



# City of Milford, Connecticut

Founded 1639  
70 West River Street ♦ Milford, Connecticut ♦ 06460-3317  
[www.ci.milford.ct.us](http://www.ci.milford.ct.us)

Department of Permitting  
and Land Use

David B. Sulkis,  
City Planner

**TO:**  South Central Regional Council of Governments  
 METROCOG – CT Metropolitan Council of Governments  
 City Attorney, City of Milford  
 State of CT DEEP  
 City of West Haven, City Clerk  
 Town of Stratford, City Clerk  
 Town of Orange, City Clerk

**FROM :** David B. Sulkis, City Planner /DBS

**DATE:** March 23, 2016

**RE:           **Proposed Changes to the City of Milford Zoning Regulations:  
Section 5.19 Medical Marijuana Dispensaries and Production Facilities****

In accordance with Milford Zoning Regulations 10.3 and CT General Statutes 8-3b and 22a-104, the distribution of the following proposed regulation changes is submitted for your agency’s review and comment.

Please provide this office with acknowledgment of your receipt of this memorandum and comments or approval within 35 days of the above date.

**EXISTING TEXT (to be deleted in its entirety):**

**Sec. 5.19.1 Definitions:** “Dispensary Facility” means a place of business where marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit to an applicant under the Act and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

“Production Facility” means a secure, indoor facility where the production of marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license under the Act and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

**5.19.2 Standards for Location:** Medical marijuana dispensaries shall be allowed in the CDD-1, CDD-2, CDD-3, CDD-4, CDD-5 and MCDD zones, provided they are located no closer than 300 feet, measured    closest point to closest point, in a straight line, from a public or parochial school.

Proposed Regulation Text Change: Sec. 5.19  
Medical Marijuana Dispensaries and Production Facilities (Cont'd)

Medical marijuana production facilities shall be allowed in the ID and LI zones, provided they are located no closer than 300 feet, measured closest point to closest point in a straight line, from a public or parochial school.

**PROPOSED TEXT:**

**5.19.1 Definitions:** For purposes of these Regulations, the terms “Dispensary Facility,” “Production Facility” and “Licensed Producer” shall be defined in accordance with in the Connecticut General Statutes Annotated (“CGSA”) Section 21a-408.

(1) “Dispensary Facility” or “Dispensary” shall mean a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under Connecticut General Statutes Chapter 420f and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies. Dispensary Facilities and/or Dispensaries shall be considered a retail use for purposes of these Regulations.

(2) “Production Facility” shall mean a secure, indoor facility where the production of medical marijuana occurs and that is operated by a Licensed Producer or Producer who is a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under Connecticut General Statutes Chapter 420f and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies.

(3) “Licensed Producer” or “Producer” shall mean a person licensed as a producer pursuant to CGSA Section 21a-408i.

**5.19.2 Permitted Uses:** The Board may permit the following uses as outlined in this Section 5.19, subject to all applicable sections of these Regulations, including, but not limited to, ARTICLE III, Sections 3.10 and 3.11, and Site Plan Approval in accordance with ARTICLE VII, herein:

**5.19.2.1** Dispensary Facilities and Production Facilities shall be allowed in the LI and ID zone districts, provided that:

(1) No Dispensary Facility or Production Facility shall be permitted on a site that is less than 1,000 feet from any other site containing another Dispensary Facility or Production Facility;

Proposed Regulation Text Change: Sec. 5.19  
Medical Marijuana Dispensaries and Production Facilities (Cont'd)

- (2) No Dispensary Facility or Production Facility shall be permitted on a site that is less than 1,000 feet from any site containing a church, temple or other place used primarily for religious worship, library, facility devoted to family recreation or entertainment, school, public building, child day care facility, public park, playground or recreation area, private recreation area, or any place frequented by minors;
- (3) No Dispensary Facility or Production Facility shall be permitted on a site that is less than 1,000 feet from any residential zone as defined in these Regulations, or from a site with five (5) or more residential units; and
- (4) No Dispensary Facility or Production Facility shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another Dispensary Facility or Production Facility.

**5.19.3 Special Uses.** The Board may permit the following uses as outlined in this Section 5.19, subject to all applicable sections of these Regulations, including, but not limited to, Special Permit and Site Plan Approval in accordance with ARTICLE III, Sections 3.16, 3.17, 3.18 and 3.20, as applicable, and ARTICLE VII herein.

**5.19.3.1** Dispensary Facilities in the CDD-1, CDD-2, CDD-3 and CDD -5 Zone Districts, provided that:

- (1) No Dispensary Facility shall be permitted on a site that is less than 1,000 feet from any other site containing another Dispensary Facility or Production Facility;
- (2) No Dispensary Facility shall be permitted on a site that is less than 1000 feet from any site containing a church, temple or other place used primarily for religious worship, library, facility devoted to family recreation or entertainment, school, public building, child day care facility, public park, playground or recreation area, private recreation area or any place frequented by minors;
- (3) No Dispensary Facility shall be permitted on a site that is less than 1,000 feet from any residential zone as defined in these Regulations, or from a site with five (5) or more residential units; and
- (4) No Dispensary Facility shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that contains another Dispensary Facility or Production Facility.

Proposed Regulation Text Change: Sec. 5.19  
Medical Marijuana Dispensaries and Production Facilities (Cont'd)

**5.19.4 Conditional Approval:**

**5.19.4.1** A Site Plan and/or Special Permit application submitted pursuant to Article VII of these Regulations shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility permit and license as a Licensed Producer issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).

**5.19.4.2** The conditional approval shall become final upon the receipt by the Board of a certified copy of the appropriate permit(s) and license(s) issued by the Department of Consumer Protection.

**5.19.4.3** If the applicant fails to provide the Board with a certified copy of the required permit(s) and licenses from the Department of Consumer Protection within six (6) months of the date of the Board's conditional approval, such conditional approval shall automatically expire without further action by the Board, and the applicant shall be required to re-apply for zoning approval.

**5.19.4.4** A one-time, six (6) month extension of such conditional approval shall be granted to the applicant upon written notification to the Board that an application for a Department of Consumer Protection permit has been filed, stating the expected decision date of the Department of Consumer Protection on said permit.

**5.19.4.5** Following approval of the six (6) month extension, if the applicant fails to provide the Board with a certified copy of the required permit(s) and license(s) from the Department of Consumer Protection within such six (6) month extension period, such conditional approval shall automatically expire without further action by the Board, and the applicant shall be required to re-apply for zoning approval.

**5.19.5 Off-Street Parking Requirements:** Required off-street parking shall be in compliance with retail use for a Dispensary Facility and manufacturing and industrial establishment use for a Production Facility as set forth in Section 5.1 of these Regulations.

**5.19.6 Signage and Exterior Display Requirements:**

**5.19.6.1** Exterior signage shall be restricted as follows:

- (1) One external sign no larger than 16 inches x 18 inches;
- (2) No sign advertising a marijuana product shall be illuminated at any time;



Proposed Regulation Text Change: Sec. 5.19  
Medical Marijuana Dispensaries and Production Facilities (Cont'd)

This regulation change is proposed by: Petitioner:  City of Milford and the Milford Prevention Council, Inc., or  Planning and Zoning Board Subcommittee

C: Kevin Curseaden, Esq.  
Anthony Sutton, Chairman, P & Z Board  
Joseph D. Griffith, Director, DPLU