

## **Zoning Text Amendment**

**Approved – 8/22/2023**

**Effective – 9/6/2023**

***Sections 15 B.2, 15 B.3 & 15 B.4 are repealed, and the following are substituted in lieu thereof:***

### **15 B.2. Definitions.**

For purposes of this section of the regulations, the term “cannabis” means marijuana, as defined in CGS sect. 21a–420, and the term “cannabis establishment” means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, as hereinafter defined:

- a) “Producer” means a person who is licensed as a producer pursuant to CGS sect. 21a–408i and any regulations adopted thereunder.
- b) “Dispensary facility” means a place of business where cannabis may be dispensed, sold or distributed in accordance with CGS section 21a– 420 and any regulations adopted thereunder, to qualifying patients and caregivers, and to which a dispensary facility license has been issued under CGS section 21a–420f and any regulations adopted thereunder.
- c) “Micro-cultivator” means a person licensed to engage in the cultivation, growing and propagation of the cannabis plant in an establishment containing not less than 2000 ft.<sup>2</sup> and not more than 10,000 ft.<sup>2</sup> of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection.
- d) “Retailer” means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro -cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.
- e) “Hybrid retailer” means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
- f) “Food and beverage manufacturer” means a person that is licensed to operate a place of business that acquires cannabis and creates food and beverages.
- g) “Product manufacturer” means a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.
- h) “Product packager” means a person that is licensed to package and label cannabis.
- i) “Delivery service” means a person that is licensed to deliver cannabis from (A) micro- cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in CGS sect. 21a –408, or to hospices or other inpatient care facilities licensed by the Department of Public Health that have a protocol for handling and distribution of cannabis.
- j) “Transporter” means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

- k) Any other cannabis establishment, which, in the opinion of the planning and zoning administrator is similar to the type of establishment as set forth in subsections a through j above.

### **15 B.3 Applicability.**

- a) Dispensary facilities, retailers and hybrid retailers shall be permitted only in the following zoning districts, subject to special case approval in accordance with section 20 of these regulations and the requirements of this section: LBB, CA, CF as allowed under section 7.5.1.4.2, CNC, MA and MB.
- b) Producers, micro-cultivators, food and beverage manufacturers, product manufacturers, product packagers, delivery services and transporters shall be permitted only in the following zoning districts, subject to special case approval in accordance with section 20 of these regulations and the requirements of this section: MA and MB.

### **15 B.4 Separation Requirements.**

Uses identified in this section shall be subject to the following separation requirements:

- a) No cannabis establishment shall be permitted on a site that is less than 1500 feet from any other site containing a cannabis establishment measured by taking the nearest straight line between the respective lot boundaries of each site.
- b) No cannabis establishment shall be permitted within the same building structure or portion thereof that is used for residential purposes.
- c) No cannabis establishment shall be permitted any closer than 700 feet from any municipal boundary line.
- d) No more than one producer or micro- cultivator shall be allowed for every 25,000 residents of the municipality, as determined by the most recent decennial census. When determining applicability, the population number will be rounded down to the nearest 25,000 cohort.
- e) No more than one dispensary facility, retailer or hybrid retailer shall be allowed for the 25,000 residents of the municipality, as determined by the most recent decennial census. When determining applicability, the population number will be rounded down to the nearest 25,000 cohort.
- f) All other cannabis establishments defined in section 15 B.2 of these regulations are exempt from population limitations of subparagraphs d) & e) hereof.

### **15 B.7 Security Requirements.**

- a) All cannabis establishments shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana, utilizing commercial grade equipment meeting at least the minimum requirements of Section 21a-408-62 of the State of Connecticut General Regulations.
- b) A cannabis establishment shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle. "Building" shall mean: A structure having a roof supported by columns, posts, or

walls and intended for the shelter, housing, or enclosure of any person, entity, animal, process, equipment, goods, or materials of any kind or nature.

- c) The permitted hours of operation of a cannabis establishment shall be from 7:00 a.m. to 10:00 p.m.
- d) A cannabis establishment shall not have a drive-through service.
- e) A cannabis establishment shall not have outdoor seating areas.

**15B.8 Conditional approval**

- a) A special case application shall be approved with the condition that the applicant obtains the appropriate cannabis establishment facility permit issued by the State of Connecticut Department of Consumer Protection (or other state agency as regulatory changes occur). In addition to the special case criteria, the Commission shall pay close attention to odor control, distances to uses mentioned in Subsection 15.1 and landscape buffers to adjoining uses.