

CITY OF TORRINGTON



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To: Planning & Zoning Commission
From: Jeremy Leifert, AICP, City Planner *JL*
Date: August 24, 2022
Subject: Proposed Zoning Regulation Changes, Adult-Use Cannabis Retail Establishments; Sections 3.1, 4.16 and 5.19

On June 22, 2021, Public Act 21-1 was signed into law that permitted recreational adult-use cannabis, along with retail sales, cultivation and micro-cultivation under state regulations administered by the Department of Consumer Protection. The law also authorized municipalities to adopt zoning regulations or ordinances to (a) prohibit cannabis retail or cultivation uses from locating in the municipality or (b) adopt regulations or ordinances under certain state guidelines to allow the cannabis retail or cultivation businesses with reasonable restrictions. If any municipality takes no action, the establishments would be allowed and regulated as similar uses would be (i.e. retail or manufacturing). The initial law under public act 21-1 limited the City of Torrington to no more than one retail location and one cultivator or micro-cultivator based on the population of the City. However, a new law, Public Act 22-103 was signed into law on May 24, 2022 which removed the limits on the number of licenses granted to individual municipalities. The number of licenses granted is controlled by the State of Connecticut through the Department of Consumer Protection in addition to local approval powers. The municipality collects a tax of 3% on all sales from retail locations and cultivators for use under certain program restrictions by the municipality.

Within the City government, in order to plan for the rollout of these state laws, two open joint meetings were held between the City Council, the Planning and Zoning Commission, and the Board of Public Safety on February 16, 2022 and April 20, 2022 to discuss the position of the City in allowing the uses, and the process by which to license the uses. The joint boards discussed and considered topics such as the potential numbers of licenses, perceived increase in crime rates, effects on the community and the potential benefits and uses for the 3% sales tax to the community. Options discussed were (1) prohibiting the uses, (2) adopting regulations by ordinance through the City Council (3) adopting regulations as part of the zoning regulations through the Planning and Zoning Commission and (4) placing a yes/no referendum question on the November election ballot for allowing or prohibiting the sales or cultivation. The joint committees ultimately decided after careful consideration and discussion to send the decision of local regulatory controls to the Planning and Zoning Commission to adopt through the zoning regulations.

The Planning and Zoning Commission discussed and reviewed draft regulation amendments at their May 25, June 8 and June 22 commission meetings. Based on those discussion and comments on the draft language, I am submitting the following proposed regulations:

1. To allow the cultivation or micro-cultivation under the current regulations as a manufacturing use in Section 3.1, subsection 19.00. No amendments to the regulations are necessary to allow this use. Within Public Act 21-1 (section 143) the production and cultivation of cannabis is not considered an agricultural activity for the purposes of regulation. It is considered a manufacturing/production use, and subsequent proposals for cultivators or micro-cultivators would be allowed in the I or IP zones under those use regulations.
2. To add a new use in the use table, section 3.1, as a new sub-section 22.03 – Adult Use Cannabis Retail Establishments
3. To amend section 4.16 – Alternate Incarceration, Medical Marijuana Dispensary Overlay Zone to add:
 - Definitions section as a new section 4.16.3
 - “Adult-Use Cannabis Retail Establishments” use to Section 4.16.4
 - Add a new section 4.16.7.F to require mapping of sensitive uses within 500 feet of a proposed retail establishment location.
 - General language and formatting cleanup in sections 3.1 and 4.16

The typical process for a new retail cannabis use would be similar to the existing medical marijuana procedures. The applicant would simultaneously apply for a zone change and site plan approval to both adopt an overlay zone on the subject property and review the site for design suitability. The review would be subject to the criteria contained in zoning regulations section 4.16 (AM Zone), 8.4 (Site Plan Review) and 8.7.1 (Change of Zoning District Boundary). To aid the commission in reviewing site suitability for the overlay zone, a map of all properties located within 500 feet of the proposed retail location is required, specifically identifying all public parks, public playgrounds, schools, recreational facilities, child care centers or libraries. The commission would review the proximity to these locations in deciding on adoption of the AM overlay zone. While not proposed as a strict “separation distance”, this gives the commission maximum discretion on the adoption or denial of the overlay zone based on proximity to these sensitive uses and other location-related factors. This process would also be required for accessory retail cannabis use proposal under section 5.2.6 – Retail as an Accessory Use.

As part of these regulation amendments, I am also proposing to repeal section 5.19 – Temporary and Limited Moratorium on Cannabis Establishments, with an effective date the same day that these regulations become effective.

The proposed amendments to the Zoning Regulations are not in conflict with the Plan of Conservation and Development. I would recommend adoption of the proposed text amendments with an adoption effective the day after the date of publication of the approval.