

ORDINANCE NO. 17-07

AN ORDINANCE IN AMENDMENT OF CHAPTER 21 OF THE CODE OF ORDINANCES, TOWN OF NORTH KINGSTOWN, ENTITLED, "ZONING"

Note: Words set as ~~strikeover~~ are to be deleted from the ordinance; all underlined text is to be added to the ordinance.

The Town Council of the Town of North Kingstown hereby ordains:

SECTION 1. That Article I, Purposes and Administration Section 21-22 of the Code of Ordinances, Town of North Kingstown, entitled, "Definitions" is hereby amended to include the following:

Cardholder: means a person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter and possesses a valid registry identification card or license.

Caregiver Cultivation: means marijuana cultivation for medical use only by a single registered caregiver cardholder, as defined in RIGL 21-28.6

Compassion Center: means a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser.

Compassion Center Cardholder: means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the department of health or the department of business regulation and has been issued and possesses a valid, registry identification card.

Licensed Cultivator: means a person, as identified in § 43-3-6, who has been licensed by the department of business regulation to cultivate marijuana pursuant to § 21-28.6-16.

Marijuana: has the meaning given that term in § 21-28-1.02(26).

Marijuana Store: Any retail establishment at which the sale or use of marijuana, medical or otherwise, takes place. This shall not include a compassion center regulated and licensed by the State of Rhode Island, as defined herein.

Medical Marijuana Cultivation Center: Any entity that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, or supply medical marijuana, to a registered compassion center, or other entity authorized to dispense medical marijuana.

Non-Residential Cooperative Cultivation: A use of land located in a nonresidential zone, or of a building, or a portion thereof, located in a nonresidential zone, by two or more cardholders who cooperatively cultivate medical marijuana, as defined in R.I.G.L. § 21-28.6.

Residential Cooperative Cultivation: means two or more cardholders who cooperatively cultivate medical marijuana in residential locations subject to restrictions set forth in RIGL S-21-28.6.

Patient Marijuana Cultivation Medical Marijuana cultivation by a single registered cardholder, as defined in R.I.G.L. § 21-28.6, within his or her residential dwelling for medical use only. This use shall only be permitted as an accessory use to a lawfully permitted residential use. In a mixed-use building that contains residential and nonresidential uses, this use shall be contained within the residential dwelling unit only.

Primary Caregiver: means a natural person who is at least twenty-one (21) years old. A primary caregiver may assist no more than five (5) qualifying patients with their medical use of marijuana.

Plant Agriculture The growing of plants for food or fiber, to sell or consume.

SECTION 2. That Article III of the Code of Ordinances, Town of North Kingstown, entitled, “Land Use Table” is hereby amended to read as follows:

Abbreviations:

Y = Yes, use is permitted

N = No, use is prohibited

S = Special use permit is required for use

A = Use is an accessory use

Uses	RR/R80	PP	NR/R40	VR/R20	MFP	PV	VLD	R	LDR	NB	WB	GB	HB	PB	IO	WVC	PR	WJ	GIL	WI	OS	PL	Dev. Standards	
Agricultural																								
10. <u>Medical Marijuana</u>																								
(a) <u>Nonresidential Cooperative Cultivation</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	Y
(b) <u>Medical Marijuana cultivation center</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	Y
Retail																								
12. <u>Marijuana Store (Retail)</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

SECTION 3. That Article XII: Miscellaneous Provisions Section 21-325 of the Code of Ordinances, Town of North Kingstown, entitled, “Development standards for certain uses” is hereby amended to include the following:

24. Medical marijuana cultivation center

- a) The use of butane, propane or other compressed flammable gasses used for the purposes of marijuana extraction shall be strictly prohibited in all districts.
- b) The location of the cultivation center shall meet the requirements of the Rhode Island General Laws and regulations. The cultivation center shall not be located within 1000 feet of any property line of an existing public or private school.
- c) Any structure that is used for cultivation of medical marijuana shall not be located within 400’ of an existing residential structure.
- d) Lighting shall adequately illuminate the cultivation center, its immediate surrounding area, any accessory uses, including storage areas, the parking lots, the medical marijuana cultivation center’s front façade, and any adjoining public sidewalk or walkway.
- e) The proposed medical marijuana cultivation center shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security alarm center. Security shall meet the requirements of the Rhode Island General Laws and regulations. Proof shall be submitted to the Planning Department at application.
- f) Medical marijuana cultivation centers shall comply with the parking and loading requirements of the North Kingstown Zoning Ordinance.
- g) If the applicant is not the owner of the subject property, the owners of the subject property shall provide written acknowledgement and approval of the proposed use, which shall be appropriately notarized prior to review and approval by the town.
- h) The applicant shall provide confirmation that the fire chief, police chief, and building official have received notice of intent to operate a medical marijuana cultivation center at the subject property.

25. Nonresidential cooperative cultivation

- a) The use of butane, propane or other compressed flammable gasses used for the purposes of marijuana extraction shall be strictly prohibited in all districts.
- b) The location of the nonresidential cooperative shall not be located within 1000 feet of any property line of an existing public or private school.
- c) Any structure that is used for nonresidential cooperative cultivation of marijuana shall not be located within 400’ of an existing residential structure.
- d) Lighting shall adequately illuminate the nonresidential cooperative cultivation center, its immediate surrounding area, any accessory uses, including storage areas, the parking lots, the medical marijuana cultivation center’s front façade, and any adjoining public sidewalk or walkway.
- e) The proposed nonresidential cooperative cultivation center shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security alarm center. Security shall meet the requirements of the Rhode Island General Laws and regulations. Proof shall be submitted to the Planning Department at application.
- f) Nonresidential cooperative cultivation shall comply with the parking and loading requirements of the North Kingstown Zoning Ordinance.
- g) If the applicant is not the owner of the subject property, the owners of the subject property shall provide written acknowledgement and approval of the proposed use, which shall be appropriately notarized prior to review and approval by the town.

- h) The applicant shall provide confirmation that the fire chief, police chief, and building official have received notice of intent to operate a nonresidential cooperative cultivation at the subject property.

SECTION 4. This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

First Read at the Town Council Meeting of March 13, 2017 and referred to the Town Council Meeting of April 17, 2017 for Second Reading and Consideration of Adoption.

Adopted at the Regular Town Council Meeting of April 17, 2017.

Jeannette Alyward
Town Clerk