

**Draft 04 24 19**

Amend the definition of Agricultural Land Management Practices, Agricultural Structure, and Agriculture to add the following sentence at the end of each definition.

Medical Marijuana Home Occupation, Medical Marijuana Home Production, and Medical Marijuana Production Facility shall not be considered agriculture for purposes of Site Plan Review.

**MARIJUANA**

As defined in Maine Medical Use of Marijuana Act and Rules, or the Marijuana Legalization Act, as applicable.

**MARIJUANA PARAPHERNALIA**

Equipment, products, or materials defined as paraphernalia in Maine Medical Use of Marijuana Act and Rules.

**MARIJUANA WASTE AND/OR RESIDUE**

Stems, stalks, roots and other materials used in the growth, cultivation, production, and storage of marijuana. Marijuana waste and/or residue does not include an incidental amount of marijuana or excess prepared marijuana as defined in the Maine Use of Medical Marijuana Act and Rules or the Marijuana Legalization Act, as appropriate.

**MEDICAL MARIJUANA**

Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

**MEDICAL MARIJUANA HOME OCCUPATION**

A home occupation that is conducted by a registered primary caregiver who resides in the dwelling as his/her primary residence in conformance with standards described in \_\_\_\_\_

**A.**

Is performed within a single-family dwelling ~~or within a unit in a multifamily structure;~~

**Deleted:** or within an accessory building to that single-family dwelling

**B.**

Is for the purpose of assisting one or more qualifying patients with the medical use of marijuana who do not reside in the dwelling and are not family members of the primary caregiver; and

**C.**

Complies with the Maine Medical Use of Marijuana Act and Rules or the Marijuana Legalization Act, as appropriate.

#### **MEDICAL MARIJUANA HOME PRODUCTION**

Growing, cultivating, processing, and/or storing medical marijuana by a medical marijuana qualifying patient or patients at his/her/their primary residence as an accessory use in conformance with standards described in \_\_\_\_\_ through \_\_\_\_\_ and the Maine Medical Use of Marijuana Act and Rules. This use shall be considered an accessory use to a legally permitted residential dwelling unit.

#### **MEDICAL MARIJUANA PRODUCTION FACILITY**

A facility which includes a permanent structure equal to or greater than 100 square feet used for cultivation, processing, storage, and/or distribution of medical marijuana at a location which is not the medical marijuana registered primary caregiver's primary residence in conformance with standards described in \_\_\_\_\_ and the Maine Medical Use of Marijuana Act and Rules. This shall be considered a commercial use, subject to the requirements of Site Plan Review.

Amend Section 6(B) of the Land Use Ordinance (Site Plan Review) by amending Section 6(B)(1) as follows:

1. This section does not apply to detached single and two family dwelling units, agricultural land management practices, as defined, or home occupations, as defined, except that this section does apply to Medical Marijuana Home Occupation, Medical Marijuana Home Production and Medical Marijuana Production Facility.

Amend Section 6(B) of the Land Use Ordinance (Site Plan Review) by adding Section 6(B)(37), Medical Marijuana as follows:

1. 37. MEDICAL MARIJUANA. In addition to all other submission requirements and performance standards, Medical Marijuana Home Occupation, Medical Marijuana Home Production and Medical Marijuana Production Facilities must provide:
  - a. certification, by a mechanical engineer or other qualified professional, registered in the State of Maine, of the adequacy of the ventilation system to prevent odors from being detected beyond the boundaries of the property or submission of an Odor Control Plan that meets the requirements of \_\_\_\_\_. For an existing licensed operation, submission of a revised Odor Control Plan or verification

**Deleted:** D. Obtains a Home Occupation Marijuana Permit from the Code Enforcement Officer

that the Odor Control Plan which was submitted for the new operations, remains in place and is functioning effectively.

- b. Documentation of the registered caregiver(s) valid Maine State-issued medical marijuana primary caregiver registry identification card(s).
- c. Accurate vicinity map drawn to scale showing the location of any existing private or public school, child-care provider, playground and/or church within 500 feet of the proposed location.
- d. Location within the facility where a copy of the medical marijuana production facility's Operations Manual and Security Plan is stored.

2. Any medical marijuana home occupation, medical marijuana home production facility or medical marijuana production facility in lawful existence on the effective date of this article may remain in operation in its present location without applying for or obtaining site plan review approval hereunder provided the applicant submits to the Planning Board a certification, satisfactory to the Planning Board, by a mechanical engineer or other qualified professional registered in the State of Maine of the adequacy of the ventilation system to prevent odors from being detected beyond the boundaries of the property or an Odor Control plan. Said certification shall be submitted no later than 90 days following the effective date of this article. In the event a certification satisfactory to the Planning Board is not submitted within 90 days following the effective date of this article, the medical marijuana home occupation, medical marijuana home production facility or medical marijuana production facility shall not be authorized to operate without obtaining full Site Plan Review approval from the Planning Board pursuant to Section 6 of the Mount Vernon Land Use Ordinance.

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Deleted: . if the applicant submits certification by a mechanical engineer or other qualified professional registered in the State of Maine of the adequacy of the ventilation system to prevent odors from being detected beyond the boundaries of the property or an Odor Control plan

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