

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 3

Bill No. 7-19

Introduced by Ms. Pickard

By the County Council, February 4, 2019

Introduced and first read on February 4, 2019
Public Hearing set for and held on March 4, 2019
Public Hearing on AMENDED bill set for and held on March 18, 2019
Public Hearing on SECOND AMENDED bill set for and held on April 1, 2019
Bill Expires May 10, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Licensed Premises of Licensed Dispensaries,
2 Growers, and Processors of Medical Cannabis

3
4 FOR the purpose of allowing licensed premises of licensed dispensaries of medical
5 cannabis as special exception uses in C1 commercial districts; amending the
6 conditional use requirements for licensed premises of licensed dispensaries, growers,
7 and processors of medical cannabis; repealing the prohibition against variances to the
8 conditional use requirements for licensed premises of licensed dispensaries, growers,
9 and processors of medical cannabis; amending the special exception use requirements
10 for licensed premises of licensed dispensaries of medical cannabis; repealing the
11 prohibition against variances to the special exception use requirements for licensed
12 premises of licensed dispensaries of medical cannabis; and generally relating to zoning.

13
14 BY repealing: §§ 18-10-131(d); and 18-11-133(b)
15 Anne Arundel County Code (2005, as amended)

16
17 BY repealing and reenacting, with amendments: §§ 18-5-102; 18-10-131; and 18-11-
18 133(a) (as amended by Bill No. 77-18)
19 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland, that §§ 18-10-131(d) and 18-11-133(b) of the Anne Arundel County Code (2005, as amended) are hereby repealed.*

SECTION 2. *And be it further enacted, That Section(s) of the Anne Arundel County Code (2005, as amended) (and as amended by Bill No. 77-18) read as follows:*

ARTICLE 18. ZONING

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
Licensed premises of a licensed dispensary of medical cannabis, as defined in COMAR 10.62.01.01	SE	SE	SE	SE

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-131. Licensed premises of licensed dispensaries, growers and processors of medical cannabis.

(a) **Dispensary.** Licensed premises of a licensed dispensary of medical cannabis as a principal use, as defined in COMAR 10.62.01.01, shall comply with all of the following requirements.

~~(1) Except for [properties] FACILITIES located in industrial zoning districts, [premises] THE PRIMARY ENTRYWAY LOT LINE OF A FACILITY located north of U.S. Route 50 or [premises located] north of the northeast shore of the South River may not be [located] within:~~

~~(i) [750 feet of residentially-zoned property] 500 FEET IN A STRAIGHT LINE FROM THE PRIMARY ENTRYWAY OF LOT LINE OF A LOT THAT CONTAINS A DWELLING UNIT; OR~~

~~(ii) 750 FEET IN A STRAIGHT LINE FROM the lot line of a public or private school[;] or real property owned by the Board of Education.~~

1 (1) Except for [properties] FACILITIES located in industrial zoning districts,
2 [premises] THE PRIMARY ENTRYWAY OF A FACILITY located north of U.S. Route 50 or
3 [premises located] north of the northeast shore of the South River may not be [located]
4 within [750 feet of residentially zoned property;] 500 FEET IN A STRAIGHT LINE FROM THE
5 LOT LINE OF A LOT LOCATED IN A RESIDENTIAL DISTRICT THAT CONTAINS A DWELLING
6 UNIT.

7
8 (2) EXCEPT FOR FACILITIES LOCATED IN INDUSTRIAL ZONING DISTRICTS. THE LOT
9 LINE OF A FACILITY LOCATED NORTH OF U.S. ROUTE 50 OR NORTH OF THE NORTHEAST
10 SHORE OF THE SOUTH RIVER MAY NOT BE WITHIN 750 FEET IN A STRAIGHT LINE FROM the
11 lot line of a public or private school[:] or real property owned by the Board of Education.

12
13 [(2)] (3) Except for [properties] FACILITIES located in industrial zoning districts,
14 vehicular access shall be from an arterial road or from a local or higher classification road
15 that directly accesses an arterial road.

16
17 [(3)] (4) “No loitering” signs shall be conspicuously posted in all parking areas.

18
19 [(4)] (5) The [premises] FACILITY may not be located within one mile of any other
20 licensed premises of a licensed dispensary of medical cannabis.

21
22 [(5)] (6) [The premises may not have any displays or depictions] DISPLAYS AND
23 DEPICTIONS of medical cannabis MAY NOT BE visible to [its customers or] the general
24 public.

25
26 [(6)] (7) The [premises] FACILITY may not have an on-site physician for the purpose
27 of issuing written certifications for medical cannabis.

28
29 **(b) Grower.** Licensed premises of a licensed grower of medical cannabis, as defined
30 in COMAR 10.62.01.01, shall comply with all of the following requirements.

