

3. AMEND Title 16.2 Definitions for marijuana operations as follows:

- ~~MARIJUANA MEDICAL USE—The cultivation, manufacturing, or distribution of cannabis by a medical marijuana cultivation facility, a medical marijuana dispensary, a medical marijuana testing facility, or a primary caregiver, as defined in § 16.2.2 of this Code. This definition is not intended to restrict a caregiver that is a licensed hospice provider, long term nursing care facility or convalescent care facility from distributing cannabis to their qualifying patients, per 22 M.R.S., Maine Medical Use of Marijuana Act.~~
- ~~MARIJUANA RETAIL USE—The cultivation, manufacture, distribution or selling of cannabis by a retail marijuana establishment or retail marijuana social club, as referenced in 7 M.R.S.~~
- ~~MEDICAL MARIJUANA CULTIVATION FACILITY—A facility registered in accordance with 22 M.R.S. § 2428 that cultivates and manufactures marijuana or related supplies for a registered medical marijuana dispensary under common management and operating under the same state and local license(s).~~
- ~~MEDICAL MARIJUANA DISPENSARY—A not for profit entity registered under 22 M.R.S. § 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients who have designated the dispensary to cultivate marijuana for their medical use, and the primary caregivers of those patients.~~
- ~~MEDICAL MARIJUANA QUALIFYING PATIENT or PATIENT—A person who has been diagnosed by a medical provider as having a debilitating medical condition and who possesses a valid written certification regarding medical use of marijuana, as defined under 22 M.R.S. § 2422.~~
- ~~MEDICAL MARIJUANA TESTING FACILITY—A public or private laboratory that:~~
- ~~A.—Is licensed, certified or otherwise approved under 22 M.R.S. § 2423-A to analyze contaminants in, and the potency and cannabinoid profile of, samples; and~~
- ~~B.—Is accredited pursuant to standard International Standards Organization/International Electrotechnical Commission 17025 of the International Organization for Standardization by a third party accrediting body or is certified, registered, or accredited by an organization approved by the state.~~
- MARIJUANA BUSINESS - An Adult Use Marijuana Store, Marijuana Cultivation Facility, Medical Marijuana Caregiver Retail Store, Marijuana Manufacturing Facility, Marijuana Testing Facility, Medical Marijuana Registered Caregiver or Medical Marijuana Registered Caregiver (Home Occupation)
- MARIJUANA CULTIVATION FACILITY - A facility licensed by the State of Maine to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package marijuana; to sell marijuana, marijuana seedlings, plants and seeds to products manufacturing facilities, marijuana stores, caregivers or other cultivation facilities.

- 334 Tier 1: Up to 500 square feet of plant canopy
- 335 Tier 2: Up to 2,000 square feet of plant canopy
- 336 Tier 3: Up to 7,000 square feet of plant canopy
- 337 Tier 4: Up to 20,000 square feet of plant canopy

338 **MEDICAL MARIJUANA CAREGIVER RETAIL STORE** - A store that has attributes generally
339 associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours,
340 accessibility to the public and sales of goods or services directly to a consumer, and that is used by a
341 registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

342 **MARIJUANA MANUFACTURING FACILITY** - (1) a registered tier 1 or tier 2 manufacturing facility, as
343 designated by state law, or a person authorized to engage in marijuana extraction under 22 MRS §2423- F; or
344 (2) a facility licensed under M.R.S. 28-B, Subchapter 2 to purchase marijuana from a cultivation facility or
345 another products manufacturing facility; to manufacture, label and package marijuana and marijuana
346 products; and to sell marijuana and marijuana products to marijuana stores and to other products
347 manufacturing facilities.

348 **MARIJUANA TESTING FACILITY** - A public or private laboratory that is authorized and accredited in
349 accordance with state law for the research and analysis of marijuana, marijuana products or other substances
350 for contaminants, safety or potency.

351 **MEDICAL MARIJUANA REGISTERED CAREGIVER** - A person or an assistant of that person that
352 provides care for a qualifying patient in accordance with state law and licensing and is registered with the
353 state in accordance with state law.

