

# Town of Windham

Planning Department  
8 School Road  
Windham, ME 04062

voice 207.894.5960

fax 207.892.1916

## MEMO

DATE: January 22, 2020

TO: Windham Planning Board

FROM: Amanda Lessard, Planning Director

Cc: Jenn Curtis, Planner

Retail Adult-Use and Medical Marijuana Establishments Task Force

Chris Hanson, Director of Code Enforcement

RE: Ordinance Amendment: Land Use Ordinance Sections 300, 400, and 500 and  
Shoreland Zoning Ordinance related to marijuana businesses  
Planning Board Meeting & Public Hearing – January 27, 2020

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At their meeting on December 10, 2019, the Town Council voted to forward the enclosed proposed ordinance changes for regulating medical and adult use marijuana businesses in Windham to the Board for review and recommendation. The proposed ordinance amendments were developed by staff, and further workshopped with the Retail Adult-Use and Medical Marijuana Establishments Task Force (Task Force) and the Council.

The Town Council is also drafting a Licensing Ordinance for Marijuana Businesses which is not required to be reviewed by the Planning Board.

### **Summary of Attached Proposed Ordinance Amendments:**

#### Chapter 140 – Land Use Ordinance

- Section 300 – Definitions
  - New definitions: Adult use marijuana store, Industrial hemp, Marijuana, Marijuana Businesses, Marijuana Cultivation Facility, Marijuana Manufacturing Facility, Marijuana Testing Facility, Medical Marijuana Caregiver Retail Store, Medical Marijuana Registered Caregiver, Medical Marijuana Registered Caregiver (Home Occupation).
  - Revised or deleted existing Retail Marijuana definitions. Adult use marijuana store remains defined but not permitted in any zoning district.
- Section 400 – Zoning Districts
  - Summary of permitted uses:

	F	FR	RL	RM	C-1	C-2	C-3	I	ED	VC
Adult Use Marijuana Store					P					
Marijuana Cultivation Facility								P	P	
Marijuana Manufacturing Facility					P			P	P	
Marijuana Testing Facility					P			P	P	
Medical Marijuana Caregiver Retail Store					P					
Medical Marijuana Registered Caregiver	P	P	P	P	P	P	P	P		P
Medical Marijuana Registered Caregiver (Home Occupation)	P	P	P	P	P	P	P	P		P

- Medical Marijuana Dispensary no longer permitted in C1
- Added Marijuana Cultivation district standards to I and ED
  - Cultivation in I is limited to 7,000 sq ft (Tiers 1, 2, and 3 allowed)
  - Cultivation in ED is limited to 20,000 sq ft (Tiers 1, 2, 3, and 4 allowed)
- Section 500 – Performance Standards
  - Exemption for uses that lawfully existed prior to the enactment of the performance standard.
  - Section 526 – Home Occupation 1
    - Added Medical Marijuana Registered Caregiver (Home Occupation)
  - Section 534 – Marijuana for Personal Use
    - Grown indoors only on a property with an occupied dwelling
  - Section 535 – Marijuana Businesses
    - Replaces existing Section 534 Medical Marijuana, standards for medical marijuana dispensaries
    - 500 foot setback from marijuana business building from public or private school, daycare, or correctional facility
    - No detectable odor beyond the area controlled by the business
    - Marijuana must be grown indoors only
    - Caregiver cultivation is limited to 1,000 sq ft. No sales on premises unless also permitted as Medical Marijuana Caregiver Retail Store
    - Medical marijuana grown in home occupations in basements and accessory structures is limited to 1,000 sq ft

#### Chapter 199 – Shoreland Zoning

- Section 199-14. Table 1. Land Uses in the Shoreland Zone
  - Medical Marijuana Registered Caregiver permitted in GD
  - Other marijuana businesses prohibited
- Section 199-14. Definitions
  - New definitions: Adult use marijuana store, Marijuana, Marijuana Businesses, Marijuana Cultivation Facility, Marijuana Manufacturing Facility, Marijuana Testing Facility, Medical Marijuana Caregiver Retail Store, Medical Marijuana Registered Caregiver, Medical Marijuana Registered Caregiver (Home Occupation)
  - Revised Home Occupation definition to list Medical Marijuana Registered Caregiver (Home Occupation) and reference the standards in Section 535 of the Land Use Ordinance

## **Zoning Amendment Process**

The Planning Board must hold a public hearing prior to making a recommendation on this item to the Town Council. The Town Council will need to vote on the proposed changes to the Land Use Ordinance and Shoreland Zoning Ordinance for the changes to be officially approved.

A public hearing is scheduled for the Planning Board meeting on January 27, 2020. After the public hearing and discussion by the Board, the Planning Board may vote on a recommendation to the Town Council similar to the following:

**MOTION:** To (**recommend/recommend with comments/not recommend**) approval of the proposed amendment to the Land Use Ordinance Sections 300, 400, and 500 and the Shoreland Zoning Ordinance related to marijuana businesses.