



MEMORANDUM

CITY OF WATERTOWN, NEW YORK
OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT
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TO: Planning Commission Members

FROM: Michael A. Lumbis, Planning and Community Development Director

SUBJECT: Amending Chapter 310 – Zoning, of the City Code; Article III – District Uses, Article VII – Supplemental Regulations and Article XVI – Definitions, regarding Marijuana Dispensaries, Retail

DATE: October 2, 2025

When the City Council adopted the City's current Zoning Ordinance on February 21, 2023, the Use Table contained in Article III – District Uses identified "Marijuana Dispensaries, Retail" as a potential use, subject to opt-in/opt-out status under the New York State Office of Cannabis Management. On the above date of adoption, the City was opted out. The Zoning Ordinance contains the following definition for the use:

MARIJUANA DISPENSARIES, RETAIL: *A business that is registered to operate in the State of New York that sells or otherwise distributes marijuana.*

On September 2, 2025, the City Council repealed in part the Local Law that opted out of permitting the licensing and establishment of dispensaries within the City, effectively opting back in. However, by subjecting "Marijuana Dispensaries, Retail" to opt-in/opt-out status, the Use Table accounted for the possibility that the City might opt-in, and regulates where they would be allowed accordingly.

Specifically, the Use Table allows "Marijuana Dispensaries, Retail" in the Commercial District only, an area which primarily encompasses Arsenal Street, Western Boulevard, Commerce Park Drive and a small segment of State Street at the east end of the City.

The Use Table also contains a column titled, "Supplemental Regulations," which appears at the far-right side of the table. If a use is marked with an "X" in this column, that indicates that there are additional rules governing that use to ensure proper oversight. The Zoning Ordinance identifies these rules in Article VII – Supplemental Regulations.

In the weeks since the City Council opted in to allowing dispensaries, Planning Staff has worked with the City's attorneys at Bond, Schoeneck & King to write Supplemental Regulations for dispensaries within the City of Watertown, as well as other proposed additions and amendments to the Zoning Ordinance to help the City appropriately regulate cannabis sales within the City boundaries.

First, the Supplemental Regulations proposed include:

- Locally codifying the prohibition of on-site consumption of cannabis products
- Prohibiting On-site Cannabis Consumption Lounges
- Limiting hours of operation to 8 a.m. – 9 p.m.
- Locally codifying the New York State prohibitions regarding proximity to schools and houses of worship
- Prohibiting dispensaries within 100 feet of a cemetery
- Requirement for a 30-foot landscaped buffer when abutting a Residential District

A second proposed change is to require a Special Use Permit for a Marijuana Dispensary, Retail use. Although dispensaries are currently allowed in the Commercial District, they are only subject to Site Plan Approval. Modifying this to require a Special Use Permit would provide the City with additional oversight authority.

Finally, there are five new proposed definitions, including:

- “Marijuana”
- “Cannabis Products”
- “Cannabis Consumption”
- “Retail Sale of Cannabis Products”
- “On-site Cannabis Consumption Lounge”

A full copy of a draft Zoning Amendment containing all proposed changes and additions is attached to this Staff Report.

Any Zoning Amendment would require referral to the Jefferson County Planning Board pursuant to Section 239-m of New York State General Municipal Law. Barring any unforeseen issues, Staff will refer this amendment to the County for consideration at its Tuesday, October, 28, 2025 meeting, six days prior to the City Council meeting on November 3, 2025.

However, while the City Council may not act on a Zoning Ordinance Amendment until after the County Planning Board considers it, the City Planning Commission is not similarly restricted from voting on a recommendation to City Council. If the Planning Commission concludes that the amendment is acceptable either as written or with minor changes, it may vote at its October 7, 2025 meeting to recommend that City Council approve the amendment.

If the Planning Commission determines that the proposed amendment is unacceptable as written, and requests significant changes or presents Staff with inquiries that require extensive additional research, then Staff would recommend scheduling a special Planning Commission meeting later in October.

cc: City Council Members

City of Watertown
Ordinance No. __ of the Year 2025
An Ordinance Establishing Zoning Requirements for
Marijuana Retail Dispensaries

Be it ordained by the Common Council of the City of Watertown (the “Council”) as follows:

WHEREAS, the purpose of this Ordinance to establish rules governing the time, place, and manner of the operation of Marijuana Retail Dispensaries in the City of Watertown, and

WHEREAS, the City of Watertown is authorized to enact this Ordinance by the authority and power of New York State General City Law, General Municipal Law, Municipal Home Rule Law, and the Statute of Local Governments, and

WHEREAS, this Ordinance shall: (1) add Section 310-75 to the City of Watertown Zoning Ordinance, related to the regulation of the time, place, and manner of the operation of Marijuana Retail Dispensaries and On-Site Cannabis Consumption Lounges; (2) amend the Use Chart found at Section 310-18; and (3) add definitions at Section 310-150, and

