

Division 1. Generally

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**Sec. 14-47, Definitions**

**Marijuana cultivation facility.** A cultivation facility required to be licensed pursuant to 22 M.R.S. § 201 or any other facility engaged primarily in the business of planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana, including mature marijuana plants, immature marijuana plants, seedlings and marijuana seeds, for use or sale.

**Marijuana manufacturing facility.** A manufacturing facility required to be licensed pursuant to 22 M.R.S. § 2423-F or 28-B M.R.S. § 201.

**Marijuana product.** As defined by 22 M.R.S.A. §2422 or 28-B M.R.S.A., §102.

**Marijuana retail store.** A retail establishment licensed to sell marijuana, marijuana products, immature marijuana plants and seedlings to adult use or medical marijuana customers. A marijuana retail store is only authorized as a principal use, and is not permitted as an accessory use. Accessory sales of incidental accessories are permitted, but no food or beverage that is not a marijuana product may be sold on the premises. A marijuana retail store may not exceed a maximum gross floor area of 2,000 square feet.

**Marijuana testing facility.** A facility licensed to develop, research and test marijuana, marijuana products and other substances as defined by 22 M.R.S.A. §2422 or 28-B M.R.S.A., §102.

**~~Registered medical marijuana cultivation facility:~~** ~~“Registered medical marijuana cultivation facility” means a facility registered under 22 M.R.S.A. §2428 that cultivates and manufactures marijuana or related supplies for a “registered medical marijuana dispensary” under common management and operating under the same state and local license(s).~~

~~Registered medical marijuana dispensary: “Registered medical marijuana dispensary” or “dispensary” means a not-for-profit entity registered under 22 M.R.S.A. section 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use, and the registered primary caregivers of those patients.~~

**Plant Canopy.** As defined by 28-B M.R.S.A., §102.

**Small-scale marijuana caregiver.** A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; who cultivates no more than 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

**Registered dispensary.** A registered medical marijuana dispensary as defined by 22 M.R.S.A. §2422.

**Registered patient.** As defined by 22 M.R.S.A. §2422.

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Division 10. B-2, B-2b and B-2c Community Business Zones

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**Sec. 14-182. Use Table**

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Group <sup>1</sup>	Use	B-2 <sup>2</sup>	B-2b	B-2c
B	<u>Marijuana retail store</u>	Y	C	C
B	Registered <u>dispensary</u> <del>medical marijuana dispensaries</del>	Y	C	C
<u>B</u>	<u>Small-scale marijuana caregiver</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

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Division 12. B-3, B-3b and B-3c Downtown Business Zones

**Sec. 14-217. Permitted uses**

(a) The following uses are permitted in the B-3, B-3b and B-3c zones:

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2. Business:

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r. Registered dispensary ~~medical marijuana dispensaries.~~

s. Marijuana retail store

t. Small-scale marijuana caregiver

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Division 12.5. B-4 Commercial Corridor Zone

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**Sec. 14-229.11. Permitted uses.**

The following uses are permitted in the B-4 zone:

(a) Business:

27. Registered medical Marijuana cultivation facilities (maximum 7,000 square feet of plant canopy)

24. Marijuana manufacturing facility

25. Marijuana testing facility

26. Marijuana retail store

27. Registered dispensary

28. Small-scale marijuana caregiver

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Division 13. I-L and I-Lb Industrial Zones

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**Sec. 14-232. Permitted uses**

Draft Medical and Adult Use Zoning Text Amendment

Date of Draft: December 13, 2018

The following uses are permitted whether provided by private or public entities in the ~~I-L low impact industrial~~ zone and the I-Lb zone:

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(r) ~~Registered medical~~ Marijuana cultivation facilities (maximum 2,000 square feet of plant canopy).

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(x) Marijuana manufacturing facility

(y) Marijuana testing facility

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Division 14. I-M, I-Ma and I-Mb Industrial Zones

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**Sec. 14-247. Permitted uses**

The following uses are permitted whether provided by private or public entities in the I-M moderate impact industrial zone, the I-Ma and the I-Mb zone:

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(v) ~~Registered medical~~ Marijuana cultivation facilities (maximum 7,000 square feet of plant canopy).

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(z) Marijuana manufacturing facility

(z+) Marijuana testing facility

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Division 17. B-7 Mixed Development District Zone

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**Sec. 14-295. Permitted uses**

The following uses are permitted in the B-7 zone:

(a) Commercial:

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22. Registered dispensary ~~medical marijuana dispensaries~~

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27. Marijuana retail store

28. Small-scale marijuana caregiver

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Division 15. I-H and I-Hb Industrial Zones

**Sec. 14-262. Permitted uses**

Draft Medical and Adult Use Zoning Text Amendment

Date of Draft: December 13, 2018

The following uses are permitted whether provided by private or public entities in the ~~high impact industrial I-H~~ zone and the I-Hb zone:

- (t) ~~Registered medical~~ Marijuana cultivation facilities (maximum 7,000 square feet of plant canopy)

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- (x) Marijuana manufacturing facility

- (y) Marijuana testing facility

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Division 24. Use Regulations and Exceptions

**Sec. 14-401. Generally**

The requirements of this article shall be subject to the use regulations and exceptions of this division.

