

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

2024 Legislative Session

Bill No. CB-013-2024

Chapter No. 1

Proposed and Presented by Council Member Fisher

Introduced by Council Members Fisher, Blegay, Watson, Olson, Ivey, Harrison, Oriadha, Dernoga, Hawkins, Burroughs and Franklin

Co-Sponsors _____

Date of Introduction March 19, 2024

ZONING BILL

1 AN ORDINANCE concerning

2 Cannabis Uses

3 For the purpose of adding definitions and designating areas for Cannabis uses consistent with
4 authority set forth in State law; prohibiting On-site cannabis consumption uses; setting forth
5 regulations for permitted Cannabis uses; providing for the prospective application of provisions
6 and amendments adopted herein; and providing a severability clause for the provisions related to
7 Cannabis uses in Prince George's County.

8 BY repealing and reenacting with amendments:

9 Sections 27-11001, 27-2500, 27-5101, 27-5102, and 27-5402,

10 The Zoning Ordinance of Prince George's County, Maryland,

11 being also

12 SUBTITLE 27. ZONING.

13 The Prince George's County Code

14 (2019 Edition; 2022 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
17 District in Prince George's County, Maryland, that Sections 27-11001, 27-2500, 27-5101,
18 27-5102, and 27-5402 of the Zoning Ordinance of Prince George's County, Maryland, being also
19 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and

1 reenacted with the following amendments:

2 **SUBTITLE 27. ZONING.**

3 **PART 27-1. GENERAL PROVISIONS.**

4 **SECTION 27- 11000. REGULATIONS APPLICABLE IN ALL ZONES.**

5 **Sec. 27-11001. Prohibited Uses.**

6 (a) The following uses are prohibited in all zones:

7 (1) The display or sale of drug paraphernalia.

8 (A) "Drug Paraphernalia" means all equipment, products, and materials of any
9 kind which, in violation of Title 5, Criminal Law Article, Annotated Code of Maryland, are used
10 in:

11 (i) planting, propagating, cultivating, growing, harvesting, manufacturing,
12 compounding, converting, producing, processing, preparing, testing, analyzing, packaging,
13 repackaging, storing, containing, or concealing a controlled dangerous substance; or

14 (ii) injecting, ingesting, inhaling, or otherwise introducing into the human
15 body a controlled dangerous substance [in violation of Subheading Health-Controlled Dangerous
16 Substances, Article 27, Annotated Code of Maryland. "Drug Paraphernalia" includes:]

17 [i.Kits used in planting, propagating, cultivating, growing, or harvesting of
18 any species of plant which is a controlled dangerous substance or from which a controlled
19 dangerous substance can be derived];

20 [ii.Kits used in manufacturing, compounding, converting, producing,
21 processing, or preparing controlled dangerous substances;]

22 [iii.Isomerization devices used in increasing the potency of any species of
23 plant which is a controlled dangerous substance;]

24 [iv.Testing equipment used in identifying or analyzing the strength,
25 effectiveness, or purity of controlled dangerous substances;]

26 [v.Scales and balances used in weighing or measuring controlled dangerous
27 substances;]

28 [vi.Dilutants and adulterants, such as quinine hydrochloride, mannitol,
29 mannite, dextrose, and lactose, used in cutting controlled dangerous substances;]

30 [vii.Separation gins and sifters used in cleaning or refining marijuana:]

31 [viii.Blenders, bowls, containers, spoons, and mixing devices used in

1 compounding controlled dangerous substances;]

2 [ix. Capsules, balloons, envelopes, and other containers used in packaging
3 small quantities of controlled dangerous substances;]

4 [x. Containers and other objects used in storing or concealing controlled
5 dangerous substances;]

6 [xi. Hypodermic syringes, needles, and other objects used in parenterally
7 injecting controlled dangerous substances into the human body;]

8 [xii. Objects used for ingesting, inhaling, or otherwise introducing marijuana,
9 cocaine, hashish, or hashish oil into the human body, such as:]

10 [(aa) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes,
11 with or without screens, permanent screens, hashish heads, or punctured metal bowls;]

12 [(bb) Water pipes;]

13 [(cc) Carburetion tubes and devices;]

14 [(dd) Smoking and carburetion masks;]

15 [(ee) Roach clips (meaning objects used to hold burning material, such
16 as a marijuana cigarette, that has become too small or too short to be held in the hand);]

17 [(ff) Miniature cocaine spoons and cocaine vials;]

18 [(gg) Chamber pipes;]

19 [(hh) Carburetor pipes;]

20 [(ii) Electric pipes;]

21 [(jj) Air-driven pipes;]

22 [(kk) Chilams;]

23 [(ll) Bongs; and]

24 [(mm) Ice pipes or chillers.]

