

**CITY OF BELFAST CITY COUNCIL  
SECOND READING & PUBLIC HEARING  
FEBRUARY 7, 2023 7:00 P.M.  
COUNCIL CHAMBERS IN BELFAST CITY HALL**

**SECOND READING - PROPOSED AMENDMENTS  
CITY CODE OF ORDINANCES  
CHAPTER 102, ZONING  
ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS  
DIVISION 2.5 ADULT USE MARIJUANA FACILITIES**

**Notes and Information to the Public on the Proposed Amendments.**

**1) Purpose of Amendment:** The City adopted standards to regulate certain 'Adult Use Marijuana' facilities in December 2021. The currently proposed amendments do not make any substantive changes to the standards adopted in 2021. The sole purpose of the amendments is to change the identified 'Section' numbers in the Ordinance so they are more consistent with the structure of Article VIII, Supplementary District Regulations. In short, these amendments are a house-keeping matter.

**2) Recommendation of Belfast Planning Board.**

The amendments presented at Second Reading were reviewed and prepared under the direction of the Belfast Planning Board. The Planning Board conducted a public hearing on the amendments at its meeting of December 14, 2022. No public comment was received on these proposed amendments at the December 14 hearing. At this same December 14 meeting, the Planning Board voted 5-1 to recommend the amendments for Council consideration.

**3) Council Process for Consideration of Proposed Amendments.**

The proposed amendments were considered at a formal First Reading at the Tuesday, January 17, 2023 regular City Council meeting. The Council also conducted a public hearing at the First Reading, however, no public comment was received regarding this proposal.

The Council has scheduled this same amendment for Second Reading and public hearing at the regular Tuesday, February 7 meeting. The Council, at the Second Reading, has the authority to adopt, reject, revise or table the proposed amendments.

**4) How to Offer Public Comment:**

The City of Belfast and Belfast City Council encourage public comment on the proposed amendments. Any member of the public can offer comment to the City Council for this public hearing in any of the following three ways:

- a) Comment can be submitted in writing via email to [public@cityofbelfast.org](mailto:public@cityofbelfast.org). All email comment must be received by 2:00 pm on February 7, 2023. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- b) Comment can be submitted in writing via letter. The letter must be received by 2:00 pm on February 7, 2023, so it can be photocopied and presented to the Council. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- c) Comment can be orally presented to the Council at the February 7, 2023 public hearing. Oral comment should be limited to 3 minutes. The Council meeting that begins at 7:00 P.M. in the Council Chambers of Belfast City Hall, and the hearing will start as soon as practical after 7:00 pm. All oral comment must be delivered at the Council meeting; the City is not offering opportunities to offer oral comment via a ZOOM webinar to the Council.

The City notes that seating is limited in the Council Chambers. The public hearing and Council meeting can be live streamed on the City website [www.cityofbelfast.org](http://www.cityofbelfast.org), seen live on BEL TV, channel 7 or channel 1303, or heard live on Belfast Community Radio WBFY 100.9.

- 5) **Format of Amendment:** Language/text proposed to added to the existing Ordinance is shown in **Red Font**. Language/text proposed to be deleted/repealed from the existing Ordinance is shown in **Blue Strike-through Font**. Language/text in black font is existing language in the Ordinance that is not proposed to be changed through this amendment.

- 6) **Questions and Information on the Proposed Amendments.**

The complete text of this proposed amendment can be found on the City website, [cityofbelfast.org](http://cityofbelfast.org), reference Planning and Codes, February 7, 2023 Council Hearing, and a printed copy of the amendments can be inspected at the Planning and Codes offices during normal business hours, Monday - Thursday, 7:00 am - 6:00 pm. Questions regarding the proposed amendment should be directed to the Planning and Codes office at 338-3370 x 125, or by email to Wayne Marshall, Project Planner, at [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org).

