

Marijuana Business
chapter 225 Land Use
(See chapter 150 for licensing requirements)

- ❖ Caregivers, Registered Caregivers, and Qualifying Patients as defined under Title 22 §2422 and operating under Title 22 §2423-A are not “Marijuana Businesses” subject to and regulated by the following chapter 225 definitions (see Title 22)
- ❖ Personal use Marijuana is not regulated subject to chapter 225
- ❖ All references to a “License” in the following definitions mean “Licensed subject to chapter 150 of the Town Code”
- ❖ The following definitions apply only to chapter 225, the definitions in chapter 150 and State statute may be different

MARIJUANA BUSINESS

A marijuana cultivation facility, a marijuana products manufacturing facility, a marijuana testing facility, or a registered caregiver retail store.

MARIJUANA CULTIVATION FACILITY

A facility licensed to cultivate, prepare and package adult use and/or medical marijuana and to sell adult use and medical marijuana to marijuana manufacturing facilities, marijuana stores, and other cultivation facilities. A marijuana cultivation facility is not authorized as an accessory use, and only where expressly allowed as a permitted use.

MARIJUANA PRODUCTS MANUFACTURING FACILITY

A facility licensed to purchase adult use and/or medical marijuana from a marijuana cultivation facility or another marijuana products manufacturing facility; to manufacture, label and package adult use and/or medical marijuana products; and to sell adult use and/or medical marijuana products to other marijuana products manufacturing facilities and to marijuana stores. A marijuana products manufacturing facility is not authorized as an accessory use, and only where expressly allowed as a permitted use.

MARIJUANA TESTING FACILITY

A medical marijuana testing facility or adult use marijuana testing facility, as described within this definition. A marijuana testing facility is not authorized as an accessory use, and only where expressly allowed as a permitted use:

- A. **ADULT USE MARIJUANA TESTING FACILITY** A facility licensed under Chapter **150** of the Topsham Code to develop, research and test adult use marijuana, marijuana products and other substances.
- B. **MEDICAL MARIJUANA TESTING FACILITY** A public or private laboratory that:

- (1) Is authorized in accordance with 22 M.R.S.A. § 2423-A, Subsection 10, to analyze contaminants in and the potency and cannabinoid profile of samples; and
- (2) Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

REGISTERED CAREGIVER RETAIL STORE

A facility operated by a single medical marijuana registered caregiver and licensed to sell harvested marijuana to qualifying patients for the patients' medical use and may include an area for consultation with patients. A registered caregiver retail store is not authorized as an accessory use, and only where expressly allowed as a permitted use.

ZONING

225 Attachment 1

Town of Topsham

Table of Use Regulations

[Amended 11-17-1992 STM, Art. 2; 5-18-1994 STM, Art. 19; 5-15-1996 STM, Art. 31; 1-30-1997 STM, Art. 8; 5-21-1997 STM, Art. 31; 11-18-1997 STM, Art. 6; 11-18-1997 STM, Art. 8A; 5-19-1999 STM, Art. 13; 5-17-2000 STM, Art. 15; 5-20-2004 STM, Art. 17; 5-24-2006 STM, Art. 11; 5-24-2006 STM, Art. 14; 5-24-2006 STM, Art. 15; 12-13-2006 STM, Art. 9; 5-24-2007 STM, Art. 15; 1-23-2008 STM, Art. 3; 11-13-2008 STM, Art. 6; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 13; 5-20-2009 STM, Art. 15; 5-19-2010 STM, Art. 13; 11-2-2010 ATM, Art. 3;¹ 2-16-2011 STM, Art. 3; 2-16-2011 STM, Art. 5; 5-15-2013 STM, Art. 14; 9-25-2013 STM, Art. 5; 5-14-2014 STM, Art. 10; 5-20-2015 STM, Art. 12; 5-18-2016 STM, Art. 12; 5-15-2019 STM, Arts. 10, 17, 21, 22]

Land uses permitted in each zone, in conformance with the general performance standards in Article VII and, where appropriate, the specific performance standards of Article VIII, are shown in the following table:

P = Permitted use (may require site plan review)
 C = Conditional use (may require site plan review)
 X = Not permitted

| Use | District | | | | | | | | | | | | | | | | | |
|-----------------------------------|----------|-----|-----|----|-----|-----|-----|--------------------|----|--------|---|-----|----|----|----|----|----|-----|
| | R-1 | R-2 | R-3 | CC | RCU | MUL | MUC | MUC-1 | BP | CC 196 | I | BP2 | R4 | LI | VC | MV | LV | R2B |
| Accessory use ⁴ | P | P | P | P | P | P | P | C | P | P | P | P | P | P | P | P | P | P |
| Addiction treatment facility | X | X | X | X | X | X | C | X | C | X | X | X | X | X | X | X | X | X |
| Adult entertainment establishment | X | X | X | C | X | X | C | X | X | X | X | X | X | X | X | X | X | X |
| Agriculture | X | P | P | P | P | C | P | C | C | C | C | X | X | C | X | X | X | P |
| Amusement facility | X | X | X | C | C | C | C | C ¹¹ | X | X | X | C | X | C | X | X | C | X |
| Amusement park | | | | | | | | | | | | X | X | X | X | X | X | X |
| Animal husbandry | X | C | P | X | X | C | X | X | X | X | X | X | X | C | X | X | X | C |
| Aquaculture | X | X | X | X | X | X | X | X | X | X | P | X | X | C | X | X | X | X |
| Auto sales | X | X | X | P | C | X | C | C ^{11,13} | X | C | C | X | X | C | C | X | X | X |
| Auto salvage | X | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |
| Batch plant | | | | | | | | | | | | X | X | C | X | X | X | X |
| Bed-and-breakfast | C | C | C | C | P | X | P | C ¹¹ | X | C | X | X | C | P | C | C | P | C |
| Boardinghouse | C | C | C | C | P | P | P | C ¹¹ | X | X | X | X | C | P | C | C | P | C |
| Boathouse | P | P | P | C | P | P | P | X | X | X | P | X | X | X | X | X | C | P |
| Bulk fuel storage | X | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |
| Campground | X | X | P | X | X | C | X | X | X | X | X | X | X | X | X | X | X | X |
| Cemetery | P | P | P | X | X | P | X | X | X | X | X | X | X | X | X | X | X | P |

¹ Editor's Note: This article also provides for a retroactive effective date of 4-1-2010 and states that any permit application pending before or issued by the Planning Board on or after date that does not conform to the amendments made by said Art. 3 shall be null and void.

TOPSHAM CODE

| Use | District | | | | | | | | | | | | | | | | | |
|--|----------|-----|----------------|----------------|----------------|----------------|-----------------|--------------------|----|--------|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----|
| | R-1 | R-2 | R-3 | CC | RCU | MUL | MUC | MUC-1 | BP | CC 196 | I | BP2 | R4 | LI | VC | MV | LV | R2B |
| Church | P | P | P | P | P | P | P | C ¹¹ | P | P | X | P ²¹ | P ²¹ | P ²¹ | P ²¹ | P ²¹ | P ²¹ | P |
| Club | C | C | X | C | C | C | C | C ¹¹ | X | X | X | C | X | P | C | X | C | C |
| Cogeneration of power as accessory use | X | X | X | X | X | X | X | X | X | X | P | X | X | C | X | X | X | X |
| Commercial composting | X | X | X | X | X | X | X | X | X | X | P | X | X | C | X | X | X | X |
| Commercial recreational facility | X | X | C | C | C | C | C | C ¹¹ | C | C | X | C | X | C | C | X | C | X |
| Commercial recycling, to include paper, plastic glass, metal, wood tires | X | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |
| Concrete product manufacturing | | | | | | | | | | | | X | X | P | X | X | X | X |
| Day care/preschool | C | C | P | P | P | P | P | C ¹¹ | P | P | C | P | C | P | P | C ⁷ | P | C |
| Dwelling, single-family | P | P | P | P ¹ | P ⁶ | P ⁵ | X | C ^{1,11} | X | P | X | X | P | P ²² | X ²² | P | P ²² | P |
| Dwelling, two-family | P | P | P | P ¹ | P ⁶ | P | X | C ^{1,11} | X | P | X | X | P | P ²² | P ²² | P | P ²² | P |
| Dwelling, multifamily | P | P | P ² | P ¹ | P ⁶ | P | P | C ^{1,11} | X | X | X | X | P | P ²² | P ²² | P | P ²² | P |
| Electrical power generation | X | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |
| Elderly housing | P | P | P | P | P | P | P | C ¹¹ | X | C | X | X | P | P | P | P | P | P |
| Extractive industry | X | X | C | X | X | C | X | X | X | X | P | X | X | X | X | X | X | X |
| Fairground | C | X | P | X | X | C | X | X | X | X | X | X | X | X | X | X | X | X |
| Food Processing | X | X | X | C | C | C | C | C | P | P | P | C | X | P | X | X | X | |
| Forest management | P | P | P | P | P | P | P | C | P | P | C | X | X | P | P | P | P | P |
| Gasoline sale | X | X | X | P | P | X | C ¹⁰ | X ^{11,15} | X | C | P | X | X | P | X | X | X | X |
| Golf Course | X | X | P | X | X | P | X | X | X | X | X | X | X | X | X | X | X | X |
| Heavy equipment repair | X | X | X | X | X | X | X | X | X | X | P | X | X | C | X | X | X | X |
| Home occupation | P | P | P | P | P | P | P | P | X | P | P | X | P | P | P | P | P | P |
| Home occupation, major | X | C | C | P | P | P | X | X | X | C | P | X | X | P | X | X | C | C |
| Hospital/nursing home/congregate care | C | C | C | X | C | C | X | X ¹¹ | X | X | P | C | X | P | X | X | C | C |
| Hotel/motel | X | X | X | C | C | C | C | C ¹¹ | C | C | X | C | X | C | C | C | C | X |
| Inn | C | C | C | C | P | C | C | C ¹¹ | X | C | X | P | X | C | C | C | C | C |
| Junkyard/automobile graveyard | X | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |
| Kennel | X | X | P | X | P | C | X | X | X | X | X | X | X | X | X | X | X | X |
| Lab/research facility | X | X | X | C | C | C | C | C ¹¹ | P | P | P | P | X | P | P | X | C | X |
| Manufacturing, heavy | X | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |
| Manufacturing, light | X | X | X | C | C | C | C | C ¹¹ | P | P | P | C ²⁴ | X | P | X | X | C | X |
| Marijuana cultivation facility | X | X | X | P | P | X | P | X | P | P | P | X | X | X | X | X | X | X |
| Marijuana product manufacturing | X | X | X | P | P | X | P | X | P | P | P | X | X | X | X | X | X | X |
| Marijuana testing facility | X | X | X | P | P | X | P | X | P | P | P | X | X | X | X | X | X | X |

ZONING

| Use | District | | | | | | | | | | | | | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------|---------------------|-----------------|---------------------|-----------------|
| | R-1 | R-2 | R-3 | CC | RCU | MUL | MUC | MUC-1 | BP | CC 196 | I | BP2 | R4 | LI | VC | MV | LV | R2B |
| Marina | X | X | C | P | P | X | P | X | X | X | P | X | X | X | X | X | P | X |
| Medical clinic | X | X | X | P | P | C | P | C ¹¹ | P | P | X | P | X | P | P | C ⁷ | P | X |
| Mixed-use building | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ²⁶ | p ^{22, 26} | p ^{22, 26} | p ²⁶ | p ^{22, 26} | p ²⁶ |
| Mobile food service | X | X | X | P | P | P | P | P | P | P | P | P | X | P | P | X | P | C |
| Museum | C | C | C | P | P | P | P | X | X | X | P | P | X | P | P | C | P | C |
| Motor vehicle services/repair | X | X | X | P | C | X | C | C ¹¹ | X | C | P | X | X | C | C ¹⁹ | X | X | X |
| Natural resource related business | X | C ⁸ | C ⁸ | C | P | X | P | X | X | C | P | P | X | P | C | X | X | C ⁸ |
| Neighborhood grocery store | C | C | C | P | P | C | P | C ¹¹ | X | X | P | p ²³ | X | P | p ²³ | X | p ²³ | C |
| Office buildings as accessory uses | X | X | X | X | X | X | X | C ¹¹ | P | P | P | P | X | P | P | X | P | X |
| Paper de-inking | X | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |
| Piers, docks, wharves and uses projecting into waterbodies | P | P | P | X | X | P | X | X | X | X | P | X | X | X | X | X | P | P |
| Planned commercial development | X | X | X | P | P | P | P | X | P | X | P | P | X | C | P | X | P | X |
| Planned mixed use development | X | X | X | X | X | X | X | P | X | X | X | X | X | C | C ²² | X | X | X |
| Planned residential development | X | X | X | X | X | P | P | X | X | X | X | X | P | C | X | X | X | X |
| Printing | X | X | P | P | P | X | P | C ¹¹ | C | C | P | P | X | P | P | C ⁷ | P | X |
| Professional office | C | C | C | P | P | C | P | C ¹¹ | P | P | X | P | C ⁷ | P | P | C ⁷ | P | C |
| Public facility | C | C | C | P | P | P | P | C ¹¹ | P | P | P | P | P | P | P | C | P | C |
| Public utility facility | C | C | C | C | C | C | C | C ¹¹ | C | C | C | P | P | P | P | C | C | C |
| Public water utility facilities | X | P | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Registered caregiver retail store | X | X | X | P | p ²⁷ | X | P | X | X | P | X | X | X | X | X | X | X | X |
| Restaurant | X | X | X | P | P | P | P | C ¹¹ | C | C | X | P | X | P | P | X | P | X |
| Restaurant, fast-food | X | X | X | C | X | X | C | X ¹¹ | X | X | X | X | X | C | C | X | X | X |
| Retail business | X | X | X | P | C | C ³ | P | C ^{11, 12} | X ¹⁶ | C ¹⁸ | P | C | X | p ²⁰ | P | C ⁷ | P | C ²⁵ |
| Reuse of an existing agricultural building for non-res. use | C | C | C | C | C | C | X | X | X | X | P | X | X | C | X | X | X | C |
| Rural entrepreneurial use | X | C | C | X | X | X | X | X | X | C | P | X | X | C | X | X | X | C |
| Sawmill | X | X | C | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X |
| Schools | P | P | C | P | P | C | P | C ¹¹ | C | C | X | P | P | P | C | C ⁷ | P | P |
| Seasonal retail sales | P | P | P | P | P | P | X | X | X | X | X | P | P | P | P | P | P | C |
| Service business | X | X | X | P | C | C | P | C ¹¹ | P | P | P | P | X | P ⁷ | P | C ⁷ | P | C ²⁵ |

TOPSHAM CODE

| Use | District | | | | | | | | | | | | | | | | | | |
|--------------------------------------|----------|-----|-----|----------------|-----|-----|-----|---------------------|-----------------|----------------|---|-----|----|----|----|----|----|-----|---|
| | R-1 | R-2 | R-3 | CC | RCU | MUL | MUC | MUC-1 | BP | CC 196 | I | BP2 | R4 | LI | VC | MV | LV | R2B | |
| Small wind energy conversion systems | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Stable | X | X | P | X | X | C | X | X | X | X | X | X | X | C | X | X | X | X | X |
| Transmission tower ⁹ | X | C | C | C | P | C | C | X | C | C | P | X | X | X | X | X | X | X | C |
| Trash-to-energy incinerator | X | X | X | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X | X |
| Veterinary hospital | X | X | P | P | P | P | P | X | P | P | X | C | X | C | C | X | C | C | X |
| Wholesale business | X | X | X | P | C | X | P | C ^{11, 14} | P ¹⁷ | P ³ | P | X | X | P | X | X | P | X | X |
| Warehousing; storage, distribution | X | X | X | C ⁸ | C | X | C | C ^{11, 14} | C ¹⁷ | C ³ | P | C | X | C | X | X | X | X | X |
| Yard sale | P | P | P | P | P | P | P | X | X | P | X | X | P | C | P | P | P | P | P |

