

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 34

Bill No. 97-15

Introduced by Mr. Trumbauer, Mr. Walker and Mr. Pruski

By the County Council, September 21, 2015

Introduced and first read on September 21, 2015

Public Hearing set for October 19, 2015

Bill Expires December 25, 2015

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Medical Cannabis Growers, Processors and
2 Dispensaries
3

4 FOR the purpose of defining certain terms; permitting licensed medical cannabis grower
5 premises as a permitted use in an RA zoning district; permitting licensed medical
6 cannabis processors as an accessory use to a licensed medical cannabis grower
7 premises as a permitted use in an RA zoning district; permitting a licensed medical
8 cannabis grower premises as a conditional use in an RLD zoning district; permitting a
9 licensed medical cannabis processor as an accessory use to a licensed medical
10 cannabis grower premises as a conditional use in an RLD zoning district; permitting
11 licensed medical cannabis grower premises, processors and dispensaries as
12 conditional uses in C1 and C2 commercial zoning districts; permitting licensed
13 medical cannabis grower premises, processors and dispensaries as permitted uses in
14 C3 and C4 commercial zoning districts; permitting medical cannabis grower
15 premises, processors and dispensaries as a permitted use in industrial zoning districts;
16 permitting medical cannabis dispensaries as a conditional use in mixed use zoning
17 districts; establishing conditional use requirements for medical cannabis growers,
18 processors and dispensaries; and generally related to zoning.
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20 BY renumbering: §§ 18-1-101(61) through 18-1-101(137) to be §§ 18-1-101(66) through
21 18-1-101(142) and §§ 18-10-122 through 18-10-145 to be §§ 18-10-123 through 18-
22 10-146, respectively
23 (Anne Arundel County Code, 2005, as amended)

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.

1 BY adding: §§ 18-1-101(61) through (65) and 18-10-122

2 (Anne Arundel County Code, 2005, as amended)

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4 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
5 *Maryland,* That §§ 18-1-101(61) through 18-1-101(137) and 18-10-122 through 18-10-
6 145, Anne Arundel County Code, 2005 as amended, are hereby renumbered to be §§ 18-
7 1-101(66) through (142) and §§ 18-10-123 through 18-10-146, respectively.

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9 SECTION 2. *Be it enacted by the County Council of Anne Arundel County,*
10 *Maryland,* That the Anne Arundel County Code (2005, as amended) reads as follows:

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12 **ARTICLE 18. ZONING**

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14 **TITLE 1. DEFINITIONS**

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16 **18-1-101. Definitions.**

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18 Unless defined in this article, the Natural Resources Article of the State Code, or
19 COMAR, words defined elsewhere in this Code apply in this article. The following
20 words have the meanings indicated:

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22 (61)“MEDICAL CANNABIS” MEANS ANY PRODUCT DEFINED AS MEDICAL
23 CANNABIS IN COMAR 10.62.01 THAT IS GROWN, PROCESSED, TRANSPORTED OR SOLD
24 PURSUANT TO A LICENSE ISSUED BY THE NATALIE LAPRADE MEDICAL MARIJUANA
25 COMMISSION AS STATED IN THE HEALTH-GENERAL ARTICLE, §§ 13-3201 TO 13-3206, OF
26 THE STATE CODE.

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28 (62)“MEDICAL CANNABIS DISPENSARY” MEANS A PERSON OR ENTITY LICENSED
29 AS A DISPENSARY AS DEFINED IN COMAR 10.62.01(13) UNDER A LICENSE ISSUED BY THE
30 NATALIE LAPRADE MEDICAL MARIJUANA COMMISSION AS STATED IN THE HEALTH-
31 GENERAL ARTICLE, §§ 13-3201 TO 13-3206, OF THE STATE CODE.

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33 (63)“MEDICAL CANNABIS GROWER” HAS THE MEANING STATED IN COMAR
34 10.62.01(14).

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36 (64)“MEDICAL CANNABIS GROWER PREMISES” MEANS A LOCATION AS DEFINED
37 IN COMAR 10.62.01(15) AND SUBJECT TO COMAR 10.62.10, INCLUDING A SATELLITE
38 FACILITY OF A MEDICAL CANNABIS GROWER AS PROVIDED IN THE HEALTH-GENERAL
39 ARTICLE, § 13-3309, OF THE STATE CODE.

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41 (65)“MEDICAL CANNABIS PROCESSOR” MEANS A PERSON OR ENTITY LICENSED
42 BY THE STATE AS A LICENSED MEDICAL CANNABIS PROCESSOR AS DEFINED IN COMAR
43 10.62.01(16).

