

ROCHESTER CITY COUNCIL

SPECIAL MEETING

November 3, 2022  
4:00 P.M.

Present –President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson, Peo, Smith – 9.

President Meléndez requested the Council to pause for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.  
Councilmember Patterson

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

Motion to discharge Int. No. 322 from the NBD committee  
Moved by Councilmember Patterson; 2nd by Councilmember Gruber  
Motion to discharge passed unanimously.

Motion to amend Int. No. 322  
Moved by Councilmember Patterson; 2nd by Councilmember Gruber  
Motion to amend passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2022-322  
Regulating Cannabis  
Dispensaries and On-Site  
Consumption Lounges

Council Priority: Jobs and Economic  
Development

Comprehensive Plan 2034 Initiative Area:  
Fostering Prosperity + Opportunity

Transmitted herewith for your approval is legislation amending the Code of the City of Rochester to reflect New York State's Marihuana Regulation and Taxation Act (MRTA) and to provide "time, place and manner" regulations for Dispensaries and On-Site Consumption Lounges as authorized by MRTA. With this legislation, the City is adopting zoning requirements and business permit regulations for Dispensaries and On-Site Consumption Lounges prior to the State issuing the first round of Dispensary licenses, which may happen as early as mid-fall 2022.

It is proposed that the following changes be adopted:

- Amending the Zoning Code to define a new use (On-Site Consumption Lounge); identify which districts allow On-Site Consumption Lounges as of right or by special permit; regulate the hours of operation for On-Site Consumption Lounges and Dispensaries; and revise the definition of 'Manufacturing' to ensure that State-licensed Cultivators and Processors of cannabis fit within the definition.
- Amending Article II of Chapter 90 to require a business permit for Dispensaries and On-Site Consumption Lounges; to require security cameras and exterior lighting for both uses; to prohibit odors from being detected outside of the commercial spaces occupied by either use; and to require ventilation measures to prevent the migration of smoke from On-Site Consumption Lounges.

The legislation outlined above will minimize barriers to the cannabis industry while ensuring businesses are a cohesive part of our communities.

Respectfully submitted,  
Malik D. Evans  
Mayor

Attachment No AV – 190

Ordinance No. 2022-322  
(Int. No. 322)

**Amending the Zoning Code and the Business Permits Code to allow and regulate Adult-Use Dispensaries and Adult-Use Consumption Lounges in some zoning districts in accordance with the State Cannabis Law, as amended**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning, is hereby amended:

A. Adding subsections J and K to § 120-27, Special permit uses, as follows:

§ 120-27. Special permit uses.

The following uses are allowed as special permit uses in the R-3 District:

J. Establishments licensed by New York State as adult-use cannabis retail dispensaries located entirely within the first floor of an enclosed building that contains more than 20 dwelling units and operating during liquor store hours.

K. On-site cannabis consumption lounges located entirely within the first floor of an enclosed building that contains more than 20 dwelling units and operating during bar hours, but no later than 11:00 p.m.

B. In subsections K, R and S of § 120-34, Permitted uses and structures, as follows:

The following uses are permitted in the C-1 District when conducted entirely within an enclosed building:

- K. Retail sales and service operating between the hours of 6:00 a.m. and 11:00 p.m.; provided, however, that retail sales and service establishments:
- (1) licensed by New York State to sell alcoholic beverages pursuant to the Alcoholic Beverage Control Law may operate beyond the hours specified herein to the extent that the alcoholic beverage license so provides; and
  - (2) licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.

~~R. On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m.~~

~~R. S.~~ Mixed uses, as listed in this section, not including industrial uses.

C. Adding subsection J to § 120-35, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-1 District:

~~J. On-site cannabis consumption lounges operating during bar hours, including bar hours extending after 11:00 p.m.~~

D. In subsections M and U of § 120-42, Permitted uses and structures, as follows:

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building with hours of operation limited to 6:00 a.m. to 2:00 a.m. Hours of operation limitations do not apply to residential uses.

