

# ENROLLED

## COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2024 Legislative Session

Legislative Day No. 16

### Legislative Bill 2024- 07

Introduced: July 16, 2024

Introduced by: The Council President at the request of the Planning Commission

AN ACT TO AMEND CHAPTER 225 OF THE WICOMICO COUNTY CODE, TITLED "ZONING" PART 8, TITLED "SPECIAL STANDARDS FOR PARTICULAR USES," ARTICLE XX, TITLED "USES AND STANDARDS FOR PARTICULAR USES," SECTION §225-82.1 TITLED "CANNABIS BUSINESSES" TO MODIFY CANNABIS BUSINESS ZONING REGULATIONS IN WICOMICO COUNTY.

WHEREAS, on November 8, 2022, Maryland voters passed " Question 4" by ballot referendum, making it legal for individuals aged 21 and older to possess and consume cannabis in Maryland on or after July 1, 2023; and

WHEREAS, on April 8, 2023, the Maryland General Assembly passed the Cannabis Reform Act (HB556/ SB516) which allowed for cannabis sales to adults 21 and older from licensed dispensaries and established a framework for adult-use cannabis sales beginning July 1, 2023; and

WHEREAS, on May 3, 2023, the Governor of Maryland signed the Cannabis Reform Act into law; and

WHEREAS, on April 5, 2024, the Maryland General Assembly passed the Cannabis Licensee Locations-Restrictions Act (HB805/ SB537) and on April 25, 2024, the Governor of Maryland signed the Cannabis Licensee Locations-Restrictions Act into law; and

WHEREAS, the Act provides political subdivisions with limited power to establish zoning requirements for and otherwise regulate cannabis; and

WHEREAS, the Wicomico County Planning Commission, has reviewed the request and recommends the incorporation of certain cannabis practices into Chapter 225 of the Wicomico County Code.

Section I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 225 of the Wicomico County Code, titled "Zoning" Part 8, Titled "Special Standards for Particular Uses," Article XX, Titled "Uses and Standards for Particular Uses," Section §225-82.1 Titled "Cannabis Businesses" is hereby amended, to read as follows:

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## Part 8

### Special Standards for Particular Uses

## Article XX

### Uses and Standards for Particular Uses

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#### §225-82.1 Cannabis Businesses

A. A cannabis business may not locate within:

- (1) ~~1,000~~ **500** feet of a pre-existing primary or secondary school in the state;
- (2) 500 feet of a **PRE-EXISTING** licensed child care center or registered family child care home, playground, recreation center, library, place of assembly or public park;
- (3) ~~1,000~~ **2,640** feet of another cannabis business; or
- (4) ~~300~~ **100** feet of a **PRE-EXISTING** residence.

B. A cannabis on-site consumption establishment is prohibited within Wicomico County.

C. A cannabis business not enumerated as a permitted use in § 225-67 is prohibited within Wicomico County. **A LICENSED GROWER CULTIVATING CANNABIS, EXCLUSIVELY OUTDOORS AND IN AN AREA ZONED ONLY FOR AGRICULTURAL USE, SHALL COMPORT WITH STATE LAW AND THE SEPARATION REQUIREMENTS SET FORTH IN SUBSECTION (A).**

~~D. The distance from a cannabis business to a place enumerated in subsection (a) of this section is to be measured, in all directions, from parcel boundary to parcel boundary. THE~~  
**SEPARATION REQUIREMENTS ENUMERATED ABOVE SHALL BE MEASURED FROM THE BOUNDARY OF THE REAL PROPERTY OWNED OR LEASED BY AN ENTITY IN SUBSECTION (A). A PRIMARY OR ACCESSORY STRUCTURE OF A CANNABIS BUSINESS MAY NOT LOCATE WITHIN THE RESPECTIVE SEPARATION AREAS.**

**E. THE BOARD OF APPEALS MAY MODIFY THE SEPARATION REQUIREMENTS IN SUBSECTION (A) BY SPECIAL EXCPETION.**


SECTION II: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION THAT this bill shall be known as Legislative Bill No. 2024-07 and shall take effect sixty (60) days after its enactment, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 6<sup>th</sup> day of August, 2024.

WICOMICO COUNTY, MARYLAND

 (SEAL)

By: John Cannon, President

 (SEAL)

By: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

 (SEAL)

By: Laura Hurley, Secretary

Explanation:

~~Strike Out~~ indicates matters deleted from existing law.

**CAPITAL BOLD** indicate matters added to existing law.

~~**STRIKE OUT CAPITAL BOLD**~~ indicates matter stricken from Bill by Amendment.

CAPITAL UNDERLINING indicates Amendments to Bill

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

2024 Legislative Session

Legislative Day No. 16

**LEGISLATIVE BILL NO. 2024-07**

**INTRODUCED BY:** The Council President at the request of the County Executive.

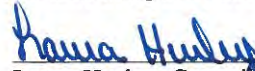
Legislative Bill 2024-07: AN ACT TO AMEND CHAPTER 225 OF THE WICOMICO COUNTY CODE, TITLED "ZONING" PART 8, TITLED "SPECIAL STANDARDS FOR PARTICULAR USES," ARTICLE XX, TITLED "USES AND STANDARDS FOR PARTICULAR USES," SECTION §225-82.1 TITLED "CANNABIS BUSINESSES" TO MODIFY CANNABIS BUSINESS ZONING REGULATIONS IN WICOMICO COUNTY.

Introduced and read first time on July 16, 2024. Ordered posted and public hearing scheduled for August 6, 2024 at 6:00 p.m.



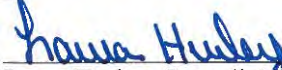
Laura Hurley, Council Administrator

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on August 6, 2024.



Laura Hurley, Council Administrator

**CERTIFICATION:** The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 6<sup>th</sup> day of August, 2024.



Laura Hurley, Council Administrator

Presented to the County Executive for approval this 7<sup>th</sup> day of August at 1:15 a.m./p.m. (5 days §411)



Laura Hurley, Council Administrator

**BY THE COUNTY EXECUTIVE:**



County Executive

APPROVED

Date: 8/7/24  
(21 days §411)

VETOED

Date: \_\_\_\_\_


**BY THE COUNCIL:**

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on August 7, 2024 and effective on: October 7, 2024.  
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_. (60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_. (Charter Section 305)

**ENROLLMENT:** Legislative Bill No. 2024-07 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator