TOWN OF HAMDEN
APPLICATION TO AMEND THE ZONING REGULATIONS

Pursuant to Sections 702 - 702.12 of the Hamden Zoning Regulations

APPLICANT  Hamden P2C  TELEPHONE 203-287-7070
(Name)

ADDRESS  25750 Dixwell Ave  Hamden, CT 06518
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: elirshite@hamden.com

REGULATION TO BE:  ☐ AMENDED ☑ ADDED or ☐ DELETED:
Article Number 6 Section 6.78 Group Use

CURRENT

LANGUAGE
N/A

PROPOSED

LANGUAGE
Please See Attached.

REASON FOR PETITION FOR
CHANGE
Establish regulations & standards for
Adult-Use Cannabis per Public Act 21-1 (REIACA).

Have there been any previous petitions for same or similar amendments?  ☐ YES ☑ NO

If YES, list name of applicant
SIGNATURE OF APPLICANT [Signature] (Con behalf [Name])

TELEPHONE NO. 203-287-7070

MAILING ADDRESS

[Street No. and Name] [Town and State] [Zip Code]

If you require additional space to complete any of your answers, please attach to this document.
PROPOSED AMENDMENT TO ZONING REGULATIONS

Adult-Use Cannabis

678.3 End of Temporary Moratorium of ‘Cannabis Establishments’

678 Adult-Use Cannabis

Public Act 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (RERACA), as amended by Public Act 22-103, An Act Concerning Cannabis, establishes policies and procedures concerning Adult Cannabis Retail Establishments.

The purpose of this Section is to establish regulations and standards for Adult-Use Cannabis that are consistent with the RERACA, and to protect the health, safety, and general welfare and promote social equity within the community.

678.1 Eligible Locations and Special Permit and Site Plan Criteria

Cannabis Retail Establishments shall be allowed by Special Permit in the T-3, T-3.5, T-4 and T-5 Zoning Districts.

Hybrid Retail Establishments shall be allowed by Special Permit in the T-5 Zoning District and the M Zoning District.

Cannabis Establishments classified as producer, dispensary facility, cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager shall be allowed by Special Permit in the M Zoning District.

Cannabis Establishment must have been approved by the State of CT pursuant to RERACA, as amended, and meet all the necessary licensing requirements established by the Connecticut Department of Consumer Protection.

The Special Permit Standards and Procedures are defined in Section 718, and the threshold for granting of Special Permit as defined in Section 718.4. The Site Plan Standards and Procedures are defined in Section 720, and the Site Plan Objectives are defined in Section 720.5

The Commission shall give consideration to, but not be limited by, the following:


b. The location, size, intensity and any operations involved in the proposed use.

c. The safety and intensity of traffic circulation on the site and in adjacent streets.

d. Provisions for odor control, security, noise and lighting as may be appropriate.

e. Any permit granted under this Section shall be subject to any and all conditions and safeguards imposed pursuant to Section 718.6.
678.2 Hours of Operations

Cannabis Retail Establishments shall only be allowed to operate between the hours of 9:00 am until 9:00 pm.

678.3 Distances between Cannabis Establishments

No Cannabis Establishment use shall be permitted to locate, relocate, move and/or operate within any premise where the outside entrance of such premise is within 500 feet of the property line of any public, parochial or private elementary or secondary school or Public Playgrounds.

Cannabis Establishment locations shall be not located within a 250 foot radius of another Cannabis Establishment. The distance shall be measured from the main public entrance of the proposed site, established and/or premise to the nearest property line encountered. At no point, shall more than three (3) Cannabis Establishments be located within a 1500 foot radius of each other. Cannabis Retailer Incubator as defined in Section 678.4, is exempt from the from the distance requirements between Cannabis Retail Establishments.

