

RESOLUTION OF THE CITY OF MOUNT VERNON CITY COUNCIL ADOPTING A NEGATIVE DECLARATION AND LOCAL LAW NO. __ - 2024 AMENDING THE CITY CODE TO ENACT CANNABIS LEGISLATION

WHEREAS, the City Council of the City of Mount Vernon proposes to amend Chapter 267 (Zoning) of the Code of the City of Mount Vernon (“Code”) to enact Article XIII entitled “Cannabis,” and to amend Code Section 267-20 regarding regulations governing the time, place and manner of the operation of licensed adult-use Cannabis retail dispensaries or on-site consumption sites in the City of Mount Vernon; and

WHEREAS, the City Council finds that it is necessary and desirable, as a matter of public policy, to regulate Cannabis-related uses in the City of Mount Vernon, as authorized by Section 131(B) of the Cannabis Law of the State of New York; and

WHEREAS, the City Council, in conjunction with its Staff, prepared a draft “A “Local Law To Amend Chapter 267 (Zoning) Of The Code Of The City Of Mount Vernon To Regulate Cannabis Retail Dispensaries And Consumption Sites” (“Code Amendment”), a copy of which is annexed to this Resolution; and

WHEREAS, the Code Amendment is classified as an Unlisted Action under the New York State Environmental Quality Review Act and its implementing regulations, 6 N.Y.C.R.R. Part 617 (“SEQRA”); and

WHEREAS, at a meeting of the City Council held December 13, 2023, the City Council designated itself Lead Agency for the uncoordinated review of the Code Amendment under SEQRA pursuant to 6 N.Y.C.R.R. Section 617.6(b)(1), and scheduled a Public Hearing on the Code Amendment for January 10, 2024; and

WHEREAS, on December 21, 2023, the City Council referred the Code Amendment to the Corporation Counsel and Planning Board, as well as the Westchester County Planning Board, for their respective reviews and reports; and

WHEREAS, the City Council duly published notice of a Public Hearing for the Code Amendment in three issues of the official newspaper for the City on December 27, 2023, January 3, 2024, and January 8, 2024; and

WHEREAS, by letter dated January 8, 2024, the Westchester County Planning Board issued its recommendations with respect to the Code Amendment pursuant to Sections 239-l, m and n of the General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, the Public Hearing was duly held at City Hall on January 10, 2024, at 7:00 P.M., and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Code Amendment, and written comments were accepted for 10 days thereafter; and

WHEREAS, by memorandum dated January 11, 2024, the Planning Board of the City of Mount Vernon issued its comments with respect to the Code Amendment; and

WHEREAS, the City Council, after due deliberation, and having carefully considered the Mount Vernon Planning Board’s and Westchester County Planning Board’s recommendations, and the comments made at the Public Hearing and in written comments, finds that it is in the best interest of the City of Mount Vernon to adopt the Code Amendment as proposed; **NOW, THEREFORE, BE IT**

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RESOLVED, that pursuant to Section 617.7 of SEQRA's implementing regulations, the City Council considered the impacts which may be reasonably expected to result from the Code Amendment by comparing them against the applicable criteria in said Section, and finds that:

1. The Code Amendment will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The Code Amendment will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not significantly impact habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources;
3. The Code Amendment will not result in the impairment of the environmental characteristics of a Critical Environmental Area;
4. The Code Amendment will not result in the creation of a material conflict with the City's current plans or goals, or the Zoning Code;
5. The Code Amendment will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
6. The Code Amendment will not significantly impact the use of either the quantity or type of energy;
7. The Code Amendment will not create a hazard to human health;
8. The Code Amendment will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
9. The Code Amendment by itself will not encourage or attract a substantially larger number of people to a place compared to the number of people who would come to such place absent the action;
10. The Code Amendment will not create a material demand for other actions which would result in one of the above consequences;
11. The Code Amendment will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment; and
12. The Code Amendment will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in Section 617.7 of SEQRA's implementing regulations, and that the City Council considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action; **BE IT FURTHER**

