

DRAFT CANNABIS REGULATION

TOWN OF NORTH CANAAN

(1/23/2024)

Article XI Special Provisions

J. Adult Use Cannabis and Medical Marijuana Establishments

A. Purpose. The purpose of this section is to regulate the location and operation of licensed adult-use Cannabis retail, hybrid retail, medical marijuana dispensary facilities, production facilities, transportation businesses and micro-grower facilities.

B. Intent. The intent of these regulations is to limit such establishments to certain areas within appropriate zones and to minimize unwanted impacts from permitted activities through clear regulations and mandatory performance standards. In addition to the general regulatory authority delegated to municipal Planning and Zoning Commissions in Connecticut, and to those specific rights and regulatory actions delegated to such Commissions under Public Act No. 21-1, Public Act – No. 23-79, and any further Act or amendment thereto, it is the intent that no variance shall be issued by the Zoning Board of Appeals to any applicant for any part of the regulations under this Article XI.J, inclusive.

C. Definitions.

Cannabis: Marijuana, as defined in section 21a-240 of the Connecticut General Statutes (CGS).

Cannabis Cultivator: No Cannabis Cultivator establishment is permitted in the Town of North Canaan (see Micro Cultivator, below).

Cannabis Delivery Service: the business and facility of a person licensed by the Department of Consumer Protection to deliver Cannabis and/or Cannabis products from Cannabis establishments to consumers, qualifying patients and caregivers, as applicable. Cannabis Delivery Services are not considered Home Occupations in the Town of North Canaan, and all vehicles associated with Cannabis Transportation must be registered to the business address and garaged on site. Nothing in these regulations prevents a licensed Cannabis Delivery Service headquartered in another Connecticut municipality from making deliveries in, or passing through, the Town of North Canaan.

Cannabis Dispensary: the business and facility of a person by the Department of Consumer Protection where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers.

Cannabis Food and Beverage Manufacturer: the business and facility of a person licensed by the Department of Consumer Protection to incorporate Cannabis product into food or beverage intended for human consumption.

Cannabis Hybrid Retailer: the business and facility of a person licensed by the Department of Consumer Protection where medical marijuana may be dispensed or sold at retail to qualifying

patients and primary caregivers, and 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 Municipal Sales Tax: a municipal sales tax authorized by the State of Connecticut (3%, or 0.03 at the time of these Regulations). Each sale of Cannabis made by a Cannabis retailer, hybrid retailer, or micro-cultivator that is subject to the statewide Cannabis Tax is also subject to the municipal level Cannabis tax in North Canaan.

Cannabis Micro-Cultivator: a secure, indoor facility of a person licensed by the Department of Consumer Protection to engage in the cultivation, growing and propagation of the Cannabis plant at an establishment containing not less than two thousand square feet (2000 feet²) and not more than ten thousand square feet (10,000 feet²) of indoor grow space, prior to any expansion authorized by the Commissioner. Such expansions under these Regulations are capped at ten thousand / fifteen thousand square feet (10,000 feet² / 15,000 feet²) and may not convert to a Cultivator License.

Cannabis Product: 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.

Cannabis Product Manufacturer: a secure, indoor facility of a person licensed by the Department of Consumer Protection to perform Cannabis extraction, chemical synthesis and permitted manufacturing activities.

Cannabis Product Packager: a secure, indoor facility of a person licensed by the Department of Consumer Protection to label and package Cannabis in compliance with state statutes, regulations and policies.

Cannabis Retailer: the business and facility of a person licensed by the Department of Consumer Protection to purchase Cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell Cannabis to consumers and research programs, but not to dispense or sell medical marijuana.

Cannabis Transporter: the business and facility of a person licensed by the Department of Consumer Protection to transport Cannabis between Cannabis establishments, facilities, laboratories and research programs. Cannabis Transporters are not considered Home Occupations in the Town of North Canaan. All vehicles associated with Cannabis Transportation must be registered to the business address and garaged on site. Nothing in these regulations prevents a licensed Cannabis Transporter headquartered in another Connecticut municipality from transporting in, or passing through, the Town of North Canaan.

Retail Cannabis (C-B) Overlay Zone: an area within the Central Business District (C-B) where a Cannabis Dispensary, Cannabis Hybrid Retailer or Cannabis Retailer is permitted. The rest of the

C-B District is ineligible. See Article XI.J.E, below, for the table of uses affecting where the various licensed Cannabis businesses and facilities may be located.