25 **(B)** In determining whether an object is drug paraphernalia, a court or other
26 authority shall consider, in addition to all other logically relevant factors, the [following:] factors
27 in Title 5, Criminal Law Article, Annotated Code of Maryland.

28 [(i) Statements by an owner or by anyone in control of the object
29 concerning its use;]

30 [(ii) Prior convictions (if any) of an owner or anyone in control of the
31 object, under any State or Federal law relating to any controlled dangerous substance;]

1 [(iii) The proximity of the object, in time and space, to a direct
2 violation of Subheading Health-Controlled Dangerous Substances, Article 27, Annotated Code
3 of Maryland;]

4 [(iv) The proximity of the object to controlled dangerous substances;]

5 [(v) The existence of any residue of controlled dangerous substances
6 on the object;]

7 [(vi) Direct or circumstantial evidence of the intent of an owner, or of
8 anyone in control of the object, to deliver it to persons whom he knows, or should reasonably
9 know, intend to use the object to facilitate a violation of Subheading Health-Controlled
10 Dangerous Substances, Article 27, Annotated Code of Maryland. The innocence of an owner, or
11 of anyone in control of the object, as to a direct violation of that Subheading shall not prevent a
12 finding that the object is used as drug paraphernalia;]

13 [(vii) Instructions, oral or written, provided with the object concerning
14 its use;]

15 [(viii) Descriptive materials accompanying the object which explain or
16 depict its use;]

17 [(ix) National and local advertising concerning its use;]

18 [(x) The manner in which the object is displayed for sale;]

19 [(xi) Whether the owner, or anyone in control of the object, is a
20 legitimate supplier of similar or related items to the community, such as a licensed distributor or
21 dealer of tobacco products;]

22 [(xii) Direct or circumstantial evidence of the ratio of sales of the
23 object to the total sales of the business enterprise;]

24 [(xiii) The existence and scope of legitimate uses for the object in the
25 community; or]

26 [(xiv) Expert testimony concerning its use.]

27 (C) The definitions contained in [Article 27, Section 277, Annotated Code of
28 Maryland] Title 5, Criminal Law Article, Annotated Code of Maryland, are a part of this Section
29 to the same extent as if they were fully described in the Section.

30 **PART 27-2. INTERPRETATION AND DEFINITIONS.**

31 **SECTION 27-2500. DEFINITIONS.**

1 * * * * *
2 **[Medical cannabis] Cannabis**

3 [Any product containing usable cannabis or usable medical cannabis finished product.]

4 **(a)The plant Cannabis Sativa L. and any part of the plant, including all derivatives, extracts,**
5 **cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a Delta-9-**
6 **TetraHydrocannabinol concentration of greater than 0.3% on a dry weight basis.**

7 **(b)“Cannabis” includes Cannabis products.**

8 **(C)“Cannabis” does not include “hemp “ or “hemp products,” as defined in Agriculture**
9 **Article, Annotated Code of Maryland.**

10 * * * * *
11 **[Medical cannabis dispensary] Cannabis dispensary**

12 [An entity licensed under Subtitle 33 of the Health – General Article, Annotated Code of
13 Maryland, that acquires, possesses, repackages, processes, transfers, transports, sells, distributes,
14 or dispenses products containing usable medical cannabis, related supplies, or related products,
15 including tinctures, aerosols, oils, or ointments; or provides educational materials for use by a
16 qualifying patient or caregiver.]

17 **A use which entails acquiring, possessing, repackaging, transferring, selling, distributing,**
18 **or dispensing Cannabis or Cannabis products, including tinctures, aerosols, oils, and ointments,**
19 **related supplies, and educational materials for use by a qualifying patient, caregiver, or adult**
20 **over the age of 21 through a storefront. Cannabis dispensary also includes a former medical**
21 **cannabis dispensary that converted its license to allow for the sale of both medical and adult use**
22 **cannabis pursuant to Alcoholic Beverages & Cannabis Article, Annotated Code of Maryland.**

23 * * * * *
24 **[Medical cannabis finished product] Cannabis finished product**

25 A product containing a [medical] cannabis concentrate or a [medical] cannabis-infused
26 product packaged and labeled for release to a qualifying patient , caregiver, or adult over the age
27 of 21.