M. Retail sales and service; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.

~~U. On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m.~~

E. In subsection U of § 120-43, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-2 District:

~~U. On-site cannabis consumption lounges operating entirely within an enclosed building and during bar hours, including bar hours extending after 11:00 p.m.~~

F. In subsections K and M of § 120-50, Permitted uses and structures, as follows:

The following uses are permitted in the C-3 District:

K. Retail sales and service; provided, however, that for retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries only if operated entirely within an enclosed building and during liquor store hours.

M. ~~(Reserved)~~ On-site cannabis consumption lounges operated entirely within an enclosed building during bar hours, but no later than 11:00 p.m.

G. In subsection F of § 120-51, Special permit uses, as follows:

The following uses are allowed as special permit uses in the C-3 District:

F. ~~(Reserved)~~ On-site cannabis consumption lounges operating entirely within an enclosed building and during bar hours, including bar hours extending after 11:00 p.m.

H. In § 120-63, Limited uses, as follows:

§ 120-63. Limited uses in the CCD Center City District.

A. The operating hours of retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.

B. The operating hours of on-site cannabis consumption lounges shall be restricted to bar hours and no later than 11:00 p.m., provided that the operating hours may be extended to bar hours after 11:00 p.m. if authorized by a special permit.

C. The following limited uses in the CCD Center City District shall meet the requirements set forth in Article XVIII, Additional Requirements for Specified Uses:

~~A.~~(1) Homeless residential facilities.

~~B.~~(2) Personal wireless communication facilities.

~~C.~~(3) Residential care facilities.

~~D.~~(4) Rooming houses.

~~E.~~(5) Surface parking lots when a parking demand analysis is submitted to substantiate the need for the lot.

I. In subsections A and B of § 120-76, PMV Public Market Village, as follows:

A. Permitted uses and structures. The following uses are permitted in the PMV District:

(1) Outdoor market.

(2) Single-family attached dwelling.

(3) Multifamily dwellings.

(4) Mixed uses.

(5) Live-work spaces.

(6) Offices.

(7) Public and semipublic uses.

(8) Agriculture.

(9) Warehouse uses.

(10) Wholesale uses.

(11) Retail sales and service; provided, however, that for retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries, only if operated entirely within an enclosed building and during liquor store hours.

(12) Bars, restaurants and the like including outdoor seating/assembly areas, provided that the outdoor areas only operate between the hours of 6:00 a.m. and 11:00 p.m., but excluding drive-through facilities.

(13) Manufacturing uses when the products are sold as retail for an individual consumer.

(14) Parks and recreation uses.

(15) Places of worship.

(16) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.

(17) Limited entertainment, not including sexually oriented uses.

(18) On-site cannabis consumption lounges operated entirely within an enclosed building and during bar hours, but no later than 11:00 p.m.

- B. Special permit uses. The following uses are allowed as special permit uses in the PMV District:
- (1) Ancillary parking lots, subject to the additional requirements for specified uses in § 120-131.
  - (2) Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.
  - (3) Community garages and parking lots.
  - (4) Public utilities, subject to the additional requirements for specified uses in § 120-144.
  - (5) Outdoor storage, subject to the additional requirements set forth in § 120-175.
  - (6) On-site cannabis consumption lounges operating entirely within an enclosed building and during bar hours, including bar hours extending after 11:00 p.m.

