

Amendments for November 2018

Amendment 1 – Village Overlay District – 4:1 ratio residential to non-residential

6.4.2.6 Building Standards and Features

E. Residential uses on the first floor of a building shall be allowed in nonconforming structures in existence prior to May 12, 2015. However, first floor residential uses of nonconforming structures shall not be allowed if the building’s footprint is expanded by ~~30%~~ **10%** or more.

F. All residential uses in new buildings shall **be**:

- **be** reviewed by the Planning Board as a conditional use; and
- ~~is~~ **be** consistent with the terms of the Comprehensive Plan, which includes the Berwick Downtown Vision Report and Implementation Plan; and
- **not exceed a 4:1 ratio of residential to non-residential use measured by constructed floor space. This statistic is tracked by the Planning Department and updated as new permits are issued;**

This ratio pertains to the 7.7-acre parcel formerly known as Prime Tanning and structures contained with frontage on Wilson Street, School Street, and Sullivan Street.

Amendment 2 – Medical Marijuana: 2 Definition and use table amendments and new Performance Standards.

~~Retail Use Marijuana~~ **Recreational Marijuana Retail**: Means the cultivation, manufacture, distribution or selling of marijuana by a retail marijuana establishment **for recreational consumption** as referenced in MRS 7, Section 2442

Medical Marijuana Dispensary: A ~~not for profit~~ entity registered pursuant to Section 6 of the State of Maine 10-144 CMR Chapter 122 Rules Governing the Maine Medical Use of Marijuana Program that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients.

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Medical Marijuana Cooperative	X	X	C*	X	C*	X	X	X	X	X
Medical Marijuana Production Facility	X	X	C*	X	C*	X	X	X	X	X

C indicates the use must come before the Planning Board for a Conditional Use.

X means the use is not allowed in the particular zone.

*** Indicates this use has specific performance standard in Article VIII that must be met.**

8.25.6 Location Requirements

Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are allowed in the R3 Zone only on properties which have frontage on Route 9 or 4.

8.25.7 Performance Standards

A. Signage and advertising. All signage and advertising for any facility responsible for the cultivation, manufacturing, sale or distribution of marijuana shall comply with all applicable provisions of the Land Use Ordinances.

B. Cultivation. If marijuana and/or products containing marijuana are sold on the same site, the cultivation area shall be no greater than 50% of the total floor area of the building.

C. Consumption.

- Pursuant Maine LR 2395 section 1501 subsection 2, marijuana in the Town of Berwick may only be consumed in a private residence or on private property. Such private property must not generally be accessible to the public and the consumption of marijuana or marijuana products must be explicitly permitted by the property owner. All other consumption limitations in Maine LR 2395 Section 1501 Subsection 2 shall apply in the Town of Berwick.**

D. Visibility of activities. All activities of dispensaries, cultivation facilities, processing facilities and marijuana establishments shall be conducted indoors.

Amendment 3 – Multiple Manufactured Homes/Mobile Homes on Individual Lots

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Multiple Manufactured Homes/Mobile Homes on Individual Lots	C	P	P	X	C	P	P	X	X	X

C indicates the use must come before the Planning Board for a Conditional Use.

X means the use is not allowed in the particular zone.

P indicates that the use is allowed but must be permitted through the Code Enforcement Officer.

Amendment 4 – Farm Animals defined and regulated through the definition

Animal Farm: Any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

Cattle: One bovine animal unit per acre of cleared hay-pasture land.

Horse: 1.5 animal units per acre of cleared hay/pasture land.

Sheep: Three animal units per acre of cleared hay/pasture land.

Swine: Two animal units per acre of cleared land.

Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animal

Amendment 5 – Larger buildings require Conditional Use regardless of use.

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
<u>Non-Residential Buildings > 5,000 square feet</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>

C indicates the use must come before the Planning Board for a Conditional Use.

X means the use is not allowed in the particular zone.

Amendment 6 – Odor Control

7.7 Odor

No use may, as a result of normal operation, regularly emit odors that are offensive or harmful by reason of their character, intensity, or duration, and that are perceptible beyond the lot line. No odor may be considered offensive if it is commonly associated by way of character, intensity, or duration with a permitted use in the zoning district in which it is located. Odors commonly associated with a permitted use may not be perceptible beyond the zoning district boundary unless the use is permitted in an adjacent zoning district.