CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington

225 North Main Street, Suite 304 Internet: http://ccrpa.org Tel: (860) 589-7820
Bristol, CT 06010-4993 Fax/TDD: (860) 589-6950 or (860) 224-9888

TO: COMPREHENSIVE PLAN COMMITTEE
FROM: Kristin Thomas, PLANNER
DATE: August 27, 2012

RECEIVED BY CCRPA ON: July 31, 2012
REFERRAL NAME: Canton Zoning Regulation Amendments

INITIATOR: Canton Zoning Commission

MUNICIPAL HEARING: September 19, 2012
REFERRED TO: CCRPA

DESCRIPTION: The Canton Zoning Commission has proposed amendments to the Canton Zoning Regulations to address the recently passed House Bill 5389, "An Act Concerning the Palliative Use of Marijuana". The amendments include:

- Proposed addition to Definitions Section 9: Licensed medical marijuana dispensary and licensed medical marijuana producer.
- Business District Section 31.2.31 Licensed medical marijuana dispensary
- Light Industrial Section 41.3.8 Licensed medical marijuana dispensary
- Industrial Park District Section 58.3.2 Licensed medical marijuana dispensary

COMMENTS: No comments were received from neighboring municipalities.

STAFF RECOMMENDATION: CCRPA recommends that this proposal be found ***Not in Conflict*** with the Regional Plan of Conservation and Development or any other Agency plan.

CENTRAL CONNECTICUT
REGIONAL PLANNING
AGENCY

RECEIVED
JUL 31 2012

Sent out
8/7/12

no conflict

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City of Bristol
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(860) 224-9888
FAX or TDD (860) 589-6950
ccrpampo@ct1.nai.net

Zoning and Subdivision Referral Form

FROM:
- [ ] Planning Commission
- [ ] Planning & Zoning Commission
- [x] Zoning Commission
- [ ] City Council acting as Zoning Commission

Canton
Municipality

7/26/12
Date

Zoning: Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed zone change potentially affects an area within 500 feet of a municipal boundary is referred to the Central Connecticut Regional Planning Agency at the above address for review and an advisory report.

Public Hearing on Said Change is Scheduled for: September 19, 2012
(date)

The Zoning Commission should give written notice of its proposed zoning change to the regional planning agency(ies) **not later than thirty-five (35) days** before the public hearing.

Subdivisions: Pursuant to the provisions of Section 8-26b of the General Statutes of Connecticut, as amended, the following proposed subdivision abuts or crosses a municipal boundary line and is referred to the Central Connecticut Regional Planning Agency at the above address for review and an advisory report.

Public Hearing on Said Proposal is Scheduled for: _____
(date)

The Planning Commission should give written notice of the proposed subdivision to such regional planning agency(ies) **not later than thirty (30) days** before the public hearing.

Note: Statutes may also require referrals of open space grants (7-131e(c)), foreign trade zones (7-136 d-e(a)), and interlocal agreements or the proposed formation of a district (8-35d).

S Brodeur
Signature
S. Brodeur

Land Use Coordinator
Title (please print)

9/97

7011-0470-0000-7371-4064

For Office Use Only: File No. 156 Application No. 1373
Date Submitted 7/18 Date Received by Commission 7/18/12

LAND USE OFFICE

Canton, Connecticut INC. 1806

4 Market Street, Canton, Connecticut 06019

ZONE CHANGE APPLICATION FORM

This application is for a: (please check one of the following)

____ **Zoning Map Amendment**

or

_X_ **Zoning Regulation Amendment**

CONTACT INFORMATION

1. Applicant:
Name: Town of Canton
Address: 4 Market Street
City: Canton State: CT Zip Code: 06019
Daytime Phone: 860-693-7891 E-mail: npade@townofcantonct.org
Fax: 860-693-7884

2. Property Owner:
Name: Same
Address: _____
City: _____ State: ___ Zip Code: _____
Daytime Phone: _____ E-mail: _____
Fax: _____
(Attach additional sheets if necessary)

3. Primary Contact Person: Neil S. Pade
Daytime Phone: 860-693-7891 E-mail: npade@townofcantonct.org
Fax: 860-693-7884

ZONING MAP AMENDMENT INFORMATION

1. Description of Parcel
   A. Address: _____
   B. Assessor's Identification: Map#: _____ Lot #: _____
   C. Land Record Reference to Deed Description: Volume: _____ Page: _____
   D. Lot Size: _____
   E. Zoning District: _____

2. Zoning Map Amendment Information
   A. Existing Zoning District _____
   B. Proposed Zoning District _____
   C. Reasons for Proposed Map Amendment

