

Cannabis Regs. Sample Outline from other towns 3/10 2022

A. Purpose and Intent

The purpose of this Section is to provide for adult , age 21 and over, use marijuana establishments in the Town Of Coventry, in accordance with Sb1201. It is the express purpose and intent of this Ordinance to minimize the adverse impacts adult use marijuana establishments may have on adjacent properties and to provide standards for the placement, design, siting, safety, security and monitoring of adult use marijuana establishments subject to reasonable conditions that will protect the public health, safety and welfare. This Regulation is intended to encourage appropriate land use and reasonable safeguards to govern the time, place and manner of Marijuana Establishment operations.

The State law allows municipalities to grant zoning approvals to a maximum of one retailer and one micro-cultivator per every twenty-five thousand residents of a municipality, until June 30, 2024, when the Connecticut Department of Consumer Protection (DCPD) may increase the permitted number (Sec. 148 (e)).

B. Cannabis Establishment License Types

The new law establishes eight different State license types which could be used in defining each specific cannabis establishment in zoning regulations. Each license has unique attributes. The license types relating to land use are as follows:

License Type	License Description
Retailer License	A retailer may purchase and sell recreational cannabis to consumers and research programs. This license excludes medical marijuana dispensaries and hybrid retailers.
Hybrid Retailer License	A hybrid retailer may purchase and sell recreational cannabis, along with medical marijuana products
Cultivator License	A cultivator may cultivate, grow, and propagate cannabis at an indoor establishment of not less than 15,000 square feet of grow space.
Micro-Cultivator License	A micro-cultivator may cultivate, grow, and propagate cannabis at an indoor establishment of not less than 2,000 square feet and not more than 10,000 square feet of grow space.
Product Manufacturer License	A product manufacturer may obtain cannabis, and extract and manufacture cannabis products.
Food and Beverage Manufacturer License	A food and beverage manufacturer may own and operate a business that obtains cannabis, and creates food and beverages using cannabis.
Product Packager License	A product manufacturer may obtain cannabis, and extract and manufacture cannabis products.
Delivery Service or Transporter License	A delivery service may deliver recreational cannabis to consumers, and may deliver medical marijuana to qualifying patients. A transporter may transport cannabis products between cannabis establishments, laboratories, and research programs.

C. Definitions

CRAFT MARIJUANA CULTIVATOR COOPERATIVE: a marijuana cultivator comprised of residents of the state organized as a limited liability company or limited liability partnership, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to Marijuana Establishments but not to consumers.

MARIJUANA: all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in ??? provided, however, that "marijuana" shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

MARIJUANA CULTIVATOR: an entity licensed to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers, including a Craft Marijuana Cultivator Cooperative.

MARIJUANA DELIVERY-ONLY-RETAILER: a marijuana retailer that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, craft marijuana cultivator cooperative facility or marijuana product manufacturer facility.

MARIJUANA ESTABLISHMENT: a marijuana cultivator, independent testing laboratory, marijuana testing facility, marijuana product manufacturer, marijuana retailer, club, lodge, other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products, or any other type of licensed marijuana-related business.

MARIJUANA INDEPENDENT TESTING LABORATORY: a laboratory that is licensed by the Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission.

MARIJUANA PRODUCT MANUFACTURER: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers. Such uses shall be limited to 5,000 square feet or less.

MARIJUANA PRODUCTS: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA RESEARCH FACILITY: an entity licensed to engage in research projects by the Cannabis Control Commission.

MARIJUANA SOCIAL CONSUMPTION OPERATOR: a marijuana retailer licensed to purchase marijuana and marijuana products from marijuana establishment and to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises only.

MARIJUANA STOREFRONT RETAILER: a marijuana retailer that provides a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program, if the retail store is co-located with a medical marijuana treatment center.

MARIJUANA TRANSPORTER: an entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to marijuana establishments, not for sale to consumers.

MICRO-BUSINESS: a marijuana establishment that is licensed to act as a: licensed marijuana cultivator in an area less than 5,000 square feet; licensed marijuana product manufacturer, and licensed marijuana delivery service in compliance with the operating procedures for each such license. Such uses shall be limited to 5,000 square feet or less in total

D. Use Regulations

1. A Marijuana Establishment shall be permitted in the zoning districts determined by **Table xx** and only then upon the issuance of a special permit by the Planning Board acting solely in accordance with the standards and procedures set forth in x.xy.
2. Except for the conversion of a licensed Registered Marijuana Dispensary to an Adult Use Marijuana Establishment, no special permit shall be granted for any Marijuana Establishment sited within a radius of five hundred feet of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground, nor for any Marijuana Storefront Retailer sited within a radius of five hundred feet of another Marijuana Storefront Retailer. Each applicant for a special permit under this section shall submit a plan signed by a licensed surveyor, depicting compliance with the linear distance requirements set forth herein.
3. Licenses and Registration. A special permit issued pursuant to this Section shall be conditioned on the Permittee maintaining all required state and local licenses and/or registrations and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Cannabis Use that is not properly licensed and/or registered with the applicable state and local agencies.
4. All aspects of a Marijuana Establishment relative to the cultivation, possession, processing, sales, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building. A Marijuana Establishment shall not be located in a trailer, storage freight container, motor vehicle or other similar movable enclosure.

