

## TOWN OF SMITHFIELD, RHODE ISLAND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Smithfield Town Council will hold a Public Hearing at the Smithfield Town Hall, 64 Farnum Pike, Smithfield, RI on **Tuesday, September 17, 2019 at 7:00 PM.** The purpose of the Public Hearing is to consider and act upon proposed amendments to the following Articles and Sections of the Smithfield Zoning Ordinance.

Summary: The proposed zoning ordinance amendments involve the repeal of existing Sections 4.3 (L) of the Table of Uses entitled “Medical Marijuana” and 4.4 L entitled “ Medical Marijuana” of the Smithfield Zoning Ordinance and replacement thereof with new provisions that would regulate the cultivation and distribution of medical marijuana and medical marijuana products in a manner that is consistent with the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, as amended.

Specific provisions to be added include the following: Section 4.3 Table of Uses, “L. MEDICAL MARIJUANA” with the following use categories: 1. Patient Cultivation; 2. Caregiver Cultivation; 3. Residential Cooperative Cultivation; 4. Non-Residential Cooperative Cultivation; 5. Licensed Cultivator; 6. Compassion Center; 7. Medical Marijuana Emporium; and 8. Licensed Manufacturer and Section 4.4.L Medical Marijuana with the following sub-sections: A. Definitions.; B. Purpose.; C. General Prohibition.; D. Possession Limits.; E. Special Use Standards.; and F. Severability.

At said Hearing opportunity will be given to all interested persons to be heard upon the proposed amendments. The proposals shown thereon may be altered or amended prior to the close of the Public Hearing, without further advertising, as a result of further study or because of the views expressed at the Public Hearing. Any alteration or amendment must be presented for comment in the course of the Hearing.

A complete copy of the proposed amendments are available for inspection or copying at the Smithfield Planning Office, Town Hall, 64 Farnum Pike, Smithfield, Rhode Island during regular business hours (8:30 AM – 4:30 PM, Monday – Friday) and may be viewed on the Town website, [www.smithfieldri.com](http://www.smithfieldri.com). Interested persons requiring special accommodations or assistance are requested to notify the Town Manager's Office (401-233-1010) 48 hours in advance of the meeting.

BY ORDER OF THE TOWN COUNCIL.  
Suzanna L. Alba, President

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Please publish as a display ad in the August 29<sup>th</sup> , September 5<sup>th</sup> and 12<sup>th</sup> editions of The Breeze using type size at least as large as the normal type size used in news articles.

**AN ORDINANCE AMENDING SECTION 4.3 AND 4.4 L OF THE TOWN OF SMITHFIELD ZONING ORDINANCE ENTITLED “USE REGULATIONS” AND “MEDICAL MARIJUANA”**

**IT IS HEREBY ORDAINED BY THE TOWN OF SMITHFIELD AS FOLLOWS:**

Section 1. Sections 4.3 (L) and Sections 4.4 (L) of the Town of Smithfield Zoning Ordinance are hereby repealed in their entirety and replaced with the following sections:

**4.3 TABLE OF USES**

P=Permitted by RIGHT, S=Use Permitted by SPECIAL USE PERMIT, N= Use Not Permitted

Zoning	ZONING DISTRICTS														
	R-200	R-80	R-Med	R-20	R-20M	MU	V	C	HC	LI	I	PC	PD	PCD-B	
<b>L. MEDICAL MARIJUANA</b>															
1. Patient Cultivation	P	P	P	P	P	N	N	N	N	N	N	N	P		
2. Caregiver Cultivation[m1]	P	P	P	P	P	N	N	N	N	N	N	N	P		
3. Residential Cooperative Cultivation[m2]	P	P	P	P	P	N	N	N	N	N	N	N	P		
4. Non-Residential Cooperative Cultivation	N	N	N	N	N	N	N	N	N	N	S	N	N	N	
5. Licensed Cultivator	N	N	N	N	N	N	N	N	N	N	S	N	N	N	
6. Compassion Center	N	N	N	N	N	N	N	N	N	N	S	N	N	N	
7. Medical Marijuana Emporium	N	N	N	N	N	N	N	N	N	N	S	N	N	N	
8. Licensed Manufacturer	N	N	N	N	N	N	N	N	N	N	S	N	N	N	

Section 2. Section 4.4.L. of the Smithfield Zoning is hereby repealed in its entirety and replaced with the following section:

**4.4. L. MEDICAL MARIJUANA**

For purposes of this Section :

A. Definitions.

- (1) “CARDHOLDER” means a natural person who has been registered or licensed with the Department of Health or the Department of Business Regulation pursuant to Chapter 21-28.6 of the Rhode Island General Laws and possesses a valid registry identification card or license.
- (2) “CAREGIVER CULTIVATION” means marijuana cultivation for medical use only by a

single registered caregiver cardholder, as defined in RIGL Chapter 21-28.6.

