



GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET



Meeting Date	12/06/2023	Department	Code Enforcement
Agenda Item	4d. First Read regarding a change to the Land Use Ordinance 10.29 -Cannabis Establishments.		
Est. Cost	N/A		

Background Information	see attached information
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Requested Action	" I move to approve the First Read of changes to the LUO regarding Cannabis Establishments as presented and move it to a second read on December 20, 2023."
City Manager and/or Finance Review	
Council Vote/ Action Taken	
Departmental Follow-Up	

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

**To: Gardiner City Council**

**From: Joel Greenwood – Contract Planner**

**Subject: Land Use Ordinance Amendments – ~~Marijuana~~ / Cannabis Establishments**

*The Ordinance Review Committee recommends the following changes to the City Land Use Ordinance:*

1. Amend revised Section 10.29 to read:

**10.29 ~~Marijuana-Cannabis~~ Establishments (Amended February 16, 2022- Effective March 14, 2022)**

**10.29.1** Any property line of the lot upon which a ~~Marijuana-Cannabis~~ establishment is located shall be a minimum of one thousand (1,000) feet from any property line of a lot upon which a public or private school, daycare center/nursery school, athletic field or playground is located. A “school” includes public school, private school, or public preschool program as defined in 20-A M.R.S §1, or any other educational facility including commercial schools that serve children that are less than eighteen (18) years old.

**10.29.2** A ~~Marijuana-Cannabis~~ Retail Store, a Medical ~~Marijuana-Cannabis~~ Registered Caregiver Retail Store, a Medical ~~Marijuana Cannabis~~ Registered Dispensary, or a ~~Marijuana Cannabis~~ Nursery Cultivation Facility shall not be open for consumer transactions or other public activity between the hours of 8:00 p.m. and 8:00 a.m. unless the City Council establishes other hours of operation as part of a City ~~Marijuana Cannabis~~ Establishment License.

**10.29.3** Any property line of the lot upon which a ~~Marijuana-Cannabis~~ Retail Store, a Medical ~~Marijuana Cannabis~~ Registered Caregiver Retail Store, a Medical ~~Marijuana Cannabis~~ Registered Dispensary, or a ~~Marijuana-Cannabis~~ Nursery Cultivation Facility is located shall be a minimum of five hundred (500) feet from any property line of a lot upon which any other existing ~~Marijuana-Cannabis~~ Retail Store, a Medical ~~Marijuana-Cannabis~~ Registered Caregiver Retail Store, a Medical ~~Marijuana-Cannabis~~ Registered Dispensary, or a ~~Marijuana-Cannabis~~ Nursery Cultivation Facility is located. A legally existing medical ~~Marijuana Cannabis~~ establishment at the time of adoption of this provision or an establishment that has received a City ~~Marijuana Cannabis~~ Establishment License shall be considered an existing facility for the purpose of this limit.

**10.29.4** A ~~Marijuana-Cannabis~~ Products Manufacturing Facility or a ~~Marijuana Cannabis~~ Testing Facility shall not be located in a building or structure that contains one or more dwelling units or other residential uses. This limitation shall not apply to facilities located in a single-family home that is occupied by a Registered Medical ~~Marijuana-Cannabis~~ Caregiver.

**10.29.5** An applicant that has received a conditional license from the State of Maine for a ~~Marijuana-Cannabis~~ establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty



(180) days of the date of the City's approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

**10.29.6** A ~~Marijuana Cannabis~~ Products Manufacturing Facility in the Intown Commercial District is only allowed if conducted within a commercial kitchen setting of less than four thousand (4,000) square feet and not using any "inherently hazardous substances" as defined by Title 285B Section 102(20) M.R.S. Chapter 558-C.

**10.29.7** All ~~Marijuana Cannabis~~ establishments shall be designed and operated in a manner that prevents ~~Marijuana Cannabis~~ plant odors from significantly altering the environmental odor outside. Odor control can include the management of odor producing operations as well as provisions for ventilation and filtration systems.

**10.29.8** All cultivation of ~~Marijuana Cannabis~~ including but not limited to cultivation by a Licensed ~~Marijuana Cannabis~~ Cultivation Facility, a Registered Medical ~~Marijuana Cannabis~~ Caregiver, or an individual growing for personal use shall be conducted in accordance with the following requirements:

**10.29.8.1** All cultivation and processing of ~~Marijuana Cannabis~~ shall occur within a fully enclosed structure ~~with solid walls and a solid roof~~ capable of containing odors.

**10.29.8.2** The structure within which the cultivation and/or processing occur shall be designed and operated to control odors in accordance with 10.29.7.

**10.29.8.3** Any structure used for the cultivation and/or processing of ~~Marijuana Cannabis~~ shall comply with the setbacks for the district within which it is located.

**10.29.8.4** No freestanding accessory structure used for the cultivation and/or processing of ~~Marijuana Cannabis~~ shall be located where it can be seen from a public street unless the structure is more than one hundred (100) feet from any street Right-of-Way.