

FINAL

AMENDED
October 19, 2015
November 2, 2015
December 7, 2015

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 34

Bill No. 96-15

Introduced by Mr. Smith, Vice Chairman
(by request of the County Executive)

By the County Council, September 21, 2015

Introduced and first read on September 21, 2015
Public Hearing set for and held on October 19, 2015
Public Hearing on AMENDED BILL set for and held on November 2, 2015
Public Hearing on SECOND AMENDED BILL set for and held on December 7, 2015
Public Hearing on THIRD AMENDED BILL set for and held on December 21, 2015
Bill Expires December 25, 2015

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Marijuana and Medical Cannabis

2
3 FOR the purpose of amending the definition of “farming” to exclude the cultivation,
4 processing or sale dispensing of marijuana; ~~prohibiting the cultivation, processing, or~~
5 ~~sale of marijuana in residential, commercial, industrial, maritime and mixed use~~
6 ~~zoning districts and planned unit developments~~ permitting certain State-licensed
7 premises of licensed dispensaries, growers, and processors of medical cannabis as a
8 special exception use in certain residential, commercial and industrial zoning
9 districts; permitting State-licensed premises of licensed growers and processors of
10 medical cannabis as a conditional use in an RA district and in certain commercial and
11 industrial zoning districts; permitting certain State-licensed premises of licensed
12 dispensaries of medical cannabis as a conditional use in certain industrial zoning
13 districts; establishing the special exception and conditional use requirements for
14 certain State-licensed premises of licensed dispensaries, growers, and processors of
15 medical cannabis; and generally relating to zoning.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 BY repealing and reenacting, with amendments: §§ 18-1-101(39); 18-4-106; 18-5-102;
2 and 18-6-103; ~~18-7-107; 18-8-301; and 18-12-202(e)~~
3 Anne Arundel County Code (2005, as amended)

4
5 BY renumbering: §§ 18-10-125 through 18-10-148 and 18-11-131 through 18-11-161 to
6 be §§18-10-126 through 18-10-149 and 18-11-132 through 18-11-162, respectively
7 Anne Arundel County Code (2005, as amended)

8
9 BY adding: §§ 18-10-125 and 18-11-131
10 Anne Arundel County Code (2005, as amended)”;

11
12 ~~SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*~~
13 ~~*Maryland, That Section(s) of the Anne Arundel County Code (2005, as amended) read as*~~
14 ~~*follows:*~~

15
16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
17 *Maryland, That §§ 18-10-125 through 18-10-148 and 18-11-131 through 18-11-161 of*
18 *the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 18-*
19 *10-126 through 18-10-149 and 18-11-132 through 18-11-162, respectively.*

20
21 SECTION 2. *And be it further enacted, That Section(s) of the Anne Arundel County*
22 *Code (2005, as amended) read as follows:*

23
24 **ARTICLE 18. ZONING**

25
26 **TITLE 1. DEFINITIONS**

27
28 **18-1-101. Definitions.**

29
30 Unless defined in this article, the Natural Resources Article of the State Code, or
31 COMAR, words defined elsewhere in this Code apply in this article. The following
32 words have the meanings indicated:

33
34 (39) “Farming” means the use of land for agricultural purposes, including
35 agriculture, apiaries, horticulture, orchards, agricultural nurseries, viticulture,
36 aquaculture, forestry (including silviculture), animal and poultry husbandry, and primary
37 agricultural processing. For purposes of this definition:

38
39 (i) “aquaculture” means the farming or culturing of finfish, shellfish, other
40 aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or
41 artificial water bodies or impoundments, including hatching, cultivating, planting,
42 feeding, raising, and harvesting of aquatic plants and animals; [and]

43
44 (ii) “primary agricultural processing” means the processing of an agricultural
45 product in the course of preparing it for market, including cutting, drying, packaging,
46 canning, milling, grinding, freezing, heating, and fermenting[.]; and

47
48 (III) “FARMING” DOES NOT INCLUDE THE CULTIVATION, PROCESSING OR SALE
49 DISPENSING OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE

