

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 12

Bill No. 56-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, June 20, 2023

Introduced and first read on June 20, 2023
Public Hearing set for and held on July 17, 2023
Bill Expires September 23, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

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

3
4 FOR the purpose of modifying the definition of “farming”; modifying certain references
5 to licensed growers, processors, and dispensaries of cannabis; removing certain
6 licensed dispensaries of cannabis from certain commercial and industrial zoning
7 districts as a special exception use; adding certain licensed dispensaries of cannabis to
8 certain commercial, industrial and mixed use zoning districts as a conditional use;
9 revising the use requirements for licensed dispensaries, growers, and processors of
10 cannabis and State-licensed medical clinics as a conditional use in certain zoning
11 districts; removing the use requirements of licensed dispensaries, growers, and
12 processors of cannabis as a special exception use in certain zoning districts; revising
13 the use requirements for plasma centers as a special exception use in certain zoning
14 districts; and generally relating to zoning.

15
16 BY repealing: § 18-11-134
17 Anne Arundel County Code (2005, as amended)

18
19 BY renumbering: §§ 18-11-135 through 18-11-167 to be §§ 18-11-134 through 18-11-
20 through 166, respectively
21 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 BY repealing and reenacting, with amendments: §§ 18-1-101(57)(vi); 18-4-106; 18-5-102;
2 18-6-103; 18-8-301(b); 18-10-140; 18-10-162(1); and 18-11-143(1)
3 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 15-23)
4 (As enacted by Section 2 of this Ordinance)

5
6 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
7 That § 18-11-134 of the Anne Arundel County Code (2005, as amended) is hereby
8 repealed.

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10 SECTION 2. *And be it further enacted,* That §§ 18-11-135 through 18-11-167 of the
11 Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 18-11-
12 134 through 18-11-166, respectively.

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14 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
15 Code (2005, as amended) (and as amended by Bill No. 15-23) read as follows:

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17 **ARTICLE 18. ZONING**

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19 **TITLE 1. DEFINITIONS**

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21 **18-1-101. Definitions.**

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

26
27 (57) “Farming” means the use of land for agricultural purposes, including
28 agriculture, apiaries, horticulture and floriculture, orchards, agricultural nurseries,
29 viticulture, aquaculture, hydroponics, agroforestry, animal and poultry husbandry subject
30 to the requirements of § 18-4-104, dairying, on-farm composting as regulated by COMAR
31 26.04.11.06, and primary and value added agricultural processing. For purposes of this
32 definition:

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34 (vi) “farming” does not include the cultivation, processing or dispensing of
35 [[marijuana, as defined in the Criminal Law Article, § 5-101, of the State Code, as
36 amended, or medical]] cannabis, as defined in [[COMAR, Title 10, Subtitle 62]] § 1-101 OF
37 THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE STATE CODE.

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39 **TITLE 4. RESIDENTIAL DISTRICTS.**

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41 **18-4-106. Permitted, conditional, and special exception uses.**

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43 The permitted, conditional, and special exception uses allowed in each of the residential
44 districts are listed in the chart in this section using the following key: P = permitted use; C
45 = conditional use; SE = special exception use. A blank means that the use is not allowed in
46 the district. Except as provided otherwise in this article, uses and structures customarily
47 accessory to the listed uses also are allowed, except that guest houses as accessory
48 structures are prohibited and outside storage as an accessory use is limited to the lesser of
49 10% of the allowed lot coverage or 500 square feet.

1

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
Licensed [[premises of a licensed]] grower of [[medical]] cannabis, as defined in [[COMAR 10.62.01.01]] STATE LAW AND REGULATION	C							
Licensed [[premises of a licensed]] processor of [[medical]] cannabis, as defined in [[COMAR 10.62.01.01]] STATE LAW AND REGULATION	C							

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TITLE 5. COMMERCIAL DISTRICTS

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18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

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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.

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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]] STATE LAW AND REGULATION	[[SE]] C	[[SE]] C	[[SE]] C	[[SE]] C
Licensed [[premises of a licensed]] grower of [[medical]] cannabis, as defined in [[COMAR 10.62.01.01, indoor cultivation only]] STATE LAW AND REGULATION			C	C
Licensed [[premises of a licensed]] processor of [[medical]] cannabis, as defined in [[COMAR 10.62.01.01]] STATE LAW AND REGULATION			C	C

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TITLE 6. INDUSTRIAL DISTRICTS

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

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The permitted, conditional, and special exception uses allowed in each of the industrial districts 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 use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise

1 in this article, uses and structures customarily accessory to permitted, conditional, and
 2 special exception uses also are allowed, except that outside storage as an accessory use in
 3 W1 is limited to 15% of the allowed lot coverage.
 4

