

11.9 ADULT USE CANNABIS RETAIL DISTRICT

11.9.1 PURPOSE. Adult Use Cannabis Retail Districts may be established by the Commission in accordance with the standards and procedures herein specified for the purpose of allowing for the operation of a retailer or hybrid retailer cannabis establishment in locations suitable for such uses and in compliance with requirements and other conditions intended to minimize any impacts such businesses may have on residential neighborhoods and commercial districts and property values and to protect and preserve East Haven's quality of life and the health, safety, and welfare of its residents, property owners, and visitors to the Town.

11.9.2 DEFINITIONS - For the purposes of this Section, certain words and/or terms used herein are defined as follows:

11.9.2.1 "Cannabis" means marijuana, as defined in Connecticut General Statutes (General Statutes) Section 21a-240;

11.9.2.2 "Cannabis establishment" per General Statutes § 21a-420, means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product manufacturer, product packager, delivery service or transporter;

11.9.2.3 "Consumer" per General Statutes § 21a-420, means an individual who is twenty-one years of age or older;

11.9.2.4 "Hybrid retailer", per General Statutes § 21a-420, means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products;

11.9.2.5 "Medical marijuana product" means, per General Statutes § 21a-420, cannabis that may be exclusively sold to qualifying patients and caregivers by dispensary facilities and hybrid retailers and which are designated by the Commissioner of Consumer Protection as reserved for sale to qualifying patients and caregivers and published on the Department of Consumer Protection's Internet web site;

11.9.2.6 “Person” per General Statutes § 21a-420, means 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;

11.9.2.7 “Qualifying patient” has the same meaning as provided in General Statutes § 21a-408;

11.9.2.8 “Research program” has the same meaning as provided in General Statutes § 21a-408;

11.9.2.9 “Retailer” means, per General Statutes § 21a-420, a person, 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; and

11.9.2.10 “Sale” or “sell” has the same meaning as provided in General Statutes § 21a-240.

11.9.3 STANDARDS

11.9.3.1 SIZE, STREET LINE, AND ORIGINAL DISTRICT: The site for an Adult Use Cannabis District shall contain no less than 1.5 acres of land, shall bear a conforming street line along Foxon Road or Frontage Road, and shall be located in an underlying commercial district. The site must have all required parking for all proposed and existing uses.

11.9.3.2 USES PERMITTED, LIMIT, AND GOVERNING

LAW: Cannabis establishment uses permitted in an Adult Use Cannabis District shall be limited to one (1) of the following uses: one (1) cannabis retailer or one (1) hybrid retailer subject to special exception approval, including site plan approval, in accordance with these Regulations and this Section. No more than two (2) Adult Use Cannabis Districts shall be established in the Town of East Haven. Cannabis retailer and hybrid retailer

uses shall be governed by the “Responsible and Equitable Regulation of Adult-Use Cannabis Act” or “RERACA” means Public Act 21-1 as amended and codified in part in General Statutes Section § 21a-420, *et seq.* and other statutory provisions identified in the definition of RERACA at § 21a-420(1), inclusive of the Regulations of Connecticut State Agencies, and these Regulations, which statutes and regulations may be amended from time to time. In addition to the cannabis establishment uses permitted in an Adult Use Cannabis District, those non-cannabis establishment uses which are permitted in the subject underlying commercial district shall also be allowed in the Adult Use Cannabis District. The bulk standards and other regulations applicable in the underlying commercial district shall be complied with by both existing and proposed non-cannabis establishment uses and insofar as said bulk standards and other regulations do not conflict with this Section, by the proposed cannabis establishment use(s).

11.9.3.3 PROXIMITY TO OTHER USES: No land, building or premises, which prior to the effective date of this Regulation, is not the site or location of a cannabis retailer or hybrid retailer, shall thereafter be used in whole or in part for a cannabis retailer or hybrid retailer if said use would be within seven hundred fifty (750) feet of another cannabis retailer or hybrid retailer, municipal building, liquor outlet, church and/or place of worship, a public or private school and/or other educational facility, state licensed daycare facility, a park or playground, or any adult-oriented business (as defined in Section 36), or if said use would be within two hundred (200) feet of a single-family or two-family dwelling or a state licensed daycare facility within a residential dwelling measured as hereinafter specified:

11.9.3.3.1 MEASUREMENT: The aforesaid distances shall be measured in a straight line from the nearest legal parcel boundary line of the land used for the aforesaid purpose(s) to the main pedestrian entrance of the cannabis retailer or hybrid retailer.