TITLE 5. COMMERCIAL DISTRICTS

18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Retail specialty stores or shops for retail sales, including antique stores, art supplies, bookstore, candy, cards, clocks, clothing, consignments, electronics, fabrics, flowers, gifts, hobbies, housewares, ice cream parlors, jewelry, luggage, musical instruments, news publications, office supply, optical goods, pets, photographic supplies, sewing machines, shoes and shoe repair, sporting goods, stamps and coins, stationary, tobacco, toys, video tapes, wallpaper and paint, window coverings, works of art, BUT NOT INCLUDING THE PROCESSING OR SALE OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE STATE CODE AS AMENDED, OR MEDICAL CANNABIS, AS DEFINED IN COMAR, TITLE 10, SUBTITLE 62	P	A	P	P

Pharmacies, BUT NOT INCLUDING THE PROCESSING OR SALE OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE STATE CODE AS AMENDED, OR MEDICAL CANNABIS, AS DEFINED IN COMAR, TITLE 10, SUBTITLE 62	P	A	P	P

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Kennels, commercial				C

LICENSED PREMISES OF A LICENSED DISPENSARY OF MEDICAL CANNABIS, AS DEFINED IN COMAR 10.62.01.01		SE	SE	SE
LICENSED PREMISES OF A LICENSED GROWER OF MEDICAL CANNABIS, AS DEFINED IN COMAR 10.62.01.01, INDOOR CULTIVATION ONLY			C	C
LICENSED PREMISES OF A LICENSED PROCESSOR OF MEDICAL CANNABIS, AS DEFINED IN COMAR 10.62.01.01			C	C

TITLE 6. INDUSTRIAL DISTRICTS

18-6-103. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional, and Special Exception Uses	W1	W2	W3

Manufacturing and processing, general, including the assembling of component parts, the creation of products, and the blending of materials BUT NOT INCLUDING THE PROCESSING OR SALE OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE STATE CODE AS AMENDED, OR MEDICAL CANNABIS, AS DEFINED IN COMAR, TITLE 10, SUBTITLE 62	P	P	P
Manufacturing and processing, heavy, including adhesives; aircraft parts; alcoholic beverages; asphalt; atmospheric gas; bricks; concrete products; paper; metal foundries and forges; insulating materials; metal machinery that includes autos, rail, farm, construction, mining, and industrial machinery; metal refining, stamping, extrusion; paint and allied products; paper and paper products from pulp; plastic; porcelain and porcelain enamel; processing of grain, clay, sand, gravel, stone, synthetic fibers, filaments, and tiles, BUT NOT INCLUDING THE CULTIVATION, PROCESSING OR SALE OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE STATE CODE AS AMENDED, OR MEDICAL CANNABIS, AS DEFINED IN COMAR, TITLE 10, SUBTITLE 62			P

Pharmacies, BUT NOT INCLUDING THE PROCESSING OR SALE OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE STATE CODE AS AMENDED, OR MEDICAL CANNABIS, AS DEFINED IN COMAR, TITLE 10, SUBTITLE 62	A	A	

Permitted, Conditional, and Special Exception Uses	W1	W2	W3

Permitted, Conditional, and Special Exception Uses	W1	W2	W3

Latex fabrication, not including paint		P	P
LICENSED PREMISES OF A LICENSED DISPENSARY OF MEDICAL CANNABIS AS A PRINCIPAL USE, AS DEFINED IN COMAR 10.62.01.01	SE	C	SE
LICENSED PREMISES OF A LICENSED DISPENSARY OF MEDICAL CANNABIS IN A BUSINESS COMPLEX, AS DEFINED IN COMAR 10.62.01.01	SE	SE	SE
LICENSED PREMISES OF A LICENSED GROWER OF MEDICAL CANNABIS, AS DEFINED IN COMAR 10.62.01.01, INDOOR CULTIVATION ONLY	SE C	SE C	SE C
LICENSED PREMISES OF A LICENSED PROCESSOR OF MEDICAL CANNABIS, AS DEFINED IN COMAR 10.62.01.01	SE C	SE C	SE C

TITLE 7. MARITIME DISTRICTS

18-7-107. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the Maritime group districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	MA 1	MA 2	MA 3	MB	MC

Sale of groceries, packaged alcoholic beverages, fishing supplies, and watercraft accessories, BUT NOT INCLUDING THE PROCESSING OR SALE OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE STATE CODE AS AMENDED, OR MEDICAL CANNABIS, AS DEFINED IN COMAR, TITLE 10, SUBTITLE 62		P	P	P	P

TITLE 8. MIXED USE DISTRICTS

18-8-301. Permitted uses; conditional uses.

