

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**TOWN OF WARWICK
LOCAL LAW NO. 4 OF 2021
A LOCAL LAW TO AMEND THE ZONING LAW**

BE IT ENACTED by the Town Board of the Town of Warwick as follows:

Section 1. Legislative intent.

This local law amends Chapter 164 of the Town Code to provide amendments to the Town’s Zoning Law allowing adult-use cannabis retail dispensaries in accordance with the New York State Marijuana Regulation and Taxation Act § 131. The amendments are necessary and desirable to protect the public health, safety, welfare, and environmental resources, provide a consistent 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 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 3. Terms defined.

Article II, Section 164-22 of the Zoning Law entitled “Terms defined” is hereby amended by adding a new definition for “Cannabis Retail Dispensaries” as follows:

CANNABIS RETAIL DISPENSARIES – A retail facility that sells at retail any cannabis product, the sale of which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.

Section 4. District Purposes

Article III, Section 164-30 of the Zoning Law entitled “Districts established” is hereby amended by adding a new zoning district for “Cannabis Retail Dispensaries” as follows:

District Table	Zoning District
CD -O	Cannabis Dispensary Overlay

Article III, Section 164-31 of the Zoning Law entitled “District purposes” is hereby amended by adding a new overlay zoning district for “Cannabis Retail Dispensaries” as follows:

R. CD-O. The purpose of the Cannabis Dispensary Overlay District is to allow for the establishment of adult-use cannabis retail dispensaries in accordance with the New York State Marijuana Regulation and Taxation Act § 131.

Section 5. Regulations.

Article IV, Section 164-40.M of the Zoning Law entitled “Table of Use Require-

General Uses	AI	RU	MT	CO	SL	SM	TN-O■	OI*	LB■	DS◆■	SH-F	LC	CB
74. Cannabis Retail Dispensary										S (kk) (48-49) (53) (74-76) (126) (128) (145) (155)			S (kk) (48-49) (53) (74-76) (128) (145) (155)

ments” is hereby amended by replacing row “74” entitled “Reserved” with a new row “74” entitled “Cannabis Retail Dispensary” as follows:

Article IV, Section 164-46.J of the Zoning Law entitled “Special conditions” is hereby amended by adding a new Subsection “(155)” as follows:

- (155) Cannabis retail dispensaries are subject to the New York State Marijuana Regulation and Taxation Act and with the following special conditions:
- (a) Cannabis retail dispensaries are permitted by special use permit from the Planning Board within the Cannabis Dispensary Overlay (CD-O) District, a sub-district of the DS and CB Zoning districts.
 - (b) Cannabis retail dispensaries shall not open before 9 AM nor remain open after 9 PM Mondays through Saturdays and shall not open before 12 PM nor remain open after 6 PM on Sundays.
 - (c) A Cannabis retail dispensary shall not be located within 1,500 feet from any other Cannabis retail dispensary, such distance measured on a straight line from the nearest property line of any other existing Cannabis retail dispensary to the nearest property line of the lot to be occupied by the proposed Cannabis retail dispensary.
 - (d) Subject to applicable law, a Cannabis retail dispensary shall include, as a part of any special use permit application to the Planning Board, copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act.
 - (e) All special use permits issued under this Subsection 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 licenses and permits issued by the State of New York and any of its agencies for the dispensary.
 - (f) A special use permit granted under this Subsection shall have a term limited to the duration of the applicant's ownership and use of the premises as a Cannabis retail dispensary. A special use permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special use permit.
 - (g) Any violation of this Subsection shall be grounds for revocation of a special use permit issued under this Subsection.
 - (h) A revocation of the Adult-use Cannabis Retail Dispensary license by the State shall be grounds for revocation of the special use permit.

Section 5. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.