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**Sec. 14-410. Home occupation.**

*Purpose.* The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

- (a) In connection with the operation of a home occupation, within a dwelling unit, the following requirements shall be met:
  - 1. A home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty-five (25) percent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family day care homes, or home babysitting services, to accommodate not more than six (6) children plus two (2) children after school and having no nonresidential employees;
  - 2. There shall be no outside storage of goods and materials nor shall there be exterior displays, or display of goods visible from the outside;
  - 3. Storage of materials related to the home occupation shall count as a part of the occupancy limitations in subsection (a)1 above, but shall not constitute a dominant part of such occupancy provided, however, storage of such materials or products in garages or other accessory structures is prohibited;
  - 4. Exterior signs shall be limited to one (1) nonilluminated sign not exceeding a total area of two (2) square feet, affixed to the building and not projecting more than one (1) foot beyond the building;
  - 5. Any exterior alterations to the residence shall be compatible with the architecture of the building and maintain the residential appearance by virtue of exterior materials, lighting, and signs;
  - 6. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article;
  - 7. The home occupation shall not produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects;

Date of Draft: November 20, 2018

8. There shall be no more than one (1) nonresident employed in the home occupation, provided, however, family day care or home babysitting services shall have no nonresident employees;
  9. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood;
  10. No motor vehicle exceeding a gross vehicle weight of six thousand (6,000) pounds shall be stored on the property in connection with the home occupation.
- (b) No residence shall be occupied, altered or used for any home occupation except the following:
1. Accountants and auditors;
  2. Answering services (telephone);
  3. Architects;
  4. Artists and sculptors;
  5. Authors and composers;
  6. Computer programming;
  7. Custodial services;
  8. Custom furniture repair and upholstery;
  9. Dentists, doctors, therapists, and health care practitioners;
  10. Direct mail services;
  11. Dressmakers, seamstresses and tailors;
  12. Engineers;
  13. Family planning services;
  14. Hairdressers (limited to no more than two (2) hair dryers);
  15. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, weaving, ceramics;
  16. Interior decorators;
  17. Lawyers, justices of the peace and notary publics;
  18. Licensed family day care home or babysitting services;
  19. Musicians or music teachers, including group instruction not to exceed six (6) students at any time but not including performances or band rehearsals, which shall meet the following requirements in addition to those set forth in subsection (a) of this section:
    - a. Electronic amplification is prohibited;
    - b. The applicant shall demonstrate that noise attenuation is provided which minimizes perception of sound at property lines at all times during the use. Noise attenuation measures may include, but are not limited to, insulation, double-pane windows, air conditioners or any combination of these or similar noise attenuation measures;
    - c. Hours of operation shall be limited to 8:30 a.m. to 9:30 p.m.
  20. Office facility of a minister, rabbi, or priest;
  21. Photographic studios;
  22. Professional counseling and consulting services;
  23. Professional research services;
  24. Sales persons provided that no retail or wholesale transactions are made on the premises;
  25. Small appliance repair;
  26. Snow plowing provided that only one (1) snow plow vehicle is stored on or generated from the site;
  27. Special tutoring or instruction (not to exceed three (3) pupils at any given time);

28. Stenographic and other clerical services.
  29. Small-scale marijuana caregiver, except that no more than one small-scale caregiver may operate out of any one dwelling unit.
- (c) A home occupation that is not listed in paragraph (b) of this section but is similar to and no more objectionable than those home occupations listed in that paragraph, shall be permitted as a conditional use subject to the requirements of paragraph (a) of this section and section 14-474 (conditional use) of this article. This provision shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

### **Sec. 14-411. Marijuana Use Regulations**

The following standards apply to the following marijuana-related uses: Marijuana cultivation facilities, Marijuana manufacturing facilities, Marijuana product, Marijuana retail store, Marijuana testing facility, Small-scale marijuana caregiver and Registered dispensaries. Marijuana-related uses shall comply with all other applicable local and state requirements in addition to the standards below.

(a) Location Criteria

1. Neither a marijuana cultivation facility, a marijuana manufacturing facility, a marijuana testing facility, a small-scale marijuana caregiver, a marijuana store or a registered dispensary may be located within 500 feet of a preexisting public school, private school, or a public preschool program, as defined by 20-A M.R.S.A. §1. Distance shall be measured from nearest property line of the respective marijuana-related use and the property line of the lot containing the public school, private school, or public preschool program.
2. Neither a marijuana cultivation facility, a marijuana manufacturing facility, or a marijuana testing facility may be located within 200 feet of the following residential zones: R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-6A, or R-7. Distance shall be measured from nearest property line of the respective marijuana-related use and the nearest applicable residential zone boundary.

(b) Supplemental Standards

1. Marijuana-related uses may only be permitted within a fully enclosed building.
2. No outside storage of marijuana, marijuana products, or related supplies is permitted.
3. No drive-through service is permitted for marijuana-related uses.
4. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises where sold.
5. An operating plan for marijuana cultivation facilities and marijuana manufacturing facilities shall be provided that at a minimum addresses the following:
  - a. wastewater;
  - b. disposal of waste;
  - c. security at the premises;
6. A ventilation plan shall be included for marijuana cultivation facilities, marijuana manufacturing facilities, and small-scale marijuana caregivers that provides for adequate ventilation so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the premises. The plan shall further provide for resulting smoke, vapor, fumes, gases

- and particulate matter from marijuana or its processing or cultivation to be effectively confined to the premises.
7. Marijuana-related uses shall provide odor control measures so that odor generated on site is mitigated at the property line of the lot containing the marijuana-related use. Applications must demonstrate appropriate measures, such as carbon filtration, ventilation and exhaust systems, facility plans or other additional practices adequate to mitigate odors for the scale of operations for the uses proposed.

Sec. 14-411~~14-412~~. – Sec. 14-420. Reserved.

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