

NEW HAVEN CITY PLAN COMMISSION

RE: ORDINANCE OF THE BOARD OF ALDERS AMENDING THE ZONING
ORDINANCE OF THE CITY OF NEW HAVEN CONCERNING THE RESPONSIBLE
AND EQUITABLE REGULATION OF ADULT-USE CANNABIS.

Submitted by: William Long, Deputy Director of Zoning

REPORT: 1603-06

ACTION: Approve

BACKGROUND

On July 1, 2021, the Connecticut General Assembly adopted [Public Act 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis Act \(RERACA\)](#). This act delegated to municipalities, such as the City of New Haven, the authority to regulate land use and zoning of adult-use Cannabis. This includes the cultivation, processing, manufacturing, distribution, testing and sale of nonmedical marijuana in tandem with comprehensive State licensing. The law allows adult use, possession and minor cultivation of marijuana by adults age 21 and older, nine license categories, creates a licensing framework for nine categories of related businesses to be established by state Department of Consumer Protection, and creates a Social Equity Council aimed at addressing disproportional impacts of the “war on drugs” on some communities. More information can be found at <https://portal.ct.gov/cannabis>

This recently adopted new State Law classifies Cannabis Establishments into 9 different license types which are monitored and regulated by the State Department of Consumer Protection. These license types are: 1. Delivery Service; 2. Transporter; 3. Producer; 4. Dispensary Facility; 5. Micro-Cultivator; 6. Retailer; 7. Hybrid Retailer; 8. Food and Beverage Manufacturer; and 9. Product Packager.

The intent of the law is to foster social equity by allowing communities impacted by the previous “drug wars” to benefit economically from this newly opened market. Accordingly, current land use policy and economic conditions have changed to now warrant Cannabis Establishments in suitable locations by expanding the market from medical use facilities only to include recreational use facilities, as well. The City of New Haven, to keep pace with the change in market, has determined appropriate locations that safeguard these facilities while assuring residents.

The City Plan Department seeks to align the City’s Zoning Ordinance and Comprehensive Plan of Development with the Connecticut State Statute. The City’s approach strives to align with the legislative intent while identifying of the city that would be suitable for creation of healthy and competitive marketplace but also responsible to residents and the overall plan for economic development. The approach includes the same distance requirements applied to liquor stores, does not allow establishments to be sited in residential neighborhoods, and requires a Special Permit application for some establishments to allow for public input. Accordingly, the City of New Haven seeks to incorporate Cannabis Establishments into the Zoning Ordinance by:

- Allowing Cannabis Establishments that are classified as “Delivery Service” or “Transporter” as “As-of-Right” within the BA, BA-1, BA-2, BB, BC, BD, BD-1, BD-2, BD-3, CGD, IL or IH Zoning Districts.

- Allowing Cannabis Establishments that are classified as “Producer”, “Dispensary Facility”, “Micro-Cultivator”, “Retailer”, “Hybrid Retailer”, “Food and Beverage Manufacturer”, or “Product Packager”, as permitted by Special Permit within the BA, BA-1, BA-2, BB, BC, BD, BD-1, BD-2, BD-3, CGD, IL or IH Zoning Districts.
- Providing criteria for evaluation of the Special Permit applications.
- Establishing standards such as distance requirements; wherein, Cannabis Establishments cannot be located within 500’ of any school or 1,500’ of any other Cannabis Establishment.
- Permitting Cannabis Establishments in approximately 1,629 acres (15%) of the City’s 11,182 total acres.

PUBLIC HEARING

A Public Hearing for this item was held on March 30, 2022.

Six members of the public gave testimony. Five individuals asked questions and/or provided recommendations for consideration. One member of the public spoke in support of the proposed amendments. No members of the public spoke in opposition.