28 * * * * *
29 **[Medical cannabis grower and/or processor] Cannabis grower**

30 [A medical cannabis grower is an entity licensed under Subtitle 33 of the Health – General
31 Article, Annotated Code of Maryland, that cultivates, manufactures, packages, processes, or

1 distributes medical cannabis to licensed processors, licensed dispensaries, or registered
2 independent testing laboratories. A medical cannabis processor is an entity licensed under
3 Subtitle 33 of the Health – General Article, Annotated Code of Maryland, that transforms
4 medical cannabis into another product or extract, and packages and labels medical cannabis.]

5 A use that entails cultivating or packaging cannabis, as well as providing cannabis to other
6 Cannabis uses and registered independent testing laboratories. Cannabis grower also includes a
7 former medical cannabis grower that converted its license to allow for the growing of Cannabis
8 for medical and adult use pursuant to the Alcoholic Beverages & Cannabis Article, Annotated
9 Code of Maryland.

10 * * * * *

11 **Cannabis incubator**

12 An entity licensed under the Alcoholic Beverages & Cannabis Article, Annotated Code of
13 Maryland, to operate a facility within which Cannabis micro-dispensaries; Cannabis micro-
14 growers; and/or Cannabis processors may operate.

15 **Cannabis micro-dispensary**

16 A use that entails acquiring, possessing, repackaging, transferring, selling, distributing, or
17 dispensing Cannabis or Cannabis products, including tinctures, aerosols, oils, and ointments,
18 related supplies, and educational materials for use by a qualifying patient, caregiver, or adult
19 over the age of 21 solely through a delivery service or transport. Cannabis micro-dispensary is
20 limited to ten (10) employees and may not have a physical storefront.

21 **Cannabis micro-grower**

22 A use that entails cultivating or packaging no more than 10,000 square feet of indoor
23 cannabis canopy or 40,000 square feet of outdoor cannabis canopy, as well as providing cannabis
24 to other Cannabis uses and registered independent testing laboratories.

25 **Cannabis micro-processor**

26 A use that entails transforming no more than 1,000 pounds of Cannabis per year into
27 another product or extract, packaging and labeling the Cannabis product, and providing Cannabis
28 to other Cannabis uses and registered independent testing laboratories.

29 **Cannabis on-site consumption establishment**

30 A use that entails distributing Cannabis or Cannabis products for on-site consumption other
31 than consumption by smoking indoors.

1 **Cannabis Processor**

2 a use that entails transforming Cannabis into another product or extract, Packaging and
3 labeling the cannabis product, and providing Cannabis to other Cannabis uses and registered
4 independent testing laboratories. Cannabis processor also includes a former Medical cannabis
5 processor that converted its license to allow for the processing of Cannabis for medical and adult
6 use pursuant to Alcoholic Beverages & Cannabis Article, Annotated Code of Maryland.

7 **PART 27-5. USE REGULATIONS.**

8 **SECTION 27-5100. PRINCIPAL USES.**

Sec. 27-5101. Principal Use Tables.

(c) Principal Use Table for Rural and Agricultural, and Residential Base Zones

Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones													
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited													
Principal Use Category	Principal Use Type	Rural and Agricultural Base Zones					Residential Base Zones						Use-Specific Standards
		ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48	
		Rural and Agricultural Uses											
Agriculture/ Forestry Uses	[Medical cannabis grower and/or processor] <u>Cannabis grower</u>	X	P	P	X	X	X	X	X	X	X	X	27-5102(b)(1)[(B)](D)
	<u>Cannabis micro-grower</u>	X	P	P	X	X	X	X	X	X	X	X	27-5102(b)(1)(E)
	Nursery and Garden Center	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Refer to special exception standards

Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones														
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited														
Principal Use Category	Principal Use Type	Rural and Agricultural Base Zones					Residential Base Zones						Use-Specific Standards	
		ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48		
	Urban agriculture	P	P	P	P	P	P	P	P	P	P	P	P	27-5102(b)(1)(C)
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Commercial Uses														
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Eating or Drinking Establishment Uses	Cannabis On-Site Consumption Establishment	X	X	X	X	X	X	X	X	X	X	X	X	
		*	*	*	*	*	*	*	*	*	*	*	*	*
		*	*	*	*	*	*	*	*	*	*	*	*	*
Retail Sales		*	*	*	*	*	*	*	*	*	*	*	*	*

Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones													
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited													
Principal Use Category	Principal Use Type	Rural and Agricultural Base Zones					Residential Base Zones						Use-Specific Standards
		ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48	
		and Service Uses	[Medical cannabis] Cannabis dispensary	X	X	X	X	X	X	X	X	X	
	Cannabis micro-dispensary	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(9)(H)
	*	*	*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*
Industrial Uses													
*	*	*	*	*	*	*	*	*	*	*	*	*	*
Manufacturing Uses	Cannabis processor	X	X	X	X	X	X	X	X	X	X	X	27-5102(f)(3)(E)

Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones													
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited													
Principal Use Category	Principal Use Type	Rural and Agricultural Base Zones					Residential Base Zones						Use-Specific Standards
		ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48	
		Cannabis micro-processor	X	X	X	X	X	X	X	X	X	X	
*	*	*	*	*	*	*	*	*	*	*	*	*	*
Concrete or brick products manufacturing	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(f)(3)[(CA)](A)
*	*	*	*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*

(d) Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones																		
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited																		
Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones										Other Base Zones	Use-Specific Standards
		CN	CS	CGO	IE	IH	NAC	TAC		LTO		RTO-L		RTO-H		RMH		
								Core	Edge	Core	Edge	Core	Edge	Core	Edge			
Rural and Agricultural Uses																		
Agriculture/ Forestry Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	[Medical cannabis grower and/or processor]	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(b)(1)[(B)](D)
	<u>Cannabis grower</u>	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(b)(1)(E)
	Nursery and Garden Center	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited

Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards		
		CN	CS	CGO	IE	IH	NAC	TAC		LTO		RTO-L		RTO-H				
								Core	Edge	Core	Edge	Core	Edge	Core			Edge	
	Urban agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5102(b)(1)(C)}
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Commercial Uses																		
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Eating or Drinking Establishment Uses		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	<u>Cannabis on-site consumption establishment</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited

Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones										Other Base Zones	Use-Specific Standards
		CN	CS	CGO	IE	IH	NAC		TAC		LTO		RTO-L		RTO-H			
							Core	Edge	Core	Edge	Core	Edge	Core	Edge				
															RMH			
Retail Sales and Service Uses	[Medical cannabis dispensary] <u>Cannabis dispensary</u>	X	P	[SE] P	[X]P	[X]P	X	X	X	X	[SE] X	X	[SE] X	X	[SE] X	X	27-5102(e)(9)(G) [Refer to special exception standards]	
	<u>Cannabis micro-dispensary</u>	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	27-5102(e)(9)(H)	
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Industrial Uses																		
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Manufacturing Uses	<u>Cannabis processor</u>	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	27-5102(f)(3)(E)	

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited

Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards		
		CN	CS	CGO	IE	IH	NAC	TAC		LTO		RTO-L		RTO-H				
								Core	Edge	Core	Edge	Core	Edge	Core			Edge	
																		Core
RMH																		
	<u>Cannabis micro-processor</u>	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X	27-5102(f)(3)(F)
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
	Concrete or brick products manufacturing	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	27-5102(f)(3)(A)
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
	Paper and paperboard products	X	X	X	SE	P	X	X	X	X	X	X	X	X	X	X	X	27-5102(f)(3)(C) and refer to special exception standards
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

(e) Principal Use Table for Planned Development Zones

Table 27-5101(e): Principal Use Table for Planned Development Zones									
A = Permitted, unless the District Council prohibits the use in the PD Basic Plan									
SE = Allowed only with the approval of a Special Exception X = Prohibited									
Principal Use Category	Principal Use Type	Planned Development Zones							Use-Specific Standards
		R-PD	NAC-PD	TAC-PD	LTO-PD	RTO-PD	MU-PD	IE-PD	
Rural and Agricultural Uses									
Agriculture/Forestry Uses	* [Medical cannabis grower and/or processor] <u>Cannabis grower</u>	X	X	X	X	X	X	X	<u>27-5102(b)(1)(D)</u>
	<u>Cannabis micro-grower</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>27-5102(b)(1)(E)</u>
	* * * * *								
* * * * *									
Commercial Uses									
* * * * *									
Eating or Drinking	* * * * *								

Table 27-5101(e): Principal Use Table for Planned Development Zones

A = Permitted, unless the District Council prohibits the use in the PD Basic Plan

