

DRAFT 12-14-21; updated with public hearing 4-26-22 changes

PZC Sponsored amendment to address Hybrid-Use Cannabis Dispensary Facility and Cannabis Production Facility

**Delete: Section 2.24** – One year Moratorium on cannabis sales

**Modify Table 4.1.1A Permitted Commercial and Industrial Uses** to allow Hybrid-Use Cannabis Dispensary by Special Exception/Site plan in the General Commercial Zone and allow Cannabis Production Facilities in the Industrial zone by Site plan

**Add Section 7.24 Hybrid-Use Cannabis Dispensary and Production Facilities**

## **ARTICLE 7 SPECIAL REGULATIONS**

### **Section 7.24 Hybrid-Use Cannabis Dispensary and Production Facilities.**

#### **7.24.1 Cannabis Dispensary and Production Facilities Definitions**

Adult-Use Cannabis Dispensary Facility. A place of business where cannabis may be dispensed or sold at retail to qualifying adult-use consumers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Sections 21a-408 through 21a-408q, inclusive.

Adult-Use Cannabis Production Facility. A secure, indoor facility where the production of adult-use cannabis occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

Hybrid-Use Cannabis Dispensary Facility. A place of business where cannabis may be dispensed or sold at retail to qualifying medical patients, primary caregivers, and to qualifying adult-use consumers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Section 21a-408 through 21a-408q, inclusive.

Hybrid-Use Cannabis Production Facility. A secure, indoor facility where the production of medical and adult-use cannabis occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

Medical Cannabis Dispensary Facility. A place of business where cannabis may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT Department of Consumer Protection has issued a dispensary facility license to an applicant under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies.

#### **ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES**

Medical Cannabis Production Facility. A secure, indoor facility where the production of cannabis occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license under C.G.S. Sections 21a-408 through 21a-408q, inclusive, and in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

Micro-Cultivator. A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment that is between 2,000 square feet and 10,000 square feet of grow space, prior to any expansion authorized by the Department of Consumer Protection commissioner.

##### **7.24.1 Hybrid-Use Cannabis Dispensary Facility Permitted by Special Exception.**

The dispensing or sale at retail of Medical and/or Adult-Use Cannabis, as defined herein as a Hybrid-Use Cannabis Dispensary Facility, shall be considered a special exception use subject to all provisions of these Regulations governing special exception uses and limited to the General Commercial zone. All Connecticut state regulations and laws on the dispensing of cannabis shall be adhered to and form the basis for local regulation of cannabis sales.

1. The number of Hybrid-Use Cannabis Dispensary Facilities in South Windsor shall be limited to one.
2. Prior to issuance of a Zoning Permit, the applicant must provide to the Zoning Enforcement Officer a copy of the Hybrid-Use Cannabis Dispensary Facility license issued to the applicant under the authority of the State of Connecticut Commissioner of the Department of Consumer Protection.
3. No Hybrid-Use Cannabis Dispensary Facility shall be located within 500 feet of a municipal building, public park, public recreation area, licensed adult or child day care center, dependency treatment center, or place of worship (each a “Protected Use”), which are in existence as of the effective date of the application for a special exception. A Cannabis Dispensary Facility shall not become non-conforming by the later establishment of a Protected Use within 500 feet and may be enlarged, renovated, and rebuilt, in accordance with all other applicable laws and regulations.
4. No Hybrid-Use Cannabis Dispensary Facility shall be located within 1,000 feet of any nursery/prekindergarten, kindergarten, elementary or secondary school, college, or university, whether supported by public or private funds (each a “School Use”), which are in existence as of the date of application for a special exception. A Cannabis Dispensary Facility shall not become non-conforming by the later establishment of a School Use within 1,000 feet and may be enlarged, renovated, and rebuilt, in accordance with all other applicable laws and regulations.
5. All business transactions and deliveries shall be conducted in strict accordance with State law.

#### ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

6. All advertising for Hybrid-Use Cannabis Dispensary Facility shall comply with the regulations specified in Section 33 of **Responsible and Equitable Regulation of Adult-Use Cannabis** (RERACA).
7. Vehicular access onto the site shall be provided solely from a collector or arterial street.
8. Distance requirements are measured as a straight line from the main pedestrian entrance of the proposed Hybrid-Use Cannabis Dispensary Facility to the nearest main pedestrian entrance of said use so referenced in 1. and 2. above.
9. All other provisions of these Regulations shall be met.

##### **7.24.2 Adult-Use and/or Medical Cannabis Production/**Micro-Cultivation** Facilities**

The growing of cannabis or the production or manufacturing of cannabis products is allowed in the Industrial zone subject to **special exception** ~~site plan~~ approval. The operator must receive a producer license from the CT Department of Consumer Protection as Cannabis Production Facility.

The growing of cannabis for medical or adult use in a state-licensed and secure micro-cultivator greenhouse facility is permitted by special exception in the Rural Residential zone on a farm with a minimum of fifty acres, provided such facility is at least 400 feet from a public street, at least 200 feet from a property line, and at least 200 feet from any dwelling. All lighting on site (including greenhouses) shall meet Dark Sky compliance lighting standards.

## Section 3.1 Residential Zone Requirements

### 3.1.1 Permitted Uses, Impervious Coverage and Other Provisions

Uses within residential zones shall be governed by Table 3.1.1A. For uses requiring a Special Exception, see Section 8.4 Special Exception Standards and Procedures.

Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions						
Use	Zones				Impervious Coverage	Additional Provisions
	RR = Rural Residential	AA-30 = Limited Residential	A = A-40, A-30, & A-20 Residential	MF = Multifamily		
	RR	AA-30	A	MF		

#### Commercial Uses

Agriculture, forestry, truck or nursery gardening, including green- houses incidental thereto	P					Not including veterinary hospitals, veterinary kennels, commercial kennels, animal boarding homes, livery or boarding stable. Excludes swine and animals raised for pelts except for domestic use. See Section 7.12 Horses/Ponies and Home Animal Agriculture for Home Animal Agriculture and Commercial Animal Agriculture regulations.
Farms	P		P			
Farm Stands	SE		SE			See Article 7 Special Regulations.
Home Occupations, Home Office, Professional Office (Major)	SE		SE			See Article 7 Special Regulations.
Home Occupations, Home Office, Professional Office (Minor)	P	P	P	P		See Article 7 Special Regulations.
Micro-Cultivator of Cannabis	SE					See Article 7 Special Regulations
Offices - professional, commercial and business	SE		SE		50%	See Article 5.3 Special Regulations.
Solar Energy System, Large	SE					See Article 7, Special Regulations
Solar Energy System, Small	SE		SE**		20%	See Article 7, Special Regulations
Stables, Barns, Riding Academies	SE		SE**		20%	See Article 7 Special Regulations.

## ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

**Table 4.1.1A Permitted Commercial and Industrial Uses**

SE = Special Exception SP = Site Plan ZP = Zoning Permit Blank = Not Permitted	Zones						Additional Provisions
	DC = Design Commercial GC = General Commercial I = Industrial RC = Restricted Commercial RO = Restricted Office TS = Route 5 Travel Services						
Use	DC	GC	I	RC	RO	TS	
Commercial Uses							
Agriculture (e.g. forestry operation, cultivated lands, animals)	P	P	P	P	P	P	Clearing of ½ acre of land requires PZC approval.
Adult-Oriented Businesses		SE					See Article 7 Special Regulations.
Alcoholic Liquor Stores	SP	SP		SP			
Alcoholic beverage sales for consumption on the premises of hotels, restaurants, taverns, grills and cafes	SP	SP	SE*	SP			*Industrial zone – accessory to a permitted recreational use or manufacturing use
Alcoholic liquor sales as part of a drug store or grocery store	SP	SP		SP			
Amusement - theaters, moving picture houses, assembly halls, billiard and pool rooms, bowling alleys, and similar amusement enterprises		SP	SE*				Excluding shooting galleries, freak shows, mechanical rides and similar enterprises * Industrial zone in conjunction with permitted indoor recreational use. See Article 7 Special Regulations
Automobile retail sales, new and used		SE	SE*				* Maximum cars offered for sale is four (4)
Automobile service and repair			SP				
Automobile wholesale		SE					
Automobile service stations, fuel and repair		SE					See Article 7 Special Regulations.
Automotive fuel	SP						Only when accessory to a retail sales and inventory directly related thereto facility that has a minimum gross floor area of 50,000 sq ft  Commission may determine hours of operation.
Brewery / Distillery			SP				Accessory uses and incidental sales (e.g. tasting rooms) subject to criteria in Section 4.5.3 Accessory Uses. Parking is subject to PZC approval.
Beverage Stores, quick service; e.g. coffee shop						SP	
Building and landscape materials sales and storage including lumber yards and construction equipment			SE				Excluding the storage or fabricating of structural steel and heavy concrete products. Primary building shall be minimum 2,000 sq ft (excluding greenhouses). Except plant materials, outdoor storage/sales area shall not be visible from a public street.
Cannabis Production Facility			SE				See Article 7 Special Regulations.
Convenience Stores						SP	

# ARTICLE 4 – COMMERCIAL AND INDUSTRIAL ZONES

**Table 4.1.1A Permitted Commercial and Industrial Uses**

Use	Zones						Additional Provisions
	DC	GC	I	RC	RO	TS	
Convention Facilities	SE						
Day Care Facilities	SE	SE	SE	SE	SE		See Article 7 Special Regulations.
Dog Grooming Facilities		SE	SE	SE			See Article 7 Special Regulations for Dog Grooming Facilities in the Industrial Zone
Dry cleaning, laundry, and dyeing establishments		SP					
Entertainment (live) at hotels and restaurants, taverns, grills and cafes	SP	SP	SE*				*Industrial zone in conjunction with permitted indoor recreational use. See Article 7 Special Regulations
Equipment sales, service and rentals, including farm equipment		SP	SE				
(EVSE) AC Level 1, AC Level 2, and DC Fast Charging Electric Vehicle Charging Equipment	SE	SE	SE	SE			As a primary use (destination charging) for sale of EV Charging services to the public, similar in intent to internal combustion engine fueling (e.g. gasoline or diesel) See Appendix H – Electric Vehicle Supply Equipment
Financial Services, institutions and agencies	SP	SP	SP	SP		SP	
Fitness Facilities		SP	SE	SP		SP	See Article 7 Special Regulations for indoor recreational facilities
Freezer lockers and incidental processing of food for human consumption		SP					
Garages - public		SP		SE			
Hotels (and motels)	SP	SP		SP		SP	
Hotels, exclusive of entertainment		SP		SP			
Hybrid-Use Cannabis Dispensary		SE					See Article 7 Special Regulations
Manufacture of bricks, cement products, tile and terra cotta			SE				
Manufacture, processing, packaging and assembly of components or goods			SP				
Microbrewery, Brewpub		SP		SE			No more than 15,000 barrels manufactured per year; wholesale and retail sales allowed; tasting rooms allowed; outside tasting allowed in conformance with Section 7.15 Outdoor Dining. Hours of operation may be determined by the PZC
Micro-Cultivator of Cannabis			SE				See Article 7 Special Regulations

## Section 4.5 Industrial Zone (I)

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### **4.5.3 Accessory Uses**

Accessory uses normally incidental to the principal use, including garages, storage buildings, and power plants, as well as employee recreational, commissary and clinical facilities are permitted uses. Incidental sales shall be permitted as an accessory use provided that: (a) no more than 20% of the gross building floor area is devoted to such sales, or (b) in a landscape materials sales and storage use, not more than 20% of the gross exterior display/storage yard is devoted to such sales, or (c) not more than 6 sales events are held per year. Cannabis production facilities, including micro-cultivators, are prohibited from creating showrooms and/or retails sales on the site.