

**PROPOSED AMENDMENT TO ORONO LAND USE ORDINANCE
TO IMPLEMENT STANDARDS FOR MARIJUANA ESTABLISHMENTS**

Legislative Intent: To regulate the development of marijuana establishments and uses for medical and adult use purposes. While State law separates medical and adult use marijuana, from the perspective of land use impacts, the two types are largely similar. Therefore, for the purpose of efficiency and neatness, this ordinance language aims to merge adult use and medical marijuana establishments into definitions based on the type of facility rather than consider which type of marijuana is being sold, produced, grown, or tested. The intent of this language is to allow these types of establishments, however, recognize that there are known and perhaps unknown negative impacts that can be created from these establishments, and therefore, attempt to eliminate through performance standards as many of these negative impacts as possible.

Added text is underlined, deleted text is struck through; text that is neither underlined nor struck through is unchanged from the current ordinance.

The Orono Land Use Ordinance is amended as follows:

1. Amend Sec. 18-31. Definitions, as follows:

Sec. 18-31. Definitions.

Marijuana Establishment means any adult use or medical marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, or marijuana retail store.

Marijuana Cultivation Facility means a facility licensed by the State to cultivate, prepare and package adult use marijuana and to sell adult use marijuana to marijuana establishments, or any cultivation area used or occupied by one or more medical marijuana registered caregivers or a registered dispensary.

Marijuana Products Manufacturing Facility means a facility licensed by the State to purchase marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package marijuana and marijuana products; and to sell marijuana and marijuana products to marijuana stores and to other products manufacturing facilities.

Marijuana Retail Store means any adult use retail store licensed by the State to sell adult use marijuana products to consumers, or any registered caregiver retail store or registered dispensary that sells medical marijuana to qualifying patients or caregivers.

Marijuana Testing Facility means a facility licensed by the State to develop, research and test marijuana, marijuana products and other substances.

2. Amend Article IV, Zoning Districts, Sec. 18-106. Schedule of uses, as follows:

Sec. 18-106. Schedule of uses.

Use	F&A	LDR	MDR	HDR	VC	C-1	C-2	EDZ	UNIV	RP	IND
Commercial Uses											
<u>Marijuana Retail Store</u>						§	§ ¹⁵				
Industrial Uses											
<u>Marijuana Cultivation Facility</u>	§					§		§			
<u>Marijuana Product Manufacturing Facility</u>						§		§			
Institutional and Public Uses											
<u>Marijuana Testing Facility</u>						§		§			

¹⁵ Only in the portion of the Commercial-2 district located along Park St between Crosby St and Old Town.

3. Add a new Sec. 18-153. Marijuana Establishments, as follows:

Sec. 18-153. Marijuana Establishments.

All marijuana establishments, whether in new or existing buildings, are required to go through the site plan review process. The following performance standards, as well as any other applicable standards in this Article, shall be used when reviewing site plan applications for marijuana establishments. Aside from meeting the performance standards of this section, all marijuana establishments must also meet any other requirements for marijuana establishments listed in M.R.S. Title 28-B and M.R.S. Title 22, Chapter 558-C.

1. *Marijuana Retail Stores.* The following standards apply to all marijuana retail stores:

A. Hours. Marijuana retail stores may be open for business between the hours of 7:00 a.m. and 10:00 p.m.

B. Design.

i. No marijuana retail store shall have any marijuana plants, marijuana products or marijuana paraphernalia visible from the exterior of the building.

ii. No marijuana retail store shall have any marijuana cultivation take place on the premises.

iii. Outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed.

iv. Marijuana retail stores shall be located only inside a permanent structure and not within any mobile facility. Marijuana retail stores are prohibited from providing home delivery services.

v. Marijuana retail stores, including dispensaries, shall not operate as an accessory use to a non-marijuana related use or as a home occupation.

vi. For marijuana retail stores in new buildings, the maximum retail space shall be 10,000 square feet.

vii-vi. All signage shall meet the standards of §18-140. Signage may use an image or images of the marijuana plant, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products or paraphernalia associated with the use or distribution of marijuana.

C. Location. Marijuana Retail Stores shall not operate within:

i. One thousand (1,000) feet of the property line of any preexisting public or private school, public preschool program, or any other educational facility that serves children from prekindergarten to grade 12;

ii. One thousand (1,000) feet of the property line of any child-care or daycare facility measured;

iii. Five hundred (500) feet of the property line of any church, chapel, parish house, or other place of worship;

iv. Five hundred (500) feet of the property line of any university;

v. Five hundred (500) feet of the property line of another Marijuana Retail Store.

If either the marijuana retail store or the use being separated from is a building on a larger parcel containing more than one building or is a building within a shopping center in which the building is more than 50 feet from the property line, then the outer wall of the building in question shall be used as the point of measurement instead of the property line.