A transcript of the hearing, CPC meeting 1604, is available from the City Plan Department and can be found here: <https://cityplancommission.newhavenct.gov/pages/march-30-2022-meeting>

PLANNING CONSIDERATIONS

In accordance with Title I, Article XIII, Section 2(E) of the New Haven Code of Ordinances states, **“Altering regulations, district. The regulations imposed and the districts created under the provisions of this section may be changed or altered from time to time by Ordinance, but no such change or alteration shall be made until the proposed change shall have been referred to the City Plan Commission for a Public Hearing. Said commission shall, upon receipt from the Board of Alders of such proposed change, give Public Notice and proceed with a hearing in the same manner as is herein provided and shall report to said Board of Alders its recommendations in the matter, within thirty (30) Days after receipt by it of the proposal for a change. Thereafter the Board of Alders may, by Ordinance adopted in the usual manner, make the proposed change. When the owners of fifty per centum (50%) of the frontage in any district or part thereof shall present a petition to the Mayor requesting an amendment or repeal of any such regulation, the Mayor shall forthwith refer such proposed amendment or repeal to the commission for its further consideration and recommendation, and said commission shall, within ninety (90) Days from the receipt of petition, submit a report of the Board of Alders of said City of such approval or disapproval. If twenty per centum (20%) of the owners of the frontage of the property immediately affected by the proposed amendment or repeal or, if the owners of twenty (20%) per centum of the frontage of the rest of the block or blocks affected or the owners of twenty per centum (20%) of the frontage directly opposite the property immediately affected by such amendment or repeal, shall, within fifteen (15) Days after the filing of the report of said commission, file a protest in writing, signed by them with the City Clerk, such amendment or repeal shall not be adopted unless recommended by the City Plan Commission or unless three-fourths (¾) of the members of the Board of Alders shall vote in favor of such amendment or repeal.”**

Accordingly, the Board of Alders seeks guidance regarding the proposal.

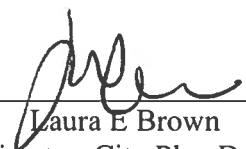
The Board of Alder seeks guidance as to:

- Whether the proposal is aligned with the City’s Comprehensive Plan.
- Whether the proposal aligns with the articulated goal in the City’s Comprehensive Plan of Development stating, **“Continue to promote business retention and attraction.”**
- **Whether there are “Errors in the existing ordinance, changes that have taken place in the city and in patterns of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven; (Section 64(d)(2)(a) of the Zoning Ordinance)**

ADVICE

- This proposal meets the criteria set forth in Section 64(d)(2)(a) of the Zoning Ordinance because changes have taken place in land use related to Regulation of Adult- Use Cannabis due to the Implementation of the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA).
- The proposal is aligned with the City’s Comprehensive Plan of Development because it will:
 - **“Promote sustainable and balanced economic growth.”**
 - **“Promote the redevelopment of industrial areas of the city.”**
 - **“Continue to promote business retention and attraction.”**
- The following conditions should be considered:
 - That Section 64 “(D)(1)(d)” is amended to read as Section 64 “(D)(1)(c)”.
 - That Section 64 “(D)(1)(e)” is amended to read as Section 64 “(D)(1)(d)”.
 - That Section 64(E)(1) is amended to remove the BC zone and read as follows: “Cannabis Establishments are prohibited in all residence districts, as well as the, “IM”, “Park”, “Cemetery” and “Airport” Zoning Districts.”
 - That the attached “Cannabis Allowable Locations Map” showing areas for allowable Cannabis Establishments based on a 500’ buffer around schools from the school property boundary be adopted with the proposed legislation.
 - That “street names” and “neighborhood boundaries” are incorporated and included on the map entitled “Cannabis Allowable Locations Map”.
 - That the Board of Alders considers conducting research by having other municipalities provide their experiences prior to adopting any ordinances related to cannabis establishments ordinances within the City of New Haven.
 - That the Board of Alders imposes an expiration time limit for special permits related to Cannabis Establishments that aligns with the State’s time limits based on the specific time limits for each license type.
 - That the Board of Alders conducts a robust public education and engagement process including experts with experience in the field.

