



PLANNING & ZONING DEPARTMENT
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ADOPTED AMENDMENT TO THE ZONING REGULATIONS

Adopting NEW SECTION 7.13
“Medical Marijuana Dispensaries and Medical Marijuana Production Facilities”
Including a prohibition on the permitting of these uses
and
Modifying Section 8.6 to remove Medical Marijuana Dispensaries and
Medical Marijuana Production Facilities under “Uses Subject to Moratorium”

History: The Commission adopted an amendment in October of 2013 to establish a one-year moratorium on the acceptance of applications for medical marijuana dispensaries and production facilities, and in 2014 extended the moratorium to expire on 11/7/15. During the two-year period of the moratorium, a subcommittee met with the Planner, the Zoning Enforcement Officer and Town Counsel to discuss the potential adoption of zoning regulations for permitting medical marijuana facilities. The Planner began the process of drafting regulations.

Also during the moratorium period, the State of Connecticut Department of Consumer Protection initially issued licenses for six (6) dispensaries and four (4) production facilities in various towns throughout the State. These facilities are now open and operating. An additional three (3) licenses are being issued in 2015 for dispensaries.

In worksessions and discussion on the existing moratorium and potential regulations, and after hearing testimony from town agents including the First Selectman, the Chief of Police, and the Director of Social Services (all members of the Ridgefield Community Coalition Against Substance Abuse), the Commission considered the adoption of the regulations to permit medical marijuana facilities and, alternatively, regulations to prohibit the use within the Town of Ridgefield. Representative John Frey, a member of Connecticut’s General Assembly, also contributed to the discussion, offering perspectives on the promulgation of the State regulations.

The result of the worksession discussions was a decision to draft an amendment to the zoning regulations to prohibit medical marijuana dispensaries and production facilities in the Town of Ridgefield. With the adoption of these regulations, the moratorium listed in Section 8.6 in the zoning regulations should be vacated.

Reasons: In adopting these regulations, the Commission states on the record the following reasons for prohibiting the permitting of medical marijuana dispensaries and medical marijuana production facilities in the Town of Ridgefield:

- The Zoning Regulations are “permissive”, and a regulation to specifically prohibit marijuana dispensing and production as permitted uses eliminates the possibility of an applicant requesting the use under some other category (e.g. “pharmacy”, “retail”, or “clinic”).
- The federal government considers marijuana to be a Schedule I controlled substance.
- The State, in adopting its regulations, intended that dispensaries and production facilities be available on a regional basis, with licenses issued on a limited basis to serve population areas.
- A state-licensed medical marijuana dispensary is located in the Town of Bethel to serve the Fairfield County region. The facility is located approximately 13.5 miles and 20 minutes from downtown Ridgefield.
- Medical evidence and clinical studies on the benefits of medical marijuana are inconclusive.
- Many states where medical marijuana is available legally under state law have also made recreational marijuana available with both positive and negative results.

The following regulation is therefore proposed:

Add NEW Section 7.13:

7.13 Medical Marijuana Dispensaries and Medical Marijuana Production Facilities

A. INTENT AND PURPOSE

This section regulates the permitting of Medical Marijuana Dispensaries and Medical Marijuana Production Facilities, as defined in Section 2.2 (Definitions) of these regulations.

B. STANDARDS

1. Medical Marijuana Dispensaries and Medical Marijuana Production Facilities are prohibited in any zone within the Town of Ridgefield.
2. The dispensing and growing of recreational marijuana is also prohibited within the Town of Ridgefield, and shall not be permitted unless expressly authorized in these regulations.

(Note: The following DEFINITIONS are already listed in Sec. 2.2 of the Zoning Regulations)

Medical marijuana dispensary¹ - A place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers, and for which the CT Department of Consumer Protection has issued a dispensary facility permit to an applicant in accordance with Section 21a-408-14 of the Regulations of Connecticut State Agencies.

¹ 2013-087-A: Added definitions for medical marijuana dispensaries and growing facilities, effective 10/18/13

Medical marijuana production facility - A secure, indoor facility where the production of marijuana occurs, and that is operated by a person to whom the CT Department of Consumer Protection has issued a producer license in accordance with Section 21a-408-20 of the Regulations of Connecticut State Agencies.

With the adoption of the above regulations, the moratorium established under Sec. 8.6.D.1 may be vacated, as noted below:

EXISTING REGULATION:

8.6 Uses Subject to Moratorium

B. INTENT AND PURPOSE

The Planning and Zoning Commission has determined that the following uses have the potential to impair the health, safety and welfare of its citizens, and that a temporary, limited moratorium is needed in order to properly develop restrictions and standards for the implementation of these uses.

C. IDENTIFIED USES SUBJECT TO MORATORIUM²

1. Medical marijuana dispensary facility
2. Medical marijuana production facility

D. APPLICATION

1. No application for a medical marijuana dispensary or production facility and no installation or creation of a medical marijuana dispensary or production facility shall be permitted in any zone within the Town of Ridgefield during the effective dates specified in Sec. 8.6.D.1.

E. EFFECTIVE DATE AND EXPIRATION

1. The effective date of the moratorium on the application or installation or creation of any medical marijuana dispensary or production facility is the date of adoption of this regulation by the Planning and Zoning Commission together with the filing of the amendment with the town clerk (beginning on 11/7/14 and expiring in one calendar year on 11/7/15).³

F. EXCLUSIONS

² 2013-087-A Adopted effective 10/18/13 Moratorium on the Acceptance of Medical Marijuana Facility Applications

³ 2014-091-A Medical Marijuana Moratorium extended to 11/7/15

ADOPTED NEW REGULATION / VACATING MORATORIUM:

8.6 Uses Subject to Moratorium

A. INTENT AND PURPOSE

The Planning and Zoning Commission has determined that the following uses have the potential to impair the health, safety and welfare of its citizens, and that a temporary, limited moratorium is needed in order to properly develop restrictions and standards for the implementation of these uses.

B. IDENTIFIED USES SUBJECT TO MORATORIUM

1. There are currently no uses subject to moratorium.

C. APPLICATION

D. EFFECTIVE DATE AND EXPIRATION

E. EXCLUSIONS

Draft:	11/3/15
Revised:	11/4/15
Public hearing:	12/1/15
Adopted:	12/1/15
Legal Notice:	12/10/15
Effective:	12/11/15