J. In subsections A and B of § 120-77, H-V Harbortown Village District, as follows:

A. Permitted uses and structures. The following uses are permitted as of right in the H-V Harbortown Village District:

- (1) Public boardwalks, paths, biking trails and outdoor seating/ assembly areas.
- (2) Boating and fishing docks.
- (3) Marinas.
- (4) Water passenger transportation terminals.
- (5) Boating and sailing instruction schools.
- (6) Boat sales, rental and charter facilities.
- (7) The following uses are permitted as of right in the H-V Harbortown Village District if located 30 feet or more from the edge of the Genesee River, subject to site plan approval:
  - (a) Single-family attached dwellings.
  - (b) Live-work spaces.
  - (c) Bars and restaurants not exceeding 2,500 square feet and excluding drive-through facilities.
  - (d) Private clubs not exceeding 2,500 square feet.
  - (e) Office space not exceeding 2,500 square feet.
  - (f) Retail sales and services not exceeding 2,500 square feet; provided, however, that for retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries only if operated entirely within an enclosed building and during liquor store hours.
  - (g) Tourist information centers.
  - (h) Museums and aquariums.
  - (i) Hotels and motels.
  - (j) Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.
  - (k) Mixed uses when limited to residential and commercial uses as permitted under this section.
  - (l) Other establishments relating to and supporting waterdependent activities.
  - (m) Places of worship.
  - (n) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.
  - (o) Limited entertainment, not including sexually oriented uses.
  - (p) On-site cannabis consumption lounges not exceeding 2,500 square feet operated entirely within an enclosed building and during bar hours, but no later than 11:00 p.m.

- B. Special permit uses. The following uses are allowed as special permit uses in the H-V District:
- (1) The following uses when located within 30 feet of the edge of the Genesee River:
    - (a) Museums and aquariums.
    - (b) Private clubs.
    - (c) Bars and restaurants, excluding drive-through facilities.
    - (d) Tourist information centers.
    - (e) Other establishments relating to and supporting waterdependent activities.
    - (f) Public entertainment, not including sexually oriented uses, subject to the additional requirements for public entertainment in § 120-137.
    - (g) Limited entertainment, not including sexually oriented uses.
    - (h) On-site cannabis consumption lounges operated entirely within an enclosed building and during bar hours, but no later than 11:00.
  - (2) Single-family detached located no closer than 100 feet of the edge of the Genesee River.
  - (3) Boat launches.
  - (4) Community garages and parking lots.
  - (5) Multifamily dwellings.
  - (6) Outdoor entertainment.
  - (7) Outdoor markets.
  - (8) Parking areas, lots and garages.
  - (9) Private and commercial recreation and amusement facilities.
  - (10) Public and semipublic uses.
  - (11) Vehicle service stations, subject to the additional requirements for specified uses in § 120-154.
  - (12) Outdoor storage, subject to the additional requirements set forth in § 120-175.
  - (13) On-site cannabis consumption lounges operating entirely within an enclosed building, permitted under §120-77A(7)(p) or specially permitted under §120-77B(1)(h), and operating during bar hours extending after 11:00 p.m.

K. In subsections A(1) and B(1) of § 120-77.1, C-V Collegetown Village District, as follows:

- A. Permitted uses.
- (1) All uses are permitted in fully enclosed buildings in the C-V District between the hours of 6:00 a.m. and 2:00 a.m. or subject to the operating hours for particular uses specified below, unless specifically listed as specially permitted or prohibited uses in this article. In addition to any specific requirements listed below, uses shall be subject to the additional requirements for specified uses set forth in Article XVIII of this chapter and the requirements applying to all districts set forth in Article XX of this chapter. The permitted use hours for:
    - (a) Establishments licensed by New York State as adult-use cannabis retail dispensaries shall be limited to liquor store hours; and
    - (b) On-site cannabis consumption lounges shall be limited to bar hours, but no later than 11:00 p.m.
- B. Special permit uses. The following uses are allowed as special permit uses in the C-V District:

- (1) Any uses, other than a State licensed adult-use cannabis retail dispensary, open to the public or requiring loading/unloading between the hours of 2:00 a.m. and 6:00 a.m. or, for on-site cannabis consumption lounges operating during bar hours extending after 11:00 p.m.

L. In subsection C of § 120-77.2H, Definitions, as follows:

C. Building function (use) standards. Intent. This section establishes permitted, specially permitted and prohibited uses within the Marina District. In order to maximize the liveliness, vitality and pedestrian character of the district, most uses are permitted as of right. Uses that are detrimental to the pedestrian character of the district are generally prohibited. The building envelope standards contain additional requirements pertaining to mixed uses within buildings.

