

STONINGTON PLANNING AND ZONING COMMISSION

ZONING REGULATION AND MAP AMENDMENT



APPLICATION **PZ2221RA**
APPROVED **August 16, 2022**
EFFECTIVE **September 5, 2022**

VOTING HISTORY

Lynn Conway	In Favor
Ryan Deasy	In Favor
Andy Meek	In Favor
Ben Philbrick	In Favor
Charles Sheehan	In Favor

ADOPTED TEXT

Key:

Existing text to remain

Added text

~~Deleted text~~

ARTICLE I

PREAMBLE, ENACTING CLAUSE, ZONING DISTRICTS, MAP AND DEFINITIONS

Amend Section 1.2.2 Definitions as follows:

1.2 DEFINITIONS

1.2.2 Specific

Agriculture. The primary production of products of the soil, involving the cultivation of the land and the raising and harvesting of these products, including, but not limited to, nurseries, horticulture, forestry, livestock, and poultry. **Agriculture does not include the cultivation of Cannabis.**

Cannabis. Marijuana, as defined in section 21a-240 of Connecticut General Statutes.

Cannabis Cultivator. A business that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

Cannabis Delivery Service. A business 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 of the general statutes, or to hospices or other inpatient care facilities licensed by the

STONINGTON PLANNING AND ZONING COMMISSION

ZONING REGULATION AND MAP AMENDMENT



Connecticut Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

Cannabis Dispensary Facility. A place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the Connecticut Department of Consumer Protection has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder.

Cannabis Establishment. A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter of cannabis.

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

Cannabis Hybrid Retailer. A business that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Cannabis Micro-Cultivator. A business licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.

Cannabis Retailer. A business, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.

Cannabis Product Manufacturer. A business that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

Cannabis Product Packager. A business that is licensed to package and label cannabis.

Cannabis Transporter. A business licensed to transport cannabis between cannabis establishments, laboratories and research programs.

STONINGTON PLANNING AND ZONING COMMISSION
ZONING REGULATION AND MAP AMENDMENT



ARTICLE IV

DISTRICT REGULATIONS – COMMERCIAL / INDUSTRIAL ZONES

Amend Commercial Districts as follows:

- 4.4 GENERAL COMMERCIAL (GC-60)
Purpose: This zone is intended to provide a full range of shopping opportunities for the Town.
- 4.4.3 Uses Allowed by Special Permit.
- 4.4.3.39 Cannabis Delivery Service and/or Transporter. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.5 TOURIST COMMERCIAL (TC-80) [ADOPTED AUGUST 9, 1979]
Purpose: This zone provides service to tourist visitors to the Town with minimal impact on adjoining residential uses.
- 4.5.3 Uses Allowed by Special Permits.
- 4.5.3.35. Cannabis Delivery Service and/or Transporter (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.5.3.36. Cannabis Retailer or Cannabis Hybrid Retailer. (Per Section 6.6.27.5.2, a maximum of only one Cannabis Retailer / Hybrid Retailer is permitted in the Town.)**
- 4.7 MANUFACTURING (M-1)
Purpose: This zone provides for a range of manufacturing and commercial uses.
- 4.7.3 Uses Allowed by Special Permit.
- 4.7.2.23 Cannabis Delivery Service and/or Transporter. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.7.2.24 Cannabis Food and Beverage Manufacturer. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.7.3.25 Cannabis Micro-Cultivator. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.7.2.26 Cannabis Product Manufacturer. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.7.2.27 Cannabis Product Packager. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.8 LIGHT INDUSTRY (LI-130) [ADOPTED AUGUST 9, 1979]
Purpose: This zone permits research and development office parks. The zone allows a less intense use having less impact on the environment and surrounding neighborhoods.
- 4.8.3 Uses Allowed by Special Permit.
- 4.8.3.16 Cannabis Delivery Service and/or Transporter. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**

STONINGTON PLANNING AND ZONING COMMISSION

ZONING REGULATION AND MAP AMENDMENT



- 4.8.3.17 Cannabis Food and Beverage Manufacturer. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.8.3.18 Cannabis Micro-Cultivator. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.8.3.19 Cannabis Product Manufacturer. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.8.3.20 Cannabis Product Packager. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**

4.9 HIGHWAY INTERCHANGE ZONE (HI-60) [ADOPTED JANUARY 18, 1994]

Purpose: This zone encourages the development of high quality commercial office, retail, hotel, light industrial development, and age-restricted housing surrounding the interchanges of Interstate-95 with Routes 2, 49, and 78. It promotes land use which is compatible with the environmental conditions of the area, in particular, underlying aquifers and adjacent water bodies.

