



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	05/04/2022	<b>Department</b>	Planning/Economic Dev
<b>Agenda Item</b>	4.b) Consideration of a First Read on the proposed Land Use Ordinance amendments dealing with Marijuana Retail Sales Establishments		
<b>Est. Cost</b>	n/a		

<b>Background Information</b>	<p>Staff suggested that the City should revise the treatment of various types of marijuana establishments involved in retail sales. The Ordinance Review Committee prepared proposed amendments to address this and the Planning Board held a public hearing on the proposed amendments. The Planning Board is recommending that the City Council adopt the proposed amendments. The proposed amendments do the following:</p> <ul style="list-style-type: none"> <li>• Revises the definition of Medical Marijuana Cultivation Facility – Tier 1 to delete registered caregiver</li> <li>• Revises the definition for Medical Marijuana Registered Dispensary to eliminate retail sales</li> <li>• Creates a new definition for Medical Marijuana Registered Dispensary with Retail Sales</li> <li>• Combines Marijuana Retail Store, Medical Marijuana Registered Caregiver Retail Store and Medical Marijuana Registered Dispensary that involves retail sales into one use that is called Marijuana Retail Sales Establishment</li> <li>• Creates a new definition for Marijuana Retail Sales Establishment</li> <li>• Removes Marijuana Retail Store and Medical Marijuana Registered Caregiver Retail Store from the Table of Uses for commercial uses</li> <li>• Removes Medical Marijuana Registered Dispensary from the Table of Uses</li> <li>• Adds Marijuana Retail Sales Establishment to the Table of Uses</li> </ul>
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<b>Requested Action</b>	"I move to send these proposed Land Use Ordinance amendments dealing with Marijuana Retail Sales Establishments to a Second Read on May 18, 2022."
<b>City Manager and/or Finance Review</b>	The Acting City Manager approves the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

To: City Council  
From: Planning Board/Ordinance Review Committee  
Subject: Marijuana Retail Sales Establishments  
Date: April 22, 2022

Staff suggested that the City should revise the treatment of various types of marijuana establishments involved in retail sales. The Ordinance Review Committee prepared proposed amendments to address this and the Planning Board held a public hearing on the proposed amendments. The Planning Board is recommending that the City Council adopt the proposed amendments. The proposed amendments do the following:

- Revises the definition of Medical Marijuana Cultivation Facility – Tier 1 to delete registered caregiver
- Revises the definition for Medical Marijuana Registered Dispensary to eliminate retail sales
- Creates a new definition for Medical Marijuana Registered Dispensary with Retail Sales
- Combines Marijuana Retail Store, Medical Marijuana Registered Caregiver Retail Store and Medical Marijuana Registered Dispensary that involves retail sales into one use that is called Marijuana Retail Sales Establishment
- Creates a new definition for Marijuana Retail Sales Establishment
- Removes Marijuana Retail Store and Medical Marijuana Registered Caregiver Retail Store from the Table of Uses for commercial uses
- Removes Medical Marijuana Registered Dispensary from the Table of Uses
- Adds Marijuana Retail Sales Establishment to the Table of Uses

Proposed Amendments to the Land Use Ordinance  
Dealing with Establishments for the Retail Sale of Marijuana

Proposed additions to the Ordinance are underlined;

Proposed deletions are ~~struck out~~

1. Amend Section 17 Definitions to add a definition of Medical Marijuana Registered Dispensary with Retail Sales in proper alphabetical order to read:

Medical Marijuana Registered Dispensary with Retail Sales: An establishment licensed by the State of Maine as a Registered Medical Marijuana Dispensary in accordance with the rules established under Title 22 M.R.S. Chapter 558-C that involves the retail sales of marijuana or marijuana products at a fixed location.

2. Amend the definition of Medical Marijuana Registered Dispensary in Section 17 to read:

**Medical Marijuana Registered Dispensary:** An establishment licensed by the State of Maine as a Registered Medical Marijuana Dispensary in accordance with the rules established under Title 22 M.R.S. Chapter 558-C ~~that does not involve the retail sales of marijuana or marijuana products at a fixed location.~~

3. Amend Section 17 Definitions to add a definition of Marijuana Retail Sales Establishment in proper alphabetical order to read:

Marijuana Retail Sales Establishment: A Marijuana Retail Store, a Medical Marijuana Registered Caregiver Retail Store, or a Medical Marijuana Registered Dispensary with Retail Sales

4. Amend Section 17 Definitions by revising the definition of Medical Marijuana Cultivation Facility – Tier 1 to read:

Medical Marijuana Cultivation Facility – Tier 1: An establishment registered with the State of Maine for the cultivation of medical marijuana in accordance with the rules established under Title 22 M.R.S. Chapter 558-C that involves the growing of not more than thirty (30) mature marijuana plants, not more than sixty (60) immature marijuana plants and any number of marijuana seedlings.

Deleted: by a Registered Caregiver

5. Amend the Table of Land Uses in Section 7.6 as shown in the following fragment of the table:



	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
<b>Marijuana Retail Sales Establishment</b> <sup>13,16</sup>	N	N	N	N	N	N	N	P	N	N	N	N	N	N	P	N
Marinas	N	N	P	P	N	N	N	P	N	P	N	P	N	N	P	N
Medical Facility	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
<b>Medical Marijuana Registered Caregiver Retail Store</b> <sup>13,16</sup>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>N</del>
<b>Medical Marijuana Registered Dispensary</b> <sup>13,16</sup>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>N</del>
Meeting Space Up to 2000 Sq Ft	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	N
Meeting Space over 2000 Sq Ft	N	N	N	N	N	N	P	P	P	P	N	P	P <sup>6</sup>	P	P	N

Deleted: Store