   _____
   _____
   _____

3. 22 copies* of scaled maps showing the following information (6 full size plans and 16 - 11"x17" reductions are acceptable):
   A. Boundary lines of entire tract or tracts under consideration
   B. Key Map
   C. Location Map at a scale of 1"=1000' indicating the location of the area to be rezoned
   D. North Arrow, Scale, Date of Maps, Origin of Maps
   E. Identification of owners of record
   F. Identification of owners of record of abutting parcels
   G. Existing zoning
   H. Proposed zoning with accurate dimensions and/ or bearings
   I. Acreage of area to be rezoned.
   J. Boundaries of watersheds for public water supplies
   K. Location of buildings, streets, driveways, and other facilities on subject land and adjoining properties within 500 feet.

   *(8 Planning Commission, 10 Zoning Commission, 2 Staff, 1 File, 1 Regional Agency)

ZONING REGULATION AMENDMENT INFORMATION

1. Section Number Location to be amended/ added: Section 9, Section 31.2.31 section 41.3.8 Section 58.3.2

2. Existing Text (attach on separate page if necessary):
   No existing text

3. Proposed Text (attach on separate page if necessary):
   attached

REQUIRED FEE

1. Required Fee

		Amount Included
__ Zoning Map Amendment	$300 plus $250 per each acre or portion thereof; plus associated printing costs	_____
__ Zoning Regulation Amendment	$300 plus associated printing costs	_____
✓ **All applications require an additional $60 State Fee**		$60.00
	Total Fee	0

NOTICE REQUIREMENTS

1. Is any portion of the site within 500 feet of an adjoining town?

___ No _X_ Yes

- ✓ Avon
- ✓ Barkhamsted
- ✓ Burlington
- ✓ Granby
- ✓ New Hartford
- ✓ Simsbury

2. The applicant shall file a copy of any proposed regulation amendment or zone change with the Town Clerk ten (10) days prior to the hearing per Sections 8-3(a) of the Connecticut General Statutes. **Certification by the Town Clerk of the filing under these sections must be presented by the Applicant at the public hearing. (See certification form attached)**

By submitting this application, I hereby verify that all materials contained herein are true and grant permission to Town employees and Commission members to enter and view the subject site.

Owner Name (please print) _____ Owner Signature _____ No signature necessary

Date: _____

Applicant Name (please print) _____ Applicant Signature _____

Date: _____

BEFORE SIGNING, OWNERS AND APPLICANTS PLEASE NOTE:

By signing this application, the signer represents as to the owner or applicant, whichever applies, either:

(i) if an individual, that the signer is that individual; or

(ii) if an entity (e.g. corporation, llc, partnership, trust, association) that he or she is legally authorized to sign on behalf of that entity

LAND USE OFFICE

Canton, Connecticut INC. 1806

4 Market Street, Canton, Connecticut 06019

TO: Planning Commission

FROM: Zoning Commission

RE: Referral #369; Zoning File #156; Apln. #1373; Zoning Regulation Amendment; Proposed addition to Definitions Section 9; Business District Section 31.2.31 Licensed medical marijuana dispensary; Light Industrial Section 41.3.8 Licensed medical marijuana producer; Industrial Park District Section 58.3.2 Licensed medical marijuana producer; Town of Canton, applicant.

DATE: July 25, 2012

In accordance with Section 8-3a(b) of the Connecticut General Statutes the Canton Zoning Commission is referring the above mentioned Zoning amendment to you for your review and report.

Please see the July 18th, 2012 memorandum from Roland Klee, Assistant Planner re: Medical Marijuana and Local Land Use Regulation.

The attached regulations are proposed for consideration by the Zoning Commission at a public hearing scheduled for September 15, 2012.

These regulations are proposed to address the recently passed House Bill 5389, "An Act Concerning the Palliative Use of Marijuana".

review online

Add to Section 9, Definitions:

"Licensed medical marijuana dispensary" A pharmacist licensed pursuant to Chapter 400j of the Connecticut General Statutes, who the Department of Consumer Protection has licensed to acquire, possess, distribute, and dispense marijuana pursuant to sections 1 to 15, inclusive, of "An Act Concerning the Palliative Use of Marijuana" and which is located on the premises of a pharmacy licensed by the Connecticut Commission of Pharmacy.

"Licensed medical marijuana producer" A person or organization that is licensed as a producer by the Connecticut Department of Consumer Protection under Section 10 of an "An Act Concerning the Palliative Use of Marijuana and whose purpose is to cultivate marijuana for palliative use and selling, delivering, transporting or distributing such marijuana only to licensed dispensaries under Sections 1 to 15, inclusive of the above Act.

