

Proposed Amendments to the Land Use Ordinance for the Town of Greenville Relating to Marijuana Establishments

(Public Hearing Draft – Fall 2020)

Proposed amendments are in blue and red. Blue text is proposed new text. Red are deletions of existing text.

Minor formatting to the tables is not shown in blue or red.

If adopted these amendments will be inserted into the Land Use Ordinance with page numbers and the table of contents adjusted to be consistent with the Ordinance layout.

SECTION 8. ENACTMENT, EFFECTIVE DATE, AND REPEAL OF FORMERLY ADOPTED ORDINANCES AND REGULATIONS.

C. Repeals and Replacements. The *Land Use Ordinance for the Town of Greenville*, adopted June 1995, repealed and replaced the *Basic Land Use Ordinance of 1995*, the *Subdivision Regulations for the Town of Greenville* adopted by the Planning Board on July 10, 1996, and the *Shoreland Zoning Ordinance* that was in effect upon the adoption of the *Land Use Ordinance for the Town of Greenville*. Subsequent amendments to the *Land Use Ordinance for the Town of Greenville* were made on the following dates: June 13, 1997; June 6, 1999; June 4, 2001; June 1, 2009; June 7, 2010; June 5, 2012; June 3, 2013; June 2, 2014; June 1, 2015; June 5, 2017; June 4, 2018, ~~and~~ June 3, 2019, **and November 3, 2020.**

Amendments to the Land Use Ordinance for the Town of Greenville Relating to Marijuana Establishments

TABLE V-1. LAND USES BY DISTRICT (NOTES TO TABLE V. ON THE PAGE FOLLOWING THE TABLE)										
Y = Allowed Use (no permit necessary, but must comply with regulations); P = Permitted Use (CEO Review Required);										
CU = Condition Use (Planning Board Review required); N = Prohibited Use										
USES ¹³	Residential District	Downtown District #1	Downtown District #2	Village District	Commercial/Industrial	Rural Development #1	Rural Development #2	Rural District	Airport District	Resource Protection
Educational, Institutional Category										
Accessory Structure or Use	CU	CU	CU	CU	P	CU	CU	CU	CU	N
Airstrip	N	N	N	N	CU	CU	CU	CU	CU	N
Airport Operation & Related Use	N	N	N	N	N	N	N	N	CU	N
Cemetery	CU	N	N	CU	N	CU	CU	CU	N	N
Church/Parish House	CU	N	CU	CU	N	CU	CU	N	N	N
Community Center/Clubhouse	CU	N	CU	CU	N	CU	CU	N	N	N
Day Care Center/Nursery School	CU	N	CU	CU	N	CU	CU	CU	N	N
Essential Services/Utility	CU	CU	CU	CU	CU	CU	CU	CU	CU ⁶	CU ⁸
Government Building/Use	CU	N	CU	CU	CU	CU	CU	CU	CU ⁶	N
Hospital	N	N	N	CU	N	N	N	N	N	N
Nursing Home/Convalescent Care	N	N	N	CU	N	N	N	N	N	N
Medical Complex	N	N	N	CU	N	N	N	N	N	N
Health, Fitness, Rehab. Center	N	N	CU	CU	N	CU	CU	N	N	N
Library/Museum/Art Center	CU	CU	CU	CU	N	CU	CU	N	N	N
Public/Private School	CU	N	N	CU	N	CU	CU	N	N	N
Public Utility Facility	N	N	N	CU	CU	CU	CU	CU	N	CU ⁸
Medical Marijuana Production Facility¹⁷	N	N	N	N	CU	N	N	CU	N	N
Medical Marijuana Dispensary¹⁷	N	N	N	N	CU	N	N	CU	N	N

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Reserved.										
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Refer to “Notes to Table V-1. Land Uses by District”

TABLE 1. LAND USES BY DISTRICT (NOTES TO TABLE V. ON THE PAGE FOLLOWING THE TABLE)

Y = Allowed Use (no permit necessary, but must comply with regulations); P = Permitted Use (CEO Review Required);

CU = Condition Use (Planning Board Review Required); N = Prohibited Use

<u>USES</u> ¹³	<u>Residential District</u>	<u>Downtown District #1</u>	<u>Downtown District #2</u>	<u>Village District</u>	<u>Commercial/Industrial</u>	<u>Rural Development #1</u>	<u>Rural Development #2</u>	<u>Rural District</u>	<u>Airport District</u>	<u>Resource Protection</u>
Marijuana Establishments¹⁷										
<u>Dispensary</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Cultivation, Tier 1</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Cultivation, Tier 2</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Cultivation, Tier 3</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Cultivation, Tier 4</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Nursery Cultivation</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Home Occupation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>
<u>Manufacturing, Tier 1</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Manufacturing, Tier 2</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Testing</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Retail Store, Tier 1</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>N</u>
<u>Retail Store, Tier 2</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>CU</u>	<u>N</u>	<u>N</u>

Amendments to the Land Use Ordinance for the Town of Greenville Relating to Marijuana Establishments

