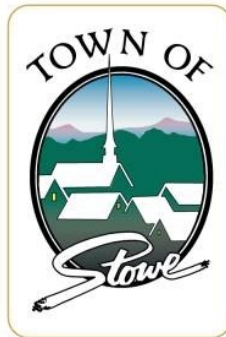


TOWN OF STOWE

INTERIM BYLAWS FOR CANNABIS ESTABLISHMENTS

Adopted & Effective October 24, 2022



- I. PURPOSE.** The purpose of these bylaws is to provide for the placement of cannabis establishments in suitable locations. Restrictions on the location and operation of such facilities are necessary to protect residential neighborhoods, civic and educational institutions, and public gathering places from any adverse secondary impacts associated with cannabis establishments and to ensure that such uses operate in a safe manner.
- II. ENACTMENT AND AUTHORITY.** The Town of Stowe has adopted these Interim Bylaws in accordance with and as authorized by the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, §4415, Interim Bylaws.
- III. DURATION.** These Interim Bylaws will be in effect for a period of two (2) years from the date of their adoption unless they are extended, as authorized by 24 V.S.A. § 4415, or replaced by amendments to the Town of Stowe Zoning Regulations.
- IV. APPLICABILITY.** The provisions of this section shall apply to all cannabis establishments within the Town of Stowe. Cannabis establishments are individually defined under Section VIII. These Interim Bylaws do not repeal or replace any part of the Zoning Regulations, except as specifically stated below. No Selectboard review is available for such prohibited uses under the standards of 24 V.S.A. § 4415(e). All other requirements of the Zoning Regulations with respect to application processing, review procedures, including but not limited to zoning permit issuance and conditional use review, continue to apply.
- V. USE.** Cannabis establishments including cannabis cultivator (indoor) [Tier 1-3], cannabis cultivator (indoor) [Tier 4-6], cannabis cultivator (outdoor)[Tier 1-3], cannabis

cultivator (outdoor)[Tier 4-6], cannabis manufacturers, cannabis wholesaler, cannabis retailer, and cannabis testing laboratory are allowed within designated zoning districts as shown on the below Table of Uses.

	Zoning District											
	RR-1	RR-2	RR 3 & 5	UMR	HT	MRV	MRC	VR	VC	LVC & MC	WBCS D	VIL-PUD
Cannabis Cultivator, Indoor (Tier 1, 2, 3)	X	X	C	C	X	X	X	X	X	X	C	X
Cannabis Cultivator, Indoor (Tier 4, 5, 6)	X	X	X	X	X	X	X	X	X	X	X	X
Cannabis Cultivator, Outdoor (Tier 1, 2, 3)	X	X	C	C	X	X	X	X	X	X	C	X
Cannabis Cultivator, Outdoor (Tier 4, 5, 6)	X	X	X	X	X	X	X	X	X	X	X	X
Cannabis Manufacturer	X	X	X	X	X	X	X	X	X	X	C	X
Cannabis Retailer	X	X	X	X	X	C	X	X	X	X	X	X
Cannabis Testing Laboratory	C	X	X	C	C	C	C	C	C	C	C	C
Cannabis Wholesaler	X	X	X	X	X	X	X	X	X	X	C	X

X= Prohibited C= Allowed subject to conditional use review

VI. APPLICATION REQUIREMENTS. In addition to the requirements of these Interim Bylaws, applications for cannabis establishments shall include the information required under Section 2.6 and Section 3.8 of the Town of Stowe Zoning Regulations.

