

Comprehensive Land Use Regulations for Medical Marijuana effective January 6, 2020

Listing of revisions in the Land Use, Site Plan Review and Sign Ordinances approved by Board of Selectmen for November 5, 2019 Ballot (Proposed revisions are highlighted in yellow)

Land Use Ordinance:

§101.4 DEFINITIONS

Home Cultivation of Marijuana: Cultivation for personal adult use by a person 21 years of age or older is limited to cultivation of three (3) mature marijuana plants, twelve (12) immature marijuana plants, and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

Marijuana Cultivation: The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Marijuana Establishment: A cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed under State and local laws.

Marijuana Manufacturing or Manufacture: The production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Marijuana Product: A product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Medical Marijuana Establishment: A registered caregiver retail store, medical marijuana testing facility, or medical marijuana manufacturing facility. A medical marijuana establishment does not include a registered dispensary

Medical Marijuana Testing Facility: A public or private laboratory authorized under State and local laws to test medical marijuana for contamination, potency or cannabinoid profile.

Medical Marijuana Manufacturing Facility: A manufacturing facility authorized under State and local laws to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Registered Caregiver: A person who is registered by the Maine Department of Administrative and Financial Services, or other Department designated by Statute, per 22 M.R.S. § 2425-A.

Registered Caregiver Retail Store: A store licensed under State and local laws that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

Registered Dispensary: A dispensary authorized under State law to cultivate and dispense medical marijuana to qualifying patients and caregiver.

§101.5 LAND USE DISTRICTS

D. DISTRICT REGULATIONS

SCHEDULE OF LAND USES

Land Use	District (P = Permitted Use; C = Conditional Use)					
	GR	C1	C2	R	WC	M
Single family dwellings	P	P	P	P		
Two family dwellings	P	P	P	P		
Mobile homes	P	P	P	P		
Accessory buildings and uses	P	²	²	²		
Accessory apartments	P ¹	P ¹	P ¹	P ¹		
Home occupations	C	C	C	C		
Professional offices	C	C	C	C		
Multi-family dwelling units and condominiums	C	C	C	C		
Rooming houses	C	C	C	C		
Planned unit development	C			C		
Antique shops and galleries	C	C	C	C		
Retail and wholesale businesses and services establishments		C ³	C			
Motels, hotels and restaurants		C	C			
Clubs and movies theaters		C	C			
Banks		C	C			
Service station garages		C	C			
Public buildings such as schools, recreational facilities, utility structures, and other community related uses		C	C			

Light manufacturing			C			
All medical and medical related uses			C			
Planned unit development			C			
Wireless communications facilities			C ⁴		C	
Adult entertainment establishments			C			
Agricultural and gardening businesses				P		
Forest management activities				P		
Campgrounds				C		
Mobile home parks				C		
Uses related to environmental study and education				C		
Veterinary hospital stables				C		
Structures associate with municipal utilities				C		
All occupancies and uses to serve the municipal services of the town						P
Home Cultivation of Marijuana	P	P	P	P		
Medical marijuana manufacturing facilities			C ⁵	C ⁵		
Registered caregiver retail stores			C ⁵	C ⁵		
Medical marijuana testing facilities			C ⁵	C ⁵		
Registered Dispensary (not allowed)						

¹As long as the requirements of Article 9.Q are met, accessory apartments are allowable under a permit from the Code Enforcement Officer (CEO). The CEO may forward an accessory apartment application to the Planning Board for review as a 'Conditional Use Permit' under the Site Plan Review Ordinance. NOTE: Accessory apartments are not allowed in overlay Shoreland Zones.

² Accessory buildings and uses to permitted uses are permitted; accessory buildings and uses to conditional uses are conditional.

³ No outside storage

⁴ Within the bounds of the Wireless Communications District

⁵ Must be located at least 1,000 feet from schools per Section 101 (S)

§101.6 GENERAL PROVISIONS

R. Limit on Home Cultivation of Marijuana.

No person shall be permitted to cultivate marijuana plants or seedlings on a parcel or tract of land on which he or she is not domiciled.

S. Limit on Location of Marijuana Establishments.

A marijuana establishment may not be permitted or operated within 1000 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Ordinance amendments effective: January 6, 2020

Site Plan Review Ordinance

§102.3 APPLICABILITY

A. This Ordinance shall apply to:

9. Medical marijuana cultivation facilities, marijuana products manufacturing facilities, medical marijuana manufacturing facilities, adult-use marijuana stores, registered caregiver retail stores, marijuana testing facilities and medical marijuana testing facilities.

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Ordinance amendments effective: January 6, 2020

Sign Ordinance

§107-4. Definitions

MEDICAL MARIJUANA REGISTERED CAREGIVER STORE: A store that is licensed under State and local laws that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

§107-5. Permit Required

F. Signage for a Medical Marijuana Registered Caregiver Retail Store shall clearly indicate whether medical marijuana or adult use marijuana is available for sale.

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