D. Security. Marijuana Retail Stores shall include, at a minimum, the following:

i. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances and trash receptacles, along with the interior and exterior of the premises, to discourage criminal acts and facilitate the reporting of nuisance activities;

ii. A locking safe, or functional equivalent, that is suitable for the storage of all marijuana, marijuana products, and cash stored overnight on the premises;

iii. Exterior lighting that illuminates the exterior walls and entrances of the premises during dusk to dawn sufficient for observers to see and for cameras to record, that is either constantly on or activated by motion detectors, and complies with the applicable lighting and glare standards in §18-129;

iv. Deadbolt locks on all exterior doors and locks on all other windows or access points;

v. Door and window robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition.

D. Ventilation

i. All marijuana retail stores shall be designed or and equipped to prevent the detection of marijuana odors from the property line and are required to be in compliance with the “odorous matter” standards in §18-129.

ii. An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises.

E. Disposal

i. All marijuana retail stores shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner.

ii. Dumpsters and trash containers must not be overflowing, and all dumpsters and containers shall be screened from public view.

iii. All dumpsters and trash containers must have a lid that is locked at all times when the receptacle is unattended.

2. *Marijuana Testing Facilities.* The following standards apply to all marijuana testing facilities:

A. *Design.*

i. Outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed.

ii. All signage shall meet the standards of §18-140. Signage may use an image or images of the marijuana plant, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products or paraphernalia associated with the use or distribution of marijuana.

iii. Marijuana testing facilities shall not operate as an accessory use to a non-marijuana related use or as a home occupation.

B. *Location.* Marijuana Testing Facilities shall not operate within:

i. One thousand (1,000) feet of the property line of any preexisting public or private school, public preschool program, or any other educational facility that serves children from prekindergarten to grade 12;

ii. One thousand (1,000) feet of the property line of any child-care or daycare facility measured;

iii. Five hundred (500) feet of the property line of any university;

If either the marijuana testing facility or the use being separated from is a building on a larger parcel containing more than one building or is a building within a shopping center in which the building is more than 50 feet from the property line, then the outer wall of the building in question shall be used as the point of measurement instead of the property line.

C. *Security.* Marijuana Testing Facilities shall include, at a minimum, the following:

i. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances and trash receptacles, along with the interior and exterior of the premises, to discourage criminal acts and facilitate the reporting of nuisance activities;

ii. Exterior lighting that illuminates the exterior walls and entrances of the premises during dusk to dawn sufficient for observers to see and for cameras to record, that is either constantly on or activated by motion detectors, and complies with the applicable lighting and glare standards in §18-129;

iii. Deadbolt locks on all exterior doors and locks on all other windows or access points;

iv. Door and window robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition.

D. Ventilation

i. All marijuana testing facilities shall be designed ~~or~~ and equipped to prevent the detection of marijuana odors from the property line and are required to be in compliance with the “odorous matter” standards in §18-129.

ii. An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises.

iii. Marijuana testing facilities shall include appropriate ventilation systems to mitigate any noxious gases or other fumes used or created as part of testing.

E. Disposal

i. All marijuana testing facilities shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner.

ii. Dumpsters and trash containers must not be overflowing, and all dumpsters and containers shall be screened from public view.

iii. All dumpsters and trash containers must have a lid that is locked at all times when the receptacle is unattended.

3. Marijuana Manufacturing Facilities. The following standards apply to all marijuana manufacturing facilities:

A. Design.

- i. No marijuana manufacturing facility shall have any marijuana plants, marijuana products or marijuana paraphernalia visible from the exterior of the building.
- ii. Outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed.
- iii. All signage shall meet the standards of §18-140. Signage may use an image or images of the marijuana plant, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products or paraphernalia associated with the use or distribution of marijuana.
- iv. Marijuana manufacturing facilities shall not operate as an accessory use to a non-marijuana related use or as a home occupation.

B. Location. Marijuana Manufacturing Facilities shall not operate within:

- i. One thousand (1,000) feet of the property line of any preexisting public or private school, public preschool program, or any other educational facility that serves children from prekindergarten to grade 12;
- ii. One thousand (1,000) feet of the property line of any child-care or daycare facility measured;
- iii. Five hundred (500) feet of the property line of any university;

If either the marijuana manufacturing facility or the use being separated from is a building on a larger parcel containing more than one building or is a building within a shopping center in which the building is more than 50 feet from the property line, then the outer wall of the building in question shall be used as the point of measurement instead of the property line.

C. Security. Marijuana Manufacturing Facilities shall include, at a minimum, the following:

- i. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances and trash receptacles, along with the interior and exterior of the

premises, to discourage criminal acts and facilitate the reporting of nuisance activities;

ii. Exterior lighting that illuminates the exterior walls and entrances of the premises during dusk to dawn sufficient for observers to see and for cameras to record, that is either constantly on or activated by motion detectors, and complies with the applicable lighting and glare standards in §18-129;

iii. Deadbolt locks on all exterior doors and locks on all other windows or access points;

iv. Door and window robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition.

D. Ventilation

i. All marijuana manufacturing facilities shall be designed ~~or~~ and equipped to prevent the detection of marijuana odors from the property line and are required to be in compliance with the “odorous matter” standards in §18-129.

ii. An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises.

iii. Marijuana manufacturing facilities shall include appropriate ventilation systems to mitigate any noxious gases or other fumes used or created as part of testing.

E. Disposal

i. All marijuana testing facilities shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner.

ii. Dumpsters and trash containers must not be overflowing, and all dumpsters and containers shall be screened from public view.

iii. All dumpsters and trash containers must have a lid that is locked at all times when the receptacle is unattended.

4. Marijuana Cultivation Facilities. The following standards apply to all marijuana cultivation facilities:

A. Design.

i. All marijuana cultivation facilities in the C-1 and EDZ districts shall be located indoors in completely enclosed structures. The plant canopy of mature plants in these facilities shall not exceed 7,000 square feet.

ii. Marijuana cultivation facilities in the F&A district may be located outdoors so long as the area is completely fenced in and locked or is located within a greenhouse. The plant canopy of mature plants in these facilities shall not exceed 500 square feet.

iii. No marijuana cultivation facility shall have any marijuana plants, marijuana products or marijuana paraphernalia visible from the exterior of the building.

iv. Outdoor storage of any merchandise, plants, or other marijuana-related materials is not allowed unless the cultivation facility is located in the F&A.

v. All signage shall meet the standards of §18-140. Signage may use an image or images of the marijuana plant, as long as they do not exceed 20% of the sign face, but there shall be no pictorial representations of other marijuana products or paraphernalia associated with the use or distribution of marijuana.

vi. Marijuana cultivation facilities shall not operate as an accessory use to a non-marijuana related use, unless in the F&A district, or as a home occupation.

B. Location. Marijuana Cultivation Facilities shall not operate within:

i. One thousand (1,000) feet of the property line of any preexisting public or private school, public preschool program, or any other educational facility that serves children from prekindergarten to grade 12;

ii. One thousand (1,000) feet of the property line of any child-care or daycare facility measured;

iii. Five hundred (500) feet of the property line of any university;

If either the marijuana cultivation facility or the use being separated from is a building on a larger parcel containing more than one building or is a building within a shopping center in which the building is more than 50 feet from the property line, then the outer wall of the building in question shall be used as the point of measurement instead of the property line.

C. Security. Marijuana Cultivation Facilities located in the C-1 and EDZ shall include, at

a minimum, the following:

i. Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week, with thirty (30) day video storage, to monitor all entrances and trash receptacles, along with the interior and exterior of the premises, to discourage criminal acts and facilitate the reporting of nuisance activities;

ii. Exterior lighting that illuminates the exterior walls and entrances of the premises during dusk to dawn sufficient for observers to see and for cameras to record, that is either constantly on or activated by motion detectors, and complies with the applicable lighting and glare standards in §18-129;

iii. Deadbolt locks on all exterior doors and locks on all other windows or access points;

iv. Door and window robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition.

D. Ventilation

i. All marijuana cultivation facilities shall be designed ~~or~~ and equipped to prevent the detection of marijuana odors from the property line and are required to be in compliance with the “odorous matter” standards in §18-129.

ii. An odor control plan shall be submitted as part of the site plan review application describing the odor(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises.

iii. Marijuana cultivation facilities shall implement the appropriate ventilation and filtration systems to meet the odor standards provided above. While no specific equipment is required, it is encouraged that the marijuana cultivation facility adopt best management practices and implement state-of-the-art odor mitigation technologies.

E. Disposal

i. All marijuana cultivation facilities shall have in place an operational plan for proper disposal of marijuana and related byproducts in a safe, sanitary and secure manner.

ii. Dumpsters and trash containers must not be overflowing, and all dumpsters

and containers shall be screened from public view.

iii. All dumpsters and trash containers must have a lid that is locked at all times when the receptacle is unattended.

5. Personal Marijuana Cultivation

A. *Home cultivation.* The total number of mature marijuana plants cultivated on any given parcel is limited to 3 per each person 21 years of age or older who is domiciled on the parcel. A person shall not cultivate any mature marijuana plants on a parcel on which they are not domiciled.

B. *Medical Marijuana Cultivation.* All registered caregivers and medical marijuana dispensaries shall only cultivate marijuana as a cultivation facility, as defined in this ordinance, which is an allowable use only in the Forest and Agriculture, Commercial-1, and Economic Development Zone districts. Qualifying patients and caregivers who are not required to register with the State to cultivate marijuana may cultivate marijuana plants as regulated by M.R.S. Title 22, Chapter 558-C.