Add to Section 31.2, Special Exception Uses:

"Section 31.2.31 Licensed medical marijuana dispensary"

Add to Section 41.3, Special Exception Uses:

"Section 41.3.8 Licensed medical marijuana producer provided that:

a. all cultivation of marijuana plants be conducted indoors."

Add to Section 58.3, Special Exception Uses:

"Section 58.3.2 Licensed medical marijuana producer provided that:

a. all cultivation of marijuana plants be conducted indoors."

LAND USE OFFICE

Canton, Connecticut INC. 1806

4 Market Street, Canton, Connecticut 06019

TO: Zoning Commission

FROM: Roland Klee, AICP, Assistant Town Planner

RE: Medical Marijuana and Local Land Use Regulation

DATE: July 18, 2012

The State Legislature recently passed and the Governor signed House Bill 5389, "An Act Concerning the palliative Use of Marijuana". Connecticut is the seventeenth state in the Union to pass such a measure.

Summary of HB 5389

The program is available to residents who are at least 18 years old with written certification from a physician that they suffer from one of the following conditions: cancer, glaucoma, HIV/AIDS, Parkinson's Disease, multiple sclerosis, spinal cord damage causing intractable spasticity, epilepsy, cachexia, wasting syndrome, Crohn's Disease, or PTSD. The physician must certify that he has "prescribed or that it is not in the best interest of the patient to prescribe prescription drugs to address the symptoms for which the certification is being issued".

Caregivers who do not have any convictions for selling or manufacturing drugs and patients must register with the Department of Consumer Protection. Patients cannot use the marijuana in public, in a moving vehicle, on any school or university grounds or within sight of anyone under 18 years old.

Patients and caregivers will be allowed to obtain marijuana only from licensed dispensaries. Only pharmacists will be issued licenses as dispensaries. Such licensed dispensaries must obtain their marijuana only from licensed producers. The bill authorizes the licensing of between three and ten producers throughout the state who will only be allowed to sell to dispensaries in Connecticut.

Location of Producers and Dispenories

The Commissioner of Consumer Protection is required to adopt regulations to establish areas of the state where licensed dispensaries can be located under the same criteria for locating retail liquor permit premises. The Commissioner must also adopt a new set of regulations regarding the the licensure and locations for producers of medical marijuana.

Although the statute doesn't specifically address whether a siting decision by the state supersedes municipal zoning decisions regarding location, it is very likely that it will be treated in the same way as liquor permits. Both the state and the municipality will have a say in where they can be located.

General Applicability of Zoning

A land use is not authorized in Canton unless the regulation authorizes it. Presumably, the sale of medical marijuana would be regulated under zoning as a retail use in the same fashion as dispensing any other prescription drug. Similarly, absent specific regulations, it should be expected that it would be treated as any other agricultural crop under zoning.

The Commission could adopt specific regulations to establish the "where, what, and how" of the production and sale of medical marijuana.

Early Efforts by Municipalities to Zone for Medical Marijuana

At the "Hot Topics in Land Use" conference in June, two planners from Torrington and Middletown explained their towns' regulations which were adopted in anticipation of the passage of the medical marijuana bill.

Middletown allows as a permitted use "the sale or dispensation of any form of marijuana and/or medical marijuana by a CT licensed pharmacist on the premises of a pharmacy licensed by the State of Connecticut, provided the State of Connecticut legalizes said use." The uses are limited to three zones, Transitional Development (near Middlesex Hospital), B-2 General Business, and Newfield Planned Commercial (an area characterized by auto dealerships). Dispensaries are not permitted in the Downtown area.

Torrington developed an overlay called the Alternate Incarceration, Substance Abuse/Mental health, Medical Marijuana Dispensary Overlay Zone (ASM) which can be applied to all zoning districts except the Downtown District and residential zones. The use is subject to approval by the Planning and Zoning Commission.

Neither town's regulations appear to regulate the production of the medical marijuana.

Suggestions for Regulation in Canton

<u>Sales:</u>

The new legislation specifies that only pharmacists are eligible to be licensed as a dispensary, but does not specifically require that they operate out of a licensed

pharmacy. Unless the local zoning regulation specifies that it can only be sold at a pharmacy (as Middletown's does), it is possible that a dispensary could be placed in any commercial location as a retail business.. Canton has one existing pharmacy and another under construction. It may be desirable to restrict by Special Exception dispensary locations to licensed pharmacies in order to prevent their possible proliferation. Because the distribution of medical marijuana will be licensed by the State, a new zoning district is not likely to be necessary in a small town like Canton.

