

South Portland City Council
Position Paper of the City Manager

Subject:

ORDINANCE #10-17/18 – Amending Chapter 27, “Zoning regarding Recreational Marijuana in the Western Avenue Commercial Corridor (WACC); the West End Neighborhood Center (WNC) Zone; the West End Residential District (WR) and the Meeting House Hill Community Commercial (MHCC) Zone. First reading. Passage requires majority vote.

Position:

When Ordinance #6-17/18, dated September 18, 2017 and Substitute Ordinance #7-17/18 dated September 18, 2017 were enacted, neither addressed the use of Recreational Marijuana in the recently created zones (*i.e.* West End Avenue Commercial corridor (WACC), the West End Neighborhood Center (WNC), the West End Residential District (WR), and Meeting House Hill Community Commercial (MHCC)). Staff is bringing this ordinance forward to address the affected sections in Chapter 27, “Zoning,” regarding this matter.


Planning Director Tex Haeuser will be present at Monday’s meeting to answer any questions.

Requested Action:

Council passage of first reading and set November 20, 2017 for second reading and action.



City Manager

To: Scott Morelli, City Manager
From: Tex Haeuser, Planning Director 
Cc: Josh Reny, Assistant City Manager and Economic Development Director
Mary Perry, Executive Assistant
Michele Howard, Administrative Assistant
Sally Daggett, Esq., Corporation Counsel
Date: October 31, 2017
Re: **Addition of Marijuana Uses to the Four Most Recently Created Zoning Districts**

The draft of the marijuana zoning amendments that received City Council first reading and that has had a Planning Board public hearing does not include four new zoning districts that were approved around, or, in the case of the new West End zones, at the same time as the marijuana amendments that went before the City Council. The zoning districts in question are the:

- West End Residential District (WR)
- West End Neighborhood Center District (WNC)
- Western Avenue Commercial Corridor District (WACC)
- Meetinghouse Hill Community Commercial (MHCC)

The attached zoning amendments update the City's marijuana zoning by adding marijuana uses (and controlled environment agriculture) to each of the four new zones. As these zones are all in Mixed-Use Residential zoning districts, they all add marijuana testing facilities as permitted uses, on the one hand, and controlled environment agriculture, marijuana products manufacturing facilities, and marijuana stores as special exceptions on the other. This is consistent with the framework of the existing marijuana draft.

If the City Council gives first reading approval to these amendments on November 6th (after, presumably, a second reading and adoption of the original marijuana zoning), the Planning Board will hold its public hearing for the amendments to the four new zones on November 21st. This would make the marijuana amendments for the new zoning districts available for final City Council adoption on December 4th.

Thank you.



CITY OF SOUTH PORTLAND

PATRICIA A. SMITH
Mayor

SCOTT T. MORELLI
City Manager

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY F. SCULLY
City Clerk

District One
CLAUDE V. Z. MORGAN

District Two
PATRICIA A. SMITH

District Three
EBEN C. ROSE

District Four
LINDA C. COHEN

District Five
BRAD FOX

At Large
MAXINE R. BEECHER

At Large
SUSAN J. HENDERSON

IN CITY COUNCIL

ORDINANCE #10-17/18

THE COUNCIL of the City of South Portland hereby ordains that Chapter 27, "Zoning," of the "Code of Ordinances of the City of South Portland, Maine," be and hereby is amended as follows (deletions are ~~struck through~~; additions are underlined):

CHAPTER 27

ZONING

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ARTICLE VI. RESIDENTIAL DISTRICTS (CONT.)

WEST END RESIDENTIAL DISTRICT (WR)

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Sec. 27-602. Permitted uses (WR).

The following uses shall be permitted in the West End Residential District (WR):

- (j) Personal services.
- (k) Farmers' market subject to the provisions of Sec. 27-1580.
- (l) Marijuana testing facility.

Sec. 27-603. Special exception uses (WR).

The following uses are permitted as special exceptions according to the provisions of Article XIV of this Chapter in the West End Residential District (WR):

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- (g) Accessory buildings and uses including roof-mounted solar energy systems, small- scale ground-mounted solar energy systems, and telecommunication antennas, except that such telecommunication antennas may not be placed on exempt towers.
- (h) Telecommunications tower subject to the provisions of Sec. 27-1551.
- (i) Marijuana products manufacturing facility.
- (j) Marijuana store.
- (k) Controlled environment agriculture subject to performance standards that include, but are not limited to, the design standards in Sec. 27-1572 et seq. and the pesticide restrictions in Chapter 32.

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ARTICLE VIII. MIXED USE/COMMERCIAL DISTRICTS

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WEST END NEIGHBORHOOD CENTER DISTRICT (WNC)

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Sec. 27-842. Permitted uses (WNC).

The following uses shall be permitted in the West End Neighborhood Center District (WNC):

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- (m) Places of assembly.

(n) Farmers' market subject to the provisions of Sec. 27-1580.

(o) Marijuana testing facility.

Sec. 27-843. Special exception uses (WNC).

The following uses are permitted as special exceptions according to the provisions of Article XIV of this Chapter in the West End Neighborhood Center District (WNC):

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(c) Accessory dwelling units subject to the provisions of Sec. 27-1576 *et seq.*

(d) Funeral homes.

(e) Marijuana products manufacturing facility.

(f) Marijuana store.

(g) Controlled environment agriculture subject to performance standards that include, but are not limited to, the design standards in Sec. 27-1572 *et seq.* and the pesticide restrictions in Chapter 32.

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WESTERN AVENUE COMMERCIAL CORRIDOR DISTRICT (WACC)

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Sec. 27-852. Permitted uses (WACC).

The following uses shall be permitted in the Western Avenue Commercial Corridor District (WACC):

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(k) Multifamily residential alone and as part of a mixed use development.

(l) Charitable and philanthropic organizations.

(m) Marijuana testing facility.

Sec. 27-853. Special exception uses (WACC).

The following uses are permitted as special exceptions according to the provisions of Article XIV of this Chapter in the Western Avenue Commercial Corridor District (WACC):

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- (l) Restaurants open 24 hours.
- (m) Telecommunications tower subject to the provisions of Sec. 27-1551.
- (n) Marijuana products manufacturing facility.
- (o) Marijuana store.
- (p) Controlled environment agriculture subject to performance standards that include, but are not limited to, the design standards in Sec. 27-1572 et seq. and the pesticide restrictions in Chapter 32.

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MEETINGHOUSE HILL COMMUNITY COMMERCIAL MHCC

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Sec. 27-862. Permitted Uses (MHCC).

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- (f) *Other:*
 1. Accessory uses, including but not limited to accessory energy generation facilities.
 2. Multiple/Mixed uses.
 3. Studios for artists and craftspeople.
 4. Marijuana testing facilities.

Sec. 27-863. Special Exceptions uses (MHCC).

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(b) *Commercial:*

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2. Motor vehicle repair shops provided that no unlicensed vehicles, or junked or wrecked vehicles will be permitted to be parked or stored on the premises, and no trucks, trailers, or buses will be permitted to remain parked upon the premises unless being worked upon or being serviced by employees of the shop.
3. Farmers' markets subject to the provisions of Sec. 27-1580 et seq.
4. Marijuana store.

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(f) Other:

1. Marijuana products manufacturing facility.
2. Controlled environment agriculture subject to performance standards that include, but are not limited to, the design standards in Sec. 27-1572 et seq. and the pesticide restrictions in Chapter 32.

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Fiscal Note: Less than \$1,000

November 6, 2017