4.9.3 Uses Allowed by Special Permit.

- 4.9.3.27 Cannabis Delivery Service and/or Transporter. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.9.3.28 Cannabis Retailer or Cannabis Hybrid Retailer. (Per Section 6.6.27.5.2, a maximum of only one Cannabis Retailer / Hybrid Retailer is permitted in the Town.)**

4.10 HERITAGE MILL (HM) [ADOPTED MAY 16, 2017]

Purpose: This zone provides for a range of uses for existing historic mill buildings and surrounding areas. The intent is to allow some defined uses of interior space within existing buildings on a simplified basis. Certain other uses and construction of a new building or an addition to an existing building will require a special permit.

4.10.1.4 Special Use Permit Required (Commission). The following uses may be permitted upon granting of a Special Permit by the Planning and Zoning Commission:

- 4.10.1.4.29 Cannabis Delivery Service and/or Transporter. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.10.1.4.30 Cannabis Food and Beverage Manufacturer. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.10.1.4.31 Cannabis Micro-Cultivator. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**
- 4.10.1.4.32 Cannabis Product Manufacturer. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)**

STONINGTON PLANNING AND ZONING COMMISSION
ZONING REGULATION AND MAP AMENDMENT



4.10.1.4.33 Cannabis Product Packager. (Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town.)

ARTICLE V

USE AND BULK TABLES FOR ALL ZONES

Amend Commercial Use Chart as follows:

5.2.2 Commercial / Industrial Zones: Summary of Permitted, Accessory & Special Uses.

[CREATED JULY 30, 1991; AMENDED MAY 16, 2017; SEPTEMBER 19, 2017; AUGUST 21, 2018]

USE	ZONE										
	DB-5	CS-5	LS-5	GC 60	TC 80	MC 80	M-1	LI 130	HI 60	HM	PV-5
Cannabis Cultivator [ZR 6.6.27]	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Cannabis Delivery Service and/or Transporter ¹ [ZR 6.6.27]	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>
Cannabis Dispensary Facility [ZR 6.6.27]	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Cannabis Food and Beverage Manufacturer ¹ [ZR 6.6.27]	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>
Cannabis Micro-Cultivator ¹ [ZR 6.6.27]	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>
Cannabis Product Manufacturer ¹ [ZR 6.6.27]	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>
Cannabis Product Packager ¹ [ZR 6.6.27]	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>
Cannabis Retailer / Hybrid Retailer ² [ZR 6.6.27]	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>

A = Accessory Use; S = Special Use Permit; P = Permitted Use; N = Not Permitted

NOTES FROM ABOVE:

- Per Section 6.6.27.5.2, a maximum of only one non-retail Cannabis Establishment is permitted in the Town. Non-retail Cannabis Establishments include Cannabis Delivery Service / Transporter, Cannabis Food and Beverage Manufacturer, Cannabis Micro-Cultivator, Cannabis Product Manufacturer or Cannabis Product Packager.**
- Per Section 6.6.27.5.2, a maximum of only one Cannabis Retailer / Hybrid Retailer is permitted in the Town.**