Production:

The production of medical marijuana presents a different challenge. Although the number of producers will be limited to ten statewide, the likelihood of one's location in Canton will be low. However the Town should be prepared for such an occurrence.

Marijuana can be grown indoors and outdoors, does not require a large amount of space and can be cultivated in urban and rural environments. New Mexico (pop. 2.1 million) has 17 licensed growers while the District of Columbia (pop. 618,000) has six. New Mexico, with more than 2800 marijuana patients, limits the number of marijuana plants to a maximum of 95 plants per producer.

Most of Canton is zoned AR, which permits agricultural uses. Although the cultivation of medical marijuana is now legal in the State, subject to the regulation noted above, it still violates Federal law and marijuana remains a popular drug among recreational users. Consequently, the security of the cultivation process will be of concern.

This concern can be addressed by requiring the production of the crop to be indoors in a secure facility. The Town's industrial districts are relatively small, are off the main travel routes and offer a number of existing structures that could be suitable for production. In addition, they are generally well separated from residential neighborhoods. In contrast, most of the town's arable land is interspersed among residences and would be difficult to secure, particularly if the plants are grown outdoors.

Limiting the establishment of production facilities to indoor sites in industrial zones by Special Exception appears to be the best option for their location in Canton. If so, provisions in the regulations allowing agricultural uses could also be amended to expressly exclude the growing of medical marijuana.

Definitions

HB 5389 offers some definitions which have been adapted for use in Canton's Zoning Regulations as follows:

"Licensed medical marijuana dispensary" A pharmacist licensed pursuant to Chapter 400j of the Connecticut General Statutes, who the Department of Consumer Protection has licensed to acquire, possess, distribute, and dispense marijuana pursuant to sections 1 to 15 , inclusive, of "An Act Concerning the Palliative Use of Marijuana" and which is located on the premises of a pharmacy licensed by the Connecticut Commission of Pharmacy.

"Licensed medical marijuana producer" A person or organization that is licensed as a producer by the Connecticut Department of Consumer Protection under Section 10 of an

"An Act Concerning the Palliative Use of Marijuana and whose purpose is to cultivate marijuana for palliative use and selling, delivering, transporting or distributing such marijuana only to licensed dispensaries under sections 1 to 15, inclusive of an the above Act.

Changes to Regulations

Licensed dispensaries should be established as a Special Exception Use in the B-1, SB, and LI districts, respectively, as follows:

31.2.31 Licensed medical marijuana dispensary.

32.2.9 Licensed medical marijuana dispensary.

41.3.7 Licensed medical marijuana dispensary.

Because the medical marijuana would be dispensed in a manner similar to other prescription drugs from a secure area within the building, there is no need for additional conditions on its storage or delivery to patients and caregivers.
Medical marijuana producers present their own challenges, especially regarding the security of the cultivation process. Consequently, it is recommended that producers not be permitted anywhere within the Town.

If the Commission determines that the location of a producer would not have a deleterious effect on the town, then they should be limited to Special Exception uses in the LI, RLI districts, respectively, as follows:

41.3.8 Licensed medical marijuana producer provided that:

a. all cultivation of marijuana plants be conducted indoors.

57.3.28 Licensed medical marijuana producer provided that:

a. all cultivation of marijuana plants be conducted indoors.

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or (860) 224-9888

TO:	COMPREHENSIVE PLAN COMMITTEE
FROM:	Kristin Thomas, PLANNER
DATE:	August 27, 2012
RECEIVED BY CCRPA ON:	August 27, 2012
REFERRAL NAME:	New Britain Zoning Regulation Amendments
INITIATOR:	New Britain Zoning Committee
MUNICIPAL HEARING:	September 11, 2012
REFERRED TO:	CCRPA
DESCRIPTION:	The New Britain Zoning Committee has proposed amending the Zoning Ordinances to allow churches or similar places of worship in the I-1 (industrial park) and I-2 (general industry) zoning districts.
COMMENTS:	No comments were received from neighboring municipalities.
STAFF RECOMMENDATION:	CCRPA recommends that this proposal be found ***Not in Conflict*** with the Regional Plan of Conservation and Development or any other Agency plan.

