

# CITY OF HALLOWELL PROPOSED ORDINANCE

Relating to Zoning for Marijuana Establishments

**BE IT ORDAINED** by the City Council of the City of Hallowell that the Revised Code of Ordinances, City of Hallowell (1997) is amended as follows:

1. Section 9-151 is amended by repealing subsections 15.1, 15.2, 15.3, 15.4, and 15.5 in their entirety:

~~15.1 Cannabis. The leaves, stems, flowers, and seeds of a marijuana plant (genus Cannabis), whether growing or not. “Cannabis” includes cannabis products.~~

~~15.2 Cannabis Product. Cannabis for use or consumption that has undergone a process whereby the plant material has been transformed into a concentrate, edible, topical, tincture, or other product containing cannabis or cannabis concentrate (including, but not limited to, the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin) and other ingredients.~~

~~15.3 Cannabis Products Manufacturing Facility. An entity that manufactures, produces, blends, infuses, compounds, extracts, chemically prepares or otherwise prepares, packages, repackages, labels, or relabels cannabis or cannabis products of any type. A cannabis products manufacturing facility is only authorized as a principal use, not an accessory use.~~

~~15.4 Cannabis Retail Store. An entity that sells adult use and/or medical cannabis and cannabis products directly to consumers.~~

~~15.5 Cannabis Testing Facility. An entity licensed and certified by the State of Maine pursuant to Title 28 B of the Maine Revised Statutes to develop, research and test cannabis, cannabis products, and other substances.~~

2. Section 9-151 is further amended by enacting subsections 64.1, 64.2, 64.3, 64.4, and 64.5 to read as follows:

64.1 Marijuana. The leaves, stems, flowers, and seeds of a marijuana plant (genus Cannabis), whether growing or not. “Marijuana” includes marijuana products.

64.2 Marijuana Product. Marijuana for use or consumption that has undergone a process whereby the plant material has been transformed into a concentrate, edible, topical, tincture, or other product containing marijuana or marijuana concentrate (including, but not limited to, the resin extracted from any part of a marijuana plant and every

compound, manufacture, salt, derivative, mixture, or preparation from such resin) and other ingredients.

64.3 Marijuana Products Manufacturing Facility. An entity that manufactures, produces, blends, infuses, compounds, extracts, chemically prepares or otherwise prepares, packages, repackages, labels, or relabels marijuana or marijuana products of any type. A marijuana products manufacturing facility is only authorized as a principal use, not an accessory use.

64.4 Marijuana Retail Store. An entity that sells adult use and/or medical marijuana and marijuana products directly to consumers.

64.5 Marijuana Testing Facility. An entity licensed and certified by the State of Maine pursuant to Title 28-B of the Maine Revised Statutes to develop, research and test marijuana, marijuana products, and other substances.

3. Section 9-151 is further amended by amending subsection 56.8 to read as follows:

56.8 Indoor ~~Cannabis~~Marijuana Cultivation Facility. An entity that cultivates ~~cannabis~~marijuana where all cultivation is conducted as controlled environment agriculture, provided that the controlled environment is a permanent structure. An indoor ~~cannabis~~marijuana cultivation facility may also package and label cultivated ~~cannabis~~marijuana without being deemed a ~~cannabis~~marijuana products manufacturing facility. An indoor ~~cannabis~~marijuana cultivation facility is only authorized as a principal use, not an accessory use.

4. Section 9-151 is further amended by amending subsection 78.5 to read as follows:

78.5 Outdoor ~~Cannabis~~Marijuana Cultivation Facility. An entity that cultivates ~~cannabis~~marijuana where all cultivation is conducted outside of any permanent structure and not in a controlled environment. An outdoor ~~cannabis~~marijuana cultivation facility is only authorized as a principal use, not an accessory use.