WHEREAS, the Council has considered the provisions of Article 8 of the Environmental Conservation Law (“SEQRA”) and the regulations adopted thereunder at 6 NYCRR Part 617 and finds that the proposed amendments to the Zoning Law will not result in any significant adverse environmental impacts. Therefore, no further review is required under SEQRA, and

NOW THEREFORE, BE IT ORDAINED that Section 310-150 (Definitions; word usage.) of this Ordinance shall be amended as follows (additions in **bold red underlined** type):

MARIJUANA DISPENSARY, RETAIL

A business that is registered to operate in the State of New York that ~~sells or otherwise distributes marijuana.~~ **engages in the Retail Sale of Cannabis Products.**

MARIJUANA

All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. Neither hemp nor cannabinoid hemp are included.

CANNABIS PRODUCTS

Cannabis, concentrated Cannabis, and Cannabis-infused products for use by a consumer.

CANNABIS CONSUMPTION

The use of a cannabis product in, on, or by the human body for the product's cannabinoid content.

RETAIL SALE OF CANNABIS PRODUCTS

To solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any Cannabis or Cannabis Products.

ON-SITE CANNABIS CONSUMPTION LOUNGE

Any person or business that is licensed under the provisions of New York State Law to permit adult-use on-site consumption of cannabis products at a specified location.

BE IT FURTHER ORDAINED that Section 310-18 (Use Chart) of the Zoning Ordinance shall be amended as follows:

c. COMMERCIAL	D	UMU	NMU	C	R	PC	IND	P&OS	Supp Regs
Adult Use							SUP		X
Amusement, Recreation, or Entertainment (Indoor)	S	S		S		S	S		X
Amusement, Recreation, or Entertainment (Outdoor)				S		S	S	SUP	X
Bar, Restaurant, Café, Brewpub	DR	S	SUP	S		S	S		
Brewery/Distillery/Winery (Micro)	DR	S	SUP	S		SUP	P		
Brewery/Distillery/Winery		SUP		SUP		SUP	SUP		
Day Care Center	S	S	S	S		S	S		
Day Care Center, Accessory	S	S	S	S		S	S		
Day Care, Adult		S	S			S			
Day Care, Family	P	P	P	P	P	P			
Walk-up Window, Accessory	P	P	P	P		S	P	P	
Drive Through, Accessory		SUP	SUP	S			S		X
Funeral Home		DR	DR	DR	DR	DR			
Retail, Neighborhood	DR	S	S	S		SUP	S		X
Retail, General and Service	S	S	S	S			S		
Shopping Center	S	S		S			S		
Golf Course					S			S	
Hospital						S			
Clinic	S	S	SUP	S		S	S		
Mixed-Use Building	S	S	SUP						
Nightclub	SUP			SUP					X
Offices	S	S	SUP	S		S	S		
Private Clubs	DR	S	SUP	DR				S	
Theater	DR	DR		DR		DR			
Vending Lot		DR	DR	DR			DR		X
Marijuana Dispensaries/Retail* subject to opt-in/opt-out status				SUP S					X

BE IT FURTHER ORDAINED that Section 310-75 (Marijuana Dispensary, Retail) shall be added to the Zoning Ordinance as follows:

Sec. 310-75 Marijuana Dispensary, Retail

A. On-site Consumption

(1) No on-site consumption of Cannabis Products shall be permitted at a Marijuana Retail Dispensary.

(2) On-site Cannabis Consumption Lounges are prohibited.

B. Hours of Operation: A Marijuana Retail Dispensary shall not be allowed to operate between the hours of 9:00 p.m. and 8:00 a.m.

C. Proximity to other uses:

(1) A Marijuana Retail Dispensary shall not be located on the same road and within 500 feet of a building and its grounds occupied exclusively as school grounds, as defined in Section 409(2) of the New York State Education Law. The distance between the dispensary and the school shall be measured from the door of the Marijuana Retail Dispensary to the property line of the school.

(2) A Marijuana Retail Dispensary shall not be located on the same road and within 200 feet of a building and its grounds occupied exclusively as a house of worship. The distance between the dispensary and the house of worship shall be measured from the door of the Marijuana Retail Dispensary to the property line of the house of worship.

(3) A Marijuana Retail Dispensary shall not be located on the same road and within 100 feet grounds occupied exclusively as a cemetery. The distance between the dispensary and the cemetery shall be measured from the door of the Marijuana Retail Dispensary to the property line of the cemetery.

D. Landscape and Buffer requirements:

(1) A landscaped strip must be provided to separate a Marijuana Retail Dispensary from any parcel zoned Residential (R). The required landscaped strip shall be a minimum of thirty feet (30') wide.