D. Special Permit Required. The sale, cultivation and production of Cannabis or Cannabis Products and the location of licensed delivery or transporter services as described herein shall require a Special Permit, which may be authorized in accordance with Article VIII provided the use is allowed in the zone and all requirements of this regulation are met.

E. Zones Where Permitted. The following chart details the zones in which Cannabis establishments may be allowed. For the purposes of reading this chart: SP = Special Permit Use, X = Not Allowed.

License Type	R-A	R	C-B*	C	I**
Cannabis Cultivator	X	X	X	X	X
Cannabis Delivery Service	X	X	X	X	SP
Cannabis Dispensary	X	X	SP	SP	X
Cannabis Food and Beverage Manufacturer	X	X	X	X	SP
Cannabis Hybrid Retailer	X	X	SP	SP	X
Cannabis Micro-Cultivator	X	X	X	X	SP
Cannabis Product Manufacturer	X	X	X	X	SP
Cannabis Retailer	X	X	SP	SP	X
Cannabis Transporter	X	X	X	X	SP

* The Retail Cannabis (C-B) Overlay Zone applies in the Central Business District (C-B) and is the only portion of the C-B Zone where such establishments are permitted. See Town Zoning Map for the location of the Retail Cannabis (C-B) Overlay Zone.

** Notwithstanding the forgoing, a person holding both a Cannabis Micro-grower license and a Cannabis Retailer license may co-locate these businesses and facilities within a property owned by the licensee within an Industrial Zone, provided all the terms and conditions of this Article XI, inclusive, are met, including but not limited to all applicable buffers, limitations on the number of permitted Cannabis Retailer and Hybrid Retailer establishments, and distance between a Cannabis Retail Establishment and a Dispensary.

F. Buffers Applicable to All License Types. Within the Zone or Zones where a Cannabis establishment holding a License Type may be allowed by Special Permit, certain buffers and setbacks apply, as measured from property line to property line at their nearest point. It is the responsibility of the applicant to demonstrate on an engineering plan or survey that all required buffers and setbacks can be met.

1. No licensed Cannabis establishment may be located within one thousand feet (1000') of a public or private school. Note that as the time of these Regulations, the Town of North Canaan municipal offices and parking lot and Steve Blass Field are located on property belonging to the North Canaan Elementary School and are subject to the one thousand foot (1000') buffer requirement.

2. No licensed Cannabis establishment may be located within five hundred feet (500') of any charitable institution, church, convent, hospital, licensed child care center, licensed dependency treatment center, military installation, playground, public library, public park, public recreation trail, recreation center or facility, or veteran's home.

3. Certain buffers also apply to certain License Types that are limited to Industrial Zones.

4. Notwithstanding the forgoing, any licensed Cannabis establishment permitted under these regulations that shall at some point thereafter fall within the buffer area of any of the types property uses listed above, but that were not in operation at those locations at the time of the establishment's permit, shall be deemed a preexisting, nonconforming use which may continue at its present location but which may not be expanded until the prescribed buffer has been reestablished.

G. General Requirements.

1. All regulated activities shall be located within an enclosed permanent building and may not be located in a trailer, cargo container, motor vehicle, or other similar nonpermanent enclosure.

2. Marijuana plants, Cannabis Products, and paraphernalia shall not be clearly visible to a person from the exterior of the facility. No outside cultivation or storage of Cannabis or Cannabis products shall be permitted.

3. There shall be no on-site consumption of Cannabis or any Cannabis product.

4. In addition to those required elements found in Article VIII and Article XI.J.F, the following shall be submitted with a Special Permit application:

a. An Operational Plan which includes the following:

(i.) Hours of operation (may not exceed limits established herein).

(ii.) Security and access plan.

(iii.) Proposed signage, demonstrating compliance with all applicable State laws and with Article XI.A of these Regulations.

(iv.) Odor management – monitoring and mitigation. All micro-growers and manufacturers, and any delivery or transporter businesses with on-site storage capability, must include an active carbon filtration system, or the latest industry standard for removing odor-causing chemicals before they leave the building and without the use of ozone.

(v.) groundwater withdrawal and wastewater treatment plan (applies to Micro-growers and Cannabis Manufacturers).

