

10.29 Cannabis Establishments (Amended February 16, 2022- Effective March 14, 2022)

10.29.1 Any property line of the lot upon which a Cannabis establishment is located shall be a minimum of one thousand (1,000) feet from any property line of a lot upon which a public or private school, daycare center/nursery school, athletic field or playground is located. A “school” includes public school, private school, or public preschool program as defined in 20-A M.R.S §1, or any other educational facility including commercial schools that serve children that are less than eighteen (18) years old.

10.29.2 A Cannabis Retail Store, a Medical Cannabis Registered Caregiver Retail Store, a Medical Cannabis Registered Dispensary, or a Cannabis Nursery Cultivation Facility shall not be open for consumer transactions or other public activity between the hours of 8:00 p.m. and 8:00 a.m. unless the City Council establishes other hours of operation as part of a City Cannabis Establishment License.

10.29.3 Any property line of the lot upon which a Cannabis Retail Store, a Medical Cannabis Registered Caregiver Retail Store, a Medical Cannabis Registered Dispensary, or a Cannabis Nursery Cultivation Facility is located shall be a minimum of five hundred (500) feet from any property line of a lot upon which any other existing Cannabis Retail Store, a Medical Cannabis Registered Caregiver Retail Store, a Medical Cannabis Registered Dispensary, or a Cannabis Nursery Cultivation Facility is located. A legally existing medical Cannabis establishment at the time of adoption of this provision or an establishment that has received a City Cannabis Establishment License shall be considered an existing facility for the purpose of this limit.

10.29.4 A Cannabis Products Manufacturing Facility or a Cannabis Testing Facility shall not be located in a building or structure that contains one or more dwelling units or other residential uses. This limitation shall not apply to facilities located in a single-family home that is occupied by a Registered Medical Cannabis Caregiver.

10.29.5 An applicant that has received a conditional license from the State of Maine for a Cannabis establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City’s approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

10.29.6 A Cannabis Products Manufacturing Facility in the Intown Commercial District is only allowed if conducted within a commercial kitchen setting of less than four thousand (4,000) square feet and not using any “inherently hazardous substances” as defined by Title 285B Section 102(20) M.R.S. Chapter 558-C.

10.29.7 All Cannabis establishments shall be designed and operated in a manner that prevents Cannabis plant odors from significantly altering the environmental odor outside. Odor control can include the management of odor producing operations as well as provisions for ventilation and filtration systems.

10.29.8 All cultivation of Cannabis including but not limited to cultivation by a Licensed Cannabis Cultivation Facility, a Registered Medical Cannabis Caregiver, or an individual growing for personal use shall be conducted in accordance with the following requirements:

10.29.8.1 All cultivation and processing of Cannabis shall occur within a fully enclosed structure with solid walls and a solid roof.

10.29.8.2 The structure within which the cultivation and/or processing occur shall be designed and operated to control odors in accordance with **10.29.7**.

10.29.8.3 Any structure used for the cultivation and/or processing of Cannabis shall comply with the setbacks for the district within which it is located.

10.29.8.4 No freestanding accessory structure used for the cultivation and/or processing of Cannabis shall be located where it can be seen from a public street unless the structure is more than one hundred (100) feet from any street right-of-way.

10.29.9 Sale of all Cannabis products shall be conducted from a location permitted by The City of Gardiner. No off-site sales or sales from mobile or transient vendors shall be permitted.