

Recreational Marijuana Regulations for Enfield CT

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Approved by Planning and Zoning Commission:

May 12, 2022

Sheila M Bailey

Effective Date:

May 26, 2022

Section 8.200 Recreational Marijuana

8.200.1 Purpose

The intent of this section is to regulate the location of Marijuana Establishments. The primary purposes of these regulations are to provide access to State-approved Marijuana Establishments while also preventing a concentration of these uses in any one area, to minimize any potential adverse impacts, and to protect and preserve the quality of Enfield's neighborhoods, business districts, property values and the quality of life through effective land use planning.

8.200.2 Definitions. For use in this section of the Regulations, definitions shall be those established in the Connecticut General Statutes 21a – 408 thru section 21a – 414, as may be amended.

A. Marijuana: as defined in Section 21a-240, C.G.S.

B. Marijuana Establishment: Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, delivery service.

C. Cultivator: A person or entity that is licensed to engage in the cultivation, growing and propagation of the marijuana plant at an establishment with not less than fifteen thousand square feet of grow space.

D. Delivery Service: A person or entity 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 marijuana that has been approved by the department, or a combination thereof.

E. Dispensary Facility: Means a place of business where marijuana 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.

F. Hybrid Retailer: A person or entity that is licensed to purchase marijuana and sell recreational marijuana and medical marijuana products.

G. Retailer: A person or entity, excluding a dispensary facility that is licensed to purchase marijuana and marijuana products from producers, cultivators, and to sell marijuana and marijuana products to consumers and research programs.

H. Micro-cultivator: A person or entity 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.

8.200.3 Applicability: The facilities and establishments found in the above section (B. 1 – 8), licensed by the State of Connecticut, shall be permitted by Special Permit only, subject to approval as a Special Permit use in accordance with Section 9.20 of these Regulations and the requirements of this Section.

8.200.4 Applicable Zones: Marijuana Establishments as defined in the above section B. shall be limited to the I-1, I-2, I-P, B-R, B-L, and B-G Zones. For Thompsonville District applicability refer to section F.

8.200.5 Separation Requirements: Excluding the Thompsonville Districts as defined in section 8.120, regulated uses identified in this Section shall be subject to the following separation distances:

Separating Distances

i. Production facilities shall not be located within two hundred (200) feet of a residentially zoned property, within one hundred (100) feet of a property containing a residential use, within one thousand (1,000) feet of another existing dispensary or production facility located within the Town of Enfield and/or within fifteen hundred (1,500) feet of a school and one thousand (1,000) feet of public buildings, public parks, public and private recreation areas, and places of worship.

ii. Dispensing facilities shall not be located within two hundred (200) feet of a residentially zoned property, within one hundred (100) feet of a property containing a residential use, within one thousand (1,000) feet of another existing dispensary or production facility located within the Town of Enfield and/or within fifteen hundred (1,500) feet of a school and one thousand (1,000) feet of public buildings, public parks, public and private recreation areas, and places of worship.

iii. For the purposes of this section:

a. School: means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges, and universities. School includes the school grounds but does not include any facility used primarily for another purpose and only incidentally as a school.

b. Public Building: means any building owned, leased, or otherwise held by the United States, the state, the town, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.

c. Public Park and Recreation Area: means public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the state.

d. Private Recreation Area: means any private business, whether for-profit or not-for-profit, intended to serve or attract clients, customers, or users under 18 years of age, for the purpose of engaging in indoor or outdoor youth-oriented programs or activities, including but not limited to sports or fitness centers, martial arts, dance, gymnastics, music, or art studios, indoor open or guided play areas, camps, land trusts, private open space and the like.

e. Place of Worship: means a building or place that by design is intended for conducting organized religious services.

f. Separation Distance: means a straight measurement taken from the nearest lot line of the proposed use to the nearest lot line of the protected use.

Section 8.200.6 Separation Requirements within Thompsonville Districts

Regulated uses identified in this Section shall be subject to the following separation distances:

Separating Distances

i. Production facilities and Dispensing facilities are limited to the TD-5 Zone, TD-4 Zone, and parcels within the TD-2 Zone of former municipal uses.

ii. Production facilities shall not be located within one thousand (1,000) feet of another existing dispensary or production facility located within the Town of Enfield and/or within fifteen hundred (1,500) feet of schools, and one hundred (100) feet of public buildings, public parks, public and private recreation areas, and places of worship.

iii. Dispensing facilities shall not be located within one thousand (1,000) feet of another existing dispensary or production facility located within the Town of Enfield and/or within fifteen hundred (1,500) feet of schools, and one hundred (100) feet of public buildings, public parks, public and private recreation areas and places of worship.

Section 8.200.7 Parking Requirements

All vehicle parking shall be located on site:

- i. Dispensing Facilities use shall follow retail parking standards from Article 10.10.
- ii. Cultivation shall follow warehousing parking standards from Article 10.10
- iii. Hybrid facilities shall follow parking standards based on the percentage of each use in the facility.
- iv. Parking requirements in Thompsonville shall follow requirements in Article 8.124


8.200.8 In addition to the standard site plan and special permit standards and procedures in Article IX, the applicant shall specifically address the systems to be used for:

- i. Odor control
- ii. Water use and wastewater discharge
- iii. Noise abatement
- iv. External equipment and screening
- v. Site lighting
- vi. Traffic
- vii. Fire
- viii. Security

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ENFIELD TOWN CLERK

2022 OCT 28 PM 12:46

Sheila M Bailey

To: Ms. Sheila Bailey, Enfield Town Clerk
From: Matt Davis, Assistant Town Planner 
Date: October 28, 2022
Subject: Final Approved Zoning Regulation Text Amendment
Application #XZA 3048

Please find attached the final approved version of the above referenced amendment to the Zoning Regulations. This amendment was approved by the Planning and Zoning Commission at their 10/27/22 Regular meeting. The effective date of the amendment is 11/14/22.

If you have any questions, please feel free to contact me.

Thank you!

Copy to: Application File XZA 3048

8.200.5 iv. Modifications of Separation Distances in BR Zones

- a. Criteria
 - The specific physical, use, infrastructure, vehicular and pedestrian circulation and other like attributes of the location and its immediate environs.
 - The hours of operation, patronage, scale, access and other attributes of the protected use in relation to the same attributes of the proposed use.
 - The likelihood of interaction between the use and protected uses in proximity to the proposed use where such interaction would create undue risk to the health or safety of occupants, employees or patrons of the protected use.

- b. Findings: Based on the above considerations, before the Commission may approve a modification under these provisions, the Commission shall find:
 - The proposed use will not likely create undue risks to the health or safety of occupants, patrons, employees or others using the protected use's site or facilities AND;
 - The application if approved will not create conflicts with, or undermine the Town's Comprehensive Plan or the general principles of orderly development AND;
 - That, in the Commission's sole discretion, as or if necessary, the Special Permit approval includes conditions and/or modifications which will serve to sufficiently mitigate any relevant potential issues under the Commission's legal purview in acting on the Special Permit application.

- c. In considering and acting on a modification request, the Commission may require the applicant to submit documentation in support of the request and relating to the criteria and findings described herein, including but not necessarily limited to surveys, written reports, land records, data, photographs or other materials. Applicants shall also be free to provide whatever additional documentation they feel supports their modification request.

8.200.5 v. Prohibition on Variances to Separation Distances

The Zoning Board of Appeals is prohibited from granting variances to any of the separation distance requirements contained in section 8.200.