RECEIVED
AUG 27 2012

CERTIFIED

August 23, 2012

Carl J. Stephani, Executive Director
Central Connecticut Regional Planning Agency
225 North Main Street – Suite 304
Bristol, CT 06010-4993

Dear Mr. Stephani:

In accordance with Section 8-3b of the Connecticut General Statutes this letter is to provide notice that the Zoning Committee of the Common Council will hold a public hearing on Tuesday, September 11, 2012 at 7:00 p.m. in Council Chambers, City Hall, 27 West Main Street, New Britain, Connecticut, for the following:

1. **Petition #31990:** Amend Zoning Ordinances to add subsection 190-20-10 to allow church or similar place of worship in the I-1 (industrial park) and I-2 (general industry) zoning districts.

Any questions regarding this petition may be directed to the City Planner at 860-826-3430.

Todd Szabo
Clerk of Committees

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Tel: (860) 589-7820
or (860) 224-9888

TO:	COMPREHENSIVE PLAN COMMITTEE
FROM:	Kristin Thomas, PLANNER
DATE:	August 27, 2012
RECEIVED BY CCRPA ON:	August 10, 2012
REFERRAL NAME:	Southington Zoning Regulation Amendments
INITIATOR:	Southington Planning and Zoning Commission
MUNICIPAL HEARING:	September 18, 2012
REFERRED TO:	CCRPA
DESCRIPTION:	The Southington Planning and Zoning Commission has proposed amendments to the Southington Zoning Regulations intended to regulate Medical Marijuana dispensaries and producers.
COMMENTS:	No comments were received from neighboring municipalities.
STAFF RECOMMENDATION:	CCRPA recommends that this proposal be found ***Not in Conflict*** with the Regional Plan of Conservation and Development or any other Agency plan.

PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER - 196 NORTH MAIN STREET

SOUTHINGTON, CONNECTICUT 06489

Phone: (860) 276-6248 - Fax: (860) 628-3511

August 10, 2012

Carl J. Stephani
Exec. Director, CCRPA
225 No Main St, Ste 304
Bristol, CT 06010

RE: Proposed Zoning Regulation Amendment – Medical Marijuana
Sections 2, 4-01.2F, 4-03.2E, 5-01.2J, 5-02.2I and 11-23

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached is a copy of a proposed zoning text revision intended to regulate Medical Marijuana dispensaries and producers.

The Planning and Zoning Commission anticipates opening the public hearing on this item on September 18, 2012. The complete file is available for review in the Planning Department, the Town Clerk's office and on the Planning Department's web page. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,

Mary F. Savage-Dunham

Mary F. Savage-Dunham, AICP
Town Planner

enclosures

I:\Planning and Zoning\REFERRALS\ZA #565\referral letter.doc

2-04 D

DEVELOPMENT - Any construction or grading activities to improved or unimproved real estate.

DINNER THEATER - A structure used for dramatic, operatic, motion pictures, or similar legitimate performances for paid admission which may contain an additional accessory facility within the confines of the structure for a public establishment for preparation and service of food, non-alcoholic, and alcoholic beverages primarily for consumption by its patrons.

DISPENSARY – See Section 11-23 for definition

DISTURBED AREA - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

DWELLING OR RESIDENCE - A structure intended for human habitation and constructed in accordance with the State of Connecticut Health and Building Codes.

DWELLING, CONDOMINIUM - Privately owned multiple and detached single family dwellings within a condominium project.

DWELLING, MULTI-FAMILY - A building designed or intended to be occupied as a residence for three or more families living independently of each other.

DWELLING, SINGLE-FAMILY - A building designed or intended to be occupied as a residence for one family.

DWELLING, TWO-FAMILY – A building on a single lot containing two dwelling units, each of which is totally separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DRAFT

2-12 L

LATTICE TOWER - A trestle framework consisting of horizontal and vertical structures used to support antennas and designed to resist all loads, including wind loads, without requiring or having guyed wires at any point.

LICENSED DISPENSARY – See Section 11-23 for definition

LICENSED PRODUCER – See Section 11-23 for definition

LOT - A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these Regulations.

LOT, CORNER - A lot of which two adjacent sides face a street or streets so that the interior angle of the intersection is not more than 120 degrees, provided that the corner of any such intersection is not rounded by a curve having a centerline radius of greater than 150 feet. The "primary front yard" (as depicted in the illustration) of a corner lot is defined as that side of the lot which the front door is positioned. See the following for corner lot illustration.

LOT COVERAGE - The ground area enclosed by the walls of a building together with the areas of all covered porches and other roofed buildings.

LOT, WIDTH OF - The distance between the side lines of a lot measured along the street line except where the street line is an arc or the side lines converge toward the street line, in which case the distance may be measured along the minimum front yard setback line.

