

TOWN OF GARDINER
LOCAL LAW NO. ____ OF 2023
A LOCAL LAW AMENDING CHAPTER 220
OF THE TOWN CODE ENTITLED “ZONING”

Section 1. Legislative Intent

The Town Board has previously recognized the passage of the New York State Marijuana Regulation & Taxation Act (MRTA) and did not “opt out” of allowing adult-use cannabis retail dispensaries within the Town of Gardiner. The Town Board intends to use its land use control authority to allow and regulate aspects of the time, place and manner pertaining to such retail dispensaries. Accordingly, it is the intend of the Town Board to amend the Town Zoning Code to allow adult-use cannabis retail dispensaries in certain zoning districts. These amendments are necessary and desirable to protect the public health, safety, welfare, and environment.

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. Definition

Chapter 220, Article XII of the Town Zoning entitled “Definitions” is hereby amended by adding a new definition for “Cannabis Retail Dispensary” as follows:

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

Section 4. Districts and Location

Chapter 220, Article III, §220-10 entitled “Land Use District Regulations, Allowable Uses” is hereby amended by adding to the Use Table “Cannabis Retail Dispensary” as a permitted Business Use in the Hamlet Mixed-Use (HM), Highway Commercial (HC) and Commercial Light Industry (CLI) land use districts.

Section 5. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.