



CHAPTER 2024-46

No. 388 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED NOVEMBER 24, 2014, AS AMENDED, SHALL BE TO CHANGE ARTICLES 12 AND 14 RELATING TO COMPASSION CENTERS

EFFECTIVE October 13, 2024

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, entitled “The City of Providence Zoning Ordinance” approved November 24, 2014, as amended, is hereby further amended as follows:

Table 12-1 USE MATRIX

Use	R-1A	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	P-S	O-S	C-D	Use Standard	
Cannabis Retailer								S	P	P			P	P								Sec. 1202.JJ
Social Equity/Workers' Cooperative Licensed Cannabis Retailer								P	P	P			P	P								Sec. 1202.KK
Compassion-Center/Cultivation-Center Hybrid Cannabis Retailer/Cannabis Cultivator									S				P									Sec. 1202.EE

1202 PRINCIPAL USE STANDARDS

EE. ~~Compassion-Center/Cultivation-Center~~ [Hybrid Cannabis Retailer/Cannabis Cultivator](#)

1. No more than the square footage for which the applicant is licensed shall be permitted for the use. The Zoning Board of Review may, in its discretion, limit the use to less square footage than that for which the applicant is licensed.
2. Any square footage in the property not devoted to the use must be segregated from the facility by a wall or similar structure.
3. The applicant must submit evidence of the following:
 - a) That it has obtained a license or registration to cultivate, acquire and/or dispense in the State of Rhode Island, subject to zoning approval and final inspection of the property by the licensing/registering entity.
 - b) All measures undertaken to contain noise and odors shall demonstrate that it has taken all reasonable measures to contain noise and odors.
 - c) The security plan(s) for the property and the facility.
 - d) Staffing numbers for all hours of each day.
 - e) The number of vehicles that will access the facility on a daily or weekly basis.
4. A ~~Compassion-Center or Cultivation-Center~~ [Hybrid Cannabis Retailer/Cannabis Cultivator](#) may not be located within ¾ mile from the property line of another ~~Compassion-Center or Cultivation-Center~~ [Hybrid Cannabis Retailer/Cannabis Cultivator](#).
5. A ~~Compassion-Center or Cultivation-Center~~ [Hybrid Cannabis Retailer/Cannabis Cultivator](#) may not be located within 1,000 feet from the property line of a preexisting public or private school.
6. Setbacks under this section shall be measured from the nearest property line of the ~~Compassion-Center or Cultivation-Center~~ [Hybrid Cannabis Retailer/Cannabis Cultivator](#) using a direct line to the nearest property line of the school, other ~~Compassion-Center or Cultivation-Center~~ [Hybrid Cannabis Retailer/Cannabis Cultivator](#).

7. All Hybrid Cannabis Retailer/Cannabis Cultivators operating within the City of Providence shall be required to prominently display signage outlining city and state cannabis consumption laws, in compliance with all regulations put forth by the Rhode Island Cannabis Control Commission. This signage must be visible at all customer entry points and within all sales areas. The signage shall include, but not be limited to, the prohibition of smoking or vaporizing cannabis in public spaces such as parks, sidewalks, and other areas where smoking is prohibited, in accordance with the Rhode Island Cannabis Act, the Public Health and Workplace Safety Act, and all applicable city ordinances. Failure to comply with this requirement shall be punishable by a fine of up to \$100 for the first offense. If the establishment remains non-compliant, each subsequent violation shall be punishable by a fine of \$250 per offense.
- 6-8. Prior to the issuance of a permit for a Hybrid Cannabis Retailer/Cannabis Cultivator, the applicant shall submit notice to the City Clerk that such a facility is proposed at a particular location. The City Clerk shall send such notice to the council person of the ward in which the facility is proposed. The applicant shall simultaneously send such notice by first-class mail to owners of real property within 200 feet of the subject property and shall send to the City Clerk an affidavit that such notice has been mailed. A permit to establish the use shall not be issued for at least two weeks following the submission and mailing of such notice.