P = Permitted use (may require site plan review)

C = Conditional use (may require site plan review)

X = Not permitted

NOTES:

¹ Permitted only on second story or above unless the use is part of a planned mixed-use development approved in accordance with § 225-60.7.

² Use permitted only in conformance with cluster development provisions of § 225-43 of this chapter.

³ Maximum of 10,000 square feet of gross floor area per building.

⁴ An accessory use to a site plan review use shall also require a site plan review. An accessory use to a conditional use shall also require a conditional use permit.

⁵ Only as part of a planned residential development.

⁶ If developed in accordance with the cluster provisions of § 225-43 of this chapter, lots not fronting on Lewiston Road or Augusta Road shall be allowed with 100 feet of frontage and a front setback of 25 feet, side setback of 25 feet and a rear setback of 25 feet. Cluster development in RCU Zones shall maintain and protect the existing vegetation in all setbacks, except as otherwise provided for in this Code.

⁷ Maximum 1,250 square feet of commercial space within existing and new structures and no exterior storage and must have a facade of the scale to the majority of the residential buildings in the neighborhood. In the Middle Village and the Residential 4 Zones, shall be an accessory use to a residential use.

⁸ Maximum 5,000 square feet.

⁹ If the proposal is for collocating a tower, only CEO approval is necessary. No new towers are allowed in the R-1, BP2, R4, LI, VC, MV and LV Zones. Collocation on existing towers or structures is allowed. The transmission towers listed in § 225-60.3B are exempt from this prohibition.

¹⁰ Allowed as conditional use when accessory to retail facility of at least 50,000 square feet and subject to the performance standards in § 225-44.

¹¹ Notwithstanding its designation in the table, this use is a permitted use if it is part of an approved planned mixed-use development.

¹² Retail businesses in the MUC-1 Zone are subject to the additional standards found in 225-60.8.

¹³ On lots of three (3) acres or more unless the use is part of a planned mixed-use development approved in accordance with 225-60.7.

¹⁴ Any individual use is limited to a maximum of 100,000 square feet of floor area.

¹⁵ Not more than two facilities involving the sale of gasoline may be permitted in the MUC-1 Zone.

¹⁶ Retail sales that are accessory to an allowed use are permitted provided that the floor area devoted to retail use including storage for the retail activity does not exceed more than ten (10) percent of the gross floor area of the building and all sales activity occurs entirely within the building.

¹⁷ Any individual use is limited to a maximum of 350,000 square feet of floor area.

¹⁸ Maximum of 6,500 square feet per use.

¹⁹ Permitted as an accessory use to auto sales.

²⁰ Limited to 15,000 square feet per lot.

²¹ When feasible, parking must be a shared arrangement with nearby parking lots or utilize on-street parking where allowed.

²² Residential uses are not allowed on the first floor of buildings fronting Rt. 201 in the Lower Village, Village Center and Limited Industrial Zones. Freestanding single-family dwellings are not

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allowed in the Village Center Zone.

²³ Gasoline sales are not allowed as an accessory use.

²⁴ No outdoor storage of any raw materials, work product or finished products.

²⁵ Limited to 3,000 square feet of total floor area.

²⁶ Uses within a mixed use building are permitted when permitted in the underlying zoning district or conditional when conditional in the underlying zoning district.

²⁷ Only permitted in the RCU Zone along the Route 196 Corridor, not an allowed use in the RCU Zone along the Route 201 Corridor.