



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning & Community Development

001 9 2022 49:59
TRISH MONROE, TOWN CLK

TO: Trish Monroe, Town Clerk

FROM: George K. McGregor, AICP, Planning Director *GKM*

DATE: October 3, 2022

SUBJECT: Text Amendment Filing-Cannabis Text and Moratorium

Pursuant to Section 8-3(a), please accept the following filing:

1. ZC 22-32, Cannabis Text Amendment
2. ZC 22-33 Extension of Cannabis Moratorium

Draft Language is included for each of the above items.

GKM

Cannabis Establishments
Zoning Amendment Framework
Town of Simsbury, CT
September 30, 2022

I. Simsbury Center Code

A. Section 4.2. Revise Section 4.2 Allowed Use Table (pg. 4.4)

1. Insert under the Commercial Tab: Cannabis Establishments (as defined in CG...)
 - a. Leave all Zoning category boxes blank -SC1 through OS. Note: the language of the Center Code use charts state that if the box is blank or unchecked, the use is expressly prohibited.
2. Insert under the Industrial Tab: Cannabis Establishments (as defined in CG...)
 - a. Leave all Zoning category boxes blank -SC1 through OS. Note: the language of the Center Code use charts state that if the box is blank or unchecked, the use is expressly prohibited.

COMMENT: These changes would prohibit all categories of cannabis establishments from Simsbury Center.

II. Hartford-Simsbury Form Based Code

A. Section 6.0. Revise Section 6.0 Schedule of Uses/Permitted Use Table 6.1 (pg.17)

1. Insert under F-3 Commercial Use new line #15: Cannabis Establishments (as defined in CG...)
 - a. Leave all Use categories blank. Note: the language of the Hartford-Simsbury states that a blank cell means the use is not permitted.
2. Insert under F-4 Industrial Use new line #12: Cannabis Establishments (as defined in CG...)
 - a. Leave all Use categories blank. Note: the language of the Hartford-Simsbury states that a blank cell means the use is not permitted.

COMMENT: These changes would prohibit all categories of cannabis establishments from the Hartford-Simsbury Code.

III. Town of Simsbury Zoning Regulations

- A. Section 2.6A. Delete Section 2.6A. Temporary and Limited Moratorium on Cannabis Establishments (pg. 7).
- B. Section 2.6B. Move Section 2.6B. Definitions (pg. 8) to Section 17.4 Definitions (pg. 104).
- C. Section 2.6C. Delete Section 2.6C. Applicability (pg. 9).
- D. Section 2.6D. Delete Section 2.6D. Effective Date/Term (pg. 9)

Comment: The revisions remove the Moratorium language and relocate the definitions to the regular definition section of the regulations.

- E. Section 4.5. Amend Section 4.5 Permitted and Special Permit Uses (use matrix pg. 26-28).
 - 1. Delete entire “Licensed medical marijuana dispensary” entry (pg. 27).
 - 2. Replace with:

Business Permitted Uses	B-1	B-2	B-3	P-O
Cannabis Establishments as defined by CGS...limited to Cannabis retailer, hybrid retailer, dispensary facility <ul style="list-style-type: none"> • A maximum of one (1) establishments are permitted within the town of Simsbury at any time. • The establishment must be within 1,500 feet of the intersection of Route 167 (Bushy Hill Rd.) and Route 202/44 (Albany Tpke.) 	NO	NO	SE	NO

COMMENT: These changes would allow a maximum of one retail establishment in the general vicinity of the commercial node at the intersection of Bushy Hill Rd. and Route 202 (Albany Turnpike).

- F. Section 5.5. Amend Section 5.5 Permitted and Special Permit Uses (use matrix pg. 31-32).
 - 3. Delete “Medical Marijuana production facilities” entry (pg. 32).
 - 4. Replace with:

Industrial Permitted Uses	I-1	I-2
Cannabis Establishments as defined by CGS... (intended for both retail and medical markets) limited to Cultivator, Micro-Cultivator, Food & Beverage Manufacturer, Product Manufacturer, Product Packager, Transporter	SE	SE

COMMENT: These changes would allow Cannabis production facilities with distribution intent to both medical and retail markets by Special Exception, in the I-1 and I-2 Zoning Districts.