RESOLVED, that the City Council adopts Parts 1, 2 and 3 of the Short Environmental Assessment Form, and determines under SEQRA that the Code Amendment will not result in any significant adverse environmental impacts; **BE IT FURTHER**

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RESOLVED, that the City Council adopts a Negative Declaration with respect to this "Unlisted" action under SEQRA, and determines that a Draft Environmental Impact Statement need not be prepared; **BE IT FURTHER**

RESOLVED, that this Negative Declaration was prepared in accordance with Article 8 of the New York Environmental Conservation Law and its implementing regulations at 6 N.Y.C.R.R. Part 617; **BE IT FURTHER**

RESOLVED, that the City Clerk is directed to (i) file a copy of this Resolution and Negative Declaration with the City pursuant to 6 N.Y.C.R.R. Section 617.12, (ii) file a copy of this Resolution and Negative Declaration with the Planning Board, and (iii) file a copy of this Resolution and Negative Declaration with the Westchester County Planning Board pursuant to GML Section 239-m within seven (7) days hereof; **BE IT FURTHER**

RESOLVED, the City Council hereby adopts and enacts the Code Amendment (Local Law No. __-2024) entitled "A Local Law To Amend Chapter 267 (Zoning) Of The Code Of The City Of Mount Vernon To Regulate Cannabis Retail Dispensaries And Consumption Sites," a copy of which is attached hereto and made a part hereof; **BE IT FURTHER**

RESOLVED, that the City Clerk is further directed to enter Local Law No. __-2024 in the minutes of this meeting, and to give due notice of the adoption of Local Law No. __-2024 to the New York Secretary of State; **BE IT FURTHER**

RESOLVED, that this Resolution shall take effect immediately.

Vote Taken As Follows: 1/24/2024
Boxhill: Yea Browne: Yea
Poteat: Yea Thompson: Yea
Gleason: Yea Ordinance Adopted

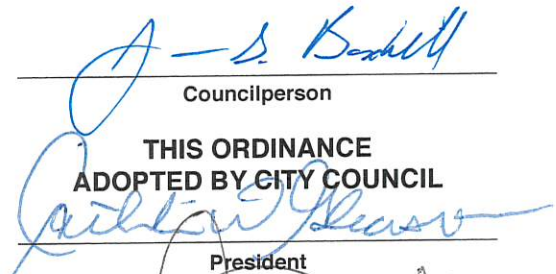
APPROVED AS TO FORM


Assistant Corporation Counsel

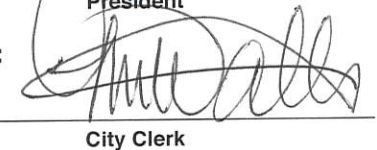
APPROVED
Dept. _____

Councilperson

**THIS ORDINANCE
ADOPTED BY CITY COUNCIL**


President

ATTEST:


City Clerk

APPROVED
JAN 25 2024

Date
By 
Mayor

LOCAL LAW NO. 11 - 2024

A LOCAL LAW TO AMEND CHAPTER 267
(ZONING) OF THE CODE OF THE CITY OF
MOUNT VERNON TO REGULATE CANNABIS
RETAIL DISPENSARIES AND CONSUMPTION SITES

Be it Enacted by the City Council of the City of Mount Vernon as follows:

SECTION 1.

The Code of the City of Mount Vernon is amended by adding the following (language **in Bold and Underlined** to be added, language in ~~**Strikethrough and Bold and Underlined**~~ to be deleted):

Article XIV. CANNABIS

§ 267-80. Title.

This Article shall be known and may be cited as the “City of Mount Vernon Cannabis Code.”

§ 267-81. Authority.