31
32 (1) The [premises] FACILITY may not be located within 750 feet of the lot line of a
33 public or private school; the lot line of real property owned by the Board of Education; or,
34 except in an RA District, residentially zoned property.

35
36 (2) In an RA Zoning District the [premises] FACILITY shall be located on a lot or
37 parcel of at least 10 acres.

38
39 (3) Other than the security lighting required by COMAR 10.62.10.05, no visible
40 light shall emanate from the [premises] FACILITY from dusk to dawn.

41
42 **(c) Processor.** Licensed premises of a licensed processor of medical cannabis, as
43 defined in COMAR 10.62.01.01, shall comply with all of the following requirements.

44
45 (1) The [premises] FACILITY may not be located within 750 feet of the lot line of a
46 public or private school; the lot line of real property owned by the Board of Education; or,
47 except in an RA District, residentially zoned property.

1 (2) Processing of medical cannabis shall be an accessory use to [an on-site] A
2 LICENSED PREMISE OF A LICENSED grower of medical cannabis [and shall only process
3 medical cannabis grown on-site].
4

5 (3) Other than the security lighting required by COMAR 10.62.21.04, no visible
6 light shall emanate from the [premises] FACILITY from dusk to dawn.
7

8 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**
9

10 **18-11-133. Licensed premises of licensed dispensaries of medical cannabis.**
11

12 [(a) **Requirements.**] Licensed premises of a licensed dispensary of medical cannabis,
13 as defined in COMAR 10.62.01.01, shall comply with all of the following requirements.
14

15 (1) [~~Premises~~] ~~THE PRIMARY ENTRYWAY LOT LINE OF A FACILITY located north of~~
16 ~~U.S. Route 50 or [premises located] north of the northeast shore of the South River may~~
17 ~~not be [located] within:~~
18

19 (i) [~~750 feet of residentially zoned property,~~] ~~500 FEET IN A STRAIGHT LINE~~
20 ~~FROM THE PRIMARY ENTRYWAY OF LOT LINE OF A LOT THAT CONTAINS A DWELLING~~
21 ~~UNIT; OR~~
22

23 (ii) ~~750 FEET IN A STRAIGHT LINE FROM the lot line of a public or private school[,~~
24 ~~or the lot line of] OR real property owned by the Board of Education.~~
25

26 (1) [~~Premises~~] THE PRIMARY ENTRYWAY OF A FACILITY located north of U.S.
27 Route 50 or [premises located] north of the northeast shore of the South River may not be
28 [located] within [750 feet of residentially zoned property,] 500 FEET IN A STRAIGHT LINE
29 FROM THE LOT LINE OF A LOT LOCATED IN A RESIDENTIAL DISTRICT THAT CONTAINS A
30 DWELLING UNIT.
31

32 (2) THE LOT LINE OF A FACILITY LOCATED NORTH OF U.S. ROUTE 50 OR NORTH OF
33 THE NORTHEAST SHORE OF THE SOUTH RIVER MAY NOT BE WITHIN 750 FEET IN A
34 STRAIGHT LINE FROM the lot line of a public or private school[,] or [the lot line of] real
35 property owned by the Board of Education.
36

37 [(2)] (3) Except for [properties] FACILITIES located in industrial zoning districts,
38 vehicular access shall be directly from an arterial road or from a local or higher
39 classification road that directly accesses an arterial road.
40

41 [(3)] (4) “No loitering” signs shall be conspicuously posted in all parking areas.
42

43 [(4)] (5) The [premises] FACILITY may not be located within one mile of any other
44 licensed premises of a licensed dispensary of medical cannabis.
45

46 [(5)] (6) [The premises may not have any displays or depictions] DISPLAYS AND
47 DEPICTIONS of medical cannabis MAY NOT BE visible to [its customers or] the general
48 public.

1 [(6)](7) The [premises] FACILITY may not have an on-site physician for the purpose
2 of issuing written certifications for medical cannabis.

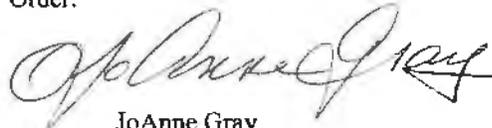
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4 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
5 from the date it becomes law.

AMENDMENTS ADOPTED: March 4 and 18, 2019

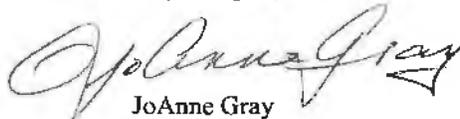
READ AND PASSED this 1st day of April, 2019

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 2nd day of April, 2019



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 12th day of April, 2019



Steuart Pittman
County Executive

EFFECTIVE DATE:

MAY 27 2019

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
7-19. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer