

Marijuana Retail Land Use Ordinance Petition Summary

Article 4 on June's ballot will allow marijuana retail stores to be licensed to operate in Bar Harbor. Town staff have indicated the licensing is a separate process from where the stores can be located.

Therefore, this petition is to identify specific locations in which marijuana retail stores may be authorized to be located within Bar Harbor. This will enable the town council to adopt the ordinance, supported by the citizens, to streamline the process and save the town time and money to implement.

This land use ordinance petition will specifically add "Marijuana Retail Stores" as a defined use and specifically limit the areas "Marijuana Retail Stores" will be allowed.

The locations will be limited to ONLY the following zones:

1. Downtown Village District I
2. Downtown Village District II
3. Bar Harbor Gateway
4. Downtown Village Transitional
5. Shoreland General Development III

Retail stores are allowed in 11+ zones in Bar Harbor. All zones that allow retail stores would be excluded from the list except for those identified above. The marijuana retail stores would be required to obtain the same approval as would be required of a retail store located within that zone.

Chapter 125 Land Use Code

Article III Land Use Activities and Standards

§ 125-21 Downtown Village I

C. Allowed uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; marijuana retail store; public information, municipal and government uses; multifamily dwelling I; restaurants and bars; theaters; galleries; services; shared accommodations (SA-1); professional offices; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; bonus dwelling unit; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

§ 125-17 Bar Harbor Gateway.

D. Uses allowed by site plan.

- (1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; marijuana retail store; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

- (3) Uses allowed by site plan review: marijuana retail store.

§ 125-21.2 Downtown Village Transitional.

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C. Allowed uses.

- (2) Uses allowed by site plan review: multifamily dwelling II; parking lot; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community; marijuana retail store.

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§ 125-49.2 Shoreland General Development III.

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- D. Uses allowed by site plan. The following uses shall be permitted by site plan review in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), marijuana retail store (provided the structure is no greater than 5,000 square feet in floor area), gallery, museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

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Article XII Construction and Definitions

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125-109 Definitions

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Marijuana Retail Store A retail establishment licensed pursuant to 28-B M.R.S. §101 *et seq.* to sell marijuana, marijuana products, immature marijuana plants, and seedling to adult use customers.