LOT LINE - Any property line bounding a lot.

DRAFT

2-16 P

PARENT/GRANDPARENT APARTMENT - An apartment located within a single family home and owned by individuals who are the children (i.e., natural born or adopted) of the apartment occupants. Those occupants shall be either the owner's parents or grandparents or their parents- in-law or grandparents-in-law. Conversely, the relationships and home/apartment occupants may be reversed with the parent/grandparent occupying such an apartment.

PARKING AREA - An area other than a street used for the temporary parking of more than three motor vehicles.

PARKING SPACE - An off-street space available for the parking of one motor vehicle conforming to the typical parking lot standards, Section Twelve.

PREMISES - All land comprising a lot, and including all buildings and uses located on the lot.

PRINCIPAL USE OR BUILDING - The main use of the land or building(s) as distinguished from an incidental and subordinate accessory use of land or building(s) (see also Section 1-09).

PRODUCER – See Section 11-23 for definition

PROFESSIONAL OFFICE - An office of recognized professions such as doctors or physicians, dentists, lawyers, architects, engineers, planners, landscape architects, artists, musicians, designers, teachers, authors, and others who are qualified to perform, with or without staff, personal services of a professional nature, provided no human patient is hospitalized or housed overnight.

PLAN OF DEVELOPMENT - The adopted Comprehensive Plan of Development, as amended, and all the land use studies and fact sheets leading to it and all detailed portions of the Plan of Development following the generalized outlines of the Master Plan.

PUT INTO EFFECT - To substantially commence and implement the completion of plans approved under the provisions of these Regulations by showing actual accomplishment of concrete measures.

DRAFT

PROPOSED NEW TEXT = BOLD ITALICS
PROPOSED DELETIONS = [ITALICS]

4-01.2 Special Permit Uses

A. Any building or use allowed by a special permit in Residential-Office Zones (RO), Section 3-04.2 hereof.

B. Business colleges and secretarial schools.

C. High-rise structures, including apartments, and a mixed use of both commercial and residential may be allowed as a Special Permit Use by the Commission in Central Business Zones (CB) only, subject to the provisions of Section 8 and the following conditions and safeguards:

1. Each lot shall have a minimum area of 30,000 sq. ft., exclusive of site access

2. The minimum land area per dwelling unit shall be 3,000 sq. ft., or, in the case of housing designed exclusively for the elderly, 1,500 sq. ft.

3. The lot shall be served by public sewer and water

4. The minimum distance between dwellings shall be 35 feet.

5. Each application for multi-family dwellings, in addition to the pplication requirement of Section 8-03, shall be accompanied by the appropriate fee payable to the Town of Southington.

D. The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town's best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below. The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:

1. All buildings to be converted shall have been in existence prior to May 20, 1957.

2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.

3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.

DRAFT

4. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.

5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.

6. That in all other aspects the requirements of Section 8 and 9 shall be met.

E. Any development of a site 4 acres in size or larger, or with 60 or more parking spaces.

F. Dispensary/Licensed Dispensary in accordance with Sections 8, 9 and 11-23.

DRAFT

PROPOSED NEW TEXT = BOLD ITALICS
PROPOSED DELETIONS = [ITALICS]

4-03.2 Special Permit Uses

The Planning and Zoning Commission may, by special permit, allow the following uses or additions thereto subject to the provisions of Section 8 hereof:

A. Any building or use allowed by special permit, Section 3-04.2 A and C hereof.

B. Bus, Truck and Car Washes. The Commission shall require a traffic study as required in Section 9-03.17 of these Regulations as well as a statement of water use. Private water supplies for washing shall be encouraged

C. The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town's best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below. The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:

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3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.

4. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.

5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.

6. That in all other aspects the requirements of Section 8 and 9 shall be met.

D. Offices for the practice of veterinary medicine and/or animal hospitals and kennels.

E. Dispensary/Licensed Dispensary in accordance with Sections 8, 9 and 11-23.

DRAFT

5.01.2

F. The purpose of this regulation is to encourage the appropriate development of land previously designated and/or used primarily for industrial use and which area currently contains industrial buildings in existence prior to 1957 which are or may be functionally obsolete. It is felt that it is in the Town's best interest to permit the flexibility necessary to provide for the mixed uses in said buildings and land associated therewith as described below. The requirements in this section provide for the conversion of existing buildings being used or formerly used as industrial buildings to a mixed use of manufacturing, retail, services, offices and multi-family uses as defined and allowed in these regulations, and other uses acceptable to the Commission subject to the following:

1. All buildings to be converted shall have been in existence prior to May 20, 1957.

2. All proposed uses shall be of lesser objectionable character than those presently allowed in that zone or as formerly used in said structure.