(vi.) hazardous and contaminated waste plan, including waste plant material containing THC. All Micro-growers and Manufacturers must demonstrate that they have all applicable licenses for hazardous waste storage and disposal and abide

by all applicable requirements. Off-gassing ignitable chemicals like butane and ethanol is prohibited. Solvent recovery from hazardous waste generated by the Cannabis product extraction process must be conducted in a manner that meets federal and state hazardous waste generator treatment requirements. Any debris contaminated with an ignitable solvent is considered a hazardous waste. Hazardous and contaminated waste plans should prioritize processing methods that completely remove residual extraction chemicals to avoid generating contaminated plant material that is subject to the hazardous waste regulations.

5. Proof of a Connecticut state license for the specific type of Cannabis establishment or business type seeking a special permit under this Article XI.J must be presented by the applicant before any work of the subject property may proceed under an approved special permit, along with an approved Operational Plan.

H. Cannabis Retailers, Hybrid Retailers and Dispensaries.

1. Only one Licensed Cannabis Retailer or Hybrid Retailer and one Dispensary shall be permitted under these Regulations. If there is already a Dispensary and it changes to a Hybrid Retailer, no further Retailer will be permitted while it remains in operation, but an existing Retailer may remain in operation without reverting to a preexisting, nonconforming use. If there is already a Retailer, only a Dispensary and not a Hybrid Retailer may be permitted while the Retailer remains in operation.

2. No Retailer or Hybrid retailer may be located within one mile (5,280') of the property boundary of a Dispensary, as measured from property boundary to property boundary at the nearest point.

3. Licensed Cannabis Retailers, Hybrid Retailers and Dispensaries are only allowed in the Retail Cannabis (C-B) Overlay Zone and the Commercial Zone (C), with the exception noted in Article XI.E for co-location by the license holder on a property in an Industrial Zone (I) where that person also holds a Cannabis Micro-grower permit. They must be able to meet all the buffer distances contained in Article XI.J.F, in addition to complying with all parking and signage requirements contained in these regulations.

4. Primary Use: Retail Cannabis shall be a primary and not an accessory use. However, the retail function of a Hybrid retailer that also sells medical marijuana may be secondary to its primary function as a Dispensary without being considered an accessory use.

5. Hours of Operation: 8 a.m. to 9 p.m. M-Sat; 12:00 p.m. to 6 p.m. S, closed on Thanksgiving, Christmas and New Year's Day.

I. Manufacturers and Micro-Cultivators.

1. Only one Licensed Micro-Cultivator, one Food and Beverage Manufacturer and one Product Manufacturer shall be permitted under these regulations. Micro-cultivators are limited to a maximum of ten thousand / fifteen thousand square feet (10,000 feet² /

15,000 feet² of warehouse space and may not expand to a Growers License.

2. A Micro-Cultivator, Food and Beverage Manufacturer or Product Manufacturer is only allowed in the Industrial Zone (I). They must be able to meet all the buffer distances contained in Article XI.J.F. In addition, no warehouse or facility associated with Cannabis cultivation, extraction, or manufacture may be sited within two hundred feet (200') of any property boundary located within a Residential (R), Residential-Agricultural (R-A) or exclusively residential property in the Central Business District (C-B), as measured from the nearest edge of the warehouse or facility to the nearest point of the adjacent property.

3. Must comply with the requirements of Article XI.J.G.4.a.(iv-vi)

4. Hours of Operation: 7 a.m. to 7 p.m. M-Sat; 12:00 p.m. to 6 p.m. S, closed on Thanksgiving, Christmas and New Year's Day.

J. Delivery and Transporter Businesses.

1. Only one Licensed Delivery and one Licenses Transporter Business may be permitted under these regulations.

2. A Delivery or Transporter business is only allowed in the Industrial Zone (I). They must be able to meet all the buffer distances contained in Article XI.J.F. In addition, no warehouse or facility associated with temporary Cannabis storage may be sited within two hundred feet (200') of any property boundary located within a Residential (R), Residential-Agricultural (R-A) or exclusively residential property in the Central Business District (C-B), as measured from the nearest edge of the warehouse or facility to the nearest point of the adjacent property.

3. Must comply with the requirements of Article XI.J.G.4.a.(iv)

4. Primary Use: Cannabis Delivery or Transportation shall be a primary and not an accessory use. It is not considered a Home Occupation.

5. Hours of Operation: 7 a.m. to 7 p.m. M-Sat; 12:00 p.m. to 6 p.m. S, closed on Thanksgiving, Christmas and New Year's Day.