

Section 6.05 Cannabis (Retail Sale, Production and Cultivation, Medical Marijuana Dispensary Facilities and Production facilities)

Non-Severability: The Commission finds that cannabis-related uses would be acceptable in the Town of Sterling only if all restrictions and limitations set forth in this Section 6.05 are maintained. Therefore, if a court should determine that any of the provisions in this Section 6.05 are unlawful, the entire shall be deemed invalid and cannabis establishments shall be deemed to be prohibited in the Town of Sterling.

~~101~~ A.

Applicability:

1. Medical marijuana dispensary facilities and production facilities shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted ~~only in the following zone,~~ subject to ~~special permit approval in accordance with Section 5.2 of these Regulations,~~ Site Plan approval in accordance with Section ~~5.3~~ 7.04 of these Regulations, and the requirements of this section.
2. Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act ("RERACA"), the Connecticut (CT) Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted ~~by only in the following zone,~~ subject to ~~special permit approval in accordance with these Regulations,~~ Site Plan approval in accordance with ~~Appendix C~~ Section 7.04 of these Regulations, and the requirements of this section.
3. Adult-use cannabis cultivator and micro-cultivator facilities shall be governed by the RERACA, the CT Public Act 21-1/ Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted ~~only in the following zone,~~ subject to ~~special permit approval in accordance with these Regulations,~~ to Site Plan approval in accordance with Section ~~XX~~ 7.04 of these Regulations, and the requirements of this section.

~~102~~ B.

Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

1. No medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed within 500 feet of a church, temple or other place used primarily for religious worship, public building, public school, public playground, public park or public child day care facility, except if such facility is located within the Town's Industrial Park, then there shall be no minimum separation distance requirement.
2. No medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed on a site where such facility is located less than 500 feet from

an existing single-family or multi-family residential use, except if such facility is located within the Town's Industrial Park, then there shall be no minimum separation distance requirement.

3. No medical marijuana dispensary or production, or adult use cannabis retailer, hybrid-retailer cultivator or micro-cultivator facility shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary, production facility, or adult use cannabis retail, hybrid retail, cultivator or micro-cultivator facility.
4. No adult-use cannabis retail or hybrid-retail shall be located less than 5,000 feet from another adult-use cannabis retail or hybrid-retail. Distance shall be measured from the radius of the front door to front door of each establishment, except if such facility is located within the Town's Industrial Park, then there shall be no minimum separation distance requirement.
5. All distances contained in this section, shall be measured by taking the nearest straight line between the respective lot boundary of the property subject to the separation requirement and the proposed building/structure containing the proposed cannabis facility.

~~103~~ C.

Design Standards.

1. Any retail facility shall be designed to match the residential typology of the immediate area and shall be located on a State Road with direct fee-simple deeded frontage on the State Road it abuts.
2. Any production facility outside of the Town's Industrial Park shall be defined to match the typology of Sterling's traditional agricultural architecture if visible from an existing road/street and/or abutting residential property.
3. All facilities (retail, production and/or cultivation) shall submit a plan to control odor
4. All cultivation shall occur within a building. Outdoor grow and/or growing is prohibited.

~~104~~ D.

Minimum Floor Area Requirements.

1. No medical marijuana production facility shall be allowed in a building with less than 10,000 square feet of gross floor area.

~~105~~ E.

Sign and exterior display requirements:

1. Exterior signage shall be restricted to a single sign no larger than 16" x 18" containing the legal name of the entity and the street address of the facility. Section 6.2.3b shall not apply.

~~106~~ F.

Off-Street Parking requirements:

1. Required off-street parking shall be in compliance with the Zoning Regulations. Parking for the facility shall be contained on the same property associated with the proposed activity. A parking plan and traffic analysis shall be submitted with every application associated with Medical Marijuana and/or cannabis retail and/or production facility.

~~107~~ **G.**

Security Requirements:

1. All cannabis or medical marijuana dispensary facilities and production facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana utilizing commercial grade equipment meeting at least the minimum requirements of Sec. 21a-408-62 of the State of Connecticut Regulations.
2. The hours of operation for cannabis (retail) or medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week.
3. There shall be no limitation on the hours of operation for cannabis or medical marijuana production facilities, all days of the week.

~~108~~ **H.**

Conditional Approval:

1. All site plan approvals/zoning permits shall be approved with the condition that the applicant obtains the appropriate license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).
2. The conditional approval shall become finalized upon the receipt by the Town Planner and/or Zoning Enforcement Officer (ZEO) of a copy of the Department of Consumer Protection-issued license.
3. The conditional approval shall expire if the applicant fails to provide the Town Planning and/or Zoning Enforcement Officer (ZEO) with a copy of the Department of Consumer Protection-issued license within six months of the date of the Planning and Zoning Commissions conditional approval.
4. A six-month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.
 - a. No entity shall operate without a valid, current license.