5. Sections 9-293 and 9-294 are amended to read as follows:

#### SECTION 9-293 PERMITTED USES (RF)

Permitted uses in the Rural-Farm District are:

1. Accessory buildings and structures;
2. Duplexes;
3. Essential services;
4. Farming;
5. Forestry;
6. Home Occupations;
7. Manufactured Housing less than 20 feet wide;
8. Outdoor ~~Cannabis~~Marijuana Cultivation Facilities;

9. Retail sales as an accessory use;
10. Single Family Dwellings; and
11. Timber Harvesting.

## SECTION 9-294 CONDITIONAL USES (RF)

Conditional uses in the Rural-Farm District are:

1. Animal Breeding/Kennels;
2. Bed and Breakfast Establishments;
3. Campgrounds;
- ~~4. Cannabis Products Manufacturing Facilities;~~
- ~~5. Cannabis Retail Stores, provided that on-premise sales of cannabis and cannabis products are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day;~~
- ~~64.~~ Cemeteries;
- ~~75.~~ Child Care Centers or Homes;
- ~~86.~~ Churches, Parish Houses, Rectories, Convents;
- ~~97.~~ Cluster Developments, including multi-family dwellings therein, except that multi-family dwellings are limited to the area north of Winthrop Street;
- ~~108.~~ Community Centers;
- ~~119.~~ Community Living Uses;
- ~~1210.~~ Controlled Environment Agriculture (CEA);
- ~~1311.~~ Extractive Industry (Sand or Gravel Pit Operations);
- ~~1412.~~ Indoor ~~Cannabis~~Marijuana Cultivation Facilities;
- ~~1513.~~ Inns, Conference Centers;
14. Marijuana Products Manufacturing Facilities;
15. Marijuana Retail Stores, as an accessory use only, and provided that on-premise sales of marijuana and marijuana products are conducted only between the hours of 7:00 a.m. and 7:00 p.m. of the same day;
16. Mobile Home Parks;
17. Municipal Uses or Public Buildings;
18. Nursing Homes, Continuing care facilities, and Residential care facilities;
19. Off-site Services Facility related to agriculture, forestry, landscaping, or arboriculture (as defined in §9-151);
20. Outdoor Recreational Facilities;
21. Parks & Playgrounds;
22. Permanently installed power generating facilities of more than 1,000 kilowatts or transmission lines carrying 100 kilovolts or more;
23. Planned Unit Developments, including multi-family dwellings therein, and commercial uses limited and defined by Section 9-608(5); except that multi-family dwellings and commercial uses as limited and defined are limited to the area north of the Granite Hill Road;
24. Public and Private Schools;
25. Public Utility;
26. Recreational Facilities;
27. Recycling Center;
28. Schools;
29. Towers;
30. Waste Facility; and

31. Windmills.

6. Section 9-313 is amended to read as follows:

#### SECTION 9-313 PERMITTED USES (DT)

Permitted uses in the Downtown District are:

1. Accessory Buildings;
2. Bed and Breakfast Establishments (see Note 1);
3. Business and Professional Offices;
- ~~4. Cannabis Retail Stores, provided that on-premise sales of cannabis and cannabis products are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day (see Note 2);~~
5. Coin operated or card activated machines providing goods or services, but excluding coin or card activated fuel pumps, without limitation on hours of operation (see Note 2);
6. Essential Services;
7. Financial Institutions;
8. Home occupations;
8. Marijuana Retail Stores, provided that on-premise sales of marijuana and marijuana products are conducted only between the hours of 7:00 a.m. and 9:00 p.m. of the same day (see Note 2);
9. Municipal Uses or Public Buildings;
10. Residential Uses (see Note 1);
11. Restaurants, provided they operate only during the hours from 6:00 a.m. to 1:00 a.m. of the following day (see Note 2);
12. Retail businesses (except restaurants), providing that on-premise sales are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day (see Note 2);
13. Personal Services;
14. Artist's studios;
15. Art galleries;
16. Theaters and other performance venues (see Note 2); and
17. Churches, Parish Houses, Rectories, Convents (see Note 1).

Note 1 – Residential uses shall be permitted only above the base flood elevation and shall not be permitted on or below the street level along Water Street between Temple Street and Wilson Lane.

Note 2 – This use is not permitted in the Office/Municipal Sub-District of the DT District.

