

TOWN OF ESSEX
LAND USE APPLICATION
PART ONE

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	_____	VARIANCE/ APPEAL	_____
SITE PLAN REVIEW	_____	APPROVAL OF LOCATION	_____
INLAND WETLANDS PERMIT	_____	REGULATION TEXT AMENDMENT	<u> X </u>
INLAND WETLANDS PERMIT - AGENT APPROVAL	_____	ZONE CHANGE	_____
	_____	COASTAL SITE PLAN REVIEW	_____
WETLAND PERMIT TRANSFER	_____	MODIFICATION OF PRIOR APPROVAL	_____
SUBDIVISION / RESUBDIVISION	_____	SPECIAL FLOOD HAZARD AREA PERMIT	_____

PROJECT DESCRIPTION: Proposed text amendment for applications pertaining to cannabis dispensaries, retail, and/or production, growing facilities.

PROJECT NAME: Cannabis Text Amendment

STREET ADDRESS OF PROPERTY: N/A

ASSESSOR'S MAP: N/A LOT: N/A LOT SIZE: N/A DISTRICT: N/A

APPLICANT: Essex Planning and Zoning Commission PHONE: (860) 767-4340 Ext 115

APPLICANT'S AGENT (if any) _____
_____ PHONE _____

ENGINEER.SURVEYOR/ARCHITECT _____
_____ PHONE _____

Note:
1) TO BE ACCEPTED BY THE LAND USE OFFICE. THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.
2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.
3) I HERBY TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

Planning and Zoning Commission
Essex Town Hall, 29 West Avenue
Essex, Ct 06426

Petition for a Text Amendment of Zoning Regulations

or

Petition for a Change to the Town's Zoning Map

PART TWO

Signature of Property Owner(s): Planning and Zoning Commission
Or Petitioner

Address: _____

Application # 22-16 Date of Receipt: August 2, 2022

The undersigned request a text amendment to the Essex Zoning Regulations.

This petition **requests a change in zoning regulations** and there is attached:

- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.
- 2) A complete and comprehensive statement of the reasons for any proposed changes, including any special interest the Petitioner(s) may have in such change, is attached.

This petition **requests a change to the Town's Zoning Map** and there is attached:

- 1) A map clearly showing the area to be re-classified and specifying the present classification and proposed new classification with existing and proposed boundaries.
- 2) A list, keyed to the map, of the names and addresses of the record owners of and within the area to be affected, and within 500 feet outside the area to be affected by such reclassification, and
- 3) A complete written description, by metes and bounds or courses and distances, of the location of any new zoning district boundary or boundaries proposed.

Section ____ Adult-use Cannabis Cultivation and Sale and Medical Marijuana Dispensary and Production (Effective _____)

1.1 Purpose. The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities, medical production facilities, and adult-use cannabis retail and cultivation. No medical marijuana dispensary facilities, medical marijuana production facilities, and adult-use cannabis retail (for recreational use) and cultivation shall occur within the Town of Essex until such time as a **Special Exception** has been granted by the Commission.

1.2 Definitions. For use in this section of the Regulations:

- A. "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;
- B. "Cannabis product" means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.
- C. "Consumer" means an individual who is twenty-one years of age or older.
- D. "Cultivation" has the same meaning as provided in section 21a-408 of the general statutes;
- E. "Cultivator" means 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.
- F. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21a-408 et seq. as they may be amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended;
- G. "Hybrid retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products;
- H. "Micro-cultivator" means 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 of Consumer Protection;
- I. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, **inclusive, of the** Regulations of Connecticut State Agencies as they may be amended.

J. “Retailer” means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufactures and food and beverage manufacturers and to sell cannabis to consumers and research programs.

1.3 Applicability:

A. Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to Special Exception approval in accordance with Section 120 of these Regulations, site plan approval in accordance with Section 118 of these Regulations, and the requirements of this section.

B. Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act (“RERACA”), the Public Act 21-1 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zones, subject to Special Exception approval in accordance with Section 120 of these Regulations, site plan approval in accordance with Section 118 of these Regulations, and the requirements of this section.

1. Business, Commercial and Limited Industrial zones for Adult-Use Cannabis Retailer, Hybrid-retailer and Medical Marijuana Dispensary facility only.

C. Adult-use cannabis cultivator and micro-cultivator facilities shall be governed by the RERACA, the Public Act 21-1 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zones, subject to Special Exception approval in accordance with Section 120 of these Regulations, site plan approval in accordance with Section 118 of these Regulations, and the requirements of this section.

1. Industrial Zone and Limited Industrial, Commercial and Business Zones for Adult Use Cannabis Cultivator and Micro-cultivator facilities.

1.4 Separation Requirements and Required Lot Characteristics. Uses identified in this section shall be subject to the following separation restrictions:

A. No medical marijuana dispensary facility, or adult use cannabis retailer, hybrid-retailer, shall be allowed within the same building, structure or portion thereof that is used for residential purposes;

- B. No cannabis establishment shall be located within 1500 feet of the property line of any property containing a Regional School District #4 school, or within 200 feet of the property line of any property containing a religious institution.
- C. All distances contained in this section, other than those specified in the subsection "C" above shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

1.5 Sign and exterior display requirements:

A. Exterior signage shall be restricted to a single sign no larger than 16" x 18" containing the legal name of the entity and the street address of the facility.

1.6 Off-Street Parking requirements:

A. Required off-street parking shall be in compliance with Section 110 of these regulations.

1.7 Security Requirements:

- A. All Retailers and medical marijuana dispensary facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana no less than as required by the laws and regulations established by the State of Connecticut;
- B. The hours of operation for medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week;
- C. The hours of operation for any Retailer shall be limited to between 10:00 a.m. and 7:00 p.m., all days of the week;

1.8 Conditional Approval:

A. Special Permits shall be approved with the condition that the applicant obtains the appropriate Dispensary license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);

B. The conditional approval shall become finalized upon the receipt by the Town Zoning Officer of a copy of the Department of Consumer Protection-issued license;

C. The conditional approval shall expire if the applicant fails to provide the Town Zoning Officer with a copy of the Department of Consumer Protection-issued license within six months of the date of the Commission's conditional approval;

- 1. A six-month extension of such conditional approval shall be granted to the applicant upon written notification to the Zoning Enforcement Officer that an application

for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.

D. No entity shall operate without a valid, current license.

1.10 Connecticut Department of Consumer Protection Approval:

A. The applicant shall provide the Town Zoning Officer with a copy of the appropriate Dispensary license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.