

## **SECTION 31 PROHIBITED USES.**

It is intended that any use not included in Schedule A as a permitted use is prohibited. To assist in the interpretation of such permitted uses, the following uses, the list of which is not intended to be complete, are specifically prohibited.

**31.1** Amusement parks, motor vehicle race tracks, drive-in theaters, junk yards, motor vehicle junk yards, motor vehicle junk businesses and mobile home parks.

**31.2** Ammonia, chlorine or bleaching powder manufacture; industrial processes utilizing the combustion of soft coal; blast furnaces; board, steam and drop hammers; creosote treatment and manufacture; petrochemical manufacture; distillation of coal, petroleum, refuse, grain, wood or bones; explosive manufacture or storage; glue, size or gelatin manufacture; grain drying; commercial incineration; reduction, storage or dumping\* of slaughter house refuse, garbage, dead animals or offal, radioactive materials or wastes; raw hides or skin storage, cleaning, curing or tanning; soap manufacture from animal fats; sulphurous, sulphuric, nitric, picric, carbolic or hydrochloric acid manufacture or any similar use.

**31.3** Outdoor wood burning furnaces. These are defined as a free-standing outdoor structure that houses a wood-burning furnace that contains a smoke stack and is used to provide heat or hot water to a building, structure, swimming pool or hot tub through liquid or other means. Outdoor wood-burning furnace does not include a fire pit, wood-fired barbecue, or similar outdoor recreational uses.<sup>1</sup>

\*Shall not apply to municipal dumping.

## **Proposed Amendment to the Cheshire Zoning Regulations**

Pursuant to Article VII, Section 70 of the Cheshire Zoning Regulations and C.G.S. §8-3, the following amendment to the Zoning Regulations is proposed:

### **31.4: Temporary and Limited Moratorium on Cannabis Establishments**

#### **a) Statement of Purpose.**

Public Act No. 21-01, entitled "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis," which legalizes the cultivation, processing, distribution, possession, and use of cannabis (marijuana) for recreational purposes was signed into law on June 22, 2021 and became effective on July 1, 2021; and

The law is lengthy and complex and raises novel legal, planning, and public safety issues, requires that the Cheshire Planning and Zoning Commission study and assess the potential impacts of the law on the Town of Cheshire and the need for potential regulation of Cannabis Establishments as defined by the Public Act in a thoughtful and

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<sup>1</sup> Amendment approved 5/10/10; effective 5/28/10 at 12:01 a.m.

responsible manner and to undertake a planning process to consider amending the Cheshire Zoning Regulations to address regulation of such establishments; and

This temporary and limited term moratorium has been adopted to provide the Cheshire Planning and Zoning Commission sufficient time to undertake the required assessment and planning process, including the receipt and analysis of input from Town officials, residents and property owners, and others.

b) Definitions. For the purposes of this section, the following terms are defined as:

1. "Cannabis" means marijuana as defined in Section 21a-240, C.G.S.
2. "Cannabis Establishment" means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.
3. "Cultivator" means a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
4. "Food and Beverage Manufacturer" means a Person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.
5. "Grow space" means the portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.
6. "Hybrid Retailer" means a Person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.
7. "Micro-cultivator" means a Person 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 of the State of Connecticut Department of Consumer Protection.
8. "Person" means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and/or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.
9. "Product Manufacturer" means a Person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.
10. "Product Packager" means a Person that is licensed to package and label cannabis.
11. "Retailer" means a Person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product

manufacturers and food and beverage manufacturers to sell cannabis to consumers and research programs.

12. "Sale" or "sell" has the same meaning as provided in section 21a-240 of the Connecticut General Statutes.

- c) Applicability. During this temporary and limited-term moratorium, Cannabis Establishments shall be prohibited in the Town of Cheshire and the Cheshire Planning & Zoning Commission shall not accept, consider or approve any applications and hereby prohibits the issuance of any zoning permits to permit the use of a Cannabis Establishment in any zoning district in the Town of Cheshire for the period set forth in d) below herein.