354 **MEDICAL MARIJUANA REGISTERED CAREGIVER (HOME OCCUPATION)**- Medical Marijuana
355 Registered Caregiver (Home Occupation). A person or an assistant of that person that provides care for a
356 qualifying patient in accordance with state law and licensing and is registered with the state in accordance
357 with state law and in accordance with the Home Occupation permitting and operational standards of this
358 ordinance.

4. AMEND Title 16.3 Land Use Zone regulations to allow marijuana operations in certain zones.

359 § 16.3.2.11 **Commercial (C-1, C-2, C-3).**

360 (1) C-1 special exception uses.

361 (p) Marijuana Business

362 (2) C-2 special exception uses.

363 (q) Marijuana Business

364 (3) C-3 special exception uses.

365 (q) Marijuana Business

366 § 16.3.2.13 Mixed-Use MU.

367 C. Special exception uses.

368 19. Marijuana Business

5. ADD Marijuana Businesses to Title 16 Design and Performance Standards for Built Environment

369 §16.8.29 Marijuana Businesses

370 This section regulates Marijuana Businesses, as defined uses within the Town of Kittery. The permitting
371 standards outlined here shall be adhered to for all Marijuana Businesses, in addition to other applicable
372 standards in this and other ordinances or state law.

373 A. Any Marijuana Business in operation as of the Effective Date of this Section and permitted by the Board
374 of Appeals as a Home Occupation pursuant to Article XXII, but otherwise meeting the definition of a
375 Medical Marijuana Caregiver Retail Store, may continue to operate as long as a license is received and
376 maintained in accordance with this Ordinance. Such operations may not be built, used or occupied in any
377 way that constitutes a material difference from any representations in the approved application and
378 Findings of Fact, and/or approval conditions for Home Occupation.

379 B. Marijuana Businesses shall not locate within ~~1,000~~ 500-feet of a public school, ~~or private schools~~ school or
380 state licensed daycare~~l~~, measured from ~~the main entrance or any customer entrance~~ exterior wall of the
381 Marijuana Business to the property line of the protected use. ~~door of the Marijuana Business in a straight~~
382 ~~line to the property line of the protected use. Marijuana Businesses shall not locate within 250 feet of a~~
383 ~~state-licensed daycare of any size, measured from the exterior wall of the Marijuana Business to the~~
384 ~~property line of the protected use.~~ This section shall not prohibit the activity of a caregiver or other
385 authorized individual from administering medical marijuana to a qualified patient who is located within
386 one of these protected areas.

387 C. Marijuana Businesses shall not have any odor of marijuana detectible beyond the area controlled by
388 the business, whether that be a leased or owned area that is a portion or all of a recorded parcel of land.
389 Odors shall be controlled by whatever best practices exist.

390 D. Marijuana grown by any Marijuana Business shall be grown indoors only. For the purpose of this
391 section, hoop houses or outdoor tunnels shall not be considered as an indoor growing facility and are
392 prohibited for marijuana cultivation. ~~A Medical Marijuana Caregiver shall not conduct any sale of the~~
393 ~~product on premises unless the business is also permitted as a Medical Marijuana Caregiver Retail Store.~~
394 ~~Medical Marijuana grown by Medical Marijuana Caregivers shall be limited to less than one thousand~~
395 ~~(1,000) square feet floor area measured cumulatively per lot unless the business is also permitted as a~~
396 ~~Marijuana Cultivation Facility. A Medical Marijuana Caregiver (Home Occupation) in operation as of the~~
397 ~~effective date of this section shall be permitted to maintain the grow area in existence as of the effective date~~
398 ~~of this section.~~

399 ~~—————~~ Medical Marijuana Registered Caregiver and Medical Marijuana Registered Caregiver (Home
400 Occupation), when required by state law to be licensed to manufacture, may only manufacture medical
401 marijuana products in zoning districts where Marijuana Manufacturing Facilities are permitted.

