



Town of Simsbury

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Office of Planning & Community Development

TO: Zoning Commission

FROM: George K. McGregor, AICP, Planning Director

DATE: June 6, 2022

SUBJECT: **Cannabis Establishments**

Purpose

This memorandum is intended to reintroduce the topic of Cannabis establishments and guide discussion.

Introduction

Pursuant to Public Act 21-1, the legislation legalizing (de-criminalizing) the use of certain Cannabis products, municipalities are now authorized to enact zoning regulations or ordinances related to cannabis establishments. In the absence of local regulation or ordinance, the legislation requires that cannabis establishments be treated as other similar uses are in the local regulations (retail cannabis as retail or liquor stores; cannabis facilities for manufacturing as industrial).

The Zoning Commission adopted a temporary and limited moratorium on cannabis establishments effective November 8, 2021, expiring on November 8, 2022 in order to provide the necessary time to develop a local regulatory approach to regulating these types of establishment.

Although retail locations appear to be the focus of local land use discussions in many jurisdictions, the legislation does create a licensing scheme for a number of cannabis related activities: cultivator, micro-cultivator, retailer, hybrid-retailer, product manufacturer, food and beverage manufacturer, product packager, delivery service, transporter. On May 26, 2022, the Governor signed a bill (PA 22-103) removing the density cap limits for municipalities.

Medical Marijuana

In 2013, Simsbury amended the Zoning Regulations to permit medical marijuana dispensaries: allowing a maximum of two by special exception in the B-1, B-2, B-3 districts. Medical

marijuana production facilities are also permitted by Special Exception in the I-1 and I-2 districts.

Definitions

As part of the moratoria adoption, the zoning regulations have been amended to include the definitions as contained in the State law. If the Commission approves cannabis related uses, Staff recommends moving those definitions from Section 2.6 to Section 17.4

Jurisdictional Approaches

The following chart compares how *select* Connecticut municipalities are addressing cannabis establishments:

Municipality	Retail Cannabis	Notes
Avon	Prohibited	Via Zoning Regulation
Canton	Permitted	Special Exception
Farmington	Permitted	Adopted by Ordinance
West Hartford	Permitted	Limited to 2 by Ordinance
Manchester	Permitted	Special Exception
Glastonbury	Moratorium	
Vernon	Permitted	Special Permit
Newington	Permitted	Special Exception
Bloomfield	Moratorium	
Granby	Moratorium	
Suffield	Permitted	Special Exception

Land Use Impacts

Many jurisdictions are amending their zoning regulations to allow cannabis retailers by special permit/special exception in primary commercial districts, with some added criteria related to things like submission requirements, hours of operation, traffic review, and in some cases, separating distances from certain land uses. The approach to cannabis production (cultivators et. al.) appears more varied, with some allowing by site plan/by right; others by special permit/special exception in Industrial areas.

For retail cannabis, the use appears to function quite similarly to other retail establishments such as convenience stores, package stores, and other consumer-driven outlets: customers arrive, park, purchase, depart. Some places have reported acute traffic issues in the first month or so of a new opening, returning to a brisk, yet retail-familiar pattern over time. Thus, for cannabis, typical land use review characteristics apply: traffic, architectural design, noise, odor, signage, etc.

For cultivators, micro cultivators, and other productions-related cannabis uses, the use is most similar to standard manufacturing and industrial operations. There are some anecdotal reports of

odor related to processing operations, often resolved through the use of carbon scrubbers and other air filtration devices.

Affirmative Options for the Zoning Commission

1. Retail Cannabis. Amend the Zoning Regulations to permit retail cannabis through the special exception process in one or all Business Districts. This is consistent with the customary local practice for uses such as alcohol sales, convenience stores, and restaurants. Other retail stores and personal service uses are allowed as a matter of right.

Medical marijuana is permitted by special exception in B1, B2, and B3 districts.

Further, If the commission preferred, the retail cannabis use could also be added to Section 8.6 with review criteria, where additional criteria is found for all alcohol-related uses.

2. Cannabis Manufacturing and Production. Amend the Zoning Regulations to permit Cannabis Manufacturing and related uses (packaging, transport, cultivation) through the special exception process or by site plan review in the I1 and or I2 districts. Most uses permitted in the industrial districts in Simsbury are permitted as a matter right, upon site plan review. In contrast, medical marijuana facilities are required to go through the special exception process.

Staff will be prepared to discussed options at the June 6, 2022 meeting.