3. That the Commission specifically find that the list of proposed mixed uses are in harmony with each other.

4. That the Commission may, in its discretion, and if necessary due to site limitations, waive up to twenty-five (25%) percent of the parking requirements required by Section 12, provided that no additions to the structure are proposed and that there is no other available land for parking on such site.

5. That the uses in any building constructed after May 20, 1957, shall be those allowed in that zone.

6. That in all other aspects the requirements of Section 8 and 9 shall be met.

G. All development involving an area 4 acres or larger in size, and/or requiring in excess of sixty (60) parking spaces.

H. Outdoor storage. Plans must clearly show the extent of the outdoor storage proposed, as well as screening with a lightproof fence. Said storage may not encroach into the landscaped buffer. Applicant must demonstrate that the proposed storage will not have a negative impact on abutting uses.

I. Offices for the practice of veterinary medicine and/or animal hospitals and kennels, providing said kennel use is more than 500 feet away from a residential zone or use.

J. Medical marijuana production facilities in accordance with the provisions of Sections 8, 9 and 11-23

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5-02.2 Special Permit Use

Uses or additions thereto set forth in 5-01.2 shall require approval from the Planning and Zoning Commission after a public hearing subject to the provisions of Section 8 hereof:

H. All development involving an area 4 acres or larger in size, and/or requiring in excess of sixty (60) parking spaces.

I. Medical marijuana production facilities in accordance with the provisions of Sections 8, 9 and 11-23.

11-23 Medical Marijuana

A. Purpose. The intent of this section is to regulate the location of Medical Marijuana Dispensaries and Producers. The primary purposes of these regulations are to prevent a concentration of these uses in any one area, to minimize any adverse impacts, and to protect and preserve the quality of Southington's neighborhoods, commercial districts, property values and the quality of urban life through effective land use planning.

B. Definitions – for use in this section of the Regulations:

1. <u>Dispensary or licensed dispensary</u> means a person licensed as a dispensary pursuant to Section 9 of Public Act #12-55:

A. No person shall act as a dispensary or represent that such person is a licensed dispensary unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

B. The Commission of Consumer Protection shall determine the number of dispensaries appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with Chapter 54 of the General Statutes, to provide for the licensure and standards for dispensaries in this state and specify the maximum number of dispensaries that may be licensed in this state. On and after the effective date of such regulations, the Commissioner may license any person who applies for a license in accordance with such regulations, provided (1) The

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Commissioner deems such applicant qualified to acquire, possess, distribute and dispense marijuana pursuant to Section 1 to 15, inclusive, of this act, (2) the applicant is a pharmacist licensed under Chapter 400j of the General Statutes, and (3) the number of dispensary licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the Commissioner pursuant to this subsection. At a minimum, such regulations shall:

1. ***Indicate the maximum number of dispensaries that may be licensed this this state;***
2. ***Provide that only a pharmacist licensed under Chapter 400j of the General Statutes may apply for and receive a dispensary license;***
3. ***Provide that no marijuana may be dispensed from, obtained from or transferred to a location outside of the state;***
4. ***Establish a licensing fee and renewal fee for each licensed dispensary, provided such fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating dispensaries pursuant to Sections 1 to 15, inclusive, of Public Act #12-55;***
5. ***Provide for renewal of such dispensary licenses at least every two years;***

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6. ***Describe areas in this state where licensed dispensaries may not be located, after considering the criteria for the location of retail liquor permit premises set forth in subsection (a) of Section 30-46 of the General Statutes;***
7. ***Establish health, safety and security requirements for licensed dispensaries, which may include, but need not be limited to: (i) the ability to maintain adequate control against the diversion, theft and loss of marijuana acquired or possessed by the licensed dispensary, and (ii) the ability to maintain the knowledge, understanding, judgment, procedures, security controls and ethics to ensure optimal safety and accuracy in the distributing, dispensing and use of palliative marijuana;***
8. ***Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of dispensary licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of Section 4-182 of the General Statutes; and***
9. ***Establish other licensing, renewal and operational standards deemed necessary by the Commissioner.***

C. Any fees collected by the Department of Consumer Protection under this Section shall be paid to the State Treasurer and

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credited to the account established pursuant to Section 19 of Public Act 12-55.