Permitted, Conditional, and Special Exception Uses	W1	W2	W3
Licensed [[premises of a licensed]] dispensary of [[medical]] cannabis [[as a principal use]], as defined in [[COMAR 10.62.01.01]] STATE LAW AND REGULATION	[[SE]] C	C	[[SE]] C
[[Licensed premises of a licensed dispensary of medical cannabis in a business complex, as defined in COMAR 10.62.01.01]]	[[SE]]	[[SE]]	[[SE]]
Licensed [[premises of a licensed]] grower of [[medical]] cannabis, as defined in [[COMAR 10.62.01.01]] STATE LAW AND REGULATION, indoor cultivation only	C	C	C
Licensed [[premises of a licensed]] processor of [[medical]] cannabis, as defined in [[COMAR 10.62.01.01]] STATE LAW AND REGULATION	C	C	C

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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				

Jewelry stores	P	P	P	P
LICENSED DISPENSARY OF CANNABIS, AS DEFINED IN STATE LAW AND REGULATION	C	C	C	C

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TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-140. Licensed dispensaries, growers and processors of cannabis.

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

(1) [[Except for facilities located in industrial zoning districts, the primary entryway of a facility located north of U.S. Route 50 or north of the northeast shore of the South River may not be within 500 feet in a straight line from the lot line of a lot located in a residential district that contains a dwelling unit.

1 (2) Except for facilities located in industrial zoning districts, the lot line of a facility
2 located north of U.S. Route 50 or north of the northeast shore of the South River may not
3 be within 750 feet in a straight line from the lot line of a public or private school or real
4 property owned by the Board of Education.

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6 (3)] Except for facilities located in industrial zoning districts, vehicular access
7 shall be from an arterial road or from a local or higher classification road that directly
8 accesses an arterial road.

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10 [(4)] (2) “No loitering” signs shall be conspicuously posted in all parking areas.

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12 [(5) The facility may not be located within one mile of any other licensed premises
13 of a licensed dispensary of medical cannabis.]]

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15 [(6)] (3) Displays and depictions of [[medical]] cannabis may not be visible to the
16 general public.

17
18 [(7)] (4) The facility may not have an on-site physician for the purpose of issuing
19 written certifications for medical cannabis.

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21 (5) A LICENSED DISPENSARY OF CANNABIS MAY BE LOCATED IN A LICENSED
22 DISPENSARY OF MEDICAL CANNABIS OPERATING ON OR BEFORE JANUARY 1, 2023.

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24 (b) **Grower.** [[Licensed premises of a]] A licensed grower of [[medical]] cannabis, as
25 defined in [[COMAR 10.62.01.01]] STATE LAW AND REGULATIONS, shall comply with all
26 of the following requirements.

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28 (1) The facility may not be located within 750 feet of the lot line of a public or
29 private school; the lot line of real property owned by the Board of Education; or, except in
30 an RA District, residentially zoned property.

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32 (2) In an RA Zoning District, the facility shall be located on a lot or parcel of at
33 least 10 acres.

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35 (3) Other than [[the]] ANY security lighting required by [[COMAR 10.62.10.05]]
36 STATE LAW OR REGULATIONS, no visible light shall emanate from the facility from dusk
37 to dawn.

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39 (c) **Processor.** [[Licensed premises of a]] A licensed processor of [[medical]] cannabis,
40 as defined in [[COMAR 10.62.01.01]] STATE LAW AND REGULATIONS, shall comply with
41 all of the following requirements.

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

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47 (2) Processing of [[medical]] cannabis shall be an accessory use to a licensed
48 [[premises of a licensed]] grower of [[medical]] cannabis.

1 (3) Other than ~~[[the]]~~ ANY security lighting required by ~~[[COMAR 10.62.21.04]]~~
2 STATE LAW OR REGULATIONS, no visible light shall emanate from the facility from dusk
3 to dawn.
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5 **18-10-162. State-licensed medical clinics.**

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7 A state-licensed medical clinic shall comply with all of the following requirements:
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9 (1) The facility may not be located within 1,000 feet of a dwelling or school, or
10 within one mile of another State-licensed medical clinic, a plasma center, a licensed
11 ~~[[premises of a licensed]]~~ dispensary of ~~[[medical]]~~ cannabis, or a transitional housing
12 facility.
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14 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

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16 **18-11-143. Plasma centers.**

17 Plasma centers shall comply with the following requirements.
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20 (1) The facility may not be located within 1,000 feet of a dwelling or school, or
21 within one mile of another State-licensed medical clinic, a plasma center, a licensed
22 ~~[[premises of a licensed]]~~ dispensary of ~~[[medical]]~~ cannabis, or a transitional housing
23 facility~~[[; and]]~~.
24

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

READ AND PASSED this 17th day of July, 2023

By Order:



Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of July, 2023



Laura Corby
Administrative Officer

APPROVED AND ENACTED this 28th day of July, 2023



Stuart Pittman
County Executive

EFFECTIVE DATE: September 11, 2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 56-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby", written in a cursive style.

Laura Corby
Administrative Officer