SE = Allowed only with the approval of a Special Exception X = Prohibited

Principal Use Category	Planned Development Zones								Use-Specific Standards
	Principal Use Type	R-PD	NAC-PD	TAC-PD	LTO-PD	RTO-PD	MU-PD	IE-PD	
Establishment Uses	<u>Cannabis on-site consumption establishment</u>	X	X	X	X	X	X	X	
		*	*	*	*	*	*	*	*
	*	*	*	*	*	*	*	*	*
Retail Sales and Service Uses	[Medical cannabis dispensary]								<u>27-5102(e)(9)(G)</u>
	<u>Cannabis dispensary</u>	X	X	X	X	[SE]X	[SE]X	X	[Refer to Special Exception standards]
	<u>Cannabis micro-dispensary</u>	X	X	X	X	X	X	X	<u>27-5102(E)(9)(H)</u>
		*	*	*	*	*	*	*	*
	*	*	*	*	*	*	*	*	*

Table 27-5101(e): Principal Use Table for Planned Development Zones

A = Permitted, unless the District Council prohibits the use in the PD Basic Plan

SE = Allowed only with the approval of a Special Exception X = Prohibited

Planned Development Zones									
Principal Use Category	Principal Use Type	R- PD	NAC- PD	TAC- PD	LTO- PD	RTO- PD	MU -PD	IE- PD	Use-Specific Standards
Industrial Uses									
	*	*	*	*	*	*	*	*	*
Manufacturing Uses	*	*	*	*	*	*	*	*	*
	<u>Cannabis processor</u>	X	X	X	X	X	X	A	<u>27-5102(f)(3)(E)</u>
	<u>Cannabis micro-processor</u>	X	X	X	X	X	X	A	<u>27-5102(f)(3)(F)</u>
	*	*	*	*	*	*	*	*	*
	Concrete or brick products manufacturing	X	X	A	A	A	A	A	27-5102(f)(3)(A)
	*	*	*	*	*	*	*	*	*
	*	*	*	*	*	*	*	*	*

(f) Principal Use Table for Overlay Zones

Table 27-5101(f): Principal Use Table for Overlay Zones														
A blank cell means the use is allowed only if allowed in underlying base zone														
X = Prohibited, irrespective of treatment by underlying base zone														
SE* = Allowed only with approval of a Special Exception, irrespective of treatment by underlying base zone														
P* = Permitted by right, irrespective of treatment by underlying base zone														
Principal Use Category	Principal Use Type	CBCAO Zones			APAO Zones						MIO Zones (2)			Use Specific Standards
		(1)			APA-	APA-	APA-	APA-	APA-	APA-	APZ	CZ	HINA	
		RCO	LDO	IDO	1	2	3S	3M	4	5	6			
Rural and Agricultural Uses														
Agriculture/Forestry Uses		*	*	*	*	*	*	*	*	*	*	*	*	*
	[Medical cannabis grower and/or processor] <u>Cannabis grower</u>													27-5102(b)(1)(D)
	<u>Cannabis micro-grower</u>													27-5102(B)(1)(E)

Table 27-5101(f): Principal Use Table for Overlay Zones

A blank cell means the use is allowed only if allowed in underlying base zone

X = Prohibited, irrespective of treatment by underlying base zone

SE* = Allowed only with approval of a Special Exception, irrespective of treatment by underlying base zone

P* = Permitted by right, irrespective of treatment by underlying base zone

Principal Use Category	Principal Use Type	CBCAO Zones			APAO Zones						MIO Zones (2)			Use Specific Standards	
		(1)			APA-	APA-	APA-	APA-	APA-	APA-	APA-	APZ	CZ		HINA
		RCO	LDO	IDO	1	2	3S	3M	4	5	6				
	Nursery and Garden Center	X	X	X	X	X	X	X	X	X	X	X	X	X	
	Urban agriculture														27-5102(b)(1)(C)
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Commercial Uses															
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Eating or Drinking Establishment Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
	<u>Cannabis on-site consumption establishment</u>	<u>X</u>													

Table 27-5101(f): Principal Use Table for Overlay Zones

A blank cell means the use is allowed only if allowed in underlying base zone

X = Prohibited, irrespective of treatment by underlying base zone

SE* = Allowed only with approval of a Special Exception, irrespective of treatment by underlying base zone