NOTES TO TABLE V-1. LAND USES BY DISTRICT

NOTES TO TABLE V-1. LAND USES BY DISTRICT (continued from prior page)

- ~~17 **Medical Marijuana Production Facility and Medical Marijuana Dispensary**— See Town of Greenville Medical Marijuana Ordinance. **Marijuana Establishments** – See Town of Greenville Marijuana Establishments Ordinance.~~

ARTICLE IX. DEFINITIONS

DEFINITIONS

~~**Marijuana, Medical—**~~

~~**Medical Marijuana**— means marijuana used for “medical use” as that term is defined herein.~~

~~**Medical Marijuana Production Facility**— means a facility that provides space for cultivating, processing, storing and/or distribution of medical marijuana by three (3) or more registered primary caregivers, or a facility with more than sixty (60) mature female flowering medical marijuana plants.~~

~~**Medical Marijuana Dispensary**— means a not for profit entity registered pursuant to 22 M.R.S. § 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities.~~

~~**Department** – Means the Department of Administrative and Financial Services, Office of Marijuana Policy.~~

~~**Marijuana Cultivation Facility (Adult Use and Medical Use)** - Means as follows:~~

- ~~a. An adult use marijuana cultivation facility licensed to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores. (Ref. 28-B MRS § 102(13))~~
- ~~b. A medical marijuana cultivation area means an indoor or outdoor area used for cultivation by one or more medical marijuana registered caregivers pursuant to 22 MRS § 2422(3), as may be amended.~~
- ~~c. There are four tiers of “cultivation facilities” and a “nursery cultivation facility”, as follows:
 - ~~i) Cultivation Facility, Tier 1 - Means a marijuana cultivation facility that cultivates not more than 30 mature marijuana plants and an unlimited number of immature marijuana plants and seedlings; or has not more than 500 square feet of plant canopy of mature plants.~~
 - ~~ii) Cultivation Facility, Tier 2 – Means a marijuana cultivation facility that cultivates not more than 2,000 square feet of plant canopy of mature plants.~~
 - ~~iii) Cultivation Facility, Tier 3 – Means a marijuana cultivation facility that cultivates not more than 7,000 square feet of plant canopy of mature plants.~~
 - ~~iv) Cultivation Facility, Tier 4 – Means a marijuana cultivation facility that cultivates not more than 20,000 square feet of plant canopy of mature plants~~
 - ~~v) Nursery Cultivation Facility – Means a marijuana cultivation facility of not more than 1,000 square feet of plant canopy of mature plants.~~~~

Amendments to the Land Use Ordinance for the Town of Greenville Relating to Marijuana Establishments

Ref. 28-B MRS § 301(1)-(5))

Marijuana Establishment (Adult Use and Medical Use) – Means all of the following: Marijuana Store, Marijuana Cultivation Facility, Marijuana Manufacturing Facility, Marijuana Testing Facility and Marijuana Dispensary.

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Marijuana Establishments (Terms used in Table V-1. Land Uses by District; See Town of Greenville Marijuana Establishments Ordinance for additional definitions.)

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Marijuana Home Occupation (Adult Use and Medical Use) – Means a “home occupation” as defined and regulated within the Land Use Ordinance, and shall only include a Tier 1 Cultivation Facility or a Tier 1 Manufacturing Facility that does not use inherently hazardous substances.

Marijuana Manufacturing Facility (Adult Use and Medical Use) – Means the following:

- a. Adult Use - a facility licensed to purchase marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities. (Ref. 28-B MRS § 102(43))
- b. Medical Use - a registered Tier 1 or Tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under 22 MRS § 2422 (4-R).
- c. There are two tiers of “marijuana manufacturing facilities” as follows:
 - i) Manufacturing Facility, Tier 1 - Means a marijuana manufacturing facility with an enclosed floor area of 2,000 square feet or less.
 - ii) Manufacturing Facility, Tier 2 – Means a marijuana manufacturing facility with an enclosed floor area of more than 2,000 square feet.

Marijuana Retail Store (Adult Use and Medical Use) – Means the following:

- a. Adult Use - a facility licensed to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers. (Ref. 28-B MRS § 102 (34))
- b. Medical Use - a medical caregiver retail store 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. (Ref. 22 MRS § 2422(1F))
- c. There are two tiers of “marijuana retail stores”, as follows:
 - Store, Tier 1 - Means a store that has an enclosed floor area of 2,000 square feet or less.
 - Store, Tier 2 – Means a store that has an enclosed floor area of 2,001 square feet up to 20,000 square feet. Retail stores of more than 20,000 square feet are prohibited.

Marijuana Testing Facility (Adult Use and Medical Use) – Means the following:

- a. Adult Use - a facility licensed to develop, research and test marijuana, marijuana products and other substances. (Ref. 28-B M.R.S. § 102(54))
- b. Medical Use - a public or private laboratory as defined in 22 M.R.S. § 2422(5-C)).

Medical Marijuana Dispensary (Dispensary) - Means an entity registered by the Department that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients. (Ref. 22 MRS § 2422(6))

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