- (3) “COMPASSION CENTER” means a not-for-profit corporation subject to the provisions of RIGL Chapter 7-6, and registered under RIGL § 21-28.6-12 that acquires, possesses, , delivers, transfers, transports, supplies or dispenses marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser pursuant to regulations promulgated by the Department of Business Regulation.
- (4) “COMPASSION CENTER CARDHOLDER” means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the Department of Business Regulation and has been issued and possesses a valid registry identification card.
- (5) “LICENSED CULTIVATOR” means a person, or entity as identified in RIGL § 43-3-6, who has been licensed by the Department of Business Regulation to cultivate marijuana pursuant to RIGL § 21-28.6-16.
- (6) “LICENSED MANUFACTURER “ means a person, or entity as identified in RIGL § 43-3-6, who has been licensed by the Department of Business Regulation to manufacture and/or process marijuana products pursuant to RIGL § 21-28.6-16.
- (7) “MEDICALMARIJUANA EMPORIUM” means any establishment, or club, whether for-profit or any commercial unit or other premises as further defined through regulations promulgated by the Department of Business Regulation at which the sale, distribution, transfer or use of medical marijuana, medical marijuana products is proposed and/or occurs to, by or among registered patients, registered caregivers, authorized purchaser cardholder or other persons as further defined through regulations promulgated by the Department of Business Regulation. This shall not include a Compassion Center regulated and licensed by the State of Rhode Island, as defined herein.
- (8) “NON-RESIDENTIAL COOPERATIVE CULTIVATION” means two or more cardholders who cooperatively cultivate marijuana in a non-residential zoning district subject to the restrictions set forth in RIGL § 21-28.6-14.
- (9) “PATIENT CULTIVATION” means marijuana cultivation by a single registered patient cardholder for medical use only, as defined in RIGL Chapter 21-28.6-3.
- (9) “RESIDENTIAL COOPERATIVE CULTIVATION” -- means two or more cardholders who cooperatively cultivate marijuana in a residential zoning district subject to the restrictions set forth in RIGL § 21-28.6-14.

B. Purpose. It is the intent of this section to regulate the cultivation and distribution of medical marijuana as permitted by the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act (See RIGL 21-28.6-1 et seq.)

C. General Prohibition. In order to protect the public health, safety, and welfare, all growing or cultivation of marijuana is prohibited within the boundaries of the Town of Smithfield unless specifically authorized by this section and the provisions 4.3L of the Smithfield Zoning Ordinance.

D. Possession Limits. Medical marijuana possession limits shall be in accordance with R.I.G.L. Chapter 21-28.6-4.

E. Special Use Standards. The following special use standards shall be applicable to all non-residential cooperative cultivation, licensed manufacturer, licensed cultivator, and medical marijuana emporiums applications and are specified as follows:

1. The application for a special use permit shall provide the legal name and address of the operation, a copy of the articles of incorporation, if any, and the name, address, and date of birth of each principal officer and board member, if any.
2. The requested special use permit at the proposed location will not adversely affect the use of any property used for a school, public or private park, playground, play field, youth center, licensed day-care center, or any other location where groups of minors regularly congregate.
3. The requested special use permit at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.
4. The exterior appearance of the structure must be compatible with the exterior appearance of existing structures within the immediate neighborhood.
5. All uses listed in this section must not be located within:
  - a. Two Hundred (200) feet from adjacent residential zoning districts in all Light Industrial (LI), Industrial (I) , and Planned Corporate Bio Pharmaceutical (PCDB) Zoning Districts; and
  - b. One thousand (1,000) feet from the nearest school in all zoning districts.
6. The distances specified in the immediately preceding Section 5 shall be measured by a straight line from the nearest property line of the premises on which the proposed, licensed cultivator, non-residential cooperative cultivation, licensed manufacturer or medical marijuana emporium use is to be located to the nearest boundary line of a residential district or to the nearest property line of any of the other designated uses set forth therein.
7. Appropriate lighting shall be a condition in the approval of any special use permit such that will illuminate the property in order to provide proper security. In addition, all special use applicants shall implement 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 system.
8. The above listed uses shall fully comply with all licensing requirements established in the Smithfield Code of Ordinances and Rhode Island General Laws.

F. Severability. If any provision of this section or any rule, regulation, or determination made under this Section, or the application to any person, agency or circumstance, is held invalid by a court of competent jurisdiction , the remainder of this section , rule, regulation, or determination and the application of the provisions to other persons , agencies or circumstances shall not be affected thereby. The invalidity of any provision of this section shall not affect the validity of the remaining provisions.

Section 2. These Ordinance Amendments shall take effect Thirty (30) days after their adoption by the Smithfield Town Council.

APPROVED AS TO FORM AND LEGALITY:

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TOWN SOLICITOR

ADOPTED: \_\_\_\_\_

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TOWN COUNCIL PRESIDENT

\_\_\_\_\_  
TOWN CLERK