VII. GENERAL STANDARDS. The following standards apply to cannabis establishments in all districts in which such uses are allowed. Cannabis establishments are also subject to conditional use review under Section 3.7 of the Zoning Regulations. If there is a conflict between a standard in this section and a standard in another section of the Zoning Regulations, the more restrictive shall apply. The following standards are to be used by the Development Review Board in reviewing applications and shall serve as requirements for approval of such applications.

a. **USE.** The retail sale of cannabis and/or cannabis products as defined in 7 V.S.A. §863(2) shall not be permitted as an accessory use or be permitted as an accessory to the manufacturing, cultivation, wholesaling, or warehousing of cannabis, or to other non-retail operations related to cannabis permitted by 7 V.S.A. §863. If a cannabis establishment wants to change to another type of establishment, such change of use must be reviewed and approved under these Bylaws.

b. **HOME OCCUPATIONS.** Cannabis establishments shall not be permitted as a home occupation under Section 4.4.

c. **SIZE LIMITATION.** A cannabis retailer shall not exceed 1,500 square feet in retail floor area. Retail floor area shall mean the floor area dedicated to the display and sale of cannabis and cannabis products and shall not include storage, employee areas, and other spaces not accessible to customers or members of the public.

- d. **LOCATION.** At a minimum, no cannabis retailer shall be located within the following distances from the specified land uses listed below. If any of the specified land uses listed below subsequently locates within the distance noted in Section VII(d)(1) of a lawfully existing cannabis retailer, this provision shall not be used to eliminate or restrict that cannabis retailer.
1. 500 feet of a licensed childcare facility or any public or private school certified by the Vermont Agency of Education. The distance shall be measured as the shortest straight-line distance between the nearest point of the property line in question to the nearest point of the property line where the cannabis retailer will be located.
 2. 250 feet of a municipal park or recreational facility. For the purpose of these Bylaws, the Stowe Recreation Path is considered a recreational facility. Except for the Stowe Recreation Path, the distance shall be measured as the shortest straight-line distance between the nearest point of the property line in question to the nearest point of the property line where the cannabis retailer will be located. For the Stowe Recreation Path, the distance shall be measured from the nearest entrance or exit of the retail establishment to the centerline of the Stowe Recreation Path.
- e. **SEPARATION OF RETAIL CANNABIS ESTABLISHMENTS.** Cannabis retailers not located within the same building must be separated from one another by at least 500 feet. The distance shall be measured as the shortest straight-line distance between the nearest point of the property line in question to the nearest point of the property line where the cannabis retailer will be located.
- f. **SIGNAGE & ADVERTISEMENT.** Cannabis establishments may be identified with signage in accordance Section 14 of the Zoning Regulations and the following:
1. Signage placed on the interior of windows or doors is prohibited except as follows:
 - a. All public entrances must have a non-interior illuminated warning sign indicating that only those age twenty-one (21) or older may enter. Such sign shall be no larger than four (4) square feet in area.
- g. **DISPLAY OF MERCHANDISE & OUTDOOR STORAGE.** Displays of merchandise and outdoor storage associated with a cannabis retailer shall be in accordance with this section.
1. Cannabis plants, cannabis, cannabis products, and paraphernalia shall be screened from view from any exterior windows and must not be displayed in a location that would be visible from a public vantage point.

2. Outdoor storage of cannabis plants, cannabis, cannabis products, paraphernalia, or related supplies is prohibited.
3. Cannabis retailers must not conduct outdoor sales of any kind.
4. Any common areas shared with other uses or another cannabis establishment within the same building, including, but not limited to storage areas, hallways, and building facilities, must be clearly identified as such within the application. Display and/or storage of cannabis plants, cannabis, cannabis products, and paraphernalia within common areas shared with other uses is prohibited.

h. **PARKING REQUIREMENTS.** Parking for cannabis establishments shall be as follows:

Use	Required Number of Parking Spaces
Cannabis retailer	1 space for every 300 sq. ft. of gross floor excluding storage
Cannabis cultivator (indoor), cannabis cultivator (outdoor), cannabis manufacturer, cannabis wholesaler, and cannabis testing laboratory.	1 space for every person employed at peak times

- i. **LANDSCAPING & SCREENING.** Landscaping and screening for cannabis establishments shall be required per the provisions of Section 4.6. of the Zoning Regulations.
- j. **SECURITY PLAN.** Sufficient and appropriate security measures to deter and prevent unauthorized entrance into cannabis establishments and the theft of cannabis and cannabis products must be provided at all times.
 1. Applications for cannabis establishments shall include a security plan that explains how the establishment will be secured including:
 - a. A description of how all points of entry (including but not limited to doors, windows, HVAC grates and roof accesses) will be secured; and
 - b. A description of how all cannabis and cannabis products will be secured within the operation; and
 - c. A description of on-site security provided during hours of operation; and
 - d. A description of all alarm systems and automatic lighting or other systems that will be used to provide security after hours.
- k. **PERFORMANCE STANDARDS.** Cannabis establishments must at all times comply with the performance standards and requirements set forth in Section 4.17 of the Zoning Regulations.
- l. **ADDITIONAL CONDITIONS.** The Development Review Board may impose such reasonable conditions on a permit as may be necessary to protect the public health, safety, and welfare, and obtain compliance with the requirements of these Bylaws.

VIII. DEFINITIONS. Words, terms, and phrases specifically defined in the Town of Stowe Zoning Regulations shall have the same meaning in these Interim Bylaws unless another meaning is clearly indicated.

- a. **Cannabis.** Cannabis shall have the same meaning as defined under 7 V.S.A. § 831.
- b. **Cannabis Cultivator (Indoor) [Tier 1, 2, 3].** A Cannabis Cultivator (indoor) [Tier 1, 2, 3] means a person who has a Tier 1, 2, or 3 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants indoors per 7 V.S.A. § 904.
- c. **Cannabis Cultivator (Indoor) [Tier 4, 5, 6].** A Cannabis Cultivator (Indoor) [Tier 4, 5, 6] means a person who has a Tier 4, 5, or 6 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants indoors per 7 V.S.A. § 904.
- d. **Cannabis Cultivator (Outdoor) [Tier 1, 2, 3].** A Cannabis Cultivator (Outdoor) [Tier 1, 2, 3] means a person who has a Tier 1, 2, or 3 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants outdoors per 7 V.S.A. § 904.
- e. **Cannabis Cultivator (Outdoor) [Tier 4, 5, 6].** A Cannabis Cultivator (Outdoor) [Tier 4, 5, 6] means a person who has a Tier 4, 5, or 6 cultivator license from the Vermont Cannabis Control Board to grow cannabis plants outdoors per 7 V.S.A. § 904.
- f. **Cannabis Establishment.** Cannabis establishment means a cannabis cultivator, wholesaler, product manufacturer, retailer, or testing laboratory licensed by the Vermont Cannabis Control Board to engage in commercial cannabis activity per 7 V.S.A. § 861.
- g. **Cannabis Manufacturer.** A Cannabis Manufacturer means a person who has a manufacturer license from the Vermont Cannabis Control Board to produce cannabis products from cannabis plants, including edibles, oils, and other such products per 7 V.S.A. § 906.
- h. **Cannabis Product.** Cannabis product shall have the same meaning as defined under 7 V.S.A. § 831.
- i. **Cannabis Retailer.** A Cannabis Retailer means a person who has a retailer license from the Vermont Cannabis Control Board to sell cannabis and cannabis products to the general public per 7 V.S.A. § 907. No other license type may sell to the general public.
- j. **Cannabis Testing Laboratory.** A Cannabis Testing Laboratory means a person who has a testing laboratory license from the Vermont Cannabis Control Board to test cannabis and cannabis products obtained from a licensed cannabis establishment, dispensary, or a member of the public per 7 V.S.A. § 908.
- k. **Cannabis Wholesaler.** A Cannabis Wholesaler means a person who has a wholesaler license from the Vermont Cannabis Control Board who may purchase cannabis and cannabis products from other licensees and sell them to licensees per 7 V.S.A. § 905.
- l. **Integrated License.** Integrated License means a person holding an integrated license from the Vermont Cannabis Control Board may engage in the activities of each of the license types listed above, but these licenses are only available to "an applicant and its affiliates that hold a dispensary registration on April 1, 2022." 7 V.S.A. § 909.