(a) **Uses allowed.** The permitted and conditional uses under the optional method of development are listed in the chart in this section using the following key: P = permitted use; C = conditional use. A blank space means that the use is not allowed in the district.

1 Uses and structures customarily accessory to the listed uses also are allowed, except that
 2 outside storage as an accessory use is not allowed.

3
 4 (b) ~~Categories in chart.~~ The chart in this section divides the permitted and
 5 conditional uses allowed under the optional method of development into the categories of
 6 residential, retail and service, office, and industrial, and the uses are subject to the
 7 percentage limitations on those categories described in § 18-8-302.
 8

	MXD- R	MXD- C	MXD- E	MXD- T

Retail and Service				

Pharmacies, BUT NOT INCLUDING THE PROCESSING OR SALE OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE STATE CODE AS AMENDED, OR MEDICAL CANNABIS, AS DEFINED IN COMAR, TITLE 10, SUBTITLE 62	P	P	P	P

9 **TITLE 12. SPECIAL USES**

10
 11 **18-12-202. Uses.**

12
 13 (e) ~~For 1,001 to 5,000 units.~~ A PUD that has between 1,001 and 5,000 dwelling
 14 units may have the uses (1) permitted in subsections (a) and (b) and (2) listed in the chart
 15 in this section if the uses are limited to 30 square feet for each dwelling unit.
 16

Uses	

Pharmacies, BUT NOT INCLUDING THE PROCESSING OR SALE OF MARIJUANA, AS DEFINED IN THE CRIMINAL LAW ARTICLE, § 5-101, OF THE STATE CODE AS AMENDED, OR MEDICAL CANNABIS, AS DEFINED IN COMAR, TITLE 10, SUBTITLE 62	P

17
 18 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

19
 20 **18-10-125. Licensed Premises of Licensed Dispensaries, Growers and Processors of**
 21 **Medical Cannabis.**

22
 23 (A) LICENSED PREMISES OF A LICENSED DISPENSARY OF MEDICAL CANNABIS AS A
 24 PRINCIPAL USE, AS DEFINED IN COMAR 10.62.01.01, SHALL COMPLY WITH ALL OF THE
 25 FOLLOWING REQUIREMENTS.

26
 27 (1) PREMISES NORTH OF MARYLAND ROUTE 50 AND EAST OF THE SOUTH RIVER

1 MAY NOT BE LOCATED WITHIN 1,000 FEET OF A DWELLING OR RESIDENTIALLY ZONED
2 PROPERTY, PUBLIC PARK, RELIGIOUS FACILITY, OR THE LOT LINE OF A PUBLIC OR
3 PRIVATE SCHOOL OR REAL PROPERTY OWNED BY THE BOARD OF EDUCATION.

4
5 (2) VEHICULAR ACCESS SHALL BE FROM AN ARTERIAL OR HIGHER
6 CLASSIFICATION ROAD.

7
8 (3) "NO LOITERING" SIGNS SHALL BE CONSPICUOUSLY POSTED IN ALL PARKING
9 AREAS.

10
11 (4) THE PREMISES MAY NOT BE LOCATED WITHIN ONE MILE OF ANY OTHER
12 LICENSED PREMISES OF A LICENSED DISPENSARY OF MEDICAL CANNABIS.

13
14 (5) THE PREMISES MAY NOT HAVE ANY DISPLAYS OF MEDICAL CANNABIS VISIBLE
15 TO ITS CUSTOMERS OR THE GENERAL PUBLIC.

16
17 (6) THE PREMISES MAY NOT HAVE AN ON-SITE PHYSICIAN FOR THE PURPOSE OF
18 ISSUING WRITTEN CERTIFICATIONS FOR MEDICAL CANNABIS.

19
20 (B) **Grower.** LICENSED PREMISES OF A LICENSED GROWER OF MEDICAL CANNABIS,
21 AS DEFINED IN COMAR 10.62.01.01, SHALL COMPLY WITH ALL OF THE FOLLOWING
22 REQUIREMENTS.

