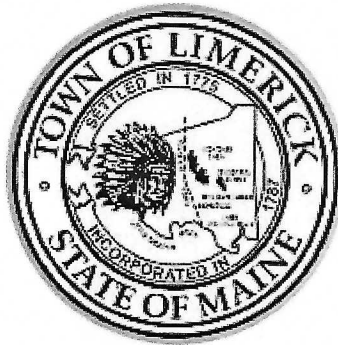


**TOWN OF LIMERICK  
ZONING ORDINANCE**



**MARCH 2021**

**Proposed changes for March 2022**

## Article V - District Regulations

A. In each district, uses and conditional uses shall be those shown on the following table:

KEY: P = Permitted C = Conditional Use NP = Not Permitted

Land Use	Res	RF&F	Bus	B/I	Lake (LD)	Arrowhead Residence (LA)
Airplane Runways	P3	P	P	P	NP	NP
Antique Shops	C	P	P	P	C	NP
Automobile Graveyards*, Junkyards*	NP	NP	NP	NP	NP	NP
Bed & Breakfast*, Inn*	P2	C	P	NP	C	NP
Bulk Storage & Distribution & Dry Storage	C	P	P	P	NP	NP
Business Offices*	NP	P3	P	P	C	C
Campgrounds*	NP	C	NP	NP	C	NP
Cemeteries	P	P	NP	NP	NP	NP
Churches	P	P	P	P	NP	NP
Communication Towers*	C	C	C	P	C	C
Construction Trades*	NP	P	P	P	NP	NP
Daycare & Nursery Schools (A)*	C	C	P	P	C	C
Daycare & Nursery Schools (B)*	P	P	P	NP	C	C
Domestic Animal Services*	C	P	P	P	NP	NP
Farming	NP	P	P6	P	NP	NP
Financial Institutions*	NP	C	P	P	NP	NP
Flea Markets*	NP	C	P	P	NP	NP
Funeral Homes	P3	P3	P	P	NP	NP
Forestry Products Industry*	NP	P	P	P	NP	NP
Government/Municipal Facilities*	P	P	P	P	P	P
Home Occupations*	P	P	P	NP	C	C
Hospitals	NP	C	P	P	NP	NP
Housing for the Elderly*	C	C	P	NP	NP	NP
Kennels*, Exotic Animals & Animal Shelters	NP	C	C	C	NP	NP
Lawyer's Office, Law Real Estate & Insurance Office	P3	P	P	P	NP	C
Manufacturing*	NP	C	C	P	NP	NP
Marijuana – Retail Cultivation Facilities**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Products Manufacturing Facilities**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Stores**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Testing Facilities**	NP	NP	NP	NP	NP	NP
Marijuana Testing Facilities**	NP	NP	NP	NP	NP	NP
Marinas	C	C	P	P	C	C
Medical Marijuana Medical Provider	NP	NP	P	NP	NP	NP
Medical Marijuana Cultivation Facility	NP	NP	P	NP	NP	NP

#### M. New/Used Car Lots

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.
2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.
3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations and dismantled or stored vehicles from view of any dwelling or public right-of-way. Such vegetative screen shall have a mature height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species or construction of an eight (8) foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.
4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

#### N. Marijuana

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs are expressly prohibited as either a principal use or an accessory use in the Town of Limerick.

No person or organization shall develop or operate a business that engages in retail sales of marijuana or any retail marijuana product, both as defined by 7 M.R.S.A. § 2442.

This prohibition does not include the growing or distribution of Medical Marijuana as allowed by 22 M.R.S.A. Chapter 558-C. It also does not include personal use of marijuana or home cultivation of marijuana for personal use as allowed by 7 M.R.S.A. § 2452.

#### Medical Marijuana

Purpose: The purpose of this section of the ordinance is to ensure that all cultivation, processing, storage, and distribution of medical marijuana does not have an adverse impact on the health, safety, and general welfare of the residents of the Town of Limerick, while still allowing for treatment and alleviation of a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed

in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zone following the rules of Home Occupation Article VI Section L. Medical marijuana caregivers not required to register with the State and qualifying patients are not regulated under this section.

1. Medical Marijuana Home Production Facilities: are permitted within the caregiver's primary year-round residence as a home occupation subject to the following performance standards, in addition to the requirements of the districts in which the caregiver use is located:
  - a. The caregiver shall be least twenty-one (21) years of age;
  - b. The caregiver resides in the dwelling unit as his/her primary year-round residence in conformance with the Maine Medical Use of Marijuana State Administrative Rules or as otherwise specified in Maine statutes and/or administrative rules;
  - c. A caregiver who does not own his or her primary residence shall obtain notarized written permission from the property owner prior to cultivating marijuana and shall make the written permission available to the Code Enforcement Officer.
  - d. Caregivers shall cultivate medical marijuana within an enclosed, locked building or within an outdoor area which is accessible only by the individual authorized to cultivate the marijuana in conformance with the Maine Medical Use of Marijuana State Administrative Rules or as otherwise specified in the Maine statutes and /or administrative rules.
  - e. Medical Marijuana shall be distributed to medical marijuana patients within an enclosed building. Drive thru, drive-up or window service is prohibited.
  - f. No exterior evidence of cultivation, including signs, shall be visible from a public way or area. Marijuana plants shall be entirely screened from common visual observation from a public way or area by trees, plantings, or a solid fence at least six (6) feet or taller in height, density and depth sufficient to accomplish complete screening of plants from ordinary view. Should the plants grow higher than the screening such they are visible from a public way or area, either the plants shall be cut to not extend higher than the screening or the individual who is authorized to cultivate the marijuana shall install additional screening sufficient to conceal the plants from public view within ten (10) days of notification of the violation by the Code Enforcement Officer.
  - g. Compliance with health and safety codes. The primary residence, outbuilding, garage, or other structure where marijuana is grown, cultivated, processed, and/or stored shall meet all applicable requirements of the adopted building code, electric, fire and other health safety and technical codes.