~~109~~ **I.**

Connecticut Department of Consumer Protection Approval.

1. The applicant shall provide the Town Planner and/or Zoning Enforcement Officer (ZEO) with a copy of the appropriate license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.

6.04 Accessory Apartments

- A. **Accessory Apartments:** ~~The Commission recognizes that many families need, on a temporary basis, to provide housing for members of their extended families (i.e. in-law apartment). In addition, families may need assistance to maintain a property and/or household, on a temporary basis or provide housing for a paid staff member (i.e. caretaker apartment). Accessory apartments may therefore be~~ **are** permitted as accessory uses to single-family dwellings and allowed through the issuance of a zoning permit **and Site Plan approval** provided:

1. ~~Attached Accessory Apartments~~

- a. ~~Attached in-law apartment: The space devoted to the in-law apartment within a single-family dwelling must be interconnected by at least one doorway to the remainder of the dwelling, so that a person could gain access to the in-law apartment from an interior doorway serving the remainder of the house, and vice versa. Electric utilities shall run off of a single meter.~~

2. ~~Relationship to Owners of Property~~

- a. ~~In-law Apartment: may be occupied only by parents, siblings, grandparents, great grandparents, children, grandchildren, great grandchildren, aunts, uncles, nieces, nephews, or first cousins of one or more persons who occupy the remainder of the principal dwelling.~~
- b. ~~In-law shall not be rented for income.~~
- ~~— Only one accessory dwelling unit shall be permitted for each lot.~~
 - ~~— No accessory dwelling unit shall be approved if accessory to a two-family dwelling or any multi-family use or a common interest community; and~~
 - ~~— The lot shall conform to the minimum lot area requirement for the zone in which the property is located.~~
 - ~~— The owner of the property (who must be a natural person in whom the fee title of the subject premises is vested) shall certify by a sworn affidavit that he or she will occupy either the principal dwelling unit or the accessory dwelling unit; and such sworn affidavit shall be updated during each tax revaluation year and prior to any transfer of ownership indicating that an owner does or will occupy either the principal dwelling unit or the accessory dwelling unit. The sworn affidavit shall be sent via certified mail to the Town of Sterling Zoning Commission by the property owner.~~

3. The Accessory Dwelling Design:

- a. ~~In-law Apartment~~ **Accessory Dwelling Unit** shall:
1. be no less than 500 square feet and shall not exceed ~~800~~ **1,000** square feet. ~~unless, in the opinion of the Commission (¾ vote of the entire commission required), a greater amount of floor area is warranted by the specific layout or circumstances of the particular building; and~~
 2. contain no more than one (1) bedroom, one (1) bath, and (1) kitchen; and
 3. be designed to preserve and maintain the single-family residential appearance of the subject lot and be consistent with the single-family character of the neighborhood; and
 4. have at least one (1) side of the accessory dwelling unit be at or above grade; and
 5. have no more than two (2) individuals residing inside of the ~~in-law~~ apartment; and
 6. ~~share common utilities; and~~
 7. ~~share a common door and/or hallway between the two units/sides.~~
- b. The building shall, upon establishment of the accessory dwelling unit:

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1. retain the exterior architectural style of the primary residence and shall “maintain” the appearance of a single-family residence.
- ~~2. have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single family unit, and~~
- ~~3. no stairs above the first floor shall be added to the outside of the building.~~
- c. No additional curb cuts shall be created to serve an accessory dwelling unit and access from the public right-of-way shall serve both the principal and accessory units; and at least four (4) off-street parking spaces (which may include garage and driveway spaces) shall be provided to serve both the principal dwelling and the accessory dwelling unit, and such parking shall not be located in the required front, side, or rear yard setback.
- d. Parking spaces shall be screened from abutting property lines by fences, vegetation, or earthen berms. Where existing topography, site conditions, property ownership and/or landscaping will effectively screen parking from an abutting residentially zoned area, the Planning and Zoning Commission may modify the above screening and setback requirements with a $\frac{3}{4}$ vote of the entire commission.
- ~~e. A standard notice, approved by the Town Attorney, shall be filed on the land records of the Town stating that the property contains an in-law apartment and that it is not approved for use as a two-family dwelling.~~

B. The Accessory Dwelling Unit:

Prior to the issuance of a Zoning Permit the applicant is required to receive the following signoffs/approvals from the Town's:

Fire Marshal:

This individual shall determine that the proposed accessory dwelling unit complies with applicable state fire/building codes as they relate to the proposed unit.

Health Official/Department:

This department/individual shall determine that the site as well as the proposed accessory unit complies with applicable public health codes as they relate to the proposed unit.

Chief of Police/First Selectmen:

This individual shall determine that the proposed accessory dwelling unit complies with local and state codes as they relate to the proposed unit.

Town Planner:

This individual shall make a recommendation to the Town's Zoning Enforcement Official regarding compliance with the requirements of an accessory dwelling unit.