

# TOWN OF NARRAGANSETT

## CHAPTER 1110

### **AN ORDINANCE IN AMENDMENT OF CHAPTER 731 OF THE CODE OF ORDINANCES OF THE TOWN OF NARRAGANSETT, RHODE ISLAND, ENTITLED “ZONING”**

**It is ordained by the Town Council of the Town of Narragansett as follows:**

**Section 1:** That Section 2.2 “Definitions” of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended to add the following definitions:

*Cannabis cultivator.* As defined under Sec. 21-28.11-3(11) of the Rhode Island Cannabis Act, an entity licensed to cultivate, process and package cannabis, to deliver cannabis to cannabis establishments and to transfer cannabis to other cannabis establishments, but not to consumers.

*Cannabis product manufacturer.* As defined under Sec. 21-28.11-3(14) of the Rhode Island Cannabis Act, an entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and cannabis products to other cannabis establishments, but not to consumers.

*Cannabis retailer.* As defined under Sec. 21-28.11-3(16) of the Rhode Island Cannabis Act, an entity licensed pursuant to § 21-28.11-10.2 to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers.

*Cannabis testing laboratory.* As defined under Sec. 21-28.11-3(17) of the Rhode Island Cannabis Act, a third-party analytical testing laboratory that is licensed annually by the commission, in consultation with the department of health, to collect and test samples of cannabis and cannabis products pursuant to regulations issued by the commission and is: (i) Independent financially from any medical cannabis treatment center or any licensee or cannabis establishment for which it conducts a test; and (ii) Qualified to test cannabis in compliance with regulations promulgated by the commission pursuant to this chapter. The term includes, but is not limited to, a cannabis testing laboratory as provided in § 21-28.11-11.

*Hybrid cannabis retailer.* Under Sec. 21-28.11-3(28) of the Rhode Island Cannabis Act, a compassion center licensed pursuant to chapter 28.6 of title 21 that is in good standing with the department of business regulation and that has paid the fee pursuant to § 21-28.11-10 and has been authorized to sell non-medical or adult use cannabis to consumers.

*Marijuana retail facility.* Any facility that may, under state law, acquire, possess, supply or dispense marijuana, and/or related supplies and educational materials, but does not cultivate marijuana on-site, including, but not limited to, compassion centers, as defined in R.L. § 21-28.6-3, provided that compassion centers that cultivate marijuana on-site shall be considered marijuana cultivation facilities. Facilities in which marijuana is sold or dispensed for

immediate, on-site use or consumption shall be considered marijuana emporiums. This shall not include a cannabis retailer or hybrid cannabis retailer, as defined herein.

*Marijuana cultivation facility.* Any facility that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply or otherwise process marijuana, including, but not limited to, facilities run by licensed cultivators, as defined in R.L. § 21-28.6-3, and cooperative cultivations pursuant to R.L. § 21-28.6-14. Compassion centers, as defined in R.L. § 21-28.6-3, which do not cultivate marijuana on-site, shall be considered marijuana retail facilities. This shall not include a cannabis cultivator, as defined herein.

*Marijuana emporium.* Any retail or commercial establishment, or club, whether for-profit, non-profit, or otherwise, at which marijuana is used and/or sold or dispensed for immediate, on-site use or consumption. This shall include without limitation any so-called "vapor lounge," or any other establishment at which marijuana is consumed in vaporized form. This shall not include marijuana retail facilities or marijuana cultivation facilities, as defined herein.

**Section 2:** That Section 6.3 “Prohibited Uses” of Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning” is hereby amended to add the use codes and associated designations, as follows:

Code	Description	R-80	R-40	R-20	R-10	R-10A	BA	BB	BC	IA	IB	P	Comments
5902	Marijuana retail facility	X	X	X	X	X	X	X	X	S	S	X	See Note 1
5903	Marijuana emporium	X	X	X	X	X	X	X	X	X	X	X	See Note 1
5904	Cannabis retailer or hybrid cannabis retailer	X	X	X	X	X	X	X	X	X	X	X	See Note 1
5905	Cannabis cultivator	X	X	X	X	X	X	X	X	X	X	X	See Note 1
5906	Cannabis product manufacturer	X	X	X	X	X	X	X	X	X	X	X	See Note 1
5907	Cannabis testing laboratory	X	X	X	X	X	X	X	X	X	X	X	See Note 1

Note 1: Prohibited in all use designations in the UR Zone and Galilee Zones

**Section 3:** That a new section, Section 7.22 entitled Retail Sales of Marijuana be added to Chapter 731 of the Code of Ordinances of the Town of Narragansett, entitled “An Ordinance in Relation to Zoning”, as follows:

**Section 7.22 - RETAIL SALES OF MARIJUANA**

**A. Purpose**

It is the purpose and intent of this section to regulate the retail sale of marijuana as allowed by Rhode Island General Laws .

