

Chapter 350-VII Special Regulations

§ 58.1 Cannabis

- A. Retail Sales. [Added 7-20-2023, effective 7-20-2023]
1. Definitions. The definitions of all terms used herein shall be as stated in R.I.G.L § 21- 28.11-3, including but not limited to the following:
 - (a) “Adult use cannabis” or “recreational cannabis” means cannabis which may be legally possessed and consumed for non- medical purposes by a person who is at least twenty one (21) years of age.
 - (b) “Cannabis control commission” or “commission” means the Rhode Island Cannabis Control Commission established by R.I.G.L § 21-28.11-4.
 - (c) “Cannabis products” or “marijuana products” means products that have been manufactured and contain cannabis or an extract from cannabis, including concentrated forms of cannabis and products composed of cannabis and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.
 - (d) “Cannabis retailer” means an entity licensed pursuant to R.I.G.L. § 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.
 - (e) “Consumer” means a person who is at least twenty -one (21) years of age, and who is authorized by law to consume or use cannabis.
 2. Permitted zones.

Cannabis retailer sales, as established under “The Rhode Island Cannabis Act,” shall be allowed with the issuance of a Special Use Permit (SUP) by the Zoning Board of Review (ZBR) in accordance with §350-8.F, within the following zoning districts (as outlined in §350. Attachment 1, Table of Use Regulations, Section 8. Retail Business):

Highway Commercial (B2 District)

Industrial (I District)
 3. Conditions for Consideration
 - (a) Minimum qualifications : To qualify for consideration of a Special Use Permit by the Zoning Board for cannabis retail sales , an applicant shall satisfy all qualifications established by the Cannabis Control Commission

and the following conditions:

1. Receipt of a license issued by the Cannabis Control Commission.
2. Evidence that the applicant has site control and the right to use the site for cannabis sales in the form of a valid purchase and sales agreement, a valid lease agreement, a notarized statement from the property owner, or other alternate written authorization.
3. Provide a security plan that details any anticipated burden on Town public safety personal/services from the use of the facility. Said plan shall include all security measures for the site, transportation of cannabis and cannabis products to and from the premises to ensure the safety of the employees and public, and to protect the facility from theft or other criminal activity and be approved by the Gloucester Police Department.
4. Provide an odor and/or odorous emissions control plan that details how the proposed location will prevent or control the occurrence and/or release of odorous emissions. Said plan shall include any proposed emissions controls, including but not limited to filtering techniques, biofilters, chemical filtration and/or other similar technique.
5. Requirements for the filing of an application as outlined in Gloucester Code of Ordinance , “Special Use Permits” Chapter 350-8.F.

(b) Site Conditions

1. Location. Uses granted under this article shall not be located within:
 - (a) Five hundred feet (500’) of a pre-existing public or private school providing education in kindergarten or any grades one through twelve (12) and any preschool registered with the Rhode Island Department of Education.
 - (b) No cannabis retailer shall be located within 2,000 feet from any other cannabis retailer even if in an adjoining community.
 - (c) The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the proposed cannabis retailer is to be located to the nearest boundary line of the residential zoning district or the nearest property line of any of the other designated uses set forth above.
4. Conditions of operations

In addition to the rules promulgated by the Cannabis Control Commission the following operational conditions shall apply:

