

COUNTY ORDINANCE NO. 24-04

AN EMERGENCY BILL ENTITLED

AN ACT CONCERNING Cannabis Regulation in Queen Anne's County;

FOR THE PURPOSE of regulating the consumption, growing, processing and dispensing of cannabis and the location of cannabis dispensaries and processors in Queen Anne's County; prohibiting on-site cannabis consumption establishments; permitting Cannabis Licensed Growers as a conditional use in the Agricultural (AG) District; permitting cannabis licensed processors as a conditional use in the Suburban Commercial (SC) District, the Urban Commercial (UC) District, the Suburban Industrial (SI) District, and the Light Industrial Highway Service (LIHS) District in Queen Anne's County; permitting Cannabis Licensed Processors in the Suburban Industrial Employment (SIBE) District; permitting cannabis licensed dispensaries in the Grasonville Gateway and Medical Center (GGMC) District in Queen Anne's County; providing setbacks for such uses; providing additional standards for cannabis related conditional uses; providing definitions of Cannabis, Cannabis Concentrate, Cannabis Infused Product, Cannabis Licensed Grower, Cannabis Product, Cannabis Licensed Dispensary, Cannabis Licensed Processor and On-Site Cannabis Consumption Establishment, and generally regulating and providing for the processing and dispensing of Cannabis in Queen Anne's County.

BY AMENDING Sections 18:1-13, 18:1-14, 18:1-21, 18:1-22, 18:1-23, 18:1-24, 18:1-35, 18:1-35.1, 18:1-95 and 18 App-1 Definitions of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18:1-13, 18:1-14, 18:1-21, 18:1-22, 18:1-23, 18:1-24, 18:1-35, 18:1-35.1, 18:1-95 and 18 App-1 Definitions of the Code of Public Local Laws be and are hereby **AMENDED** to read as set forth as follows:

§ 18:1-13. General district regulations.

A. Purpose. The purpose of this section is:

- (1) To specify the *uses* allowed in each zoning district;
- (2) To specify the *uses* allowed in a given zoning district only upon obtaining conditional *use* approval; and
- (3) To establish the minimum and maximum standards for the *density* of *residential*

uses, the intensity of commercial uses, the size of lots, the size of yards and other open spaces, and the height of buildings.

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D. *Uses not permitted.*

- (1) No building permit shall be issued for a *use* not listed or described by category in this section.
- (2) The intent of this section is to group similar or compatible land *uses* into specific zoning districts, either as permitted *uses* or as *uses* permitted following conditional *use* approval. *Uses* not listed as a permitted or conditional *use* shall be presumed to be prohibited from the applicable zoning district. The *Planning Director* may determine whether a proposed *use* is materially similar to a *use* in this section listed as a permitted or conditional *use* in this section.
- (3) Should the *Planning Director* determine that a proposed *use* not specifically listed in this section is materially similar to a listed *use*, the regulations governing the listed *use* shall apply to the *use* not listed and the *Planning Director's* decisions shall be in writing. The *Planning Director* shall not determine that an unlisted *use* is materially similar to a listed *use* unless the unlisted *use* is similar in impact on public facilities and adjacent land *uses*.
- (4) Should the *Planning Director* determine that a materially similar *use* does not exist, the matter may be referred to the *Planning Commission* for consideration for *amendment* to this Chapter 18:1 to establish a specific listing for the *use* in question.

(5) AS AUTHORIZED BY MD. ALCOHOLIC BEVERAGES AND CANNABIS CODE ANN. § 36-407(B)(1), ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS ARE PROHIBITED IN ALL ZONING DISTRICTS.

§ 18:1-14. Agricultural (AG) District.

A. *Purpose.*

- (1) The Agricultural (AG) District is intended to preserve and protect areas of the *County* that are predominately in agricultural *use*. The AG District is characterized by agricultural and related *uses*. A minimal amount of new *residential development* shall be allowed, provided the rural and agricultural character of the area is preserved.
- (2) It is intended that in the AG District, there shall be no basis under state law (COMAR § 5-4-03) or this Chapter 18:1 for recourse against the effects of any normal farming operations conducted in accordance with standard and acceptable *best*

management practices. Normal agricultural effects include, but are not limited to, noise, odor, vibration, fumes, dust, spray drift, or *glare*.