11.9.4 APPLICATION PROCEDURE: Any applicant proposing to create an Adult Use Cannabis Retail District, shall follow the procedures required for a zone change under the General Statutes and these Regulations. Upon the successful approval of a zone change to establish an Adult Use Cannabis Retail District, the applicant shall then petition the Planning and Zoning Commission for a special exception and site plan approval in accordance with the General Statutes and these Regulations. If after obtaining a zone change to create an Adult Use Cannabis

Retail District, the applicant is unsuccessful in obtaining an approval for a special exception, the zone change establishing the Adult Use Cannabis Retail District shall automatically become null and void and the original zoning district[s] of the site shall automatically be re-established.

Any special exception and site plan shall conform to the “minimum/maximum standards” as set forth in these Regulation and shall be submitted to the Planning and Zoning Commission, in writing on such forms as may be required, which forms shall be signed by the owners of all the parcels within the proposed district and shall be accompanied by fifteen (15) copies of each of the following:

11.9.4.1: Special Exception Application Form for Retailer or Hybrid Retailer, including but not limited to a Statement of Use, relative to the nature of the existing development around the proposed district, with a description of the number and types of any proposed and/or existing buildings or units; the identity of the proposed ownership of the retailer or hybrid retailer; and all pertinent features of the cannabis establishment (proposed hours of operation; number of employees; training of employees; etc.).

11.9.4.2: Copy of provisional license(s) for the cannabis retailer or hybrid retailer proposed to be located in the District, issued by the Connecticut Department of Consumer Protection and/or any other state or local agency as the law may require.

11.9.4.3: Conceptual Development Plans: At a minimum scale of 1” = 40’, and including:

(a) Property map: a Class A-2 survey map of the boundaries of the proposed district, including certification that the proposed district does not lie within seven hundred fifty (750) feet of a cannabis retailer or hybrid retailer, municipal building, liquor outlet, church and/or place of worship, a public or private school and/or other educational facility, state licensed daycare facility, a park or playground, or any adult-oriented business (as defined in Section 36), or within two hundred (200) feet of a single-family or two-family dwelling or a state licensed daycare facility within a residential dwelling.

(b) Existing conditions map: showing existing conditions, existing structures by use; topography; tree lines; travel features and wetlands boundaries.

(c) Conceptual site development plan: showing the location of all proposed buildings, structures, access roads, parking areas, recreational facilities, open space areas, buffer areas, site utilities, phases of construction; and a tabulation of the required standards and the proposed standards used.

(d) Conceptual architectural plans: showing floor plans, exterior elevations, perspective drawings, and descriptive information on the number and size of the buildings and units; rooms per building and unit; types of construction materials to be used if new building; and an architectural rendering of the proposed and existing structures.

(e) Utilities: Preliminary report showing the proposed method of sewerage disposal; water discharge; and all other utilities.

(f) Additional information: At the Commission's and/or staff request, other pertinent information such as traffic reports, easements, parking agreements, and/or any other pertinent data.

11.9.4.4 Security Plan: A proposed security plan for the cannabis retailer or hybrid retailer shall be presented in a report to be reviewed by and subject to the approval of the Commission and the East Haven Chief of Police. The Commission may require periodic updates to the Security Plan or other reporting requirements related to the security of the cannabis establishment.

11.9.4.5 Sign Package: The applicant shall submit a sign package for review by and subject to the approval of the Commission.

11.9.4.6 Conditional Approval:

(a) Any special exception granted under this Section shall be approved with the condition that the applicant obtain the required license(s) issued by the Connecticut Department of Consumer Protection and/or any other state or local agency as the law may require and any other reasonable conditions of approval the Commission may impose. The conditional approval shall not become final until the applicant has

submitted a copy of all required license(s) to the Zoning Enforcement Officer and complied with all other conditions of approval.

(b) If the applicant fails to submit a copy of all required license(s) within six (6) months of the Commission's conditional approval, the conditional approval of the special exception shall expire, unless an extension is granted by the Commission.

(c) No entity shall operate without a valid, current license. If the applicant's license is suspended or revoked for any reason, operation of the cannabis retailer or hybrid retailer shall cease and notification of said suspension or revocation shall be immediately made to the Zoning Enforcement Officer.

11.9.4.7 No Variance Permitted:

No variance shall be granted to allow a cannabis retailer, hybrid retailer, or any other cannabis establishment use in any other zoning district.

11.9.4.7 No Waiver:

No waiver to the site plan requirements shall be allowed for any cannabis establishment use.