- (a) Hours of Operation: The proposed cannabis retailer hours of operation shall be limited to the hours of 8:00 a.m. to 8:00 p.m. weekdays and Saturdays and 12:00 p.m. to 6 p.m. Sundays. Actual hours of operation to be determined by the Zoning Board.
- (b) Lighting: Lighting shall adequately illuminate the cannabis retailer, its immediate surrounding area, parking lots, the front facade and any adjoining sidewalks and shall be hooded or oriented to deflect light away from adjacent properties.
- (c) Security: The proposed cannabis retailer shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing cannabis and shall ensure that each location has an operational security alarm system.
- (d) Parking: The proposed cannabis retailer shall comply with the off-street parking requirements and regulations in section §350.35 of this zoning code.
- (e) Signage: The proposed cannabis retail location shall present signage in a size and in a form that is reasonably legible from the retail access point, which clearly prohibits any person who is under twenty-one (21) years of age to be present inside the cannabis retail establishment in compliance with R.I.G.L. § 21-28.11-27.1.
- (f) Site plan. No use permitted under this section shall be established prior to submission and approval by the Zoning Board of a site plan, a building plan, and if required, a boundary line survey by a licensed professional land surveyor or (PLS). The site plan shall depict all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The site plan shall show the distances between the proposed use and the boundary of the nearest residential zoning district and the property line of all other abutting uses.
- (g) The Zoning Board may impose additional operational conditions or further restrict existing minimum conditions a-f above.

5. Findings: In addition to the findings required in §350.8.F. the Zoning Board must also find the following:

- (a) That the requested use at the proposed location will not adversely affect the property values and/or economic welfare of the nearby community/businesses.
- (b) That 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.

- (c) That the exterior appearance of the structure will be consistent with the exterior appearance of structures already constructed or under construction within the immediate neighborhood to prevent blight or deterioration or substantial diminishment or impairment of property values within the neighborhood.

6. Licensing. All uses permitted under this section shall comply fully with all licensing requirements of the Town of Glocester and the laws of the State of Rhode Island.

The existing Chapter 350 -VII Special Regulations § 350-58.1 Personal marijuana cultivation was designated section B and re numbered

B. Personal marijuana cultivation.

[Added 3-16-2017, effective 3-16-2017]

Patient cultivation shall be permitted in all zoning districts in the Town of Glocester. Patient cultivation shall not be allowed unless each of the following criteria has been met:

1. Patient cultivation shall only be allowed at the patient cardholder's primary residence. If the patient cardholder does not own the subject property, the owner(s) of the subject property shall provide written acknowledgment and approval of the proposed use which shall be appropriately notarized prior to review and approval by the Town.
2. The patient cardholder shall apply for the appropriate approvals and inspections by the local Fire Chief. The Fire Chief shall approve the application for permits pursuant to R.I.G.L. § 23-28.1 et seq. All permits applied for in furtherance of the Act shall be sealed and kept confidential by the local Fire Chief and not subject to review by any party other than the cardholder.
3. The patient cardholder shall apply for a zoning certificate, and the patient cardholder or a licensed contractor shall apply for all appropriate zoning, building, electrical, mechanical and plumbing permits as required by the Rhode Island State Building Code. The Building Official shall approve the application for permits pursuant to R.I.G.L. § 23-27.3. All permits applied for in furtherance of the Act shall be sealed and kept confidential by the Building Official and not subject to review by any party other than the cardholder.
4. In addition to the requirements above, the patient cardholder shall demonstrate to the Building Official that the following requirements have been met:
 - (a) That the area used for growing be secured by locked doors;

- (b) That the area used for growing has two means of egress;
 - (c) That the area used for growing shall not be within 10 feet of a heating or other ignition source such as an electric, propane, natural gas or oil-fired furnace or heater or as required per manufacturer specifications of such source;
 - (d) That the area used for growing shall have proper ventilation to mitigate the risk of mold;
 - (e) That the area used for growing shall have carbon filters installed to reduce odors;
 - (f) That smoke alarms/detectors are installed in accordance with State Fire Code and/or to the satisfaction of the Fire Chief.
5. Zoning certificates, Fire Chief inspection and/or review, or building/trade permits are not required for patient cardholders cultivating marijuana by natural means that do not make modifications to existing electrical, mechanical or plumbing services in their place of primary residence.
6. Possession limits. Patient cultivation possession limits shall be as follows unless otherwise stated in the Rhode Island General Laws:

Possessor	Mature Plants	Immature Plants (Seedlings) And Unusable Marijuana	Usable Marijuana
Patient Cardholder	12 plants	12 plants	1.5 ounces