P* = Permitted by right, irrespective of treatment by underlying base zone

Principal Use Category	Principal Use Type	CBCAO Zones			APAO Zones						MIO Zones (2)			Use Specific Standards	
		(1)			APA-	APA-	APA-	APA-	APA-	APA-	APA-	APZ	CZ		HINA
		RCO	LDO	IDO	1	2	3S	3M	4	5	6				
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Retail Sales and Service Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	[Medical cannabis dispensary] <u>Cannabis dispensary</u>	X												<u>27-5102(e)(9)(G)</u> [Refer to special exception standards]	
	<u>Cannabis micro-dispensary</u>	<u>X</u>												<u>27-5102(e)(9)(H)</u>	

Table 27-5101(f): Principal Use Table for Overlay Zones

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Principal Use Category	Principal Use Type	CBCAO Zones			APAO Zones						MIO Zones (2)			Use Specific Standards	
		(1)			APA-	APA-	APA-	APA-	APA-	APA-	APA-	APZ	CZ		HINA
		RCO	LDO	IDO	1	2	3S	3M	4	5	6				
	*	*	*	*				*	*	*	*	*	*	*	
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Industrial Uses															
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
Manufacturing Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	
	<u>Cannabis processor</u>													<u>27-5102(F)(3)(E)</u>	
	<u>Cannabis micro-processor</u>													<u>27-5102(F)(3)(F)</u>	
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

Table 27-5101(f): Principal Use Table for Overlay Zones

A blank cell means the use is allowed only if allowed in underlying base zone

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P* = Permitted by right, irrespective of treatment by underlying base zone

Principal Use Category	Principal Use Type	CBCAO Zones			APAO Zones						MIO Zones (2)			Use Specific Standards	
		(1)			APA-	APA-	APA-	APA-	APA-	APA-	APA-	APZ	CZ		HINA
		RCO	LDO	IDO	1	2	3S	3M	4	5	6				
	Concrete or brick products manufacturing	X	X									X	X		27-5102(f)(3)(A)
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

1 **Sec. 27-5102. Requirements for Permitted Principal Uses.**

2 * * * * *

3 **(a) Agricultural Uses**

4 **(1) Agriculture/Forestry Uses**

5 * * * * *

6 **(B) [Medical Cannabis Grower and/or Processor] Cannabis Grower**

7 (i) The boundaries of property used for [medical] cannabis grower [and/or processor]
8 uses shall be located a minimum of 300 feet from:

9 a. Any [of the following zones: AR, RE, RR, RSF-95, RSF-65, and R-PD]
10 residential zone, including a residential comprehensive design zone under the prior ordinance;

11 b. [Any land owned by The Maryland-National Capital Park and Planning
12 Commission] a playground, recreation center, library, or public park; and

13 c. Any [use in the Educational Uses Principal Use Category] pre-existing primary
14 or secondary school in the State, or a pre-existing licensed childcare center or registered, pre-
15 existing family childcare home under the Education Article, Annotated Code of Maryland.

16 (ii) Buildings, structures, and parking shall be located the following minimum distance
17 from property lines:

18 a. In the AG zone: 200 feet; and

19 b. In the IE zone: 50 feet.

20 (iii) In the AG zone, the minimum net lot area is 10 acres.

21 (iv) Except for outdoor cultivation in the AG Zone pursuant to State licensing
22 regulations, all aspects of the use shall be conducted within a fully enclosed building, in
23 accordance with all applicable laws, rules, and regulations.

24 (v) In the AG Zone, outdoor cultivation areas shall be located a minimum of 100 feet
25 from any street or property line and shall be fenced in accordance with applicable State licensing
26 regulations. A planted bufferyard between the fence line and cultivation area shall be installed.

27 (vi) Outdoor signage shall be limited to building-mounted signs. Advertisement for
28 cannabis or cannabis products is prohibited.

29 (vii) [Medical cannabis grower and/or processor] Cannabis grower is not permitted as
30 an accessory use.

31 **(D) Cannabis micro-grower**

1 (i) The boundaries of property used for Cannabis micro-grower and/or
2 processor uses shall be located a minimum of three hundred (300) feet from:

3 (aa) Any residential zone, including a residential comprehensive
4 design zone under the prior ordinance;

5 (bb) A playground, recreation center, library, or public park; and

6 (cc) Any pre-existing primary or secondary school in the State, or pre-
7 existing licensed childcare center or registered, pre-existing family childcare home pursuant to
8 the Education Article, Annotated Code of Maryland.