This Article is adopted pursuant to Section 131 of the Cannabis Law of the State of New York, Section 20 of the Municipal Home Rule Law, and Sections 19 and 20 of the General City Law of the State of New York, which authorize the City to adopt provisions that advance and protect the health, safety, and welfare of the community, and to “regulate and restrict the location of trade and industries and the location of buildings, designed for specified uses,” and to regulate “the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption sites.”

§ 267-82. Statement of Purpose.

A. Section 131 of the Cannabis Law of the State of New York authorizes cities, towns, and villages to pass local laws and regulations governing the time, place, and manner of the operation of licensed adult-use Cannabis retail dispensaries or on-site consumption sites, provided such law or regulation does not make the operation of such licensed retail dispensaries or on-site consumption sites unreasonably impracticable as determined by the Cannabis Control Board of the State of New York.

B. The purpose of these cannabis regulations is to provide for the placement and regulation of adult use medical and recreational marijuana dispensaries and consumption sites as authorized pursuant to state law and regulations with the goal of minimizing potential adverse impacts on adjacent properties, neighborhoods and the City in general.

§ 267-83. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

CANNABIS

The term Cannabis shall have the same meaning as the term is defined in Section 3 of the Cannabis Law of the State of New York.

CANNABIS CONTROL BOARD

The New York State Cannabis Control Board created pursuant to Article 2 of the Cannabis Law of the State of New York.

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DISPENSARY

A place of business with a New York State-issued retail dispensary license that sells recreational and/or medical marijuana as a packaged retail product that is not consumed on site.

CONSUMPTION SITE

A place of business with a New York State-issued consumption license that sells cannabis products for on-site consumption and admits only adults 21 years of age and older for purchase and consumption of the product on the licensed premises.

§ 267-84. Applicability.

The requirements of this Article shall apply to all Cannabis Dispensaries and Consumption Sites in the City of Mount Vernon.

§ 267-85. Location.

A. Cannabis Dispensaries and Consumption Sites shall be located only in the following zoning districts: Neighborhood Business (NB), Office Business (OB), Downtown Business (DB), Commercial Business (CB), Landscaped Industrial (LI-7.5, LI-15), and Industry (I) zoning districts.

B. Cannabis Dispensaries and Consumption Sites shall not be permitted:

(1) Within 1,000 feet of any other Lot containing another Cannabis Dispensary or Consumption Site.

(2) Within 500 feet of any Lot containing a Community Purpose Building, house of worship, or school grounds (as such term is defined in the NYS Education Law).

(3) The distance limitations in this subsection shall be measured in a straight line, without regard for intervening structures, from the nearest point of any Lot described in Subsection B(1) and (2) to the front door of the Cannabis Dispensary or Consumption Site.

§ 267-86. Hours of Operation.

A. Cannabis Dispensaries are permitted to be open to the public between the hours of 8:00 am and 10:00 pm every day.

B. Cannabis Consumption Sites are permitted to be open to the public between the hours of 12:00 pm and 12:00 am Monday through Saturday, and 12:00 pm to 10:00 pm Sunday.

C. This subsection does not restrict Cannabis Dispensaries from accepting orders through an online website or application and accepting payment for those orders at times other than those specified in subsection (A), above.

§ 267-87 Signage.

A. Any signage relating to Cannabis Dispensaries and Consumption Sites shall contain only letters or numbers, and shall be prohibited from including any images.

B. No sign shall be within, or be readily observed within, 500 feet of the perimeter of school grounds (as such term is defined in NYS Education Law), Day-Care Centers, Youth Services, playgrounds, public parks, libraries, or Community Purpose Buildings.

§ 267-88. Parking.

A. Dispensaries shall comply with the City of Mount Vernon Off-Street Parking and Loading Space Requirements for “Retail stores, shops, and person service establishments,” as set forth in Attachment 3 of this Chapter.

B. Consumption Sites shall comply with the City of Mount Vernon Off-Street Parking and Loading Space Requirements for “Bars, Nightclubs and Catering Halls,” as set forth in Attachment 3 of this Chapter.