G. Section 17.4. Amend Section 17.4 Definitions. Move Section 2.6B in its entirety to Section 17.4.

COMMENT: This action moves the adopted Cannabis definitions from the Moratorium Section 2.6 to the Definition Section 17.4

SEC. 4.2 ALLOWED USE TABLE

Use Category Specific Use	SC-1		SC-2		SC-3		SC-4		SC-5		CIV	OS
	Ground story	Upper story	Ground story	Upper story	Ground story	Upper story	Ground story	Upper story	Ground story	Upper story		
Residential												
Household living	■	■		■	■	■	■	■	■	■		
Group living	■	■					■	■	■	■		
Social service												
Public												
Civic	■	■	■	■	■	■	■	■	■	■	■	■
Parks and open space	■	■			■	■	■	■	■	■	■	■
Minor utilities	■		■				■		■			■
Major utilities												
Commercial												
Day care	■				■	■	■	■	■	■		
Indoor recreation	■	■			■	■	■	■	■	■		
Medical	■	■			■	■	■	■	■	■		
Office	■	■			■	■	■	■	■	■		
Outdoor recreation												
Overnight lodging	■	■			■	■	■	■	■	■		
Passenger terminal												
Personal service	■	■	■		■	■	■	■	■	■		
Restaurant/bar	■	■			■	■	■	■	■	■		
Retail sales	■	■			■	■	■	■	■	■		
Small Event Center (6/5/2017; eff 6/23/2017)												
Vehicle rental/sales												
Cannabis Establishments												
Industrial												
Agriculture												
Heavy industrial												
Light industrial												
Light manufacturing												
Research & development					■	■						
Resource extraction												
Self-service storage												
Vehicle service												
Warehouse & distribution												
Waste-related service												
Cannabis Establishments												

Table 6.1 Permitted Use Table

Table 6.1 Permitted Use Table													
Legend		Permitted Use = ■				Not Permitted = "blank cell"				Special Exception Use = □			
Use Category	Component Zone	Neighborhood Commercial		Neighborhood Transition		Neighborhood		Cluster Neighborhood		Mixed Use Transition		Special District	
		GF	UF	GF	UF	GF	UF	GF	UF	GF	UF	GF	UF
F-1 Residential Uses													
1. Household Living			■	■	■	■	■	■	■		■	□	■
2. Group Living			■	■	■	■	■	■	■	■	■		■
3. Social Service												□	□
F-2 Public Uses													
1. Civic		■	■	■				■		■	■	■	■
2. Parks and open space (Neighborhood Scale)		■		■		■		■		■		■	
3. Parks and open space (Regional)		■										■	
4. Minor Utilities		■		■		■		■		■		■	
5. Major Utilities												□	
F-3 Commercial Uses													
1. Day Care		■		■						■		■	■
2. Indoor Recreation		■										■	■
3. Medical		■	■							■	■	■	■
4. Office		■	■	■						■	■	■	■
5. Outdoor Recreation		□						□				□	
6. Overnight lodging		■	■							■	■	■	■
7. Passenger terminal													□
8. Personal service		■								■	■	■	■
9. Personal service (under 3,000 sq.ft.)				■								■	■
10. Restaurant/bar		■								■		■	■
11. Restaurant/bar (under 3,000 sq.ft)				■				■					
12. Retail sales and service		■								■		■	■
13. Vehicle rental/sales													
14. Any commercial use with a drive-through (standards in Section 7.0 apply)		■											
15. Cannabis Establishments													
F-4 Industrial Uses													
1. Agriculture								■					
2. Heavy Industry													
3. Light Industry and Assembly										■	■	■	■
4. Cottage Industry								□	□	■	■	■	■
5. Light Manufacturing										■	■	■	■
6. Research and development			■							■	■	■	■
7. Resource extraction													
8. Self-service storage (mini-storage)												□	□
9. Vehicle service													
10. Warehouse & distribution												□	□
11. Waste-related													
12. Cannabis Establishments													
F-5 Other													
1. Surface Parking (accessory use)		■		■		■		■		■		■	
2. Surface Parking (primary use)		■								■		■	
3. Parking structure or garage (commercial) (Standards in Section 7.0 shall apply)		■	■							■	■	■	■

GF = Ground Floor UF = Upper Floors

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4. Boundaries indicated as parallel to, or extension of, features indicated in subsections (1) through (4) above shall be so construed.
5. Distances not specifically indicated on the Zoning Map shall be determined by measurement in accordance with the scale of the map;
6. In cases of further uncertainty, the Zoning Commission shall determine the location of the boundary.

2.4 APPLICATION OF DISTRICT REGULATIONS

The requirements set by this regulation within each district shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. LOTS IN ZONES ABUTTING THE FLOODPLAIN ZONE
Where a parcel of land is located in two zones, one of which is a Floodplain Zone, all zoning requirements for the applicable non-floodplain zone must be met within that portion of the parcel which is not located in the Floodplain Zone.
3. UNBUILDABLE LAND
Land in any zone which in the judgment of the Town Zoning or Town Planning Commission may be unfit for human habitation for health reasons shall not be built on for that purpose until the building permit has the written approval of the Health Officer.
4. LOTS IN TWO ZONING DISTRICTS
Where a lot of record at the time of passage of these regulations or any amendments thereto falls into two or more zoning districts, any questions of uncertainty as to district boundaries shall be determined by the Zoning Commission.