ADOPTED: March 16, 2022
Leslie Radcliffe
Chair

ATTEST: 

Laura E Brown
Executive Director, City Plan Department

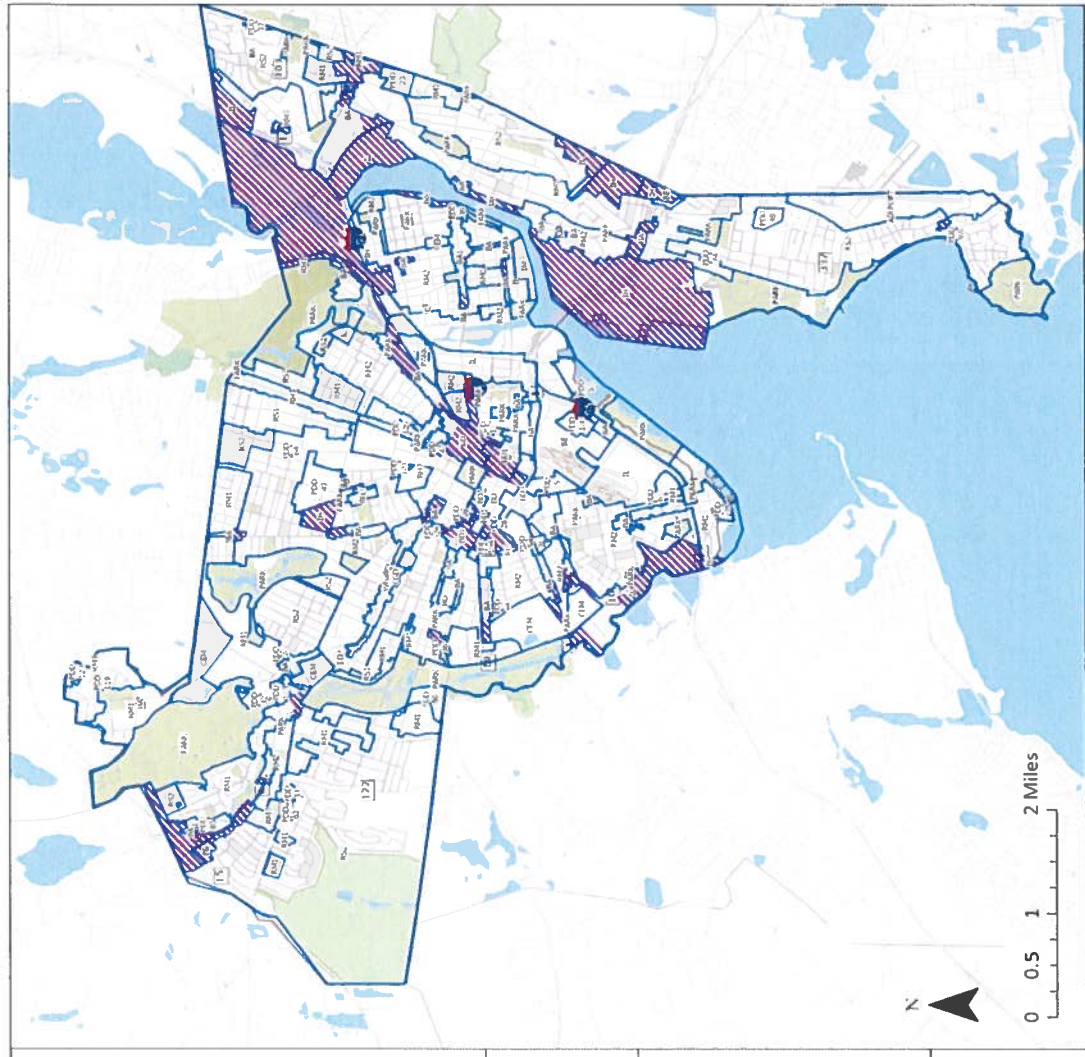
Cannabis Allowed Locations City of New Haven

Legend
□ New_Haven_Zoning
▨ Cannabis_allowed_locations

Scale: 1:60,000

Spatial Reference
Name: WGS 1984 Web Mercator Auxiliary Sphere
PCS: WGS 1984 Web Mercator Auxiliary Sphere
GCS: GCS WGS 1984
Datum: WGS 1984
Projection: Mercator Auxiliary Sphere
Map Units: Meter

Prepared by New Haven City Plan Department
Date Exported: 3/8/2022 4:32 PM



“Zoomed-In Version of Cannabis Allowable Locations”