STONINGTON PLANNING AND ZONING COMMISSION
ZONING REGULATION AND MAP AMENDMENT



ARTICLE VI

SPECIAL USE PERMITS – REQUIREMENTS

Add New Section 6.6.27

6.6.27. Cannabis Establishments

- 6.6.27.1. Purpose.** The purpose of this section of the regulations is to permit recreational Cannabis, as per the Connecticut Responsible and Equitable Regulation of Adult-Use Cannabis Act, in a manner that protects public safety and limits negative impacts on the surrounding community. The Commission may grant Special Permits for the various types of Cannabis Establishments in the zoning districts specified in Articles IV and V of these Regulations.
- 6.6.27.2 Distance requirements.** All Cannabis Establishments shall be subject to the following minimum distance requirements. Distances shall be measured as a straight line from the building exterior of the Cannabis Establishment to the property lines of the uses listed below.
- .1 1,000 feet from a public or private elementary or secondary school or day care center, dependency treatment center, public park or public recreation area.**
 - .2 250 feet from any residential use or place of worship.**
 - .3 No Cannabis Establishment shall be permitted in a building that is also used for residential purposes.**
- 6.6.27.3 Public Safety, Security and Nuisances.**
- .1 All Cannabis Establishments shall provide and maintain adequate security measures to prevent and detect diversion, theft or loss of cannabis utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations.**
 - .2 Applicants shall provide measures to prevent nuisance impacts to the surrounding area including, but not limited to, odors, noise, waste, excessive lighting, smoking on premises, or environmental impacts.**
 - .3 Cannabis Micro-Cultivator applications shall include a detailed odor control plan based on industry-specific best control technologies and best management practices. The building shall be designed or equipped and operated so that no cannabis odors and/or other objectionable odors emanating from on site activities are detectable from the property line by a person with an unimpaired and otherwise normal sense of smell. No operable windows or exhaust vents shall be located on any building façade. Exhaust vents on rooftops shall direct exhaust away from residential uses or zones. The odor control plan shall be reviewed by a third party consultant chosen by the Town with expertise in odor control measures for cannabis growers. Such review shall be**

STONINGTON PLANNING AND ZONING COMMISSION
ZONING REGULATION AND MAP AMENDMENT



paid for by the applicant. Upon operation of the business, the approved odor control plan shall be continuously implemented by the applicant.

- .4 Any, cultivation, production and/or storage of Cannabis shall be conducted indoors.
- .5 Cannabis shall not be consumed, ingested or smoked on the premises.
- .6 Hours of operation shall be established and stipulated during the permitting process.
- .7 Any application for a Cannabis Establishment shall be referred to the Stonington Board of Police Commissioners and the local fire district for review of public safety and traffic / parking management.

6.6.27.4 Traffic and Parking Management.

- .1 Applications for Cannabis Retailers or Cannabis Hybrid Retailers shall include a Traffic and Parking Management Plan. The plan shall include be based upon a Traffic Impact Study meeting the requirements of Section 6.6.23 of these regulations, and shall include the applicant's specific plans for addressing heavy customer traffic, including, but not limited to, measures such as overflow parking areas, traffic management measures, planned police traffic details, and/or any outdoor pedestrian queuing areas, loading and deliveries.
- .2 Applications for non-retail or hybrid retail Cannabis Establishments shall provide details regarding expected loading and deliveries.

6.6.27.5 Permitting.

- .1 Commission approvals for Cannabis Establishments shall include the condition that the application obtains the appropriate Dispensary or Production Facility License issued by the State of Connecticut. The conditional approval shall become finalized upon the Department of Planning's receipt of a copy of the State-issued license. The conditional approval shall expire if the applicant fails to provide the Department of Planning with a copy of the State-issued license within one year of the date of the Commission's conditional approval. No Cannabis Establishment shall continue to operate without a valid, current license.
- .2 The Commission may only approve a maximum of one Cannabis Retailer / Hybrid Retailer and one non-retail Cannabis Establishment for a maximum of two Cannabis Establishments in the Town. Non-retail Cannabis Establishments include Cannabis Delivery Service / Transporter, Cannabis Food and Beverage Manufacturer, Cannabis Micro-Cultivator, Cannabis Product Manufacturer or Cannabis Product Packager.
- .3 Cannabis Establishments shall not be permitted through the "Change of Non-Conforming Use" process in Section 2.6.1.3.
- .4 Retail cannabis sales shall not be considered an accessory use to any other use or activity.

STONINGTON PLANNING AND ZONING COMMISSION
ZONING REGULATION AND MAP AMENDMENT



ARTICLE VII
SPECIAL REGULATIONS

Add language prohibiting Cannabis Establishments in the Town's Floating Zones as follows:

- 7.19 INDUSTRIAL HERITAGE RE-USE DISTRICT [ADOPTED AUGUST 17, 2004]
- 7.19.6.5 Prohibited Uses. Uses prohibited in the IHRD District shall include: Gasoline filling stations, Motor vehicle and trailer coach sales, leasing and renting, Tire sales establishments, Auto repair shops and paint shops, Car washes, **Cannabis Establishments** and Drive-thru windows – except financial institutions and pharmacies. Any other use listed in Article V shall be permitted in the IHRD District subject to approval of a Redevelopment Master Plan.
- 7.20 MARITIME HERITAGE DISTRICT (MHD) [ADOPTED JUNE 21, 2005]
- 7.20.2 Statement of Purpose
- 7.20.2.8 Cannabis establishments shall not be permitted in the MHD.**
- 7.21 NEIGHBORHOOD DEVELOPMENT DISTRICT (NDD)
[ADOPTED NOVEMBER 16, 2005; AMENDED MAY 16, 2017; SEPTEMBER 19, 2017; MAY 1, 2018]
- 7.21.6.4 Prohibited Uses. Uses prohibited in the NDD shall include:
- .1 Gasoline filling stations.
 - .2 Motor vehicle and trailer coach sales, leasing and renting.
 - .3 Tire sales establishments.
 - .4 Auto repair shops and paint shops.
 - .5 Car washes.
 - .6 Single Family detached residences
 - .7 Cannabis Establishments, with the exception of properties rezoned to the NDD from the HI-60 or TC-80 Districts, which may be permitted the specific types of Cannabis Establishments that are allowed in those districts.**
- 7.23 GREENWAY DEVELOPMENT DISTRICT (GDD) [ADOPTED AUGUST 16, 2016]
- 7.23.4.5 Prohibited Uses. In addition to the prohibited uses listed in Section 2.12 and all uses not listed in this Section, the Commission has specifically determined that the following uses are prohibited in the GDD.
- .1 Gasoline filling stations.
 - .2 Motor vehicle, trailer coach and boat sales, leasing and renting.
 - .3 Auto repair maintenance and paint shops.
 - .4 Car washes.
 - .5 Water parks, theme parks and amusement parks.
 - .6 Retail sales are prohibited in Subzones 2 and 3. Retail sales are limited in Subzone 1 to farm stands and in Subzone 4 only as accessory uses per Section 7.23.4.4.10.

STONINGTON PLANNING AND ZONING COMMISSION
ZONING REGULATION AND MAP AMENDMENT



.7 Cannabis Establishments.

7.24 AGRICULTURAL HERITAGE DISTRICT [ADOPTED DECEMBER 26, 2016]

7.24.6.8 Prohibited Uses. In addition to the prohibited uses listed in Section 2.12, the Commission has determined that the following uses are prohibited in the AHD.

- .1 Gasoline filling stations not associated with agricultural operations.
- .2 Motor vehicle, trailer coach and boat sales, leasing and renting.
- .3 Auto repair maintenance and paint shops.
- .4 Car washes.
- .5 Water parks, theme parks and amusement parks.
- .6 Retail sales not accessory to a principal use.
- .7 Cannabis Establishments.**

Delete Cannabis Moratorium as follows:

~~ARTICLE X~~

~~MORATORIA~~

~~10.1 TEMPORARY MORATORIUM ON CANNABIS ESTABLISHMENTS~~

~~10.1.1 Purpose. This regulation is adopted pursuant to the authority granted to the Stonington Planning and Zoning Commission by Section 8-2 of the Connecticut General Statutes in order to protect the public's general health, safety and welfare. The objective of this regulation is to provide adequate time to develop and adopt zoning regulations to address cannabis related businesses in the community which have been recently legalized in the State of Connecticut through the adoption of Public Act 21-1.~~

~~10.1.2 Impacted uses. This moratorium is applicable over any Cannabis Establishment, defined as "a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, and/or delivery service or transporter," with specific terms defined in Connecticut Public Act 21-1, Section 1.~~

~~10.1.3 Term. Moratorium is effective as of March 21, 2022, no application for any Cannabis Establishment shall be accepted or processed by the Planning and Zoning Commission or Department of Planning. This moratorium is temporary in nature and is intended to be replaced by further amendments to the Zoning Regulations. The moratorium shall terminate as of the earlier of either a majority vote of the Planning and Zoning Commission or September 21, 2022.~~