

Proposed DRAFT Text Amendment on the following sections of the Woodstock Zoning Regulations regarding cannabis. DRAFT revisions dated 5/4/23

Public Hearing: [date to be determined]

Proposed new language: **bold** Proposed deletions: ~~strikeout~~

Note changes from 3/2/23 indicated with underlined text, ~~changes from 5/4/23 in yellow highlight~~

**Proposal is to delete the proposed text amendment approved previously regarding the “Temporary and Limited Moratorium on Cannabis Establishments” and instead propose the following new text sections for the Zoning Regulations.**

#### **Article II Definitions, Section B. ~~Article II- A~~**

- ~~1.—Statement of Purpose. This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes.~~

~~The Connecticut General Assembly has passed, and the Governor has signed S.B. 1201, An Act Concerning Responsible and Equitable Regulation of Adult Use Cannabis (the “Act”), portions of which are effective on July 1, 2021. Said Act contains provisions allowing municipalities to prohibit or place certain restrictions on cannabis establishments with the exception of existing dispensary facilities and producers for medical marijuana as defined in Chapter 420f, C.G.S., Palliative Use of Marijuana—legislation passed in 2012 authorizing the use of medical marijuana. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public’s general health, safety and welfare.~~

#### **Cannabis Related Terms:**

As used in this section, the terms below shall have the definitions set forth herein. Any term not defined herein shall have the meaning ascribed to it, if any, in Chapter 420h, C.G.S.

**Cannabis** – Marijuana as defined in Section 21a-240, CGS.

**Cannabis Establishment** – Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

**Cultivator** – A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand (15,000) square feet of grow space.

**Delivery Service** – 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 Section 21a-408, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

**Dispensary Facility** – Means a place of business where cannabis may be dispensed, sold, or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the

department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

**Food and Beverage Manufacturer** – A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

**Hybrid Retailer** – A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

**Micro-cultivator** – A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand (2,000) square feet and not more than ten thousand (10,000) square feet of grow space, prior to any expansion authorized by the commissioner.

**Person** – An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

**Product Manufacturer** – A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.

**Produce Packager** – A person that is licensed to package and label cannabis and cannabis products.

**Producer** – Grows cannabis for medicinal use.

**Retailer** – person, that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

**Transporter** – Means a person licensed to transport cannabis between cannabis establishments, laboratories, and research programs.

Article III. B. 3. Uses Allowed by Special Permit in the Community District

#### **r. Cannabis Establishment**

#### **Article IV. I. Cannabis Establishment**

**A Cannabis Establishment is a Specially Permitted Use in the Community District.**

##### **1. Intent**

**The purpose of these Zoning Regulations is to regulate the location and operation of cannabis sales, cultivation, or production in accordance with SB 1201 – An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis and Connecticut General Statute 420f – Palliative Use of Marijuana Chapter 420h, C.G.S., as **may be** amended from time to time.**

## 2. Minimum Requirements

### a. ~~Separation requirements~~ Minimum Standards

- i. The cannabis establishment shall not be within a ~~five hundred (500)~~ fifteen hundred (1,500) foot radius of any part of any building or structure used for the purpose of a school, house of worship, library, public playground, Town parks and recreation facilities, daycare centers/preschools nurseries, municipal building, structure identified on the "Historic Properties Composite Map", or Board of Education facility open to the public, as measured from entrance of the above use (for parks or similar outdoor uses ~~if the 1,500 (fifteen hundred) feet~~ is from the property line) to the entrance of the proposed cannabis establishment. ~~The Commission may, in its sole discretion, increase separation distances between the cannabis establishment and any uses previously mentioned "identified" in this paragraph up to a maximum of 1,500 feet, as the Commission deems necessary. The Commission may, in its sole discretion, increase separation distances between the cannabis establishment and any uses previously mentioned ("identified") in this paragraph up to a maximum of 1,500 feet, as the Commission deems necessary.~~

1. The required minimum separation distance described above may be reduced at the request of the applicant, if upon submittal of information showing how the proposed location meets the following Criteria and is found by the Commission to be warranted, following the Commission's evaluation to be without detriment to the community.

#### a. Criteria:

- i. The specific physical, use, infrastructure, vehicular and pedestrian circulation and other like attributes of the location and its immediate environs
- ii. The hours of operation, patronage, scale, access and other attributes of the protected uses enumerated above in relation to the same attributes of the proposed use.
- iii. The likelihood of interaction between the use and protected uses enumerated above in proximity to the proposed use where such interaction would create undue risk to the health or safety of occupants, employees or patrons of the protected use.