2.5 REGULATIONS DECLARED TO BE MINIMUM REGULATIONS

In their interpretation and application, the provisions of this Regulation shall be held to be minimum regulations, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Regulation are at variance with the requirements of any other lawfully adopted rules, regulations, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

~~2.6 TEMPORARY AND LIMITED MORATORIUM ON CANNABIS ESTABLISHMENTS~~

~~A. **Statement of Purpose:** This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes. The Connecticut General Assembly has passed, and the Governor has signed S.B. 1201, An Act Concerning Responsible and Equitable Regulation of Adult Use Cannabis (the "Act"), portions of which are effective on July 1, 2021. Said Act contains provisions allowing municipalities to prohibit or place certain restrictions on cannabis establishments with the exception of existing dispensary facilities and producers for medical marijuana as defined in Chapter 420f, C.G.S., Palliative Use of Marijuana—legislation passed in 2012 authorizing the use of medical marijuana. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety and welfare.~~

B. Definitions.

~~1. Cannabis—Marijuana as defined in Section 21a-240, C.G.S.~~

~~2. Cannabis Establishment. Producer, dispensary facility, cultivator, microcultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.~~

~~3. Cultivator. A person 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.~~

~~4. Delivery Service. A person 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, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.~~

~~5. Dispensary Facility. Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.~~

~~6. Food and Beverage Manufacturer. A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.~~

~~7. Hybrid Retailer. A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.~~

~~8. Micro cultivator. A person 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.~~

~~9. Person. 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.~~

~~10. Product Manufacturer. A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.~~

~~11. Product Packager. A person that is licensed to package and label cannabis and cannabis products.~~

~~12. Retailer. A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.~~

~~13. Transporter. Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.~~

~~C. Applicability. During this temporary and limited term moratorium, cannabis establishments shall be prohibited in the Town of Simsbury, and any and all applications submitted for the approval of any cannabis establishment shall be denied by the Commission or Zoning Enforcement Officer, as may be appropriate.~~

~~D. Effective Date/Term. This temporary and limited moratorium shall become effective on November 8, 2021 and shall remain in effect until November 8, 2022.~~

SECTION 3 RESIDENTIAL DISTRICTS

3.1 PURPOSES

These residential zoning districts are established to provide for residential neighborhoods that are in harmony with the natural features of the land and the needs of present and future Simsbury residents.

3.2 DESIGNATION OF RESIDENTIAL DISTRICTS

District Name	District Symbol
High Density Residential	R-15
Moderate Density Residential	R-25
Moderate Density Residential	R-30
Low Density Residential	R-40
Rural Residential	R-80
Rural Residential	R-160

- The total square footage of all residential uses does not exceed 40 percent of the total floor area of all uses.
- The residential uses are constructed at the same time or after the development of the principal area, but never before.
- Use is part of an approved site plan.
 - New residential uses in existing or rehabilitated commercial uses shall be considered a Special Exception and require a public hearing. Such uses shall conform to standards above.

Short-Term Rentals	SP	SP	SP	NO
Multi-use Sports, recreational and restaurant complex. (Adopted October 15, 2003)	SE	SE	SE	NO
Licensed medical marijuana Cannabis Establishments limited to retailer, hybrid retailer, dispensary (Adopted October 22, 2013)	SE <u>NO</u>	SE <u>NO</u>	SE	NO
<ul style="list-style-type: none"> • The dispensing of medical marijuana may only take place on the premises which have been properly permitted to do so and may only be done under the requirements and restrictions of those contained in CGS 21a-408-1 through 21a-408-70. • A maximum of two (2) <u>(1)</u> medical marijuana dispensary facilities are <u>is</u> permitted within the Town of Simsbury at any time. Any proposal to relocate such a dispensary shall: <ol style="list-style-type: none"> 1. Only be granted upon agreement by the property owner to abandon such use at the original location as verified by notarized affidavit submitted to the Commission, and • Be the subject of a new special exception application to the Zoning Commission and shall be subject to all applicable standards. The establishment must be within 1,500 feet of the intersection of Route 167 (Bushy Hill Rd.) and Route 202/44 (Albany Tpke.) 				
Printing, where the product is sold at retail on the premises	NO	SP	SP	NO
Wholesale business, sales office, or sample rooms	NO	SP	SP	NO
Private club	NO	SP	SP	NO
Motor or motel hotel	NO	SP	SP	NO
Funeral homes	NO	SP	SP	NO
Bakery, laundry, clothes cleaning and dyeing establishments	NO	SP	SP	NO
Radio and television studios	NO	SP	SP	NO
Repair services or businesses which are not heavy industrial in nature (amended December 19, 2011)	NO	SP	SP	NO
Any other business of the same general character as above	NO	SP	SP	NO
Bowling alleys and similar commercial recreational places	NO	SE	SP	NO
Automobile sales, repair, and storage	NO	SE	SP	NO