6. Sections 9-323 and 9-324 are amended to read as follows:

#### SECTION 9-323 PERMITTED USES (BA)

Permitted uses in the Northern Gateway Business A District are:

1. Accessory Buildings and Structures;
2. Amusement Centers;
3. Automobile Service and Sales Businesses (see Note 4);

4. Business and Professional Offices;
- ~~5. Cannabis Retail Stores, provided that on-premise sales are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day (see Note 6);~~
- ~~65.~~ Coin-operated or card-activated machines providing goods or services, including but not limited to vending machines, telephones, automatic tellers, and fuel pumps, without limitation on hours of operation;
- ~~76.~~ Commercial Centers and Complexes (see Note 5);
- ~~87.~~ Commercial Indoor Recreation Centers;
- ~~98.~~ Community Centers;
- ~~109.~~ Duplexes;
- ~~110.~~ Essential Services;
- ~~121.~~ Financial Institutions;
- ~~1312.~~ Home Occupations;
- ~~1413.~~ Hotels, Motels, Inns, Bed and Breakfast Establishments;
- ~~1514.~~ Light Manufacturing (see Note 5);
15. Marijuana Retail Stores, provided that on-premise sales are conducted only between the hours of 7:00 a.m. and 9:00 p.m. of the same day (see Note 6);
16. Multi-Family Dwellings;
17. Personal Services;
18. Restaurants provided they operate only during the hours from 6:00 a.m. to 1:00 a.m. of the following day;
19. Retail Businesses (except restaurants) provided that on-premise sales are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day;
20. Single-family Dwellings;
21. Wholesale Businesses (see Note 5); and
22. Churches, Parish Houses, Rectories, Convents.

Note 4 – This use is limited to those lots north of Park Street that were in use for an automobile service and sales business as of April 1, 2011. No lot that was not in use for this purpose as of April 1, 2011 may be used for this purpose including for the expansion of a use existing on another lot.

Note 5 – This use is allowed only on lots north of Park Street and is limited to a gross floor area of a maximum of 10,000 (ten thousand) square feet.

Note 6 – This use is allowed only on lots whose current use, as of June 11, 2018, is at least 60% non-residential, based on the total floor area of all structures on the lot.

## SECTION 9-324 CONDITIONAL USES (BA)

Conditional uses in the Northern Gateway Business A District are:

1. Adult Business Establishments;
2. Boarding Homes;
- ~~3. Cannabis Products Manufacturing Facilities;~~
- ~~4. Cannabis Testing Facilities (see Note 7);~~
- ~~53.~~ Cemetery;
- ~~64.~~ Clubs;
- ~~75.~~ Controlled Environment Agriculture (CEA) (see Note 7);
- ~~86.~~ Funeral Homes;

- ~~97.~~ ~~Indoor Cannabis~~Marijuana Cultivation Facilities (see Note 7);
- ~~8.~~ Marijuana Products Manufacturing Facilities;
- ~~9.~~ Marijuana Testing Facilities (see Note 7);
10. Municipal Uses or Public Buildings;
11. Nursing Homes;
12. Public Library;
13. Recreational Facilities; and
14. Towers.

Note 7 – ~~This use is allowed only on lots whose current use, as of June 11, 2018, is non-residential.~~ This use is allowed only on lots whose current use, as of June 11, 2018, is at least 60% non-residential, based on the total floor area of all structures on the lot.

7. Section 9-354 is amended to read as follows:

#### SECTION 9-354 CONDITIONAL USES (BB)

Conditional uses in the Business B District are:

- ~~1.~~ ~~Cannabis Products Manufacturing Facilities;~~
- ~~2.~~ ~~Cannabis Testing Facilities;~~
- ~~31.~~ Amusement Centers;
- ~~42.~~ Business & Professional Offices;
- ~~53.~~ Coin-operated or card-activated machines providing goods or services, including but not limited to vending machines, telephones, automatic tellers, and fuel pumps, without limitation on hours of operation;
- ~~64.~~ Commercial Centers;
- ~~75.~~ Commercial Complexes;
- ~~86.~~ Commercial Indoor Recreational Facilities;
- ~~97.~~ Controlled Environment Agriculture (CEA);
- ~~108.~~ Financial Institutions;
- ~~119.~~ Hotels, Motels, Inns;
- ~~1210.~~ ~~Indoor Cannabis~~Marijuana Cultivation Facilities;
- ~~1311.~~ Manufacturing;
- ~~12.~~ Marijuana Products Manufacturing Facilities;
- ~~13.~~ Marijuana Testing Facilities;
14. Recycling Center;
15. Utilities;
16. Warehousing;
17. Wholesale Businesses; and
18. Churches, Parish Houses, Rectories, Convents.

8. Section 9-374 is amended to read as follows:

#### SECTION 9-374 CONDITIONAL USES (BC)

1. Business and Professional Offices;
- ~~2.~~ ~~Cannabis Products Manufacturing Facilities;~~
- ~~3.~~ ~~Cannabis Testing Facilities;~~

- ~~42.~~ Community Centers;
- ~~53.~~ Churches, Parish Houses, Rectories, Convents;
- ~~64.~~ Controlled Environment Agriculture (CEA);
- ~~75.~~ Essential Services;
- ~~86.~~ Financial Institutions;
- ~~97.~~ Indoor ~~Cannabis~~Marijuana Cultivation Facilities;
8. Marijuana Products Manufacturing Facilities;
9. Marijuana Testing Facilities;
10. Nursing Homes, Continuing Care Facilities, and Residential Care Facilities;
11. Public Utilities.

9. Section 9-381 is amended to read as follows:

#### SECTION 9-381 CONDITIONAL USES (BD)

Conditional uses in the Southern Gateway Business D District (BD) are:

1. Boarding Homes;
- ~~2. Cannabis Products Manufacturing Facilities;~~
- ~~3. Cannabis Retail Stores, provided that on-premise sales are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day;~~
- ~~4. Cannabis Testing Facilities;~~
- ~~52.~~ Coin-operated or card-activated machines providing goods or services, including but not limited to vending machines, telephones, automatic tellers, and fuel pumps, without limitation on hours of operation;
- ~~63.~~ Commercial Indoor Recreation Centers;
- ~~74.~~ Controlled Environment Agriculture (CEA);
- ~~85.~~ Hotels, Motels, Inns;
- ~~96.~~ Indoor ~~Cannabis~~Marijuana Cultivation Facilities, up to a maximum of 3,000 sq. ft. of plant canopy;
- ~~107.~~ Light Manufacturing: [Only along Water Street south of Greenville Street to the Farmingdale line].
8. Marijuana Products Manufacturing Facilities;
9. Marijuana Retail Stores, provided that on-premise sales are conducted only between the hours of 7:00 a.m. and 9:00 p.m. of the same day;
10. Marijuana Testing Facilities;
11. Multi-Family Dwellings;
12. Municipal Uses or Public Buildings;
13. Nursing Homes;
14. Parks & Playgrounds
15. Restaurants;
16. Public and Private Schools;
17. Public Utility;
18. Recreational Facilities;
19. Retail Businesses with a maximum gross floor area of five thousand (5,000) square feet; and
20. Wholesale Businesses.

10. Section 9-646 is amended to read as follows:

SECTION 9-646 ~~CANNABIS~~ MARIJUANA-RELATED STANDARDS

1. Setback Requirements for ~~Cannabis~~ Marijuana Cultivation for Personal Use. Notwithstanding the setback requirements established in any other section of this Chapter, the minimum setback from any lot line for the outdoor cultivation of ~~cannabis~~ marijuana solely for personal use shall be fifty (50) linear feet.
  
2. Setback Requirements for ~~Cannabis~~ Marijuana -Related Businesses. Notwithstanding the setback requirements established by any other section of this Chapter, the minimum setback for ~~cannabis~~ marijuana business establishments (including, but not limited to, ~~Cannabis~~ Marijuana Products Manufacturing Facilities, ~~Cannabis~~ Marijuana Retail Stores, ~~Cannabis~~ Marijuana Testing Facilities, and Indoor and Outdoor ~~Cannabis~~ Marijuana Cultivation Facilities) shall be 1,000 linear feet from any lot line on which the business establishment is located to nearest the lot line of a public school, a private school, or a public recreational facility (including, but not limited to, public parks, ball fields, playgrounds, or other areas of public active or passive recreation, but not including the Kennebec River Rail Trail, Granite City Park, Vaughan Field, and the pocket park on the corner of Second and Union Streets).

First Reading: December 9, 2019  
 Public Hearing: January 13, 2020  
 Amended: January 13, 2020  
 Second Reading: January 13, 2020  
 Third Reading: \_\_\_\_\_

Ordinance No: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

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 City Clerk