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C. Conditional uses. **[Amended 9-5-2006 by Ord. No. 06-10]**

- (1) *Agricultural conference facilities.*
- (2) *Aquaculture*, with more than two ponds created by extraction, or any single pond greater than five acres in size created by extraction, on any single *lot*.
- (3) *Campgrounds.*
- (4) *Commercial apartments*; allowed only in conjunction with a *country store*.
- (5) *Country inn.*
- (6) *Country store.*
- (7) *Major extraction and dredge disposal.*
- (8) ~~*Medical-Cannabis licensed growERing*~~. This use shall not be located within 1,000 feet of any *lot line* of property containing an *institutional use*. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA). ~~[Added 4-11-2017 by Ord. No. 17-06[±]]~~
- (9) *Minor extraction and dredge disposal uses*: **[Added 8-19-2008 by Ord. No. 08-15²]**
 - (a) Minor extraction that requires a surface mining permit in accordance with COMAR 26.21.01, except as provided in § 18:1-14B(19)(b).
 - (b) Minor extraction and dredge disposal uses that require the issuance of a surface mining permit on a parcel that has been subject to a cluster subdivision or a parcel that is a developed parcel for noncontiguous development. For the purposes of this subsection, parcel shall mean a lot of record existing on September 1, 2008.
- (10) *Fraternal organizations.*
- (11) *Funeral homes.*
- (12) *Group day-care center.*
- (13) *Institutional residential* (serving six or more residents).
- (14) *Nonprofit and for-profit institutional.*
- (15) *Organic fertilizer storage and transfer operations.*
- (16) *Private airports.*

- (17) *Private landing strips and heliports.*
- (18) *Public heliports and airports.*
- (19) *Public utilities.*
- (20) *Rural country clubs.*
- (21) *Shooting clubs.*
- (22) *Telecommunications facilities.*
- (23) *Youth camps.*
- (24) *Nonprofit, seasonal, live-performance dinner theatre.* **[Added 8-9-2011 by Ord. No. 11-09]**
- (25) *Solar arrays.* **[Added 12-13-2011 by Ord. No. 11-07]**
- (26) *Special events.* **[Added 3-26-2013 by Ord. No. 13-01]**

§ 18:1-21. Suburban Commercial (SC) District.

- A. Purpose. The Suburban Commercial (SC) District is intended to provide primarily for a variety of *commercial uses* and limited *light industrial uses* in predominately rural or suburban areas not served by *public sewer*. Extensive landscaping requirements and other restrictions within the SC District are intended to mitigate *commercial use* impacts and preserve surrounding rural or suburban character.

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- C. Conditional uses.

- (1) *Campgrounds.*
- (2) *Commercial forestry.*
- (3) *First-floor commercial apartments.*
- (4) *Light industrial.*
- (5) *Marinas.*
- (6) ~~C^{Medical}~~*cannabis licensed processing* **ORing**. This use shall not be located within 1,000 feet of any *lot lines* of property containing an *institutional use*. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA). **[Added 4-11-2017 by Ord. No. 17-06⁺]**
- (7) *Minor extraction and dredge disposal uses.*

(8) *Public utilities.*

(9) *Telecommunications facilities.*

§ 18:1-22. Urban Commercial (UC) District.

- A. Purpose. The Urban Commercial (UC) District is intended to provide primarily for a variety of *commercial and limited light industrial uses* in predominately urban areas along major highways. Stringent design and landscaping standards within the UC District are intended to minimize the impacts of highway *commercial uses*.

- C. Conditional uses.

(1) *Commercial forestry.*

(2) *First-floor commercial apartments.*

(3) *Marinas.*

(4) ~~Medical-cannabis~~ *licensed dispensary.* [~~Added 4-11-2017 by Ord. No. 17-06¹~~]

(5) ~~Medical-cannabis~~ **CANNABIS** *licensed processor.* [~~Added 4-11-2017 by Ord. No. 17-06~~]

(6) *Minor extraction and dredge disposal uses.*

(7) *Private airports.*

(8) *Public utilities.*

(9) *Telecommunications facilities.*

§ 18:1-23. Suburban Industrial (SI) District.

- A. Purpose. The Suburban Industrial (SI) District is intended to provide primarily for the *development* of *office, regional commercial, warehouse, and light industrial uses* that are compatible with surrounding *development*. New *development* within the SI District should provide adequate *screening* and *buffer yards* in order to minimize adverse impacts to surrounding areas.

- C. Conditional uses.

(1) *Agriculture.*

(2) *Aquaculture.*

(3) *Commercial forestry.*

- (4) *Major extraction and dredge disposal.*
- (5) *Heavy industrial.*
- (6) *Marinas.*
- (7) ~~C^{Medical}-cannabis~~ licensed process~~OR~~ing. This use shall not be located within 1,000 feet of any *lot lines* of property containing an *institutional use*. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA). ~~[Added 4-11-2017 by Ord. No. 17-06⁺]~~
- (8) *Outdoor recreation.*
- (9) *Private airports.*
- (10) *Public heliports and airports.*
- (11) *Public utilities.*
- (12) *Telecommunications facilities.*
- (13) *Truck stops and travel plazas.*
- (14) *Kennels* [Added 1-24-2017 by Ord. No. 16-17]

§ 18:1-24. Light Industrial Highway Service (LIHS) District.