- (1) Permitted uses. All uses are permitted in fully enclosed buildings in the Marina District unless listed as specially permitted or prohibited uses in this section. In addition to any specific requirements listed below, uses shall be subject to the additional requirements for the specified uses set forth in Article XVIII of this chapter.
- (2) Permitted outdoor uses.
  - (a) Accessory outdoor seating areas without background music or entertainment, but not accessory to retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries or as on-site cannabis consumption lounges;
  - (b) Accessory display of merchandise during business hours, but not accessory to retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries or as on-site cannabis consumption lounges;
  - (c) Walk-up service windows, but not for retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries or as on-site cannabis consumption lounges;
  - (d) Permanent parking constructed in accordance with § 120-77.2E (1).
- (3) Specially permitted uses. The following uses are allowed as special permit uses in the Marina District:
  - (a) Outdoor entertainment;
  - (b) Interim parking constructed in conformance with §§ 120-77.2E(2) and 120-173F. Special permits for interim parking shall be subject to renewal every five years. Each renewal application shall be subject to a marketability analysis demonstrating that the site cannot be developed based on the following standards:
    - [1] The site is not marketable for development in accordance with the intent of the Marina District as demonstrated by at least one of the following factors:
      - [a] The inability to find an interested developer or buyer over an extended period of time;
      - [b] Physical location or locational limitations or deficiencies of the site or public infrastructure.
    - [2] Standards indicating the type of information required to document conformance with each of the aforementioned standards shall be as adopted from time to time by the Planning Commission.
  - (c) On-site cannabis consumption lounges in fully enclosed buildings operating during bar hours after 11:00 p.m.
- (4) Prohibited uses. The following uses are prohibited in the Marina District:

- (a) Homeless shelters;
  - (b) Rooming houses;
  - (c) Sexually oriented businesses;
  - (d) Uses not in a fully enclosed building or not permitted by § 120-77.2C(2);
  - (e) Any use that would meet the definition of a manufacturing use as per § 120-208 of the Zoning Code;
  - (f) Drive-throughs;
  - (g) Vehicle-related uses, including car washes, vehicle service stations, vehicle sales, vehicle repair, including commercial vehicle repair, and vehicle rental services, except vehicle rental or sharing services in which vehicles are stored in permanent parking facilities constructed in accordance with § 120-77.2E(1), vehicle service takes place outside the Marina District and offices are located in a fully enclosed building;
  - (h) Funeral homes;
  - (i) Warehouses;
  - (j) Recycling centers.
- (5) Operating hours.
- (a) The operating hours of retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.
  - (b) The operating hours of on-site cannabis consumption lounges shall be restricted to bar hours and no later than 11:00 p.m., unless extended in accordance with a special permit.

M. In subsections B and C of § 120-81, Permitted uses and structure, as follows:

- B. The following uses are permitted in the M-1 District when located in any existing multistory building or a single-story building not originally designed for industrial purposes:
- (1) Dwelling unit conversions.
  - (2) Live-work space, subject to the additional requirements for specified uses in § 120-142.1.
  - (3) Retail sales and service; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to liquor store hours.
  - (4) Offices and clinics.
  - (5) Bars, restaurants and banquet facilities.
  - (6) Public entertainment, subject to the additional requirements for specified uses in § 120-137.
  - (7) Public and semipublic uses.
  - (8) Day-care centers.
  - (9) Funeral parlors and mortuaries.
  - (10) Places of worship.
  - (11) Pawnbrokers.
  - (12) Secondhand dealers.
  - (13) On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m.
- C. When developed in conjunction with approved industrial uses, the following uses are permitted in the M-1 District, provided that such limited uses constitute no more than 15% of the developed floor area of the project:



- (1) Bars, cocktail lounges and taverns.
- (2) Restaurants.
- (3) Day-care centers when located, arranged and integrated within the development to serve primarily the needs of employees and businesses in and near the M-1 District, and subject to the additional requirements for specified uses in § 120-135.
- (4) Retail sales and services; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted liquor store hours.
- (5) Health clubs and similar facilities.
- (6) On-site cannabis consumption lounges operating during bar hours, but no later than 11:00 p.m.