23
24 (1) THE PREMISES MAY NOT BE LOCATED WITHIN 1,000 FEET OF A DWELLING, THE
25 LOT LINE OF REAL PROPERTY IN ANY RESIDENTIAL ZONING DISTRICT EXCEPT IN AN RA
26 DISTRICT, THE LOT LINE OF A PUBLIC OR PRIVATE SCHOOL, OR THE LOT LINE OF REAL
27 PROPERTY OWNED BY THE BOARD OF EDUCATION.

28
29 (2) IN AN RA ZONING DISTRICT THE PREMISES SHALL BE LOCATED ON A LOT OR
30 PARCEL OF AT LEAST 10 ACRES.

31
32 (3) OTHER THAN THE SECURITY LIGHTING REQUIRED BY COMAR 10.62.10.05, NO
33 VISIBLE LIGHT SHALL EMANATE FROM THE PREMISES FROM DUSK TO DAWN.

34
35 (4) IN ADDITION TO THOSE SECURITY FEATURES REQUIRED BY TITLE 10, SUBTITLE
36 62 OF COMAR, THE PREMISES SHALL HAVE ON-SITE ARMED SECURITY AT ALL TIMES,
37 WITH AT LEAST ONE ARMED SECURITY OFFICER FOR EVERY ~~25,000~~ 50,000 SQUARE FEET
38 OF USE.

39
40 (C) **Processor.** LICENSED PREMISES OF A LICENSED PROCESSOR OF MEDICAL
41 CANNABIS, AS DEFINED IN COMAR 10.62.01.01, SHALL COMPLY WITH ALL OF THE
42 FOLLOWING REQUIREMENTS.

43
44 (1) THE PREMISES MAY NOT BE LOCATED WITHIN 1,000 FEET OF A DWELLING, THE
45 LOT LINE OF REAL PROPERTY IN ANY RESIDENTIAL ZONING DISTRICT EXCEPT IN AN RA
46 DISTRICT, THE LOT LINE OF A PUBLIC OR PRIVATE SCHOOL, OR THE LOT LINE OF REAL
47 PROPERTY OWNED BY THE BOARD OF EDUCATION.

48
49 (2) PROCESSING OF MEDICAL CANNABIS SHALL BE AN ACCESSORY USE TO AN
50 ON-SITE LICENSED GROWER OF MEDICAL CANNABIS AND SHALL ONLY PROCESS
51 MEDICAL CANNABIS GROWN ON-SITE.

52
53 (3) OTHER THAN THE SECURITY LIGHTING REQUIRED BY COMAR 10.62.21.04, NO
54 VISIBLE LIGHT SHALL EMANATE FROM THE PREMISES FROM DUSK TO DAWN.

55
56 (4) IN ADDITION TO THOSE SECURITY FEATURES REQUIRED BY TITLE 10, SUBTITLE
57 62 OF COMAR, THE PREMISES SHALL HAVE ON-SITE ARMED SECURITY AT ALL TIMES,
58 WITH AT LEAST ONE ARMED SECURITY OFFICER FOR EVERY ~~25,000~~ 50,000 SQUARE FEET
59 OF USE.

1 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

2
3 **18-11-131. Licensed Premises of Licensed Dispensaries, Growers, and Processors of**
4 **Medical Cannabis.**

5
6 (A) **Dispensary.** LICENSED PREMISES OF A LICENSED DISPENSARY OF MEDICAL
7 CANNABIS LOCATED IN A BUSINESS COMPLEX, AS DEFINED IN COMAR 10.62.01.01, SHALL
8 COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

9
10 (1) PREMISES NORTH OF MARYLAND ROUTE 50 AND EAST OF THE SOUTH RIVER
11 MAY NOT BE LOCATED WITHIN 1,000 FEET OF A DWELLING OR RESIDENTIALLY ZONED
12 PROPERTY, THE LOT LINE OF A PUBLIC OR PRIVATE SCHOOL, OR THE LOT LINE OF REAL
13 PROPERTY OWNED BY THE BOARD OF EDUCATION.

14
15 (2) VEHICULAR ACCESS SHALL BE FROM AN ARTERIAL OR HIGHER
16 CLASSIFICATION ROAD.

17
18 (3) "NO LOITERING" SIGNS SHALL BE CONSPICUOUSLY POSTED IN ALL PARKING
19 AREAS.

20
21 (4) THE PREMISES MAY NOT BE LOCATED WITHIN ONE MILE OF ANY OTHER
22 LICENSED PREMISES OF A LICENSED DISPENSARY OF MEDICAL CANNABIS.