- A. Purpose. The Light Industrial Highway Service (LIHS) District is intended to provide *light industrial*, highway service, *office*, and regional *commercial uses* at key intersections along the U.S. Route 301 corridor from the U.S. Routes 50/301 split north to Kent County. The LIHS District is limited to those principal intersections that are planned to be upgraded or can provide safe access/ egress to *sites* along the Route 301 corridor that have intermodal transportation access. Extensive landscaping and *screening* is required within the LIHS District in order to mitigate off-site impacts on less intensive *uses*.

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- C. Conditional *uses*.
 - (1) *Aquaculture*, with more than two ponds created by extraction, or any single pond greater than five acres in size created by extraction, on any single *lot*.
 - (2) *Commercial forestry.*
 - (3) *Major extraction and dredge disposal.*
 - (4) *Heavy industrial.*
 - (5) ~~C^{Medical}-cannabis~~ licensed process~~OR~~ing. This use shall not be located within 1,000 feet of any school, *lot lines* of property containing a place of worship or municipal use. If proposed in the critical area, the classification of the property shall

be Intensely Developed Area (IDA). ~~[Added 4-11-2017 by Ord. No. 17-06¹]~~

- (6) *Outdoor recreation.*
- (7) *Private airports.*
- (8) *Public heliports and airports.*
- (9) *Public utilities.*
- (10) *Telecommunications facilities.*
- (11) *Truck stops and travel plazas.*

§ 18:1-35. Suburban Industrial Business Employment (SIBE) District.

- A. Purpose. The Suburban Industrial Business/Employment (SIBE) District is to provide for the *development* of moderate-intensity *office*, regional commercial, *warehouse*, and *light industrial uses* to generate employment and business opportunities creating a major employment center in the *County*. New *development* within the SIBE District should provide for quality design and architecture.
- B. Permitted uses.
 - (1) Business and professional *office* complexes.
 - (2) *Group day-care center*.
 - (3) Light industry *uses* including:
 - (a) Blacksmith shops;
 - (b) Boat building;
 - (c) Bulk materials or machinery storage (fully enclosed);
 - (d) Business cluster facilities (an incubator facility offering space and support services for early stage companies engaged in the development of products or services with commercial potential);
 - (e) Contractors' *offices* and equipment storage yards;
 - (f) Dry-cleaning and laundry plants serving more than one outlet;
 - (g) Food processing and packing plants;
 - (h) Fuel oil (storage and sales);
 - (i) Furniture refinishing shops;

- (j) Incidental retail stores, not to exceed 25,000 square feet of gross *floor area*, associated with building and plumbing supply distribution operations;
- (k) Manufacturing/warehousing (including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products) in plants with fewer than 500 employees on a single shift;
- (l) Materials sales;
- (m) ~~C^{Medical}~~~~cannabis~~ **LICENSED** processing. This use shall not be located within 1,000 feet of any school, **DAYCARE**, lot lines of property containing a place of worship or municipal use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA). ~~[Added 4-11-2017 by Ord. No. 17-06¹]~~
- (n) Ornamental iron workshops;
- (o) Printing plants;
- (p) Scientific (e.g., research, testing or experimental) laboratories;
- (q) Showrooms;
- (r) Trade shops (including cabinet, carpentry, planing, plumbing, refinishing and paneling);
- (s) *Truck terminals*; and
- (t) Wholesale business and storage.

§ 18:1-35.1. Grasonville Gateway and Medical Center (GGMC) District. [Added 1-24-2012 by Ord. No. 11-17]

- A. Purpose. This district will create a sense of place as the entry in the community of Grasonville and provide for the development of *mixed uses* including medical-related uses, retail and limited residential and to supply health-care-related services, employment and business opportunities in the *County*. New *development* within the Grasonville Gateway and Medical Center District should provide for quality design and architecture consistent with the existing *buildings* in the zoning district dedicated to medical services.
- B. Permitted uses.
 - (1) Assisted living facilities.
 - (2) Banks and other financial institutions.
 - (3) Barbershop/hair dresser.

