

Cannabis – Zoning

Article 20: Shall the voters approve the establishment and operation of cannabis retailers within the Town of Hardwick, subject to regulation by the Vermont Cannabis Control Board and the Town of Hardwick Select Board, acting as the local cannabis control commission? **Passed.**

Article 21: Shall the voters approve the establishment and operation of integrated licensees within the Town of Hardwick, subject to regulation by the Vermont Cannabis Control Board and the Town of Hardwick Select Board, acting as the local cannabis control commission? **Passed.**

Current Zoning Bylaws in Hardwick allow “Retail” and “Agricultural and Forest Processing.”

Retail is currently only allowed in the Central Business District (in both Village Centers) and in the Highway Mixed –Use District. Conditional Use.

The “Agricultural and Forest Processing” usage may be invoked. This is allowed by Conditional Use in the following zoning districts:

- Village Neighborhood
- Highway Mixed-Use
- Compact Residential
- Industrial
- Rural Residential
- Forest Reserve

Section 4.11 Agricultural and Forest Processing:

(A) Agricultural and Forest Processing may be permitted in designated zoning districts subject to conditional use review under Section 5.2 and the following provisions:

- (1) The processing facility shall be of a size and scale appropriate for the neighborhood in which it is proposed.
- (2) Where a processing facility uses or generates hazardous materials, the applicant shall demonstrate compliance with applicable state or federal regulations.
- (3) Wholesale sales of processed products are allowed as a part of any approval. Retail sales may be allowed as a part of conditional use approval. Sales of products in addition to those processed on the site will be limited to those clearly incidental, secondary and ancillary to those processed products or as declared and approved as a part of the conditional use permit.

Note: **Does not exclude cannabis.**

Definition: Agricultural and Forest Processing: The offsite processing and/or packaging of agricultural and forestry products, excluding slaughter houses and saw mills. Examples include but are not limited to: the making of compost products, herbal products, food products, wreaths, woolen products, cheese, and candles. See Section 4.11.

General definitions from the State Law:

Retailer License – “Retailer licensees may sell cannabis and cannabis products to the general public. No other license type may sell to the general public.”

Integrated License – “Integrated Licensees 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.” (Listed above are Cultivator, Manufacturer, Wholesaler, Testing Laboratory, and Retailer).

Multiple licenses may operate at the same location, except that multiple retail operations may not operate at the same location.

Cannabis establishments are subject to the same zoning rules and municipal ordinances that apply to any business. Beyond municipalities’ general authority to create and enforce zoning rules or ordinances that apply to all businesses, they do not have the power to create special rules for cannabis establishments.

The Local Cannabis Control Commission can issue and administer local control licenses and may condition licenses on compliance with zoning bylaws and ordinances regulating signs or public nuisances.

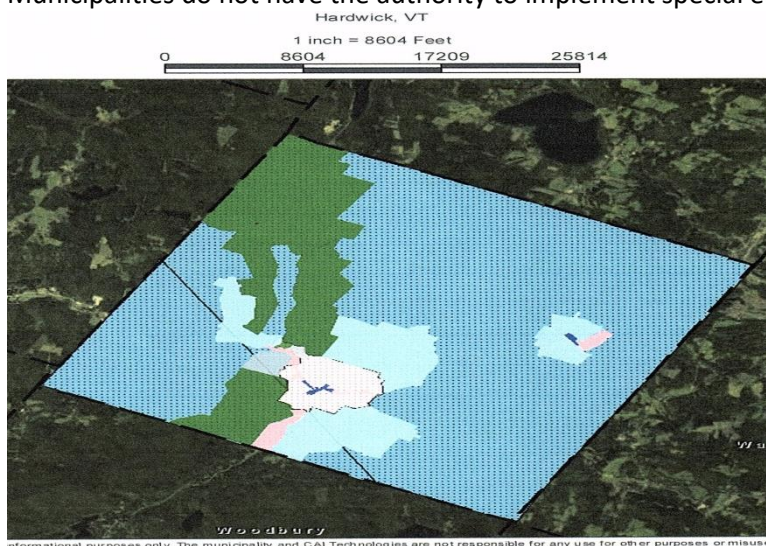
A town’s zoning bylaws may require a particular cannabis establishment to be within a commercially zoned district, but that will result solely from the application of the town’s bylaws.

Cannabis cultivators will not be regulated as farming and cannabis will not be considered an agricultural product or crop. (Note S.188 seeks to change this aspect).

The buffer requirement is only for school property (no day care centers at this time). The buffer requirement applies only to retail cannabis and not to any other type of cannabis establishment license. A municipality does not have authority to go beyond its general zoning power in creating buffer zones that could apply to cannabis establishments.

Cannabis establishments must abide by all generally applicable environmental regulations whether state or municipal. For example, larger cultivators who operate on municipal water will be required to obtain a notice that the municipal water authority has capacity to serve the cultivation operation.

Municipalities do not have the authority to implement special environmental rules for cannabis establishments.



The bright blue lines in the two village centers are the Central Business zones and the hot pink wedges on the outskirts of town are the Highway Mixed-Use zones. This is where retail is allowed by Conditional Use.