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45 **TITLE 4. RESIDENTIAL DISTRICTS**

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47 **18-4-106. Permitted, conditional, and special exception uses.**

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49 The permitted, conditional, and special exception uses allowed in each of the
50 residential districts are listed in the chart in this section using the following key: P =
51 permitted use; C = conditional use; SE = special exception use. A blank means that the
52 use is not allowed in the district. Except as provided otherwise in this article, uses and

1 structures customarily accessory to the listed uses also are allowed, except that guest
 2 houses as accessory structures are prohibited and outside storage as an accessory use is
 3 limited to the lesser of 10% of the allowed lot coverage or 500 square feet.
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| Permitted, Conditional, and Special Exception Uses | RA | RLD | R1 | R2 | R5 | R10 | R15 | R22 |
|--|-----------|------------|-----------|-----------|-----------|------------|------------|------------|
| *** | | | | | | | | |
| Libraries, museums, parks, and similar uses of a noncommercial nature that are located on a lot with an historic structure or activity | P | P | P | P | P | P | P | P |
| MEDICAL CANNABIS GROWER PREMISES | P | C | | | | | | |
| MEDICAL CANNABIS PROCESSOR AS AN ACCESSORY USE TO A MEDICAL CANNABIS GROWER PREMISES | P | C | | | | | | |
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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 |
|---|-----------|-----------|-----------|-----------|
| *** | | | | |
| Meat, seafood, and poultry markets | P | A | P | P |
| MEDICAL CANNABIS DISPENSARY | C | C | P | P |
| MEDICAL CANNABIS GROWER PREMISES | C | C | P | P |
| MEDICAL CANNABIS PROCESSOR | C | C | P | P |
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TITLE 6. INDUSTRIAL USES

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

1 The permitted, conditional, and special exception uses allowed in each of the
 2 industrial districts are listed in the chart in this section using the following key: P =
 3 permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a
 4 business complex use. A blank means that the use is not allowed in the district. Except as
 5 provided otherwise in this article, uses and structures customarily accessory to permitted,
 6 conditional, and special exception uses also are allowed, except that outside storage as an
 7 accessory use in W1 is limited to 15% of the allowed lot coverage.
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| Permitted, Conditional, and Special Exception Uses | W1 | W2 | W3 |
|---|----|----|----|
| *** | | | |
| Maritime suppliers and servicing, including piers and wharves for pile driving and marine construction operations | | P | P |
| MEDICAL CANNABIS DISPENSARY | P | P | P |
| MEDICAL CANNABIS GROWER PREMISES | P | P | P |
| MEDICAL CANNABIS PROCESSOR | P | P | P |
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TITLE 8. MIXED USE DISTRICTS

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

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

| | MXD-R | MXD-C | MXD-E | MXD-T |
|-----------------------------------|-------|-------|-------|-------|
| *** | | | | |
| Retail and Service | | | | |
| Meat, seafood and poultry markets | P | P | P | P |
| MEDICAL CANNABIS DISPENSARY | C | C | C | C |
| *** | | | | |

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TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-122. Medical Cannabis Growers, Processors or Dispensaries.

USES RELATED TO THE GROWING, PROCESSING OR DISPENSING OF MEDICAL CANNABIS SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

1 (1) THE LICENSED PREMISES OF A MEDICAL CANNABIS DISPENSARY, MEDICAL
2 CANNABIS PROCESSOR OR MEDICAL CANNABIS GROWER MAY NOT BE LOCATED WITHIN
3 1000 FEET OF A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR HIGH
4 SCHOOL.
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6 (2) A MEDICAL CANNABIS DISPENSARY MAY NOT BE LOCATED WITHIN 2,500 FEET
7 OF THE LOCATION OF ANOTHER MEDICAL CANNABIS DISPENSARY.
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9 (3) VEHICULAR ACCESS FOR A MEDICAL CANNABIS DISPENSARY SHALL BE
10 LOCATED ON AN ARTERIAL ROAD OR HIGHER CLASSIFICATION AND MAY NOT DRAW
11 VEHICULAR TRAFFIC THROUGH LOCAL ROADS IN SURROUNDING RESIDENTIAL AREAS.
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13 (4) A MEDICAL CANNABIS PROCESSOR LOCATED IN AN RLD ZONING DISTRICT
14 SHALL PROCESS CANNABIS GROWN SOLELY AT THE LICENSED PREMISES OF THE
15 MEDICAL CANNABIS GROWER TO WHICH THE MEDICAL CANNABIS PROCESSOR IS AN
16 ACCESSORY USE.
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18 (5) A MEDICAL CANNABIS GROWER PREMISES AND A MEDICAL CANNABIS
19 PROCESSOR AS AN ACCESSORY USE, IN AN RLD ZONING DISTRICT, SHALL BE LOCATED
20 ON A LOT OF FIVE ACRES OR MORE.
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22 (6) THE MINIMUM SETBACK FOR A MEDICAL CANNABIS PROCESSOR IN AN RA OR
23 RLD ZONING DISTRICT FROM ANY LOT LINE FOR A STRUCTURE, STORAGE, PARKING, OR
24 LOADING AREA SHALL BE 100 FEET, EXCEPT THAT IF THE LOCATION OF THE PROCESSOR
25 IS BOUNDED BY A ROAD, THE MINIMUM SETBACK FROM THE ROAD MAY BE REDUCED TO
26 50 FEET UPON APPROVAL BY THE PLANNING AND ZONING OFFICER.
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28 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
29 from the date it becomes law.