- (4) Business and professional offices.
- (5) *Carry-out food service.*
- (6) *Coffee shop.*
- (7) *Commercial apartments.*
- (8) Diagnostic centers.
- (9) Domiciliary care facilities.
- (10) Dry cleaner.
- (11) *Emergency center.*
- (12) Fitness center.
- (13) *Funeral home.*
- (14) *Group day-care center.*
- (15) Hospital.
- (16) *Hotels.*
- (17) *Institutional, residential* serving five or fewer residents.
- (18) *Institutional, nonprofit.*
- (19) *Institutional, for-profit.*
- (20) ~~C¹Medical-cannabis licensed dispensary. [Added 4-11-2017 by Ord. No. 17-06¹]~~
- (21) Medical *offices* and clinics.
- (22) Medical training facilities.
- (23) Medical specialties and medical support services.
- (24) Minor multifamily development.
- (25) Non-fast-food restaurants.
- (26) Nursing homes.
- (27) Professional offices.
- (28) Pharmacy or formulary associated with medical offices.
- (29) Public service uses.
- (30) Rehabilitation centers.

- (31) Retail pharmacy.
- (32) Scientific (e.g., medical, research, testing or experimental) laboratories.
- (33) Veterinary offices.

D. *Development standards.*

- (1) In general. Applications for *development* in the GGMC District shall meet the following standards in addition to all other applicable requirements for this Chapter 18 that do not conflict with the standards contained in this section. In cases where other standards in this Chapter 18:1 may conflict with standards contained in this section, only the standards in this section shall apply.

- (4) ~~Cannabis licensed dispensary in GGMC. [Added 4-11-2017 by Ord. No. 17-06]~~
 - (a) Shall be located at least 1,000 feet of any *lot lines* of property containing a place of worship, public or private **DAYCARE**, school, **PLAYGROUND**, **RECREATION CENTER**, **LIBRARY**, **PUBLIC PARK**, or correction facility.
 - (b) Shall be located on a property at least 100 feet from any property containing residential *dwelling unit* or *units*;
 - (c) Shall be located **2,500 FEET FROM ANOTHER CANNABIS LICENSED DISPENSARY** on a property designated sewer service S-1 or S-2 as identified by the 2011 Comprehensive Water and Sewerage Plan.

§ 18:1-95 Additional standards for specified conditional uses.

U. ~~Medical-Cannabis LICENSED: grower, processor, and dispensary. [Added 4-11-2017 by Ord. No. 17-06]~~

- (1) ~~Medical-Cannabis~~ licensed grower:
 - (a) Shall be located on a property that comprises 20 acres or more.
 - (b) Shall not be located within 1,000 feet of any *lot lines* of property containing public or private day care, **SCHOOL** ~~pre-, elementary, middle, or high school.~~
 - (c) If proposed in the critical area, the classification shall be Intensely Developed Area (IDA).
 - (d) Shall comply with **ALL REGULATIONS AS DESCRIBED IN THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE**

ANNOTATED CODE OF MARYLAND COMAR Title 10:62.

(2) ~~Medical~~ **Cannabis licensed processor:**

- (a) Shall not be located within 1,000 feet of any public or private day care, **SCHOOL**~~pre-, elementary, middle, or high school~~;
- (b) If proposed in the critical area, the classification shall be Intensely Developed Area (IDA); and
- (c) Shall comply with **ALL REGULATIONS AS DESCRIBED IN THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND**~~COMAR Title 10:62.~~

(3) ~~Medical~~ **Cannabis licensed dispensary:**

- (a) Shall not be located on a property that abuts any property with an existing *residential use*;
- (b) Shall be located at least 1,000 feet from any *lot lines* of property containing a place of worship, public or private day care, school, **PLAYGROUND, RECREATION CENTER, LIBRARY, PUBLIC PARK**, or correction facility;
- (c) Shall be located on a property at least 100 feet from any *lot lines* of property containing residential *dwelling unit* or *units*;
- (d) Shall be located on a property designated sewer service S-1 or S-2 as identified by the 2011 Comprehensive Water and Sewerage Plan;
- (e) Shall comply with **ALL REGULATIONS AS DESCRIBED IN THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND**~~COMAR Title 10:62;~~
- (f) Shall take access from a public right-of-way that meets or exceeds Queen Anne's County Public Road Standards;
- (g) Shall be located more than 2,500 feet from another ~~medical~~ **LICENSED cannabis dispensary**;
- (h) Shall not have an on-site physician for the purpose of issuing written certifications for medical cannabis;
- (i) The use shall be limited to ~~medical~~ **THE RETAIL SALE OF** cannabis and related products.