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# TEXT OF PROPOSED AMENDMENT

## CHAPTER 102, ZONING

### ARTICLE VIII. SUPPLEMENTARY DISTRICT REGULATIONS

#### DIVISION ~~10 2.5~~. ADULT USE MARIJUANA REGULATIONS

##### Sec. ~~102-1200~~ 950. Purpose and Applicability.

The State Legislature, through the adoption of PL 2017, c. 409, Pt. A, §6 (NEW), 'The Marijuana Legalization Act'. ~~This act~~, requires ~~M~~municipalities to “opt in” or vote to allow certain activities and facilities associated with adult use marijuana if the municipality wants to allow such activities to operate in the municipality. The City has decided that adult use marijuana cultivation facilities, adult use marijuana manufacturing facilities, and adult use marijuana testing facilities, are appropriate activities in Belfast, provided the respective activity/use occurs in a zoning district in which the City has specifically identified the respective activity/use as a permitted use, and provided that the respective use/activity complies with the standards identified in this Division and all requirements adopted by the State of Maine. The definitions and standards identified in this Division are intended to guide how the City will regulate the above identified uses that are associated with adult use marijuana.

##### Sec. ~~102-1201~~ 951. Definitions.

The definitions identified in this Section are intended to assist in the implementation of the requirements of this Division. These definitions shall apply to activities/uses that are identified as permitted uses in certain Districts of Chapter 82, Shoreland, Article IV, Districts, and Chapter 102, Zoning, Article V, District Regulations, and are intended to supplement the definitions adopted for the City Code of Ordinances, both Chapter 66, General Provisions, and Chapter 82, Shoreland, Article I, In General. Terms specifically related to the regulation and use of adult use marijuana that are not defined in this Section shall be the same as said terms are defined by the State in ~~“The Marijuana Legalization Act”~~ PL 2017, c. 409, Pt. A, §6 (NEW).

- a. Adult use marijuana. “Adult use marijuana” means marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.
- b. Recreational marijuana. “Recreational marijuana” means adult use marijuana.
- c. Adult use marijuana product. “Adult use marijuana product” means a marijuana product that is manufactured, distributed or sold by a marijuana establishment.
- d. Cultivation or cultivate. “Cultivation” or “Cultivate” means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for

use or sale. “Cultivation” or “Cultivate” does not include manufacturing, testing or marijuana extraction.

- e.** Cultivation Facility. “Cultivation facility” means a facility licensed under this chapter to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.
- f.** Immature marijuana plant. “Immature marijuana plant” means a marijuana plant that is not a mature marijuana plant or a seedling. “Immature marijuana plant” does not include hemp as identified by the State in PL2019 c. 528.
- g.** Inherently hazardous substance. “Inherently hazardous substance” means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane, and diethyl ether. “Inherently hazardous substance” does not include any form of alcohol, or ethanol. PL 2017, c. 409, Pt. A, §6 (NEW).
- h.** Manufacturing or manufacture. “Manufacturing” or “manufacture” means the production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. “Manufacturing” or “manufacture” does not include cultivation or testing.
- i.** Marijuana Store. “Marijuana store” means a facility licensed by the State to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.
- j.** Marijuana Establishment. Marijuana establishment means a cultivation, a products manufacturing facility, a testing facility, and a marijuana store.
- k.** Mature Marijuana Plant. “Mature marijuana plant” means a marijuana plant that is flowering.
- l.** Plant Canopy. “Plant canopy” as identified in PL 2017, c. 409, Pt. A, §6 (NEW). ‘The Marijuana Legalization Act’, as may be amended from time to time, means the total surface area within a licensed premises of a cultivation facility that is authorized by the State for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant may not include

areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature m marijuana plants.

- m.** Testing Facility. “Testing facility” means a facility licensed to develop, research and test marijuana, marijuana products and other substances.
- n.** Cultivation Facility Tier 1. A tier 1 cultivation facility allows for the cultivation of not more than 30 mature marijuana plants, or not more than 500 square feet of plant canopy.
- o.** Cultivation Facility Tier 2. A tier 2 cultivation facility allows for the cultivation of not more than 2,000 square feet of plant canopy.
- p.** Cultivation Facility Tier 3. A tier 3 cultivation facility allows for the cultivation of not more than 7,000 square feet of plant canopy.
- q.** Cultivation Facility Tier 4. A tier 4 cultivation facility allows for the cultivation of not more than 20,000 square feet of plant canopy.
- r.** Cultivation Facility Nursery. A nursery cultivation facility allows for the cultivation of not more than 1,000 square feet of plant canopy.