9 (ii) Buildings, structures, and parking shall be located at least the following
10 minimum distance from property lines:

11 (aa) the AG Zone, fifty (50) feet; and

12 (bb) In the IE Zone, twenty-five (25) feet.

13 (iii) Except for outdoor cultivations in the AG Zone pursuant to State
14 licensing regulations, all aspects of the use shall be conducted within a fully enclosed building,
15 in accordance with all applicable laws, rules, and regulations.

16 (iv) In the AG Zone, outdoor cultivation areas shall be located a minimum
17 of fifty (50) feet from any street or property line and shall be fenced in accordance with
18 applicable State licensing regulations. A planted bufferyard between the fence line and
19 cultivations area shall be installed.

20 (v) Outdoor signage shall be limited to building-mounted signs.
21 Advertisement for Cannabis or Cannabis products is prohibited.

22 (vi) Cannabis micro-grower is not permitted as an accessory use. However,
23 it may co-locate with a Cannabis micro-dispensary and/or Cannabis micro-processor use within a
24 facility operated by a Cannabis incubator.

25 * * * * *

26 **(e) Commercial Uses**

27 * * * * *

28 **(9) Retail Sales and Service Uses**

29 * * * * *

30 **(G) Cannabis Dispensary**

31 (1) The boundaries of property used as a Medical Cannabis Dispensary shall be:

1 **(aa)** At least five hundred (500) feet from any existing or planned
2 residential use, or property in a residential zone, including a residential comprehensive design
3 zone under the prior ordinance;

4 **(bb)** At least five hundred (500) feet from any:

5 **(I)** Pre-existing primary or secondary school in the State; or a pre-
6 existing licensed childcare center or registered, pre-existing family childcare home pursuant to
7 the Education Article, Annotated Code of Maryland; or

8 **(II)** A playground, recreation center, library, or public park; and

9 **(III)** At least one thousand (1,000) feet from another Cannabis
10 dispensary or Cannabis micro-dispensary.

11 **(cc)** At least two thousand (2,000) feet from any liquor store.

12 **(2)** Minimum parking requirements set forth in Section 27-6305 of this Subtitle
13 are required.

14 **(3)** Cannabis dispensary is not permitted as an accessory use.

15 **(4)** Outdoor signage shall be limited to building-mounted signs.
16 Advertisement for Cannabis or Cannabis products is prohibited.

17 **(5)** There shall be no on-site consumption of Cannabis or Cannabis products.

18 **(6)** The use shall be limited to twelve (12) business hours per day, between the
19 hours of 8 a.m. and 10 p.m. All sales must be made and recorded during the hours of 8 a.m. and
20 10 p.m.

21 **(7)** The holder of a Special Exception for a Medical cannabis dispensary may
22 operate as a Cannabis dispensary pursuant to that approved Special Exception and need not seek
23 a new Special Exception approval for the Cannabis dispensary use, provided that the operator
24 has converted the applicable State license to allow for the sale of both medical and adult use
25 cannabis pursuant to the Alcoholic Beverages & Cannabis Article, Annotated Code of Maryland.

26 * * * * * * * * *

27 **(GH) Cannabis micro-dispensary**

28 **(i)** The boundaries of property used as a Cannabis micro-dispensary shall
29 be:

30 **(aa)** At least three hundred (300) feet from any property in a
31 residential zone, including a residential comprehensive design zone under the prior ordinance;

(bb) At least five hundred (500) feet from any:

(I) Pre-existing primary or secondary school in the State, or a pre-existing licensed childcare center or registered, pre-existing family childcare home pursuant to the Education Article, Annotated Code of Maryland; or

(II) A playground, recreation center, library, or public park; and

(cc) At least one thousand (1,000) feet from another Cannabis micro-dispensary or a Cannabis dispensary use.

(ii) Cannabis micro-dispensary is not permitted as an accessory use.

However, it may co-locate with a Cannabis Micro-processor and/or Cannabis micro-grower use within a facility operated by a Cannabis incubator.

(iii) Outdoor signage shall be limited to building-mounted signs.

Advertisement for Cannabis or Cannabis products is prohibited.

* * * * *

(f) Industrial Uses

* * * * *

(3) Manufacturing Uses

(AE) Cannabis processor

(i) The boundaries of property used for Cannabis processor uses shall be located a minimum of three hundred (300) feet from:

(aa) Any residential zone, including a residential comprehensive design zone under the prior ordinance;

(bb) A playground, recreation center, library, or public park; and

(cc) Any pre-existing primary or secondary school in the State, or a pre-existing licensed childcare center or registered, pre-existing family childcare home pursuant to the Education Article, Annotated Code of Maryland.