- b. Findings: Based on the above considerations, before the Commission may approve a modification under these provisions, the Commission shall find:

- i. The proposed use will not likely create undue risks to the health or safety of occupants, patrons, employees or others using the protected use's site, as enumerated above, or facilities AND;
- ii. The applicant, if approved will not create conflicts with, or undermine the Town's Plan of Conservation & Development Comprehensive Plan or the general principles of orderly development AND;

- iii. That, in the Commission's sole discretion, as or if necessary, the Special Permit approval includes conditions and/or modifications which will serve to sufficiently mitigate any relevant potential issues under the Commission's legal purview in acting on the Special Permit application.
- c. In considering and acting on a modification request, the Commission may require the applicant to submit documentation in support of the request and relating to the criteria and findings described herein, including but not necessarily limited to surveys, written reports, land records, data, photographs or other materials. Applicants shall also be free to provide whatever additional documentation they feel supports their modification request.

Where the proposed cannabis establishment use abuts a residential use district, a buffer strip of at least 25' wide, containing planted or existing screening is may be required by the Commission. Permanent structures such as wooden fences, stone walls and the like may be approved in lieu of part or in conjunction with the required planting where, in the opinion of the Commission, the intended buffering purpose is served by such a substitution.

[proposed buffer alternative below]

- i. On proposed project sites where the proposed use is within two hundred (200) feet of the property boundary, a twenty-five (25) foot wide buffer shall be required. Buffer may consist of new or existing coniferous trees, shrubs, wooden fences, stone walls and similar landscaping features to a minimum of six (6) foot height with vegetation allowed to go higher. The buffer shall begin at the boundary line and extend twenty-five (25) feet to the interior of the lot along the length of the boundary until it exceeds the length of the project site by two hundred (200) feet and extends on all sides of the property where the proposed project site is within two hundred (200) feet of the property boundary.
- ii. No cannabis establishment shall be allowed within the same building, structure, or portion thereof that is used for residential purposes. On mixed use properties the cannabis establishment ~~should~~ shall be in a separate building from any residential use on that property.
- iii. Any cannabis retailer shall be located not less than 6,000 linear feet from another cannabis retailer or hybrid retailer. The separating distance between any two cannabis retail outlets (whether a cannabis retailer or a hybrid retailer) shall be measured from the nearest property line of the lot upon which the use is located to the nearest property line of the lot upon which another retail sale of cannabis use is proposed. No variance shall be issued by the Zoning Board of Appeals to reduce this separating distance.
- iv. All cannabis establishments shall have an adequate security system to prevent and detect diversion, theft, or loss of cannabis, utilizing commercial grade equipment meeting at least the minimum requirements of the Department of Consumer Protection Title 21a – Consumer Protection Section 21a-408-62.

- v. The production, growing and/or storage of cannabis shall be conducted indoors.
  - vi. Hours of operation for any retail component, shall be limited to between 9 am to 9 pm, Monday through Saturday and between 10 am to 6 pm, Sunday.
  - vii. Cannabis products may not be consumed on the grounds of a permitted retail, manufacturer, or cultivator facility.
3. The application must include the following details and/or information, in addition to the Special Permit Requirements ~~requirements~~ otherwise ~~required~~ specified for Special Permit applications in Article V, Section H:
- i. A map identifying all the locations of all schools, houses of worship, library, public playgrounds, Town parks and recreation facilities, daycare centers/preschools nurseries, municipal building, structures identified on the “Historic Properties Composite Map”, or Board of Education facility open to the public ~~above referenced~~ uses within five fifteen hundred (1,500’) feet of the proposed cannabis establishment.
  - ii. Noise abatement methods used, if necessary.
  - iii. Odor controls used, if necessary.
  - iv. Security methods proposed, if necessary, implemented.
  - v. Water consumption estimates and handling of wastewaters, if necessary.
  - vi. Waste management, if necessary.
  - ~~vii. Exterior lighting and signage; all exterior lighting shall be compliant with the lighting regulations night sky compliant.~~
  - viii. Emergency power; location of generators, if necessary.
4. Copy of all State Permitting must be on file with the Town of Woodstock Land Use Department and displayed within the Cannabis Establishment.
5. Conditions of Approval  
In addition to any conditions imposed pursuant to these Regulations, all Special Permits for cannabis establishments shall be subject to the following conditions:
- i. Special Permits shall be approved with the condition that the applicant continuously maintains all necessary approvals required by the State of Connecticut for the duration of the operation.
  - ii. A conditional approval issued by the Commission shall not be considered fully executed until a copy of the State issued license has been provided to the Land Use Planning

Department. A fully executed approval, including the State issued license must be filed with the Woodstock Land Use Department within six-month (6) months of the issuance of the Special Permit.

The Planning & Zoning Commission may issue not more than two (2) six-month extensions to this requirement provided the applicant can demonstrate that an application has been filed with the Department of Consumer Protection and the expected decision date will fall within the timeframe of the extension.

- iii. No entity shall commence operations, sales or advertisements without a valid, current license from the State of Connecticut and fully executed Special Permit from the Town filed on the Woodstock Land Records.

6. Disclaimer

Marijuana, whether medical or recreational, continues to be listed on Schedule I of the U.S. Controlled Substances Act (CSA) and is therefore still illegal under federal law. Any applications for cannabis dispensaries and/or production facilities are done under ~~SB1201~~ and Connecticut General Statutes Chapters 420f and 420h and at total risk of the applicant.