



E-MAILED
12/29/20

OFFICE OF THE CITY SOLICITOR
MEMORANDUM

TO: Jeanne-Marie Napolitano, Mayor and Members of the
Newport City Council

CC: Joseph J. Nicholson, Jr., Esq., City Manager
Girard Galvin, Esq., Assistant City Solicitor
Patricia Reynolds, Director of Planning and Development
Peter Friedrichs, City Planner

FROM: Christopher J. Behan, Esq., City Solicitor *CJB*

DATE: December 28, 2020

RE: Zoning Amendment – Marijuana Retail Facility

As discussed at the December 9, 2020 Council meeting at which time the above ordinance was passed on first reading, I am attaching a copy of the ordinance with proposed further revisions tracked thereon and also a clean copy of the same with the further revisions.

There had been discussions about incorporating a six month sunset provision to its passage.

Please let me know if you have any questions. I would like to get this amended version to the City Clerk to be included in the docket.

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. _____

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.52 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Limited Business District**," is hereby further amended as follows:

Section 17.52.020 - Use Regulations.

A. The following uses are permitted by right:

DELETE:

~~11. Stores where goods are sold or service is rendered primarily at retail;~~

ADD IN LIEU THEREOF THE FOLLOWING:

11. Stores where goods are sold or service is rendered primarily at retail but not including a marijuana retail facility.

~~SECTION 2. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.~~

SECTION 2. This ordinance shall take effect upon its passage and remain in effect until July 15, 2021 at which time the language "but not including a marijuana retail facility" shall be repealed and the remaining language of this ordinance shall remain in full force and effect.

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. _____

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.52 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Limited Business District**," is hereby further amended as follows:

Section 17.52.020 - Use Regulations.

A. The following uses are permitted by right:

DELETE:

~~11. Stores where goods are sold or service is rendered primarily at retail;~~

ADD IN LIEU THEREOF THE FOLLOWING:

11. Stores where goods are sold or service is rendered primarily at retail but not including a marijuana retail facility.

SECTION 2. This ordinance shall take effect upon its passage and remain in effect until July 15, 2021 at which time the language "but not including a marijuana retail facility" shall be repealed and the remaining language of this ordinance shall remain in full force and effect.

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. _____

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.56 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Waterfront Business District**," is hereby further amended as follows:

Section 17.56.020 - Use Regulations.

A. The following uses are permitted by right:

DELETE:

~~10. Stores where goods are sold or service, is rendered primarily at retail;~~

ADD IN LIEU THEREOF THE FOLLOWING:

10. Stores where goods are sold or service is rendered primarily at retail but not including a marijuana retail facility.

~~SECTION 2. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.~~

SECTION 2. This ordinance shall take effect upon its passage and remain in effect until July 15, 2021 at which time the language "but not including a marijuana retail facility" shall be repealed and the remaining language of this ordinance shall remain in full force and effect.

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. _____

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.56 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Waterfront Business District**," is hereby further amended as follows:

Section 17.56.020 - Use Regulations.

A. The following uses are permitted by right:

DELETE:

~~10. Stores where goods are sold or service, is rendered primarily at retail;~~

ADD IN LIEU THEREOF THE FOLLOWING:

10. Stores where goods are sold or service is rendered primarily at retail but not including a marijuana retail facility.

SECTION 2. This ordinance shall take effect upon its passage and remain in effect until July 15, 2021 at which time the language "but not including a marijuana retail facility" shall be repealed and the remaining language of this ordinance shall remain in full force and effect.

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. _____

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.60 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**General Business District**," is hereby further amended as follows:

Section 17.60.020 - Use Regulations.

A. The following uses are permitted by right:

DELETE:

~~14. Stores where goods are sold or service is rendered primarily at retail;~~

ADD IN LIEU THEREOF THE FOLLOWING:

14. Stores where goods are sold or service is rendered primarily at retail but not including a marijuana retail facility.

~~SECTION 2. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.~~

SECTION 2. This ordinance shall take effect upon its passage and remain in effect until July 15, 2021 at which time the language "but not including a marijuana retail facility" shall be repealed and the remaining language of this ordinance shall remain in full force and effect.

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. _____

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.60 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**General Business District**," is hereby further amended as follows:

Section 17.60.020 - Use Regulations.

A. The following uses are permitted by right:

DELETE:

~~14. Stores where goods are sold or service is rendered primarily at retail;~~

ADD IN LIEU THEREOF THE FOLLOWING:

14. Stores where goods are sold or service is rendered primarily at retail but not including a marijuana retail facility.

SECTION 2. This ordinance shall take effect upon its passage and remain in effect until July 15, 2021 at which time the language "but not including a marijuana retail facility" shall be repealed and the remaining language of this ordinance shall remain in full force and effect.

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. _____

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.64 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Commercial Industrial District**," is hereby further amended as follows:

Section 17.64.020 - Use Regulations.

A. The following uses are permitted by right:

DELETE:

~~11. Stores where goods are sold or service is rendered primarily at retail;~~

ADD IN LIEU THEREOF THE FOLLOWING:

11. Stores where goods are sold or service is rendered primarily at retail but not including a marijuana retail facility.

~~SECTION 2. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.~~

SECTION 2. This ordinance shall take effect upon its passage and remain in effect until July 15, 2021 at which time the language "but not including a marijuana retail facility" shall be repealed and the remaining language of this ordinance shall remain in full force and effect.

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk

CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO. _____

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Chapter 17.64 of the Codified Ordinances of the City of Newport, RI, revision of 1994, as amended, entitled, "**Commercial Industrial District**," is hereby further amended as follows:

Section 17.64.020 - Use Regulations.

A. The following uses are permitted by right:

DELETE:

~~11. Stores where goods are sold or service is rendered primarily at retail;~~

ADD IN LIEU THEREOF THE FOLLOWING:

11. Stores where goods are sold or service is rendered primarily at retail but not including a marijuana retail facility.

SECTION 2. This ordinance shall take effect upon its passage and remain in effect until July 15, 2021 at which time the language "but not including a marijuana retail facility" shall be repealed and the remaining language of this ordinance shall remain in full force and effect.

IN COUNCIL
READ AND PASSED

Laura C. Swistak
City Clerk