

**TOWN OF EDEN
TOWN OF EDEN TOWN BOARD**

**A LOCAL LAW REGULATING THE SITING OF LEGAL CANNABIS LAND USES
IN THE TOWN OF EDEN**

LOCAL LAW NO. ____-2025

Be it enacted by the Town Board of the Town of Eden, Erie County, State of New York as follows:

Section 1: Purpose.

The purpose of this local law is to protect the public health, safety and welfare of the residents of the Town of Eden by establishing land use regulations and standards governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption sites (hereinafter collectively referred to as “Legal Cannabis Land Uses”) in the Town of Eden, as authorized by the Cannabis Law of the State of New York.

Section 2: Definitions.

Unless otherwise provided herein, definitions of terms used herein shall match those definitions found in the Cannabis Law of the State of New York.

Section 3: Legislative findings.

This local law is adopted to mitigate potential negative impacts on neighboring properties and residences by regulating the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption sites in the Town of Eden.

Section 4: Regulation of Legal Cannabis Land Uses.

Chapter 225 of the Town of Eden Code (“Zoning Ordinance of the Town of Eden”) is hereby amended as follows:

Article II, Section 225-4 (“Definitions”) is hereby amended as follows:

LICENSED ADULT-USE CANNABIS RETAIL DISPENSARIES and ON-SITE CONSUMPTION SITES shall mean such Dispensaries and Sites as are duly licensed as such pursuant to the Cannabis Law of the State of New York.

Article IV, Section 225-12 (6)(a) (“Mixed Use District Design Standards-List of District Uses – Non-Permitted Uses”) is hereby amended to add the following:

Section 225-12 (6)(a)(6) Licensed Adult-Use Cannabis Retail Dispensaries, and
Section 225-12 (6)(a)(7) On-Site Consumption Sites

Article IV, Section 225-13 (“Agricultural Uses”) is hereby amended to add the following:
Section 225-13 (B)(3): Within the Agricultural Priority and Rural Residential Zoning Districts, licensed adult-use retail dispensaries are permitted, with Special Use Permit, provided that the dispensary licensee legally cultivates the product being sold. On-site consumption sites are not permitted as an agricultural use.

Article IV, Section 225-15.B (“Commercial, Industrial and Institutional Uses – District Specific Supplemental Use Regulations”) is hereby amended to add the following:

Section 225-15.B(10) – Licensed Adult-Use Cannabis Retail Dispensaries and On-Site Consumption Sites are permitted in Light Industrial Zoning District, subject to the following:

- a. Special Use Permit Required.
- b. Not permitted if located adjacent to property whose primary use is residential.

Article VI, 225-35F (“Home Occupations”) is hereby amended to add the following:

Section 225-35F – Cannabis processing, wholesale sales, retail dispensaries and on-site consumption sites are not permitted as a home occupation in any district.

Section 5: Severability.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Eden hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6: Effective date.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.