- h. Ventilation and odor management. Any primary residence, outbuilding, garage, or other structure used for cultivation shall have proper ventilation according to NFPA (National Fire Protection Agency) regulations to prevent mold damage and to prevent odors or particles from becoming a nuisance to surrounding properties or the public.
- i. Gases. The use of gas products for extraction processes, including but not limited to carbon dioxide, sulfur dioxide and butane, and ozone generators are prohibited.
- j. Dispensing of medical marijuana to medical marijuana patients shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day.
- k. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.

2. Medical Marijuana Production Facility: are permitted in the Business Zone subject to the following performance standards, in addition to the requirements of the State of Maine;

- a. Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are only allowed in the Business zone with a Conditional Use Permit from the Planning Board.

They shall not be located: on parcels of land with a lot line located within 500 linear feet of any pre-existing public or private school facility, or any pre-existing and licensed day-care center or day-care home, public park, public playground, athletic field, juvenile or adult halfway house, correctional facility, other Marijuana production facilities, substance abuse rehabilitation or treatment center or church. Applications for such public or private schools, child care providers, parks, playgrounds, or churches which are proposed within 500 feet of any existing medical marijuana production facility shall be required to sign a form, which may be obtained from the Code Enforcement Office, which indicates that they are aware that an existing medical marijuana production facility is located within 500 feet of their proposed site.

- b. Fire suppression will be required in conformance with the most current version of NFPA 1 Chapter 38 and the current State of Maine adopted version of NEC (National Electrical Codes) standards.
- c. All Marijuana Cooperatives and Production Facilities shall submit an Odor Control Plan with the site plan application.

Odor Control Plans shall consist of the following:

- 1) Specific odor- emitting activity(ies) – This section of the plan should

- describe the odor emitting activities or processes (e.g., cultivation) that take place at the facility, the source(s) (e.g., budding plants) of those odors, and the location(s) from which they are emitted (e.g., flowering room).
- 2) Odor Mitigation Practices – For each odor emitting source/ process outlined in Section 1 of the odor control plan, specify the administrative and engineering controls the facility will implement to control odors. The best odor control technology for marijuana cultivation facilities is carbon filtration.
- d. Parking: The property shall provide the minimum parking as defined in this ordinance, and such additional parking as may be required by the Planning Board.
- e. Security: All growing of medical marijuana within a production facility shall occur inside and only within a completely enclosed structure. A greenhouse is a structure. This does not apply to home growing of medical marijuana. The building shall be constructed with a security system with recordable video surveillance and connected to 911. Exterior lighting must be sufficient to deter nuisance activity and facilitate surveillance. The Planning Board may require a chain link fence or solid fence, six feet in height, surrounding the building (s) and parking area. All security measures shall be consistent with State requirements. Security cameras may be required around the perimeter of the structure.
- f. Operating hours of the property:  
1) Dispensing of medical marijuana products and materials is prohibited  
2) Deliveries shall not take place prior to 7:00 a.m. and no later than 8:00 p.m. on any day.
- g. Signs: All signage and advertising for any facility responsible for the cultivation, manufacturing, sale or distribution of marijuana are prohibited. Outdoor displays, window displays, or displays visible from the outside of the building intended to attract attention to or generate interest in the uses on the property shall be prohibited.
- h. Drive through, drive up, or window services are prohibited.
- i. All activities of marijuana establishments shall be conducted indoors.
- j. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.
- k. Annual safety inspections by the Fire Department and Code Enforcement Office shall be conducted. A fee set by the Board of Selectmen will be

associated with these inspections.

1. Extraction of marijuana concentrates, such as but not limited to oil, butter, wax or shatter shall not be permitted.

3. Medical Marijuana Qualifying Patient and/ or Caregiver: A qualifying caregiver is not required to be registered with the state. This caregiver is limited to serving no more than 2 qualifying patient household members or family members. These caregivers are not allowed to sell marijuana wholesale, organize as a business entity or operate a retail store. This is considered an accessory use to a legally permitted residential dwelling unit. This does not require a Conditional Use Permit from the town. Any electric wiring requires a permit and must follow all electric code requirements.

A fee of \$500.00 shall be assessed annually retroactive to January 1, 2022. Fee adjustments may be set by the Board of Selectmen.

## O. Town of Limerick Large Scale Water Ordinance

### I. PURPOSE

The intent and purposes of this ordinance are:

- to protect the quality and quantity of groundwater, spring water and/or water in aquifers and their recharge areas located wholly or partially within the Town of Limerick
- to ensure that any large scale water extraction is subjected to prior review and approval so as to establish the ongoing sustainability and quality of said water supplies and the avoidance of any interruption or degradation of water quality and quantity to members of the general public within the Town of Limerick
- to generally protect the health, safety and welfare of persons dependent upon such water supplies
- to protect all private and public property, including all structures and facilities, and to ensure no degradation of existing or new roadways
- to guarantee that any water extraction does not impair vegetative growth, including forested areas, and to ensure the continuing stability and health of topsoil and surface land, especially in the extraction area

### II. AUTHORITY

These regulations are adopted pursuant to 22 M.R.S.A. § 2642 (“Municipal Regulations Authorized”) and 30-A M.R.S.A. § 3001.

Other Maine statutes referenced in this document:

- 38 M.R.S.A. § 404
- 22 M.R.S.A. § 2660-A