

**CITY OF UTICA**  
**Department of Legislation**  
**Common Council**

Sponsored by: Councilmembers Burmaster, Williamson

May 15th, 2024

**ORDINANCE ADDING SECTION 2-29-361 OF THE UTICA CITY CODE OF ORDINANCES**

ORDAINED, that Section 2-29-361 entitled “Marijuana Dispensaries/Retail” is hereby added to the Code of Ordinances as follows:

**(a) Applicability.**

(1) These regulations shall apply to all structures and/or uses related to marijuana retail Dispensaries. All marijuana retail dispensaries established in the City of Utica shall be in compliance with the provisions of this section and all conditions and/or regulations license issued by the New York State Office of Cannabis Management.

(2) Every marijuana retail dispensary shall apply to the City of Utica Planning Board for a special use permit and site plan approval for that use prior to commencing any work on the site related to the development of such a use. All such reviews shall be governed by all applicable sections of the City of Utica Zoning Code, other applicable provisions of the City Charter.

(b) **Zoning District.** Marijuana retail dispensaries shall only be allowed in areas as set forth Marijuana Dispensaries/retail overlay district subject to site plan review and issuance of a special use permit by the City of Utica Planning Board and further subject to the regulations set forth in this section.

(c)

(d) **Specific Special use criteria for marijuana retail dispensaries.** As part of any review by the Planning Board under this subsection, the following shall be submitted and/or considered by the Planning Board as part of its review of any special use permits for marijuana retail dispensaries:

(1) Marijuana retail dispensaries must be fully enclosed and shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar nonpermanent enclosure.

(2) No outside storage of marijuana, related supplies or promotional materials is permitted.

(3) No smoking or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana retail dispensary. No burning of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana retail dispensary.

(4) Each special permit use shall not include the display of signs, noise, fumes, or lights that will hinder normal development of the zoning district or impair the use, enjoyment, and character of adjacent land and buildings.

(5) The application shall include a site plan and fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, including exits, fire prevention measures, windows, ventilation, and doors as well as any other factors determined to be necessary and appropriate by the Planning Board.

(6) Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.

(7) Subject to applicable law, 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 Marihuana Regulation and Taxation Act shall be submitted as part of the special permit application.

(8) All special use permits issued under this subsection shall contain a condition that the use 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.

(9) A special use permit granted under this subsection shall have a term limited to the duration of the applicant's use of the premises as a licensed operator. 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.

(10) Any violation of this section shall be grounds for revocation of a special use permit issued under this section.

(11) A revocation of the respective license by the state shall be grounds for revocation of the special use permit.

(12) Hours of operation for these uses shall be set by the Planning Board in its complete and total discretion.

(13) No image depicting any part of a marijuana plant or any product or use of the marijuana plant shall be allowed on the sign.

**FURTHER ORDAINED**, that this Ordinance shall take effect immediately.

**Yeas: Aiello, Burmaster, Betar, Carcone, Ervin, Betrus, Williamson, Colosimo-Testa, LoMedico – 9**

**Nays: 0**

**Adopted.**

STATE OF NEW YORK, CITY OF UTICA )  
City Clerk's Office ) ss.

) I hereby certify that I have compared the foregoing copy of an Ordinance of the Common Council with the record of proceedings of the Common Council of said City of Utica, duly made and on file in this office, and that same is a correct transcript therefrom and of the whole of said Ordinance.

In TESTIMONY WHEREOF, I hereunto affix the Corporate Seal of said City, and subscribe my name, this 16<sup>th</sup> day of May, 2024

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Melissa R. Sciortino, *City Clerk*