§ 18App-1 Definitions

CANNABIS LICENSED GROWER

AN ENTITY LICENSED BY THE MARYLAND CANNABIS ADMINISTRATION THAT CULTIVATES OR PACKAGES CANNABIS AND IS AUTHORIZED BY THE ADMINISTRATION TO PROVIDE CANNABIS TO OTHER CANNABIS LICENSEES AND REGISTERED INDEPENDENT TESTING LABORATORIES.

CANNABIS PRODUCT

PRODUCTS THAT ARE COMPOSED OF CANNABIS, CANNABIS CONCENTRATE, CANNABIS EXTRACT, OR OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE PRODUCTS, OILS, AND TINCTURES.

~~MEDICAL CANNABIS~~

- A. THE PLANT CANNABIS SATIVA L. AND ~~AA~~ny PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS, ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A DRY WEIGHT BASIS.**
- B. INCLUDES CANNABIS product, CANNABIS CONCENTRATE, AND CANNABIS-INFUSED ~~containing usable cannabis or medical cannabis finished product.~~**
- C. DOES NOT INCLUDE HEMP OR HEMP PRODUCTS, AS DEFINED IN MD. AGRICULTURE CODE ANN. § 14-101.**

~~[Added 4-11-2017 by Ord. No. 17-06]~~

~~MEDICAL CANNABIS FINISHED PRODUCT~~CONCENTRATE

~~Any product INTENDED FOR MEDICINAL, OR ADULT-USE DERIVED FROM CANNABIS THAT IS KIEF, HASHISH, BUBBLE HASH, OIL, WAX, OR OTHER PRODUCTS PRODUCED BY EXTRACTING CANNABINOIDS FROM THE PLANT THROUGH THE USE OF SOLVENTS, CARBON DIOXIDE, OR HEAT, SCREENS, PRESSES, OR STEAM DISTILLATION. containing a medical cannabis concentrate or a medical cannabis-infused product packaged and labeled for release to a qualifying patient.~~

~~[Added 4-11-2017 by Ord. No. 17-06]~~

- ~~A. "Medical cannabis-infused product" is oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge or other product containing medical cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.~~

- ~~B. "Medical cCANNABIS-INFUSED PRODUCT ~~annabis-infused product~~" does not include a food as that term is defined in Health-General Article, § 21-101, Annotated Code of Maryland. OIL, WAX, OINTMENT, SALVE, TINCTURE, CAPSULE,~~

SUPPOSITORY, DERMAL PATCH, CARTRIDGE, OR ANY OTHER PRODUCTS CONTAINING CANNABIS CONCENTRATE OR USABLE CANNABIS THAT HAS BEEN PROCESSED SO THAT THE DRIED LEAVES AND FLOWERS ARE INTEGRATED INTO OTHER MATERIALS.

~~MEDICAL CANNABIS~~ CANNABIS LICENSED DISPENSARY

An entity licensed by the Maryland ~~Medical Cannabis~~ **ADMINISTRATION** ~~Commission~~ that acquires, possesses, repackages, ~~processes, transfers,~~ transports, sells, distributes, or dispenses **CANNABIS OR CANNABIS PRODUCTS, INCLUDING CANNABIS CONCENTRATE AND CANNABIS-INFUSED PRODUCT** ~~products containing medical cannabis, related supplies, related products including tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patientS, or caregiverS,~~ **OR CONSUMERS THROUGH A STOREFRONT OR THROUGH A DELIVERY SERVICE.**

~~MEDICAL CANNABIS~~ LICENSED PROCESSOR

An entity licensed by the Maryland ~~Medical Cannabis~~ **Commission** **ADMINISTRATION** that:

- A. Transforms ~~the medical~~ cannabis into another product or extract **AND PACKAGES AND LABELS THE PRODUCT OR EXTRACT;** and
- B. ~~Packages and labels medical cannabis.~~ **IS AUTHORIZED BY THE ADMINISTRATION TO PROVIDE CANNABIS TO LICENSED DISPENSARIES AND REGISTERED INDEPENDENT TESTING LABORATORIES.**

ON-SITE CANNABIS CONSUMPTION ESTABLISHMENT

A PREMISE LICENSED BY THE MARYLAND CANNABIS ADMINISTRATION IN WHICH CANNABIS MAY BE CONSUMED, BUT NOT SMOKED OR CONSUMED INDOORS.

SECTION II

BE IT FURTHER ENACTED that this Ordinance is declared to be an Emergency Bill and shall take effect immediately upon passage by a four-fifths vote of the County Commissioners of Queen Anne's County.

INTRODUCED BY: Commissioner James Moran

DATE: February 13, 2024

PUBLIC HEARING HELD: March 12, 2024

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: March 12, 2024