

## SUBMISSION REQUIREMENTS

In Section 6.3.3 insert the following language after Section 6.3.3.5:

6.3.3.6 If the application is for the establishment or expansion of a marijuana establishment, the application shall include a written odor control plan that demonstrates how the requirement of **10.29.7** will be met. The odor control plan can include the management of odor producing operations as well as provisions for ventilation and filtration systems.

## LAND USE TABLE

It is easier if you simply edit the Land Use Tables in Section 7.4. Here is an outline of the edits:

- In Section 7.6.3 Commercial Uses add Note 16 to Marijuana Retail Store, Medical Marijuana Registered Caregiver Retail Store and Medical Marijuana Registered Dispensary in the first column and change the indication to N for the three uses in the CC, MUV, and PHD. The table should then look like the following upper excerpt – I've highlighted the cells where there are changes but the highlighting should be removed in the ordinance:
- In Section 7.6.4 Industrial, Wholesale & Transportation Uses add Note 16 to Medical Marijuana Cultivation Facility – Tier 1, Medical Marijuana Cultivation Facility – Tier 2, Marijuana Cultivation Facility – Tier 3, Marijuana Cultivation Facility – Tier 4, Marijuana Products Manufacturing Facility and Marijuana Testing Facility in the first column and change the indication to N for Marijuana Cultivation Facility – Tier 3, Marijuana Cultivation Facility – Tier 4, Marijuana Products Manufacturing Facility in the MUV, and PHD. The table should then look like the following lower excerpt – I've highlighted the cells where there are changes but the highlighting should be removed in the ordinance:
- In the notes at the end of the land use table add the following as Note 16.  
**16. Marijuana establishments may be prohibited in some areas where they are otherwise allowed due to restrictions relating to the prior use of federal funding by the City. Consult with the Code Enforcement Officer to determine if this use is allowed at a particular location.**

	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
<b>Marijuana Retail Store<sup>13, 16</sup></b>	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<sup>13, 16</sup></b>	N	N	N	N	N	N	N	P	N	N	N	N	N	N	P	N
<b>Medical Marijuana Registered Dispensary<sup>13,16</sup></b>	N	N	N	N	N	N	N	P	N	N	N	N	N	N	P	N
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

<b>Industrial, Wholesale &amp; Transportation Uses</b>																
	RP	SLR	SL	R	RG	HDR	PR	TD	PIC	PD	ECR	CC	MUV	PHD	IT	CPD
<b>Medical Marijuana Cultivation Facility – Tier 1<sup>13, 16</sup></b>	N	N	N	P	N	N	N	N	P	P	N	N	P	P	N	N
<b>Medical Marijuana Cultivation Facility – Tier 2<sup>13, 16</sup></b>	N	N	N	P	N	N	N	N	P	P	N	N	P	P	N	N
<b>Marijuana Cultivation Facility – Tier 3<sup>13, 16</sup></b>	N	N	N	P	N	N	N	N	P	N	N	N	N	N	N	N
<b>Marijuana Cultivation</b>	N	N	N	P	N	N	N	N	P	N	N	N	N	N	N	N



## PERFORMANCE STANDARDS

Replace the current Section 10.29 with the following language that incorporates all of the revisions:

### **10.29 Marijuana Establishments**

**10.29.1** Any property line of the lot upon which a marijuana 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 are less than eighteen (18) years old; provided however, a functional equivalent minimum setback of five hundred (500) feet may apply provided that the Planning Board finds that any of the following are met:

**10.29.1.1** The location of the buildings or areas actively used on either or both lots results in the entrance to the marijuana establishment being more than one thousand (1,000) feet from the area of the protected lot that is actively used or that provides access to the building or facilities; or

**10.29.1.2** The marijuana establishment is physically separated from the protected lot by a natural physical feature that makes pedestrian access between the two lots impractical.

**10.29.2** A Marijuana Retail Store, a Medical Marijuana Registered Caregiver Retail Store, a Medical Marijuana Registered Dispensary, or a Marijuana 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 Establishment License.

**10.29.3** The primary customer or registered patient entrance to a Marijuana Retail Store, a Medical Marijuana Registered Caregiver Retail Store, a Medical Marijuana Registered Dispensary, or a Marijuana Nursery Cultivation Facility shall not be located within five hundred (500) feet of the primary customer or registered patient entrance of an existing Marijuana Retail Store, a Medical Marijuana Registered Caregiver Retail Store, a Medical Marijuana Registered Dispensary, or a Marijuana Nursery Cultivation Facility. The distance between entrances shall apply to establishments on both sides of a street. The separation distance shall be measured along the edge of the street right(s)-of way. If the entrances are on different streets, the separation distance shall be measured along the edge of the rights-of-way of the streets connecting the two establishments. If the entrance(s) is set back from the street right-of-way, the distance shall be measured along the right-of way from a point on the edge of the right-of-way that is perpendicular to the center of the entrance(s). A legally existing medical marijuana establishment at the time of adoption of this provision or an establishment that has received a City Marijuana Establishment License shall be considered an existing facility for the purpose of this limit.

**10.29.4** A Marijuana Products Manufacturing Facility or a Marijuana 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 Caregiver.

**10.29.5** An applicant that has received a conditional license from the State of Maine for a marijuana 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 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 establishments shall be designed and operated in a manner that prevents marijuana 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.

**h.) Second Read and Possible Approval of the Land Use Ordinance/Codes dealing with Marijuana Establishments**

Mayor Hart spoke briefly.

**Action:** Councilor Berry moved to accept the proposed amendments to the Land Use Ordinance and Codes dealing with marijuana establishments.  
Councilor White seconded.

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**Minutes of Gardiner  
City Council Meeting 06/16/2021**

Mayor Hart asked for any discussion. None. All those in favor. Unanimous.

**i.) Second Read and Possible Approval of a new application for a Marijuana Business Application**

effective 7/16/2021