§ 267-89. General Provisions.

A. Cannabis Dispensaries and Consumption Sites shall comply with the following:

(1) The Dispensary or Consumption Site must comply with all requirements as specified in the zoning district where the Dispensary or Consumption Site is located, except as specified in this Article.

(2) All Dispensaries and Consumption Sites shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations.

(3) Premises licensed as a Dispensary must be located in a building with a principal entrance at the street level and located on a public thoroughfare.

(4) No drive-through or walk-up window sales to the public shall be permitted at a Dispensary or Consumption Site.

(5) Cannabis Establishments shall not be operated in any manner that causes the odor of Cannabis products to extend to the exterior of the structure so as to create a nuisance or annoyance to the public.

(6) Outdoor smoking of Cannabis on-site is prohibited.

(7) Outdoor seating areas are prohibited.

(8) Dispensaries and Consumption Sites shall operate in a manner that keeps orderly control of vehicles and pedestrian traffic on site. At no time shall the site be operated in a manner so as to cause vehicular or pedestrian lines that extend beyond the Lot Lines.

(9) Dispensaries and Consumption Sites shall implement security measures to prevent unauthorized access and ensure public safety.

B. If any provision, paragraph, sentence, or clause of this Article shall be determined to be in conflict with applicable state law or regulations, the provisions of said state law or regulations shall prevail.

§ 267-90. Inspections.

The City reserves the right to inspect the facilities of Cannabis Dispensaries and Consumption Sites in accordance with the standards and sustainable practices set forth by the New York State Office of Cannabis Management, including all applicable local fire, safety and building codes, regulations and laws.

§ 267-91. Enforcement.

Any violation of this Article shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the City Code.

§ 267-92. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION 2.

Chapter 267 of the Code of the City of Mount Vernon is amended by adding the following (language in **Bold and Underlined** to be added, language in **Strikethrough and Bold and Underlined** to be deleted):

§ 267-20. List of nonresidence district uses.

A. District NB Neighborhood Business.

(1) Permitted principal uses.

(r) Cannabis Dispensaries and Consumption Sites, as regulated by Chapter 267, Article XIV

B. District OB Office Business.

(1) Permitted principal uses.

(l) Cannabis Dispensaries and Consumption Sites, as regulated by Chapter 267, Article XIV

C. District DB Downtown Business.

(1) Permitted principal uses.

(o) Cannabis Dispensaries and Consumption Sites, as regulated by Chapter 267, Article XIV

D. District CB Commercial Business.

(1) Permitted principal uses.

(y) Cannabis Dispensaries and Consumption Sites, as regulated by Chapter 267, Article XIV

E. District LI-7.5, LI-15 Landscaped Industrial.

(1) Permitted principal uses.

(l) Cannabis Dispensaries and Consumption Sites, as regulated by Chapter 267, Article XIV

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F. District I Industry.

(1) Permitted principal uses.

(r) Cannabis Dispensaries and Consumption Sites, as regulated by Chapter 267, Article XIV

SECTION 3.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

SECTION 4.

This local law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3) and Cannabis Law § 131(B). It supersedes the provisions of the City Law to the extent that they are inconsistent with this local law.

SECTION 5.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.

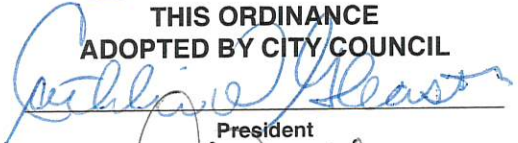
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Gleason: Yea Ordinance Adopted


APPROVED AS TO FORM


Assistant Corporation Counsel


Councilperson

**THIS ORDINANCE
ADOPTED BY CITY COUNCIL**


President

ATTEST:

City Clerk

APPROVED


Date


By
Mayor

APPROVED
Dept. _____

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