JJ. Cannabis Retailer

1. No more than the square footage for which the applicant is licensed shall be permitted for the use. The Zoning Board of Review may, in its discretion, limit the use to less square footage than that for which the applicant is licensed.
2. Any square footage in the property not devoted to the use must be segregated from the facility by a wall or similar structure.
3. The applicant must submit evidence of the following:
 - a) That it has obtained a license or registration to cultivate, acquire and/or dispense in the State of Rhode Island, subject to zoning approval and final inspection of the property by the licensing/registering entity.
 - b) All measures undertaken to contain noise and odors shall demonstrate that it has taken all reasonable measures to contain noise and odors.
 - c) The security plan(s) for the property and the facility.
 - d) Staffing numbers for all hours of each day.
4. A Cannabis Retailer may not be located within 500 feet from the property line of a preexisting public or private school.
5. Setbacks under this section shall be measured from the nearest property line of the Cannabis Retailer using a direct line to the nearest property line of the school, other Cannabis Retailer.
6. All Cannabis Retailers operating within the City of Providence shall be required to prominently display signage outlining city and state cannabis consumption laws, in compliance with all regulations put forth by the Rhode Island Cannabis Control Commission. This signage must be visible at all customer entry points and within all sales areas. The signage shall include, but not be limited to, the prohibition of smoking or vaporizing cannabis in public spaces such as parks, sidewalks, and other areas where smoking is prohibited, in accordance with the Rhode Island Cannabis Act, the Public Health and Workplace Safety Act, and all applicable city ordinances. Failure to comply with this requirement shall be punishable by a fine of up to \$100 for the first offense. If the establishment remains non-compliant, each subsequent violation shall be punishable by a fine of \$250 per offense.
7. Prior to the issuance of a permit for a Cannabis Retailer, the applicant shall submit notice to the City Clerk that such a facility is proposed at a particular location. The City Clerk shall send such notice to the council person of the ward in which the facility is proposed. The applicant shall simultaneously send such notice by first-class mail to owners of real property within 200 feet of the subject property and shall send to the City Clerk an affidavit that such notice has been mailed. A permit to establish the use shall not be issued for at least two weeks following the submission and mailing of such notice.

KK. Social Equity/Workers' Cooperative Licensed Cannabis Retailer

1. No more than the square footage for which the applicant is licensed shall be permitted for the use. The Zoning Board of Review may, in its discretion, limit the use to less square footage than that for which the applicant is licensed.
2. Any square footage in the property not devoted to the use must be segregated from the facility by a wall or similar structure.
3. The applicant must submit evidence of the following:
 - a) That it has obtained a license or registration to cultivate, acquire and/or dispense in the State of Rhode Island, subject to zoning approval and final inspection of the property by the licensing/registering entity.
 - b) That it has been recognized and licensed as a Social Equity applicant or a Workers' Cooperative pursuant to R.I. Gen. Laws § 21-28.11-3(42) and R.I. Gen. Laws § 21-28.11-3(39) chapter 28.11 of title 21 of the General Laws.

- c) All measures undertaken to contain noise and odors shall demonstrate that it has taken all reasonable measures to contain noise and odors.
 - d) The security plan(s) for the property and the facility.
 - e) Staffing numbers for all hours of each day.
4. A Social Equity/Workers' Cooperative Cannabis Retailer may not be located within 500 feet from the property line of a preexisting public or private school.
 5. Setbacks under this section shall be measured from the nearest property line of the Cannabis Retailer using a direct line to the nearest property line of the school, other Cannabis Retailer.
 6. All Social Equity/Worker's Cooperative Licensed Cannabis Retailers operating within the City of Providence shall be required to prominently display signage outlining city and state cannabis consumption laws, in compliance with all regulations put forth by the Rhode Island Cannabis Control Commission. This signage must be visible at all customer entry points and within all sales areas. The signage shall include, but not be limited to, the prohibition of smoking or vaporizing cannabis in public spaces such as parks, sidewalks, and other areas where smoking is prohibited, in accordance with the Rhode Island Cannabis Act, the Public Health and Workplace Safety Act, and all applicable city ordinances. Failure to comply with this requirement shall be punishable by a fine of up to \$100 for the first offense. If the establishment remains non-compliant, each subsequent violation shall be punishable by a fine of \$250 per offense.
 - 5.7. Prior to the issuance of a permit for a Social Equity/Workers' Cooperative Licensed Cannabis Retailer, the applicant shall submit notice to the City Clerk that such a facility is proposed at a particular location. The City Clerk shall send such notice to the council person of the ward in which the facility is proposed. The applicant shall simultaneously send such notice by first-class mail to owners of real property within 200 feet of the subject property and shall send to the City Clerk an affidavit that such notice has been mailed. A permit to establish the use shall not be issued for at least two weeks following the submission and mailing of such notice.

1204 USE DEFINITIONS

~~**Compassion Center/Cultivation Center.** A facility operated by an organization or business that is registered/licensed in the state to acquire and dispense medical cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients and/or registered/licensed by the state to perform the necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.~~

Cannabis Establishment. or "marijuana establishment" means a cannabis cultivator, independent testing laboratory, cannabis product manufacturer, cannabis retailer, hybrid cannabis retailer or any other type of state registered/licensed cannabis-related business.

Cannabis Cultivator. marijuana cultivator" means an entity state registered/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 Retailer. or "marijuana retailer" means an entity state registered/licensed pursuant ~~to § 21-28-28.11-10.2~~ chapter 28.11 of title 21 of the General Laws 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.

Hybrid Cannabis Retailer. or "hybrid compassion center" means a compassion center licensed by the state pursuant to chapter 28.6 of title 21 of the general laws 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 pursuant to chapter 28.11 of title 21 of the General Laws.

Social Equity/Workers' Cooperative Licensed Cannabis Retailer. Means a cannabis retailer that is a state registered and licensed Social Equity applicant or a Workers' Cooperative as defined and pursuant to ~~R.I. Gen. Laws § 21-28.11-3(42) and R.I. Gen. Laws § 21-28.11-3(39)~~ chapter 28.11 of title 21 of the General Laws.

1402 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES

USE	MINIMUM REQUIRED VEHICLE SPACES	REQUIRED TOTAL BICYCLE SPACES	PERCENTAGE OF REQUIRED BICYCLE SPACES THAT SHALL BE LONG-TERM SPACES
Compassion Center Hybrid Cannabis Retailer/Cannabis Cultivator	1 per 500sf GFA	Over 10,000sf GFA: 1 per 2,500sf GFA	
Cannabis Retailer and Social Equity/Workers' Cooperative Licensed Cannabis Retailer	<u>1 per 1000 sq ft</u>	<u>Over 10,000sf GFA:</u> <u>1 per 2,500sf GFA</u>	

IN CITY COUNCIL
 SEP 19 2024
 FIRST READING
 READ AND PASSED
Tina L. Mastroianni
 CLERK

IN CITY COUNCIL
 OCT 03 2024
 FINAL READING
 READ AND PASSED.
Rachel M. Miller
 RACHEL M. MILLER, PRESIDENT.
Tina L. Mastroianni
 CLERK

Effective without the Mayor's Signature
Tina L. Mastroianni
 Tina L. Mastroianni
 City Clerk



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

May 23, 2024

Councilman Pedro Espinal
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, City Clerk

Re: Referral 3582 – Petition to amend the Zoning Ordinance’s definition and use standards for cannabis retailer and cannabis cultivator
Proponents: Council President Rachel Miller and Majority Whip Miguel Sanchez

Dear Chairman Espinal,

The proponent, Councilman Miguel Sanchez, appeared before the City Plan Commission (CPC) on May 21, 2024, proposing to amend the Zoning Ordinance’s regulations pertaining to cannabis establishments. Currently, the ordinance allows for Compassion and Cultivation Centers in the M-1 zone by right and the C-3 zone by special use permit. Retail sales only are not currently permitted in any zone.

FINDINGS OF FACT

The Rhode Island Cannabis Act, which passed in 2022, allows for four retail-only cannabis establishments to be licensed in an area of the state that includes Johnston, Lincoln, North Providence, Central Falls, and Providence. The subject ordinance would implement the act by creating new uses of “Cannabis Retailer” and “Social Equity/Workers’ Cooperative Licensed Cannabis Retailer.” Cannabis Retailer would be permitted in the C-2 zone by special use permit, and in the C-3, D-1, and M-1 zones by right. Social Equity/Workers’ Cooperative Licensed Cannabis Retailer would be permitted in the C-2, C-3, D-1, and M-1 zones by right. These uses would be prohibited within 500 feet of a pre-existing public or private school serving grades K-12.

The proposed ordinance also would change the name of the use “Compassion Center or Cultivation Center” to “Hybrid Cannabis Retailer/Cannabis Cultivator,” in keeping with new terms introduced in the act. No regulations for this use would change.

A map prepared by the Department of Planning and Development (DPD) showed where retail uses would be allowed using a 500 foot buffer from schools. The C-1 zone was included since the

DEPARTMENT OF PLANNING & DEVELOPMENT

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proposed comprehensive plan would combine C-1 and C-2 zones.

Based on their review of the amendment and discussion at the meeting, it is the CPC's opinion that the 500 foot distance is not very much and recommended that the City explore whether state law would permit increasing that distance to 1,000 feet. As the amendments are required to conform to state law, it is the CPC's opinion that the amendment should be reviewed and proofread by the legal department for applicability to state law. Given the combination of the C-1 and C-2 zones, it is the CPC's opinion that the Council should explore the applicability of requiring special use permits in certain areas.

RECOMMENDATION

On a motion by Commissioner Sherry, seconded by Commissioner Lipschitz, the CPC voted to recommend that the City Council approve the amendment subject to the following conditions:

1. The Council should consider increasing the separation distance from schools to 1,000 feet from 500 feet based on conformance with state law.
2. The amendment should be reviewed and proofread by the legal department for conformance with state law.
3. The Council should explore the applicability of requiring special use permits for cannabis establishments in certain commercial areas.

The CPC voted as follows:

AYE: W. Sherry, C. Lipschitz, D. Caldwell, N. Sanchez, M. Gazdacko

Sincerely,



Choyon Manjrekar
Administrative Officer