

NO VOTE REQUIRED

19-089 City Manager

**WHEREAS**, the city finds that regulating medical marijuana businesses is in the best interest of the public; and

**WHEREAS**, the Planning Board and City Council held multiple public hearing and heard substantial testimony on the topic; and

**WHEREAS**, the following modifications to the Land Use Ordinance are necessary to ensure careful management of a new industry in the city;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Augusta, Maine, that the following amendments to the Code of Ordinances, Land Use Ordinance:

Add the following definitions in proper alphabetical order to Section 300-202 (Other Definitions):

- Medical Marijuana Businesses. Includes Medical Marijuana Testing Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Registered Caregivers, Medical Marijuana Caregiver Retail Store, Medical Marijuana Registered Caregiver (Home Occupation), and Registered Dispensaries.
- Medical Marijuana Manufacturing Facility. A registered tier 1 or tier 2 manufacturing facility, as designated by state law, or a person authorized to engage in marijuana extraction under 22 MRS §2423-F.
- Registered dispensary. "Registered dispensary" or "dispensary" means an entity registered under 22 MRS §2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.
- Marijuana testing facility. A public or private laboratory that is authorized and accredited in accordance with state law.
- Medical Marijuana Caregiver Retail Store. A location other than the permanent residence of a registered caregiver or a qualifying patient from which a registered caregiver provides marijuana for medical use to a qualifying patient.
- Medical Marijuana Registered Caregiver. A person or an assistant of that person that provides care for a qualifying patient in accordance with state law and licensing and is registered with the state in accordance with state law. A Medical Marijuana Registered Caregiver may operate in a variety of ways including operating one retail store, in accordance with state law and the standards of this ordinance.
- Medical Marijuana Registered Caregiver (Home Occupation). A person or an assistant of that person that provides care for a qualifying patient in accordance with state law and licensing and is registered with the state in accordance with state law and in accordance with the Home Occupation standards of this ordinance. This use shall be delivery-only, with no visits to the Caregiver's home by patients.

Alter and delete the following definitions to Section 300-202 (Other Definitions):

- Specialized Medical Clinic. A facility that dispenses methadone or medical marijuana to patients. A medical marijuana dispensary may also grow and process the product at the same facility. Typical accessory uses for a medical marijuana dispensary or grow facility may include, but are not limited to, counseling services associated with the medical conditions being treated with medical marijuana, processing and cooking facilities for preparing the marijuana, other treatments for the medical condition being treated with marijuana. In all cases, accessory uses must remain secondary, individually and in aggregate, to the primary use.
- ~~Medical Marijuana Grow-Only Facility. A facility that engages only in the growing and processing of medical marijuana in accordance with state law, but does not dispense marijuana. Processing of medical marijuana may include, but is not limited to, the preparation of tinctures, ointments, and food products containing medical marijuana.~~

Add the following uses to the Land Use Table 300 Attachment 4, in the "BUSINESS" section of the table, as described:

- "Medical Marijuana Testing Facility" – Add as a Conditional Use by inserting a "CU" in IA, PD, CC, CD, MED zoning district columns
- "Medical Marijuana Manufacturing Facility" – Add as a Conditional Use by inserting a "CU" in MED, IA, PD, CC, CD zoning district columns
- "Medical Marijuana Caregiver Retail Store" – Add as a Conditional Use by inserting a "CU" in CB, CC, CD, PD zoning district columns
- "Medical Marijuana Registered Caregiver (Home Occupation)" – Add as a Permitted Use by inserting an X in MED, IA, CB, CC, CD, KBD1, KBD2, KL, PD, PD2, RD, RPDS, RR, RRES, RBV, RV, RA, RB1, RB2, RC, RPDS
- "Medical Marijuana Registered Caregiver" – Add as a Conditional Use by inserting a "CU" in MED, IA, CB, CC, CD, KBD1, KBD2, PD, RD, RPDS, RR, RRES, RBV, RV zoning district columns
- "Registered Dispensary" – Add as a Conditional Use by inserting a "CU" in MED, IA, CC, CD, PD zoning district columns

Include new sections in the Land Use Ordinance as follows:

### §300-533 Medical Marijuana

This section regulates Medical Marijuana Businesses, as defined, uses within the City of Augusta. The permitting standards outlined here shall be adhered to for all medical marijuana businesses, in addition to other applicable standard in this and other ordinances or state law.

- E. Medical Marijuana Businesses shall not locate within 500 feet of Religious Activities, a-state licensed daycare of any size, or Educational Services. Measurement shall be from the exterior wall or fence of the Medical Marijuana Business to the property line of the protected use. This section shall not prohibit the activity of a caregiver or other authorized individual from administering medical marijuana to a qualified patient who is located within one of these protected areas.
- F. Medical Marijuana Businesses shall not have any odor of marijuana detectible beyond the area controlled by the business, whether that be a lease or owned area that is a portion or all of a recorded parcel of land. Odors shall be controlled by whatever best-practices exist.

- G. Any Medical Marijuana Business that is located in a zoning district where it is not a permitted or conditional use shall discontinue operation in that location by June 30, 2022.
- H. Medical Marijuana grown by any Medical Marijuana Business shall be grown indoors only.
- I. Medical Marijuana Registered Caregiver and Medical Marijuana Registered Caregiver (Home Occupation) may grow, process, and manufacture medical marijuana products at the registered caregiver's permanent residence in accordance with state law and their local license.
- J. Medical Marijuana Registered Caregiver (Home Occupation) shall meet all license requirements for a home occupation and the additional license requirements for a Medical Marijuana Registered Caregiver (Home Occupation). This use shall be a delivery only operation, with no customers coming to the site for any purpose. All in-person caregiver operations shall be done at the patient's home or other legal site. See the Home Occupation section of this ordinance for limitations of Medical Marijuana Caregiver (Home Occupations)

#### §300-534 Marijuana for Personal Use

All marijuana cultivated for personal use under Title 28-B of the Maine Revised Statutes shall be grown on the property where the user is domiciled.

#### **19-090 City Manager**

**WHEREAS**, the city finds that regulating and licensing medical marijuana businesses is in the best interest of the public; and

**WHEREAS**, the following modifications to the Code of Ordinances are necessary to ensure careful management of a new industry in the city;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Augusta, Maine, that the following amendments to the Code of Ordinances, adding a new licensing section for medical marijuana businesses Ordinance, be made:

See the attached new ordinance.

#### **COMMUNICATIONS**

Committee Reports  
City Manager's Report

Respectfully submitted,  
Roberta L. Fogg, City Clerk  
June 3, 2019