**Town of Kennebunk**  
Community Development Department

*Proposed Amendment to Zoning Ordinance*  
**Cover Sheet**

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<th>Planning Board Public Hearing Date:</th>
<th>January 27, 2020 at 7 p.m.</th>
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| **Article(s) to be Amended:**      | Article 10 Section 24. Retail Marijuana  
                                       Article 8, Section 14.B.5. Business Park District  
                                       Article 2, Section 2 Definitions |
| **Summary:**                       | This would permit retail marijuana testing facilities, licensed by the State of Maine, within the Business Park (BP) Zoning District.  
                                       This amendment only deals with retail testing facilities and would not permit any retail stores, retail manufacturing or retail cultivation of marijuana within the Town of Kennebunk  
                                       This amendment changes language from retail to adult use in order to be consistent with State law. |
| **Planning Board Action:**         | None |
Article 2, Section 2 Zoning Ordinance
Definitions

**RETAIL ADULT USE MARIJUANA**: Marijuana or marijuana concentrate that is cultivated, manufactured, distributed or sold by a retail marijuana establishment or retail marijuana social club.

**RETAIL ADULT USE MARIJUANA CULTIVATION FACILITY**: A facility or an entity licensed to cultivate, prepare and package retail marijuana and to sell retail marijuana establishments and retail marijuana social clubs.

**RETAIL ADULT USE MARIJUANA ESTABLISHMENT**: A retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, or a retail marijuana testing facility.

**RETAIL ADULT USE MARIJUANA PRODUCT**: A marijuana product that is manufactured, processed, distributed or sold by a licensed marijuana establishment or a retail marijuana social club.

**RETAIL ADULT USE MARIJUANA PRODUCTS MANUFACTURING FACILITY**: A facility or an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

**RETAIL ADULT USE MARIJUANA SOCIAL CLUB**: A facility or an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

**RETAIL ADULT USE MARIJUANA STORE**: A facility or an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

**RETAIL ADULT USE MARIJUANA TESTING FACILITY**: A facility or an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

(Article 8, Section 14 Zoning Ordinance)

Section 14. Business Park District (BP)

A. Purposes

The purpose of the Business Park District is to provide for an area centered along Route 1 where businesses can be established and grow without creating unsightly "strip development." The Comprehensive Plan establishes a goal for this area of allowing needed business growth without undue traffic congestion or giving up an attractive entry into the community. The emphasis in this district is on a mix of manufacturing, offices, and commercial activities that do not generate high volumes of traffic moving on and off Route 1.

B. Permitted Uses

The following uses are permitted in the Business Park District:

1. The following resource protection uses:
   1-1 Forest management
   1-2 Harvesting of wild crops
2. **The following institutional uses:**
   2-1 Municipal uses

3. **The following commercial uses:**
   3-1 Auto repair garages
   3-2 Business and professional offices
   3-3 Business services
   3-4 Commercial schools
   3-5 Eating places, provided that any such use which exceeds 2,000 square feet shall meet the definition of "low volume retail" in terms of its generation of traffic (see definition of Retail Sales)
   3-6 Motor vehicle retail sales and service
   3-7 Rental of equipment
   3-8 Retail sales, provided that any retail use which exceeds 2,000 square feet shall meet the definition of "low volume retail" (see definition of Retail Sales)
   3-9 Veterinary clinics
   3-10 Warehouses
   3-11 Wholesale sales

4. **The following recreation and marine uses:**
   4-1 Outdoor recreation

5. **The following industrial uses:**
   5-1 Boat building
   5-2 Manufacturing
   5-3 Research and development
   5-4 Testing facilities
   5-5 Tradesmen’s shops
   5-6 **Adult Use Marijuana Testing Facility**

(Article 10, Section 24 Zoning Ordinance)

**Section 24. ADULT USE MARIJUANA**

**A.** The following uses as defined in Article 2, Section 2 of this Ordinance and 28-B M.R.S.A. § 102, as may be amended, or any successor provisions thereof, are hereby prohibited in all zoning districts, either as principal or accessory use.

1. **Adult use** retail marijuana social clubs.
2. **Adult use** retail marijuana establishments, including the following uses:
   a. **Adult use** retail marijuana products manufacturing facilities.
   b. **Adult use** retail marijuana cultivation facilities.
   c. **Adult use** retail marijuana stores.
   d. Retail marijuana testing facilities

**B.** Adult use marijuana testing facilities, licensed by the State of Maine, are permitted in the Business Park Zoning District.