended as follows (new text underlined>):

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
	District A-1	District A-2	District A-3	District A-4	District A-5	District B-1	District B-2	District B-3	District B-4	District C-1	District C-2	District C-3	District C-4	District D-1	District D-2	District D-3	District E-1	
Land Use Type	P Permitted SP : Site Plan Review Required A : Administrative Review Required S Special Use Permit Required																	
<u>Cannabis Cultivation Facility</u>						S	S		S			S					S	S
<u>Cannabis Distributor</u>						S	S		S			S					S	S
<u>Cannabis Microbusiness</u>																		S
<u>Cannabis Nursery</u>						S	S		S			S					S	S
<u>Cannabis Processing Facility</u>																	S	S
<u>Cannabis Retail Dispensary</u>						S	S	S	S									S
<u>Liquor Store</u>						S	S	S	S									S
<u>On-Site Cannabis Consumption Facility</u>						S	S	S	S									S

Section 5 continues on the next page.

	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	
	District E-2	District E-3	District F-1	District F-2	District G	District H-1	District H-2	District H-3	District I	District J-1	District J-2	District K-1	District K-2	District K-3	District K-4	District L-1	District L-2	District L-3	
Land Use Type	P Permitted SP: Site Plan Review Required A: Administrative Review Required S Special Use Permit Required																		
<u>Cannabis Cultivation Facility</u>	S	S			S				S										S
<u>Cannabis Distributor</u>	S	S			S				S										S
<u>Cannabis Microbusiness</u>					S														S
<u>Cannabis Nursery</u>	S	S			S				S										S
<u>Cannabis Processing Facility</u>					S														S
<u>Cannabis Retail Dispensary</u>	S	S			S													S	S
<u>Liquor Store</u>	SP	SP			SP													SP	SP
<u>On-Site Cannabis Consumption Facility</u>	S	S			S														S

SECTION 6: SUPPLEMENTAL STANDARDS.

Article XIV, § 106-91.E of the Development Code entitled “Fence height” is hereby amended to provide exemptions for fences associated with cannabis cultivation and cannabis nursery facilities as follows (new text underlined, strikethrough text removed):

§ 106-91.E.(4) “Excepting required fences for cannabis cultivation and cannabis nursery facilities, ~~No~~ no fence over six feet shall be erected or maintained in any rear yard or side yard.”

SECTION 7: SUPPLEMENTAL STANDARDS.

Article XIV of the Development Code entitled “Supplemental Standards” is hereby amended by the addition of new subsection 106-14.2 entitled “Cannabis Facilities” as follows (new text underlined):

§ 160-104.2 Cannabis facilities. In addition to the regulations established by the MRTA and the Office of Cannabis Management, the following standards, requirements, and consideration shall apply to cannabis facilities as indicated below.

A. Location requirements.

(1) Separation Distances.

- (a) School grounds. No cannabis facility shall be located on the same road and within 500 feet of pre-existing school grounds.
- (b) Place of worship. No cannabis facility shall be located on the same road and within 200 feet of a pre-existing building occupied exclusively as a place of worship.
- (c) Separation distances shall be measured in a straight-line from the center of the nearest entrance of such place of worship or the nearest point of school grounds to the center of the nearest entrance of such cannabis facility.
- (d) If the school or place of worship or cannabis facility is situated on a corner lot, such establishment is considered to be on both roads of the intersection, whether or not there is an entrance to the building on both roads.

(2) Fixed location. All cannabis facilities shall be operated from a fixed location and shall not be operated from a movable structure or vehicle, except as may be permitted for delivery purposes pursuant to the MRTA.

(3) Home occupation prohibited. No cannabis facility shall be permitted as a home occupation.

B. Hours of operation.

(1) Cannabis retail dispensaries, including the retail dispensary component of a microbusiness may be open for business between the hours of 8:00 AM and 12:00 AM Monday through Saturday and between the hours of 10:00 AM and 9:00 PM on Sundays. Hours of operation must be provided in the application submission to the Development Board.

(2) On-site cannabis consumption lounges may be open for business between the hours of 8:00 AM and 3:00 AM Monday through Saturday and 10:00 AM to 3:00 AM on Sundays. Hours of operation must be provided in the application submission to the Development Board.

(3) The hours of operation for cannabis cultivation, cannabis nurseries, cannabis distributors, and cannabis processing facilities, including applicable components within a cannabis microbusiness, must be provided in the application submission to the Development Board.

C. Security.

(1) All cannabis facilities shall provide proper security at the premises meeting minimum standards set forth by the Office of Cannabis Management, 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 employees, customers, and the surrounding neighborhood.

(2) A security plan shall be provided with the Special Use Permit application.

D. Outdoor storage. With the exception of cannabis cultivation facilities, no cannabis facilities shall be permitted to store products, materials, or other supplies outdoors.

E. Control of emissions and waste.

(1) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a cannabis facility shall be provided at all times.

(2) All Special Use Permit applications for cannabis facilities shall provide an odor and waste control plan that provides for proper and adequate ventilation and demonstrates that any odors and waste associated with the cannabis facility shall be effectively confined to the premises and so treated to avoid any negative impacts to neighboring properties.

(3) The facility operator shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.

F. Discontinuation of use & license revocation. If the cannabis facility ceases to operate in accordance with the applicable State of New York license or if the license issued pursuant to the MRTA is revoked by the State of New York, the facility operator shall immediately notify the Community Development Director, the applicable Special Use Permit approval shall automatically be revoked, and all materials, cannabis products, equipment, and signage shall be removed from the premises and properly secured in accordance with applicable State of New York requirements.

G. Signage. All signage shall comply with the MRTA, applicable regulations established by the Office of Cannabis Management, and shall obtain a Village sign permit in accordance with this Chapter.

H. Cannabis cultivation and cannabis nursery facilities. The following standards shall apply to cannabis cultivation and cannabis nursery facilities:

(1) No fertilizers, compost soils, materials, machinery, or equipment shall be stored within the front yard or required front, side, and rear yard setbacks.

(2) Areas dedicated to outdoor cultivation shall not be located within the front yard.

(3) Areas dedicated to outdoor cultivation shall be enclosed by a 8-foot-tall fence featuring screening, decorative elements, and/or landscaping, at the discretion of the Development Board.

I. Cannabis retail dispensaries

(1) The principal entrance must be located on a public thoroughfare at street level.

(2) The use of a walk-up or drive-thru window service is prohibited.

J. NYS License requirements. If the applicable license issued pursuant to the MRTA specifies other, additional, or more restrictive provisions relating to the size, site plan, other physical attributes of a

cannabis facility, security provisions, hours of operation, or other requirements, said provisions or requirements of the license and related New York State regulations shall control.

K Notification to municipality. No application shall be deemed complete until the Department of Community Development receives an official notification by the applicant on a form provided by the Office of Cannabis Management.

L. Approvals. Special Use Permit approvals shall be conditioned upon issuance of the applicable license in accordance with the MRTA and said license is provided to the Community Development Director.

M. Duration of operation. Special Use Permit approvals issued under this Section shall have a term limited to the duration of the applicant's use of the premises as a licensed operator.

N. Any violation of this subsection shall be grounds for revocation of the applicable Special Use Permit.

SECTION 8: SUPERSESSION.

Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

SECTION 9: SEVERABILITY.

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION 10: EFFECTIVE DATE.

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