**B. Marijuana/cannabis-related uses.**

1. The zoning board of review may grant a special use permit for the provision of a retail cannabis or marijuana sales facility in the IA – Limited Industrial Zone and IB – General Industrial Zone subject to the following minimal standards:
  - a. The application for a special use permit shall provide the legal name and address of the retail facility, a copy of the articles of incorporation, and the name, address, and date of birth of each principal officer and board member of the facility. The application shall include the development plan submitted and approved pursuant to this section, as well as a vicinity map, which shall identify the distances between the proposed facility and the nearest edge of abutting zoning districts. The application shall also include a copy of the licensing application submitted pursuant to the State of Rhode Island General Laws.
  - b. The marijuana retail facility must not be located within:
    - i. Five hundred (500) feet from the property line of an existing public or private school, (not including higher education facilities), pre-school, or any licensed day-care center, house of worship, park, (as defined in Sec 66-128 of the Town code) playfields and playgrounds (as identified in the 2017 Town Comprehensive Plan Baseline Report – Maps 18, 19 & 20 and Table 50 ).
    - ii. Two thousand (2,000) feet from any other marijuana retail facility .
  - c. The distances specified in the immediately preceding section b. shall be measured by a straight line from the nearest property line of the premises on which the proposed marijuana retail facility is to be located to the nearest property line of any of the other designated uses set forth therein.
    - i. Setbacks for lots adjacent to residential zones or existing non-conforming development – 100 foot setback , 50 feet of which shall be planted with a combination of vegetation to create an evergreen buffer.
    - ii. Setbacks for lots adjacent to other industrial zones, commercial zones or public zones – Unless the zoning board of review authorizes otherwise, all areas associated with a cannabis retail facility not used for structures or off-street parking and loading sidewalks or similar purposes which are not kept in their

natural state shall be landscaped with grass, shrubs, trees and other ground cover so as to minimize erosion and stormwater runoff. Landscaped buffer areas at least ten (10) feet wide shall be provided along all property lines where the cannabis facility abuts a residential zone or use.

- d. Lot width: 200 foot minimum.
- e. Lot Area: 1 acre minimum.
- f. Parking: Five and one-half spaces for every 1,000 square feet of net leasable area. In instances where the applicant cannot meet the parking requirement, the provisions of Section 7.17 shall apply.
- g. Hours of operation for a marijuana retail facility or marijuana cultivation facility shall be limited to 10:00 a.m. to 5:00 p.m. Delivery of product to consumers is prohibited.
- h. The proposed facilities shall submit proof of appropriate security measures in compliance with any and all State regulations to deter and prevent the unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system.
- i. Site plan review and approval shall be required prior to application for the special use permit by the planning board under the provisions of set forth in Section 18 of the Zoning Ordinance. In addition, the planning board shall ensure compliance with the following conditions:
  - i. The requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.
  - ii. The exterior appearance of the structure is consistent with the exterior appearance of existing structures within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.
  - iii. Lighting is provided to illuminate the marijuana retail facility, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front façade, and any adjoining public sidewalk, while providing adequate visual shielding for adjacent properties.
- j. All marijuana retail facilities shall fully comply with all other licensing requirements of the town and the laws of the State of Rhode Island. This may require additional permitting for construction or renovations to comply with fire and life safety inspections prior to opening.

**Section 4:** This ordinance shall take effect upon its final passage, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

First reading, read and passed in the Town Council meeting legally assembled the 7<sup>th</sup> day of August, 2023.

Second reading, read and passed in the Town Council meeting legally assembled the 21 day of August, 2023.

ATTEST:

A handwritten signature in cursive script that reads "Janet Tarro".

Janet Tarro  
Town Clerk