

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
MAINE LAND USE PLANNING COMMISSION

**Citizen Petition to Prohibit Certain Marijuana Uses
in the D-GN2 Subdistrict**

February 9, 2022 – Adopted Revisions

These revisions propose changes to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline, deletions with a ~~strikethrough~~.

10.21 DEVELOPMENT SUBDISTRICTS

Pursuant to 12 M.R.S. §685-A and consistent with the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

...

D. COMMUNITY CENTER DEVELOPMENT SUBDISTRICT (D-GN2)

...

3. Land Uses

The provisions of the D-GN2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-GN2 subdistricts:

...

b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-GN2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III and Section 10.21,D,3,e:

...

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III, and the limitations of Section 10.21,D,3,e, and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A,2. Facilities allowed by permit may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,D,3,c may not be expanded.

...

- (4) Commercial: Commercial facilities having not more than 4,000 square feet of gross floor area, or as provided in Section 10.25,A,2,e that are compatible with residential uses, community centers, and foot traffic, specifically retail shops, restaurants, bed and

breakfasts, professional and financial services, trades such as cabinetry or shoe repair, artisan shops, and galleries. Generally, including:

...

d. Special Exceptions

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, the applicable requirements set forth in Sub-Chapter III, and the limitations of Section 10.21,D,3,e, and where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A,2. Facilities allowed with a permit by special exception may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,D,3,d may not be expanded.

(1) Commercial facilities that are compatible with residential uses, community centers, and foot traffic, specifically retail shops, restaurants, bed and breakfasts, professional services, trades such as cabinetry or shoe repair, artisan shops, and galleries.:

- (a) Commercial uses between 4,000 and 8,000 square feet in size, except as provided in Section 10.25,A,2,e; and
- (b) Commercial uses with a total of no more than 10,000 square feet of outdoor display or storage area combined; and

...

e. Certain Marijuana Facilities and Uses Prohibited

All medical marijuana and adult use marijuana development and activities involving cultivation, extraction, processing, manufacturing, testing, or sale, within or part of any land use regulated by Section 10.21,D, are prohibited within D-GN2 subdistricts, except:

- (1) licensed caregivers who sell or dispense marijuana pursuant to 22 M.R.S. § 2423-A solely out of the caregiver's primary residence on an incidental or by appointment basis only and does not involve regular business hours, provided such operation does not involve the processing or manufacturing of marijuana using chemicals or solvents, and does not involve signage;
- (2) the provision or dispensing of medical marijuana by a licensed or exempt caregiver as part of any hospice or long-term care facility, health care facility, or nursing home; and
- (3) all protections or privileges of 22 M.R.S. Chapter 558-C, or 28-B M.R.S., including but not limited to home cultivation of marijuana for personal use; and medical marijuana home cultivation by a qualifying patient or exempt caregiver.

ef. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception are prohibited in a D-GN2 subdistrict.