

MEMORANDUM

To: Ordinance Review Committee
From: Joel Greenwood
Subject: Cannabis Retail Use Non-Conformance
Date: January 9, 2023

The Ordinance Review Committee is asking to determine how long a non-conforming use (in this case related to marijuana/cannabis retail stores becoming non-conforming after the change in rules at the State level) can continue if a business is vacated or discontinued?

According to the Towns Land Use Ordinance via 3.3.1 “A nonconforming use which is discontinued for a period of **one year** may not be resumed, except for nonconforming uses in existing structures in the Cobbossee Corridor District where the discontinuance period is extended to **five years**.”

A year is the standard time period to trigger loss of “grandfathered” non-conformance status.

The rules at the time that permits were applied for are what the use is judged by until any interruption in that use (a year in this case).

In theory this means someone could take over a retail cannabis business within a year of closure and be able to operate in the same manner. They would have to meet all other new standards that relate to the business but the use would remain permitted, as a grandfathered non-conforming use.