678.4 Cannabis Retail Incubator - Accelerator Establishments

The Town of Hamden shall allow for the establishment of one (1) Cannabis Retail Incubator-Accelerator Establishment via Special Permit, as defined in Section 718 of the Hamden Zoning Regulations. Under this provision, up to four (4) cannabis retail locations can co-locate in one location. The Cannabis Retail Incubator-Accelerator establishment must be compliant with RERACA, as amended, and the standards and requirements of established within Section 678 – Adult-Use Cannabis. Each Cannabis Retail Establishment located in the Cannabis Retail Incubator-Accelerator Establishment must have been approved by the State of CT pursuant to RERACA, as amended, and meet all the necessary licensing requirements established by the Connecticut Department of Consumer Protection.

678.5 Zoning Permit

Cannabis Retail Establishments or a Cannabis Retail Incubator - Accelerator Establishments that have received the required Special Permit and Site Plan Approvals from the Planning and Zoning Commission shall be issued a Zoning Permit as defined in Section 730.1 from the Zoning Enforcement Officer. The Zoning Permit may only be issued once all the necessary approvals from the planning and Zoning Commission have been obtained. A copy of the approved license from the Department of Consumer Protection shall be provided prior to the issuance of a Zoning Permit.

678.6 Enforcement

The primary responsibility for enforcing the zoning compliance of Cannabis Retail Establishments as defined within Section 678 – Adult-Use Cannabis shall reside with the Town’s
Zoning Enforcement Officer or other authorized official subject to the appropriate supervision shall enforce these regulations.

All Cannabis Establishments are subject to enforcement authority granted to the Zoning Enforcement Officer or other authorized official as outlined in Sections 728.1.1 Authority and Purpose and Section 728.1.2 Enforcement and Penalties of the Town of Hamden Zoning Regulations

678.7 Signage Requirements and Restrictions

Advertising and signage associated with Adult Use Cannabis Retail Establishments shall comply with Section 550 – Sign Regulations of the Hamden Zoning Regulations and the standards established by the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as amended by Public Act 22-103, An Act Concerning Cannabis

Article VIII Definitions and Abbreviations

Section 830 – Defined Terms

**Cannabis**: Marijuana, as defined in section 21a-240 of the general statutes in accordance with the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended.

**Cannabis Establishment**: A producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter to the Responsible and Equitable Regulation of Adult Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

**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" does not include the raw cannabis plant pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

**Cannabis Concentrate**: Any form of concentration, including, but not limited to, extracts, oils, tinctures, shatter and waxes, that is extracted from cannabis pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended.

**CONSUMER**: An individual who is twenty-one years of age or older pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

**Cultivation**: has the same meaning as provided in section 21a-408 of the general statutes pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.
**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 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

**Delivery Service:** Pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended, a person that is licensed to deliver cannabis from:

a. micro-cultivators, retailers and hybrid retailers to consumers and research program subjects

b. hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408 of the general statutes, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof.

**Dispensary Facility:** A place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder pursuant to the Responsible and Equitable Regulation of Adult Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

**Extract:** The preparation, compounding, conversion or processing of cannabis, either directly or indirectly by extraction or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis to produce a cannabis concentrate pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1 (2021), as may be amended from time to time.

**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 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

**Grow Space:** The portion of a premises owned and controlled by a producer, cultivator or micro cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended. "Grow space" does not include space used to cure, process, and store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

**Hybrid Retailer:** A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products pursuant to the Responsible and Equitable Regulation of Adult Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.
Medical Marijuana Product: 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 of the State of Connecticut as reserved for sale to qualifying patients and caregivers and published on the department's Internet website pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

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 of consumer protection pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

Producer: A person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

Product Manufacturer: A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

Product packager: A person that is licensed to package and label cannabis pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

QUALIFYING PATIENT: Has the same meaning as provided in section 21a-408 of the general statutes pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis.

Retailer: 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 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.

Transporter: A person licensed to transport cannabis between cannabis establishments, laboratories and research programs pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Con. Pub. Act 21-1, as may be amended.