N. In subsection A of § 120-83, Special permit uses, as follows:

The following uses are allowed as special permit uses in the M-1 District:

- A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot, subject to a marketability analysis as set forth in § 120-192. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.
  - (1) Retail sales and services; provided, however, that retail sales and service establishments licensed by New York State as adult-use cannabis retail dispensaries shall be restricted to operating during liquor store hours.
  - (2) Offices or clinics.
  - (3) Bars and restaurants.
  - (4) Motels and hotels.
  - (5) Amusement centers.
  - (6) Public and semipublic uses.
  - (7) Health clubs.
  - (8) Mixed uses.
  - (9) Public entertainment, subject to the additional requirements for specified uses in § 120-137.
  - (10) Places of worship.
  - (11) On-site cannabis consumption lounges operating during bar hours but no later than 11:00 p.m. The Planning Commission may extend the permissible operating hours to bar hours later than 11:00 p.m. if it finds such action is warranted by reason of unique conditions of the particular operating space or by reason of the particular character of surrounding tenant spaces and properties.

O. In subsection B (7) of § 120-105, Permitted uses, as follows:

The following uses and structures are permitted in the O-B District in existing structures only. The initial conversion is subject to site plan approval in accordance with the provisions of § 120-191:

- B. Retail sales and services limited to the sale of the following items, operating between the hours of 6:00 a.m. and 11:00 p.m.:

(7) Flowers and plants, excluding flowers and plants that require the retailer to be licensed under the Cannabis Law.

P. Adding subsection F to § 120-106, Special permit uses, as follows:

The following uses are allowed as special permit uses in the O-B District in existing structures only:

F. On-site cannabis consumption lounges not exceeding 650 square feet operated entirely within an enclosed building operating during bar hours, but no later than 11:00 p.m. The Planning Commission may extend the permissible operating hours to bar hours later than 11:00 p.m. if it finds such action is warranted by reason of unique conditions of the particular operating space or by reason of the particular character of surrounding tenant spaces and properties.

Q. In subsections B (2) and B(4)(c)[1] of § 120-191, Procedures approved by the Manager of Zoning, as follows:

(2) Purpose. The certificate of nonconformity shall establish the legality of nonconforming uses, structures, lots and signs established prior to the effective date of this chapter that do not conform to the regulations of this chapter applicable in the zoning districts in which such nonconformities are located. When necessary to establish the legality of a nonconformity, a certificate of nonconformity shall be required for any nonconforming use, structure, lot and sign in the City of Rochester prior to the approval of additional zoning applications that may be required. A certificate of nonconformity shall not be issued to authorize the operation of a Cannabis Establishment in any of the R-1 Low Density Residential, R-2 Medium Density Residential or R-3 High-Density Residential zoning districts, except in the instance of R-3 High-Density Residential premises that have previously been authorized by special permit to operate as a Cannabis Establishment in accordance with § 120-27 of this chapter].

(4) Additional approvals required.

(c) In addition to the application for the certificate of nonconformity, the following shall require a special permit from the Planning Commission:

[1] Reestablishment of a use that is of the same or less intensity than the abandoned previous use in a structure not designed for a permitted use and as defined in Article XXIV, provided that this approval shall not be issued to authorize the commencement of a Cannabis Establishment in any of the R-1 Low Density Residential, R-2 Medium Density Residential or R-3 High-Density Residential zoning districts. In addition to the standards set forth in § 120-192B (3), the Planning Commission shall consider the following:

- [a] The building is a designated building of historic value;
- [b] The condition and/or economic life of the building or structure;
- [c] The potential use of the building for neighborhood service uses;
- or
- [d] The potential for employment opportunities in the neighborhood.