2. ***<u>Producer or licensed producer</u> means a person licensed as a producer pursuant to Section 10 of Public Act #12-55;***

   A. ***No person may act as a producer or represent that such person is a licensed producer unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.***

   B. ***The Commissioner of Consumer Protection shall determine the number of producers appropriate to meet the needs of qualifying patients in this state and shall adopt regulations, in accordance with Chapter 54 of the General Statues, to provide for the licensure, standards and locations for producers in this state and specify the maximum number of producers that may be licensed in this state at any time. On and after the effective date of such regulations, the Commissioner may license any person who applies for a license in accordance with such regulations, provided (1) such person is organized for the purpose of cultivating marijuana for palliative use in this state, (2) the Commissioner finds that such applicant has appropriate expertise in agriculture and that such applicant is qualified to cultivate marijuana and sell, deliver, transport or distribute marijuana solely within this state pursuant to Sections 1 to 15, inclusive, of Public Act 12-55, and (3) the number of producer licenses issued does not exceed the number appropriate to meet the needs of qualifying patients in this state, as determined by the***

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Commissioner pursuant to this subsection. At a minimum, such regulations shall:

1. ***Indicate the maximum number of producers that may be licensed in this state at any time, which number shall not be less than three nor more than ten producers;***
2. ***Provide that no marijuana may be sold, delivered, transported or distributed by a producer from or to a location outside of this state;***
3. ***Establish a nonrefundable application fee of not less than twenty-five thousand dollars for each application submitted for a producer license;***
4. ***Establish a license fee and renewal fee for each licensed producer, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating producers pursuant to Sections 1 – 15, inclusive, of Public Act #12-55;***
5. ***Provide for renewal of such producer licenses at least every five years;***
6. ***Provide that no producer may cultivate marijuana for palliative use outside of this state and designate permissible locations for licensed producers in this state;***

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7. ***Establish financial requirements for producers, under which (i) each applicant demonstrates the financial capacity to build and operate a marijuana production facility, and (ii) each licensed producer may be required to maintain an escrow account in a financial institution in this state in an amount of two million dollars;***
8. ***Establish health, safety and security requirements for licensed producers, which shall include, but need not be limited to, a requirement that the applicant or licensed producer demonstrate: (i) The ability to maintain adequate control against the diversion, theft and loss of marijuana cultivated by the producer, and (ii) the ability to cultivate pharmaceutical grade marijuana for palliative use in an secure indoor facility;***
9. ***Define "pharmaceutical grade marijuana for palliative use" for the purposes of this section;***
10. ***Establish standards and procedures for revocation, suspension, summary suspension and nonrenewal of producer licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of Section 4-182 of the General Statutes; and***

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11. Establish other licensing, renewal and operational standards deemed necessary by the Commissioner.

C. Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the account established pursuant to Section 19 of Public Act #12-55.

3. <u>Public Building</u> means any building owned, leased or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.

4. <u>Private Recreation Area</u> means any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including but not limited to sports or fitness centers, martial arts, dance, gymnastics, music or art studios, indoor open or guided play areas, camps, and the like.

5. <u>Public Park and Recreation Area</u> means public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness

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areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.

6. <u>School</u> means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

C. Applicability. Medical Marijuana dispensaries shall be permitted only in the Central Business Zone (CB) and Business Zone (B), subject to special permit use approval in accordance with Section 8 of these Regulations and site plan approval in accordance with Section 9 of these Regulations and the requirements of this section. Medical Marijuana production facilities shall be permitted only in an Industrial Zone, subject to special permit use approval in accordance with Section 8 of these Regulations and site plan approval in accordance with Section 9 of these Regulations and the requirements of this section.

D. Separation Requirements. Regulated uses identified in this section shall be subject to the following separation restrictions:

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1. ***No Medical Marijuana Producer shall be permitted on a site that is less than 1,000 feet from any other site containing an Medical Marijuana Producer;***
2. ***No Medical Marijuana Producer shall be permitted on a site that is less than 750 feet from any site containing a church, school, public building, public park or recreation area, or private recreation area;***
3. ***No Medical Marijuana Producer shall be permitted on a site that is less than 750 feet from any residentially zoned land as defined in the town's zoning regulations, or from a site zoned B with 5 or more residential units;***
4. ***No Medical Marijuana Dispensary or Producer shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another Medical Marijuana Dispensary or Producer;***
5. ***All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site;***

E. ***Sign and exterior display requirements. No Medical Marijuana Dispensary or Producer shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Medical Marijuana from any public way or from any property not licensed as an Medical Marijuana Dispensary or Producer. This provision shall apply to any display, decoration, sign, show window or other opening.***

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