402 ~~_____ Medical Marijuana Registered Caregiver (Home Occupation) shall at all times meet all permit and~~
403 ~~operational requirements for a home occupation and the additional license requirements for a Medical-~~
404 ~~Marijuana Registered Caregiver (Home Occupation). Medical Marijuana grown by Medical Marijuana~~
405 ~~Caregiver (Home Occupation) in basements and accessory structures shall be limited to less than one~~
406 ~~thousand (1,000) square feet floor area measured cumulatively per lot for all caregivers cultivating on the lot.~~

407 E. The design of any building containing a Marijuana Business shall conform with the standards within
408 this title and the Town of Kittery Design Handbook. ~~be visually compatible with other types of buildings in~~
409 ~~the immediately surrounding neighborhood, in terms of similarity of building materials, building size,~~
410 ~~building height and architecture.~~

411 F. The area of any Marijuana Business accessible to customers shall be no less than 400 nor more than
412 2,000~~1,000~~ square feet.

413 G. Parking shall conform to Article X *Parking*.

414 H. Any building containing a Marijuana Business shall be protected by fire suppression measures and
415 fire alarms to the satisfaction of the Fire Chief and in accordance with all applicable building codes.

416 I. The Owner of any Marijuana Cultivation Facility ~~Business~~ shall provide an annual affidavit from a
417 master electrician certifying that the electrical components can meet the electrical load demands of the use.

418 J. Security.

419 1. The Licensed Premises shall have lockable doors and windows and shall be served by an alarm system
420 which includes automatic notification to the Kittery Police Department.

421 2. The Licensed Premises shall have video surveillance capable of covering the exterior and interior of the
422 facility. The video surveillance system shall be operated with continuous recording twenty-four hours per
423 day, seven days per week and video shall be retained for a minimum duration of ~~thirty~~forty-five-(45~~30~~) days.
424 Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

425 3. The Licensed Premises shall have exterior lighting that conforms with Article XXIV *Exterior Lighting* and
426 the Town of Kittery’s Design Handbook. The Planning Board at its discretion may require motion sensors
427 covering the full perimeter of the building(s).

428 ~~4. Medical Marijuana Registered Caregiver (home occupation) uses shall not be required to meet paragraphs~~
429 ~~2 and 3.~~

430 **§16.8.30 Medical Marijuana Registered Caregiver and Medical Marijuana Registered Caregiver**
431 **(Home Occupation)**

432 This section regulates Medical Marijuana Registered Caregivers and Medical Marijuana Registered
433 Caregivers (home occupation) , as defined uses within the Town of Kittery. The permitting standards
434 outlined here shall be adhered to for all Medical Marijuana Registered Caregivers , in addition to other

435 applicable standards in this and other ordinances or state law.

436 A. A Medical Marijuana Caregiver shall not conduct any sale of the product on premises unless the business
437 is also permitted as a Medical Marijuana Caregiver Retail Store, pursuant to §16.8.29 *Marijuana*
438 *Businesses*. Medical Marijuana grown by Medical Marijuana Caregivers shall be limited to less than one
439 thousand (1,000) square feet floor area measured cumulatively per lot unless the business is also
440 permitted as a Marijuana Cultivation Facility. A Medical Marijuana Caregiver (Home Occupation) in
441 operation as of the effective date of this section shall be permitted to maintain the grow area in existence
442 as of the effective date of this section.

443 B. Medical Marijuana Registered Caregiver and Medical Marijuana Registered Caregiver (Home
444 Occupation), when required by state law to be licensed to manufacture, may only manufacture medical
445 marijuana products in zoning districts where Marijuana Manufacturing Facilities are permitted in
446 accordance with §16.3 *Land Use Zone Regulations*

447 C. Medical Marijuana Registered Caregiver (Home Occupation) shall at all times meet all permit and
448 operational requirements for a home occupation and the additional license requirements for a Medical
449 Marijuana Registered Caregiver (Home Occupation). Medical Marijuana grown by Medical Marijuana
450 Caregiver (Home Occupation) in basements and accessory structures shall be limited to less than one
451 thousand (1,000) square feet floor area measured cumulatively per lot for all caregivers cultivating on the
452 lot.

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