#### **Sec. 102-~~1202~~ 952. Standards for Adult Use Marijuana Establishments.**

a) Permitted Use.

A permit application to operate an adult use ~~C~~cultivation facility, testing facility, or manufacturing facility shall only be considered by the City if the requested use is specifically identified as a permitted use in Chapter 102, Zoning, Article V, District Regulations, and if applicable, Chapter 82, Shoreland, Article IV, Districts. Said uses shall be considered **a** prohibited use in all other Zoning and Shoreland Zoning Districts.

An Adult Use Marijuana Retail Store shall be prohibited use in all Zoning and Shoreland Districts.

b) Setbacks from Public and Private Schools.

~~1)~~ Pursuant **to** PL 2017, c. 409, Pt. A, §6 (NEW), ‘The Marijuana Legalization Act’, as may be amended by the State from time to time, and as such provisions are permitted to be amended by a municipality, the City requires that any adult use marijuana establishment and all signage and advertising shall be located not less than 500 feet from the property line of a preexisting public or private school. A preexisting school is one that was in operation on the date that the Belfast Planning Board conducted its first public hearing associated with an initial Use Permit application for **an** adult use marijuana establishments. The City shall use standards adopted by the State Department of Administrative and Financial Services to determine how to apply this setback requirement. If the State Department of Administrative

and Financial Services has not adopted standards at the time that an adult use marijuana establishment submits an application, the City shall consider the premises owned or leased by the school as the boundaries of the school property.

c) Advertising and Signage

The location, type and size of sign that a marijuana establishment use may erect on a property or building shall comply with requirements identified in City Code of Ordinances, Chapter 86, Signs, and shall comply with State requirements identified in PL 2017, c. 409, Pt. A, §6 (NEW), 'The Marijuana Legalization Act'. All signage and advertising also shall comply with the setback requirements identified in Sec. 102-~~1202952~~, b); **and** this City adopted setback requirement shall supersede any greater setback requirement that may be identified in State law or regulations. With the exception of the setback requirement identified in Sec. 102-~~1202952~~b), if the requirements of the State law are more restrictive regarding signage than City requirements identified in Chapter 86, Signs, the requirements of State law shall prevail.

d) Compliance with other City Ordinances

A request for a permit to establish an adult use cultivation facility, an adult use testing facility, and an adult use manufacturing facility shall comply with all permit standards identified in the City Code of Ordinances that would apply to any application to establish a cultivation, manufacturing or testing use that would be located in the same respective zoning district.

e) Compliance with State Requirements

A request for a permit to establish a marijuana establishment shall provide evidence to the City that they have obtained or can obtain any and all required licenses, permits or similar approvals from the State of Maine, as such may be required by provisions of PL 2017, c. 409, Pt. A, §6 (NEW), 'The Marijuana Legalization Act', as such may be amended from time to time. An applicant must provide specific evidence to the City that all required State licenses, permits, and similar approvals have been obtained prior to issuance of an occupancy permit.

Once a Use Permit is granted by the Planning Board, the applicant/owner must remain in compliance with PL 2017, c. 409, Pt. A, §6 (NEW), 'The Marijuana Legalization Act' and all licenses issued by the Maine Office of Marijuana Policy. If the applicant/owner does not abide by any section of 'The Marijuana Legalization Act' then the Code Enforcement Officer shall enforce any sections that are violated.

**Sec. 102-~~1203953~~. Permit Fees.**

The fee for a permit application to establish an adult use cultivation facility, an adult use manufacturing facility or an adult use testing facility shall be the same as the City fee for a Use

Permit, Site Plan Permit, Shoreland Permit or similar permit. The City shall not assess any special or atypical fees for Planning Board consideration of a permit for any of the above uses.

**Sec. 102-954 to 102-960. Reserved.**