Place of Worship/Church	SP	SP
Warehouses and the manufacture, processing, or assembly of goods	SP	SP
Private or commercial recreation such as tennis, handball, paddle tennis, gymnasiums or similar facilities	SP	SP
Business uses such as banks, industrial salesrooms, restaurants or cafeterias, and similar uses which are clearly supportive of the permitted primary uses in an industrial park or district.	SP	SP
Warehouse, wholesale, or storage	NO	SP
Self-Storage	SP	SP
Sale and underground storage of fuel, building materials	NO	SP
Grain sales and storage	NO	SP
Contractor's storage yards	NO	SP
Public utility garages, pole yards, and similar facilities	NO	SP
Truck Terminals and warehouses	NO	SP
Uses where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking, house wrecking, and used lumber as long as such uses are conducted entirely within enclosed building.	NO	SP
Wireless Telecommunication Sites located on buildings and shielded from view- standards	NO	SE
Wireless Telecommunication Sites where antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures	NO	SE
<u>Medical-Marijuana-production-facilitiesCannabis Establishments (intended for both retail and medical markets) limited to Cultivator, Micro-Cultivator, Food & Beverage Manufacturer, Product Manufacturer, Product Packager, and Transporter;</u>	SE	SE
Sand, stone and gravel quarries including the manufacture of products composed of materials extracted from said quarries, along with principal and accessory buildings relating to such operation or manufacture	NO	NO
Assisted living facility, Congregate Senior Housing Facility and/or Continuing Care Retirement Community with accessory uses	SE	SE
Vehicle Repair facility, excluding sales, located completely within a building. No outdoor storage of unregistered vehicles/equipment is to be permitted.	SE	SP
Public Utility substations, approved by the Connecticut Siting Council	OK	OK
Open Space and Passive Recreation	OK	OK
Medical Offices and Clinics	SP	SP
Retail < 20,000 square feet	SP	SP
Retail ≥ 20,000 square feet	SE	SE
Indoor movie Theaters or similar performing art facilities/theaters	SP	SP
Commercial Kennels, Veterinary office and hospitals	SE	SE

Caliper: The diameter of a tree measured at a point four and one-half feet above grade.

Camp Trailer: A trailer which is currently registered with the Motor Vehicle Department as a Camp Trailer, and which is for travel, recreational and vacation use only. This includes camper bodies not registered by the Connecticut Department of Motor Vehicles.

Campground: Any lot on which may be located two or more cabins, tents, other accommodations of a design or character suitable for seasonal or other temporary recreational living purposes, including a day camp but not a mobile home park, boarding or rooming house, tourist home, hotel or motel.

Cannabis Establishments

1. Cannabis. Marijuana as defined in Section 21a-240, C.G.S.

2. Cannabis Establishment. Producer, dispensary facility, cultivator, microcultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

3. Cultivator. A person 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.

4. Delivery Service. A person 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, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

5. Dispensary Facility. Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

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

7. Hybrid Retailer. A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

8. Micro-cultivator. A person 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.

9. Person. 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.

10. Product Manufacturer. A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.

11. Product Packager. A person that is licensed to package and label cannabis and cannabis products.

12. Retailer. A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

13. Transporter. Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

Car Wash Facility: An automated car washing and cleaning establishment attended during hours of operation equipped to wash automobiles, pick-up trucks and small vans, with systems capable of complete recycling of all wash waters utilized on site.

Civic Center: An area developed with a substantial concentration of public and governmental buildings or uses.

Club: An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated; but does not include such clubs, the chief activity of which is a service customarily carried on primarily for business or gain.

Co-location: Means locating wireless communication facilities from more than one provider on a single site.

Commercial Use: Retail, personal, and business services; restaurants, inns, professional offices; banks; institutional uses and equivalent uses as determined by the Commission.

Commercial Vehicle: Any truck, trailer, van or other equipment on wheels used in the operation of a commercial activity. This term includes automobiles, vans, mini-vans and pickup trucks even if such vehicles feature a company name, slogan or logo. Construction equipment and farming equipment of any type are included in this definition.

Community Center: A building used as and providing a place of meeting for religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Congregate Senior Housing Facility: A residential community occupied by those aged 55 and over to the extent permitted by Federal and State Fair Housing Laws any other applicable laws with limited support services generally providing meal service, laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting.

Temporary Cannabis Moratorium

Six-Month Extension

Text Amendment to Section 2.6.D of the Town of Simsbury Zoning Regulations

D. Effective Date/Term. This temporary and limited moratorium shall become effective on November 8, 2021 and shall remain in effect until ~~November 8, 2022.~~ May 8, 2023.