(ii) Buildings, structures, and parking shall be located at least the following minimum distance from property lines:

(aa) In the AG Zone, two hundred (200) feet;

(bb) In the IE Zone, fifty (50) feet.

(iii) In the AG Zone, the minimum net lot area is ten (10) acres.

1 (iv) All aspects of the use shall be conducted within a fully enclosed building,
2 in accordance with all applicable laws, rules, and regulations.

3 (v) Outdoor signage shall be limited to building-mounted signs.
4 Advertisement for Cannabis or Cannabis products is prohibited.

5 (vi) Cannabis processor is not permitted as an accessory use.

6 **(F) Cannabis micro-processor**

7 (i) The boundaries of property used for Cannabis micro-processor uses shall be
8 located a minimum distance of three hundred (300) feet from:

9 (aa) Any residential zone, including a residential comprehensive design
10 zone under the prior ordinance;

11 (bb) A playground, recreation center, library, or public park; and

12 (cc) Any pre-existing primary or secondary school in the State, or a pre-
13 existing licensed childcare center or registered, pre-existing family childcare home pursuant to
14 the Education Article, Annotated Code of Maryland.

15 (ii) Buildings, structures, and parking shall be located in the following
16 minimum distance from property lines:

17 (aa) In the AG Zone, two hundred (200) feet; and

18 (bb.) In the IE Zone, fifty (50) feet.

19 (iii) All aspects of the use shall be conducted within a fully enclosed building,
20 in accordance with all applicable laws, rules, and regulations.

21 (iv) Outdoor signage shall be limited to building-mounted signs.
22 Advertisement for Cannabis or Cannabis products is prohibited.

23 (v) Cannabis micro-processor is not permitted as an accessory use. However,
24 it may co-locate with Cannabis micro-dispensary and/or Cannabis micro-grower uses within a
25 facility operated by a Cannabis incubator.

26 * * * * * * * *

27 **SECTION 27-5400. SPECIAL EXCEPTION STANDARDS.**

28 **Sec. 27-5402. Additional Requirements for Specific Special Exception Uses.**

29 * * * * * * * *

1 **(nn) [Medical cannabis dispensary] Reserved.**

2 [(1) The boundaries of property used as a medical cannabis dispensary shall be:]

3 [(A) At least three hundred (300) feet from any property in the AR, RE, RR, RSF-95, or
4 RSF-65 zones;]

5 [(B) At least five hundred (500) feet from any land owned by the Maryland-National
6 Capital Park and Planning Commission, unless the land has no recreational facilities within 500
7 feet of the dispensary property or there is a regulated stream or a County master plan roadway with
8 a functional transportation classification as arterial or higher separating the recreational facilities
9 from the property;]

10 [(C) At least five hundred (500) feet from any school land uses; and]

11 [(D) At least one (1) mile from any other medical cannabis dispensary use.]

12 [(2) Minimum parking requirements for a medical cannabis dispensary shall be at least
13 equivalent to the minimum parking requirements for a medical practitioner's office/medical clinic.]

14 [(3) Medical cannabis dispensary is not permitted as an accessory use.]

15 [(4) Outdoor signage shall be limited to building mounted signs and advertisement for
16 cannabis or cannabis products is prohibited.]

17 * * * * *

1 SECTION 2. BE IT FURTHER ENACTED that the provisions of Section 27-5101, 27-
2 5102, and 27-6305 shall be renumbered or reordered, as appropriate, to accommodate the
3 incorporation of the provisions of this Ordinance and to be consistent with the tabulation
4 conventions within the Zoning Ordinance.

5 SECTION 3. BE IT FURTHER ENACTED the provisions of this Ordinance shall apply
6 prospectively. Any uses that were permitted and existing as of January 1, 2023, shall be deemed
7 permitted uses and not nonconforming uses.

8 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Ordinance are
9 severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
10 clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of
11 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
12 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
13 Ordinance, since the same would have been adopted without the incorporation in this Ordinance
14 of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph,
15 subsection, or section.

1
2

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 9th day of April, 2024.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: Jolene Ivey
Jolene Ivey
Chair

ATTEST:

Donna J. Brown

Donna J. Brown
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.