23
24 (5) THE PREMISES MAY NOT HAVE ANY DISPLAYS OF MEDICAL CANNABIS VISIBLE
25 TO ITS CUSTOMERS OR THE GENERAL PUBLIC.

26
27 (6) THE PREMISES MAY NOT HAVE AN ON-SITE PHYSICIAN FOR THE PURPOSE OF
28 ISSUING WRITTEN CERTIFICATIONS FOR MEDICAL CANNABIS.

29
30 (B) **Grower.** LICENSED PREMISES OF A LICENSED GROWER OF MEDICAL CANNABIS,
31 AS DEFINED IN COMAR 10.62.01.01, SHALL COMPLY WITH ALL OF THE FOLLOWING
32 REQUIREMENTS.

33
34 (1) THE PREMISES MAY NOT BE LOCATED WITHIN 1,000 FEET OF A DWELLING OR
35 RESIDENTIALLY ZONED PROPERTY, THE LOT LINE OF A PUBLIC OR PRIVATE SCHOOL, OR
36 THE LOT LINE OF REAL PROPERTY OWNED BY THE BOARD OF EDUCATION.

37
38 (2) IN AN RA ZONING DISTRICT THE PREMISES SHALL BE LOCATED ON A LOT OR
39 PARCEL OF AT LEAST 10 ACRES.

40
41 (3) OTHER THAN THE SECURITY LIGHTING REQUIRED BY COMAR 10.62.10.05, NO
42 VISIBLE LIGHT SHALL EMANATE FROM THE PREMISES FROM DUSK TO DAWN.

43
44 (4) IN ADDITION TO THOSE SECURITY FEATURES REQUIRED BY TITLE 10, SUBTITLE
45 62 OF COMAR, THE PREMISES SHALL HAVE ON-SITE ARMED SECURITY AT ALL TIMES,
46 WITH AT LEAST ONE ARMED SECURITY OFFICER FOR EVERY 25,000 SQUARE FEET OF USE.

47
48 (C) **Processor.** LICENSED PREMISES OF A LICENSED PROCESSOR OF MEDICAL
49 CANNABIS, AS DEFINED IN COMAR 10.62.01.01, SHALL COMPLY WITH ALL OF THE
50 FOLLOWING REQUIREMENTS.

51
52 (1) THE PREMISES MAY NOT BE LOCATED WITHIN 1,000 FEET OF A DWELLING OR
53 RESIDENTIALLY ZONED PROPERTY, THE LOT LINE OF A PUBLIC OR PRIVATE SCHOOL, OR
54 THE LOT LINE OF REAL PROPERTY OWNED BY THE BOARD OF EDUCATION.

55
56 (2) PROCESSING OF MEDICAL CANNABIS SHALL BE AN ACCESSORY USE TO AN

~~ON-SITE LICENSED GROWER OF MEDICAL CANNABIS AND SHALL ONLY PROCESS MEDICAL CANNABIS GROWN ON-SITE.~~

~~(3) OTHER THAN THE SECURITY LIGHTING REQUIRED BY COMAR 10.62.21.04, NO VISIBLE LIGHT SHALL EMANATE FROM THE PREMISES FROM DUSK TO DAWN.~~

~~(4) IN ADDITION TO THOSE SECURITY FEATURES REQUIRED BY TITLE 10, SUBTITLE 62 OF COMAR, THE PREMISES SHALL HAVE ON-SITE ARMED SECURITY AT ALL TIMES, WITH AT LEAST ONE ARMED SECURITY OFFICER FOR EVERY 25,000 SQUARE FEET OF USE.~~

SECTION 2. 3. *And be it further enacted,* That this Ordinance shall take effect 45 days from the date it becomes law.

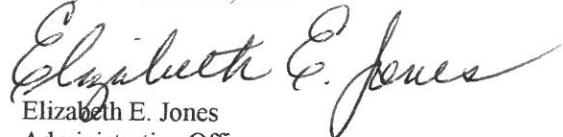
AMENDMENTS ADOPTED: October 19, November 2 and December 7, 2015

READ AND PASSED this 21st day of December, 2015


By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 22nd day of December, 2015


Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 23rd day of December, 2015


Steven R. Schuh
County Executive

EFFECTIVE DATE: February 6, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 96-15, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer