

VILLAGE OF ATHENS
LOCAL LAW # , 2022
ZONING CHANGES TO REGULATE CANNABIS WITHIN THE VILLAGE

BE IT ENACTED, by the Village Board of Trustees of the Village of Athens as follows:

SECTION 1. PURPOSE

The State of New York recently adopted new statutes regarding the legalization of cannabis within the State and authorized local municipalities to either opt-in or opt-out of the sale of cannabis in each respective municipality with dispensaries and/or on-site consumption. Such statutes further legalized the growing of cannabis within the State. It is the purpose of this law to regulate such sales and growth within the Village of Athens.

SECTION 2. AUTHORITY

This law is adopted pursuant to the authority of the State of New York Cannabis Law, Articles 1 through 6 and the Municipal Home Rule Law.

SECTION 3. ZONING CHANGES TO REGULATE CANNABIS

A. Section 250-41 Definitions, of the Village of Athens Code shall be and hereby is amended to include the following definitions:

(1) Agriculture

Raising of crops, animals and animal products; other commonly accepted agricultural operations for commercial purposes, including the sale of products grown on the premises including but not limited to the growing and processing of cannabis and associated products in accordance with a license or certificate authorizing same by the NYS Cannabis Law Article 4.

(2) On-site Consumption Lounge

Premises where cannabis is sold and consumed therein in accordance with the requirements of the NYS Cannabis Law Article 4 and the location thereof is limited relative to other community properties.

(3) Retail Stores and Shops

A commercial activity characterized by the direct on-premises sale of goods and services to the ultimate consumer, including but not limited to the sale of cannabis products in a dispensary and in accordance with a license or certificate authorizing same by the NYS Cannabis Law Article 4.

B. Sections 250-9 RL Low-Density Residential District and 250-10 RR Recreational Residential District shall be and hereby are amended to move the Agricultural Use from the Permitted Uses list to the Uses Requiring a Special Use Permit list.

- C. Sections 250-9 RL Low-Density Residential District; 250-10 RR Recreational Residential District; 250-11 RM Medium-Density Residential District; and 250-15 W Waterfront District shall be and hereby are amended to add to the Uses Requiring a Special Use Permit list the use of Retail Stores and Shops.

- D. Sections 250-10 RR Recreational Residential District and 250-15 W Waterfront District shall be and hereby are amended to add the use of On-Site Consumption Lounge to the Uses Requiring a Special Use Permit list.

- E. Section 250-27 Special Requirements for Retail Stores and Shops selling cannabis products and Cannabis On-Site Consumption Lounges shall be and hereby is created and shall read as follows:
 - A. The Planning Board shall require, during the review and approval of application for Retail Stores and Shops selling cannabis products and/or Cannabis On-Site Consumption Lounges the following:
 - (1) No two such uses shall be located within 500 feet of school or 200 feet of a place of worship.
 - (2) No two such uses shall be located within XXX feet of each other.
 - (3) Special consideration shall be given to noise, lighting, signage, parking, ventilation systems, residual odors and impact on the neighborhood

SECTION 4. SEVERABILITY

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The Village Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.