R. Adding to § 120-208, Definitions, the following phrases:

BAR HOURS

The hours during which premises licensed by the State Liquor Authority to sell alcoholic beverages at retail for on-premises consumption in Monroe County are allowed to operate in accordance with NYS Alcoholic Beverage Control Law § 106.

CANNABIS ESTABLISHMENT

Premises used for the cultivation, processing, distribution, delivery, retail sale, or on-site consumption of cannabis in a manner that requires a license under the NYS Cannabis Law.

LIQUOR STORE HOURS

The hours during which premises licensed by the State Liquor Authority to sell liquor and/or wine for off-premises consumption are allowed to be open pursuant to NYS Alcoholic Beverage Control Law § 105.

ON-SITE CANNABIS CONSUMPTION LOUNGE

Premises used for the on-site consumption of cannabis in a manner that requires a license under the NYS Cannabis Law; a type of Cannabis Establishment.

S. In §120-208, Definitions, modifying the following phrases:

LIGHT INDUSTRIAL

~~Firms~~ Facilities engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Light industrial includes the growing and processing of agricultural, hydroponic or aquaponic products, not including any livestock, which are conducted solely within a building or group of buildings. Light industrial uses will generate minimal truck trips, visual emissions, noise, odors or vibrations and have minimal visual impact on an area.

MANUFACTURING

Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, cultivation, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like and includes agricultural, hydroponic and aquaponic activities not involving livestock when conducted solely within a building or group of buildings. The processing, preparation and production activities customarily deal with man-made, manufactured or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. "Manufacturing" shall also include the handling of any waste products and materials. Manufacturing processes and treatments include but are not limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

Section 2. Article II of Chapter 90 of the Municipal Code, Business Permits, is hereby amended:

A. In § 90-32, Definitions, to add the following terms:

ADULT-USE CANNABIS RETAIL DISPENSARY

Premises licensed under the New York State Cannabis Law for the retail sale of cannabis to cannabis consumers.

ON-SITE CANNABIS CONSUMPTION LOUNGE

Premises licensed under the New York State Cannabis Law for the on-site consumption of cannabis.

- B. In § 90-32, Definitions, to amend the following term:

BUSINESS

An adult-use cannabis retail dispensary, automobile service facility, bar, smoking goods establishment, on-site cannabis consumption lounge, restaurant or salon as defined herein.

- C. In § 90-34, Application, to read as follows:

§ 90-34. Application.

- A. An application for a business permit shall be made by the business owner and operator, if other than owner, on forms provided by the Commissioner. The application shall request relevant information relating to the owner and operator, if any, and relating to the operation of the business to be conducted at the premises. Where the owner is not directly involved with the day-to-day operation of said business, the operator must also be included on the application. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day-to-day operation of the business. In this situation the business permit shall be issued to the operator; the names, addresses and phone numbers of the partners, officers or principals shall be listed on the application. All addresses of persons involved shall be home addresses, listing street and number.
- B. Applications shall only be accepted where all information requested has been supplied and verified for accuracy. Anyone currently serving a period of suspension or revocation, or who has had an application for a business permit denied, is ineligible to apply for a business permit during a period of suspension or for a period of one year from the date of revocation or denial. The applicant(s) must also demonstrate to the Department that he or she has procured all necessary licenses and permits for the business.
- C. The Director shall cause a review of the location to ensure that the operation of the business at that location will be in compliance with the Zoning Code.
- D. The Chief of Police shall cause an investigation to be made of the background of the owner, operator and location of the business, including, but not limited to, a review of all calls for service to the location of the premises in the past year and a criminal records check of the owner and operator, provided, however, that the Chief of Police shall forgo or limit the background investigation to the extent that it would duplicate, or be superseded by, the investigation required for the State licensing of an adult-use cannabis retail dispensary or an on-site cannabis consumption lounge.
- E. Except as provided in New York Correction Law, Article 23-A, the Commissioner reserves the right to deny a business permit to any person who has pled guilty to or has been convicted of any crime which is related to the operation of the business. The Commissioner shall not deny a business permit to an adult-use cannabis retail dispensary or an on-site cannabis consumption lounge if doing so would constitute unlawful discrimination or violate a social and economic equity

plan or other social justice goal established under the New York State Cannabis Law.