5. No outside storage of marijuana, marijuana products, or related supplies is permitted.
6. The hours of operation of a Marijuana Establishment shall be set by the P&ZC, but in no event shall a Marijuana Establishment be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises between the hours of 11p.m. and 8 a.m.
7. The Marijuana Establishment shall provide an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the facilities. All resulting odors, smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed of so as to avoid any air pollution.
8. The Marijuana Establishment shall provide for adequate and proper security at the premises so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises.
9. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises where sold. All Marijuana Establishments permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.
10. No drive-through service shall be permitted at a Marijuana Establishment.

E. Dimensional Requirements

1. A Marijuana Establishment shall comply with the dimensional controls in **Table yy**

F. Parking and Loading

1. A Marijuana Establishment shall comply with the parking and loading requirements in **Table zz**

G. Abandonment or Discontinuance of Use

1. A special permit grant under this section shall lapse if not exercised within one year of issuance.
2. A Marijuana Establishment shall be required to remove all materials, plants, equipment and other paraphernalia within ninety days of ceasing operations or immediately following revocation of its license issued by the Cannabis Control Commission.
3. The P&ZC may require the Marijuana Establishment to post a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling and winding down of the Marijuana Establishment.

H. Special Permit Approval Criteria

1. After notice and public hearing, and after due consideration of the evidence submitted, including the reports and recommendations of city departments, the P&ZC, in addition to the special permit criteria under Section yy.yy, may grant such a special permit provided that it finds that:

- a) The Marijuana Establishment does not detract from the purposes and intent of this Zoning Ordinance.
- b) The application information submitted is adequate for the P&ZC to consider approving the special permit request.
- c) The proposed establishment is designed to minimize any adverse impacts on abutting properties.
- d) The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
- e) The odor control plan proposed adequately provides for the ongoings and operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.
- f) The proposed design and operation of the Marijuana Establishment will meet the requirements of this section.

I. Application Requirements

1. Applicants are encouraged to contact the P&ZC staff to schedule a pre- application meeting.
2. In addition to all the application requirements related to special permits under Section yy.yy, the applicant shall include the following at the time of application:
 - (a) Description of Activities: a narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of Cannabis Products, on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.
 - (b) Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the State of Connecticut Department of Consumer Protection, including a copy of an executed host community agreement .
 - (c) Context Map: A map identifying, at a minimum, the location of the proposed establishment, the locations of all other Cannabis Uses in the vicinity, the locations of all public or private schools providing education in kindergarten or any of grades one through 12, and the locations of all children’s playgrounds, youth athletic fields, or other youth recreation facilities, with measured distances provided to demonstrate whether the location complies with the standards of Section ?? ?? above.
 - (d) Site Plan: A plan or plans depicting all existing and proposed development on the property, including the dimensions of the building, the detailed layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.
 - (e) A security plan showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area. The security plan shall detail how the property will be monitored so as to avoid, deter and prevent illegal activities from taking place upon or about the

applicant's premises and shall show the location of any walkway structures, lighting, gates, fencing and landscaping.

- (f) Logistics Plan: A plan identifying the on-site or off-site locations where deliveries and loading functions will take place and a narrative describing how deliveries to the site, loading, and other service functions will be conducted, as well as a plan and narrative identifying the transportation options for customers and employees, including public transportation services, on-site and off-site parking facilities, and bicycle facilities.
- (g) A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment.
- (h) A list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings.
- (i) Proof that the Marijuana Establishment is registered to do business in the State of Connecticut as a domestic business corporation or another domestic business entity in compliance with xx.xx and is in good standing with the Secretary of the State and the Department of Revenue.
- (j) Documentation of a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling or winding down of the Marijuana Establishment, if required.
- (k) An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such controls.
- (l) An applicant who is not the property owner shall submit evidence in the form of deed, an executed lease or valid purchase and sale agreement documenting the applicant's contingent property interest and legal right to operate a Marijuana Establishment at the property.

Table x.xx will delineate the zoning areas where the following are allowed

Retailer	Food and Beverage Manufacturer
Cultivator	Product Packager
Micro-Cultivator	Delivery Service or Transporter
Product manufacturer	

(OR- under Article VI, indicate the allowed establishment (s) under each section 6.xx)

Table yy- Marijuana Establishments- dimensional controls

Table zz- Marijuana Establishments- parking and loading requirements