- F. The Commissioner shall cause an application to be administratively canceled if the applicant fails, with respect to the business or business premises, upon receipt of written notice and time to cure, to abate code violations, or to pay any outstanding judgments rendered by the Municipal Code Violation Bureau, or to complete a building permit or zoning application, or to provide proof of payment of sales tax.
- G. The applicant shall provide proof of payment of sales tax where the business has been ongoing.
- H. The applicant for an adult-use cannabis retail dispensary or for an on-site cannabis consumption lounge shall provide a plan for the installation and operation of monitoring cameras and exterior lighting for the safety of the establishment's employees, customers and neighbors (Security Plan).
- I. The applicant for an adult-use cannabis retail dispensary or for an on-site cannabis consumption lounge shall provide a description of the measures that will be implemented to prevent detectable cannabis odors from reaching outside the space occupied by the establishment (Odor Control Measures). Such odor control measures may include operational, structural and/or mechanical methods, including but not limited to the places and manner in which cannabis product is stored, handled and consumed, the physical separation of product management and consumption from doors, windows or other places where odors may migrate outside, the use of air handling or filtering devices or the training of staff in odor control strategies.
- J. The applicant for an on-site cannabis consumption lounge that will allow the smoking, vaping or other inhalation of cannabis shall provide a ventilation plan to mitigate smoke and odor exposure for employees and customers within the lounge's interior space and to prevent the dispersion of smoke and odors into other spaces within the same building or outside of the building (Ventilation Plan).

D. In Subsections C, F (8), G and H of § 90-37, Operation of businesses, to read as follows:

- C. The business owner and operator shall not employ any person who has had a business permit revoked or denied within the past year, where the underlying violations involved dangerous weapons or the illegal sale of ~~illegal~~ drugs, provided, however, that the illegal sale of cannabis shall be limited to that conduct which is prohibited only by the Cannabis Law, Penal Law or other New York State statute.
- F. The owner or operator of any business shall maintain good order on and about the premises at all times when the business is open. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots, and the land on which the building is located. The owner or operator of any business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements, and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, suffering or permitting the following:

(8) Illegal Possession, use, gift, sale, or offer for sale of illegal drugs, provided, however, that the illegal possession, use, gift, or sale of cannabis shall be limited to that conduct which is prohibited only by the Cannabis Law, Penal Law or other New York State statute.

G. The owner or operator of an adult-use cannabis retail dispensary or an on-site cannabis consumption lounge shall equip and operate the premises in accordance with any Security Plan, Odor Control Measures or Ventilation Plan approved by the Commissioner as part of the application process under § 90-34.

H. The Commissioner may promulgate rules and regulations to govern the operation of business permit under this chapter so as to provide for the orderly operation of the businesses and to ensure the public safety and the peace and tranquility of the neighborhood where the businesses are located.

E. In Subsection B of § 90-42, Revocation of business permit, to read as follows:

B. The Commissioner may revoke, without a hearing, the business permit of any person found guilty of either two or more high-level violations, as determined by and listed in ~~§ 3-15B(1)~~ § 10-12 of the City of Rochester Charter, occurring on separate occasions during any period of one year, or five or more violations occurring within a period of two years. Nothing herein shall prevent the Commissioner from revoking a business permit of any person on written charges and an opportunity for a hearing thereon.

Section 3. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined, text added to the initial draft of the ordinance is in brackets

Passed unanimously.

The meeting was adjourned at 4:10 p.m.

Hazel L. Washington  
City Clerk