

COUNTY ORDINANCE NO. 17-06

A BILL ENTITLED

AN ACT CONCERNING Medical Cannabis in Queen Anne's County, Maryland.

FOR THE PURPOSE of regulating the growing, processing and dispensing of medical cannabis in Queen Anne's County; permitting the growing of cannabis as a conditional use in the Agricultural (AG) zoning district, permitting the processing of medical cannabis as a conditional use subject to certain conditions in the Light Industrial Highway Service (LIHS), Suburban Commercial (SC), Suburban Industrial Business Employment (SIBE), Urban Commercial (UC) and Suburban Industrial (SI) zoning districts; providing for medical cannabis dispensaries as a conditional use in the Urban Commercial (UC) zoning district; providing additional standards for such conditional uses; providing for medical cannabis dispensaries as a permitted use subject to certain development standards in the Grasonville Gateway and Medical Center (GGMC) zoning district; providing for certain definitions relating to medical cannabis; and generally regulating, restricting and providing for medical cannabis activities in Queen Anne's County.

BY AMENDING and ADDING TO Sections 18:1-14, 18:1-21, 18:1-22, 18:1-23, 18:1-24, 18:1-35 and 18:1-35.1 and ADDING Section 18:1-95 U. and certain definitions to Chapter 18:App-1 of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18:1-14, 18:1-21, 18:1-22, 18:1-23, 18:1-24 18:1-35 and 18:1-35.1 be are and hereby AMENDED to read as follows:

Section 18:1-14 Agricultural (AG) District:

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C. Conditional uses.

- (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 Growing. This use shall not be located within 1000 feet of any institutional use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA).**
- ~~(8)~~ **(9)** Minor extraction and dredge disposal uses:

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Section 18:1-21 Suburban Commercial (SC) District:

C. Conditional uses.

- (1) Campgrounds.
- (2) Commercial forestry.
- (3) First-floor commercial apartments.
- (4) Light industrial.
- (5) Marinas.
- (6) **Medical Cannabis Licensed Processing. This use shall not be located within 1000 feet of any institutional use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA).**
- ~~(6)~~ **(7)** Minor extraction and dredge disposal uses.
- ~~(7)~~ **(8)** Public utilities.
- ~~(8)~~ **(9)** Telecommunications facilities.

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Section 18:1-22 Urban Commercial (UC) District:

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C. Conditional uses.

- (1) Commercial forestry .
- (2) First-floor commercial apartments .
- (3) Marinas .
- (4) **Medical Cannabis Licensed Dispensary.**
- (5) **Medical Cannabis Licensed Processor.**
- (4) ~~(6)~~ Minor extraction and dredge disposal uses .
- (5) ~~(7)~~ Private airports .
- (6) ~~(8)~~ Public utilities.
- (7) ~~(9)~~ Telecommunications facilities.

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Section 18:1-23 Suburban Industrial (SI) District:

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C. Conditional uses.

- (1) Agriculture .
- (2) Aquaculture .

- (3) Commercial forestry .
- (4) Major extraction and dredge disposal.
- (5) Heavy industrial.
- (6) Marinas .
- (7) Medical Cannabis Licensed Processing . This use shall not be located within 1000 feet of any institutional use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA).**
- ~~(7)~~**(8)** Outdoor recreation .
- ~~(8)~~**(9)** Private airports .
- ~~(9)~~**(10)** Public heliports and airports.
- ~~(10)~~**(11)** Public utilities.
- ~~(11)~~**(12)** Telecommunications facilities.
- ~~(12)~~**(13)** Truck stops and travel plazas.

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

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) Medical Cannabis Licensed Processing. This use shall not be located within 1000 feet of any school, church or municipal use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA).**
- ~~(5)~~**(6)** Outdoor recreation.
- ~~(6)~~**(7)** Private airports.
- ~~(7)~~**(8)** Public heliports and airports.
- ~~(8)~~**(9)** Public utilities.
- ~~(9)~~**(10)** Telecommunications facilities.
- ~~(10)~~**(11)** Truck stops and travel plazas.

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Section 18:1-35 Suburban Industrial Business Employment District:

B. Permitted uses

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(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) **Medical Cannabis Processing This use shall not be located within 1000 feet of any school, church or municipal use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA).**
- (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.

Section 18:1-35 .1 Grasonville Gateway and Medical Center (GGMC) District:

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) **Medical Cannabis Licensed Dispensary.**
- (20) (21) Medical offices and clinics.
- (21) (22) Medical training facilities.
- (22) (23) Medical specialties and medical support services.
- (23) (24) Minor multifamily development .
- (24) (25) Non-fast-food restaurants .
- (25) (26) Nursing homes.
- (26) (27) Professional offices .
- (27) (28) Pharmacy or formulary associated with medical offices .
- (28) (29) Public service uses.
- (29) (30) Rehabilitation centers.
- (30) (31) Retail pharmacy.
- (31) (32) Scientific (e.g., medical, research, testing or experimental) laboratories.
- (32) (33) Veterinary offices.

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D. Development standards.

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4. Medical Cannabis Licensed Dispensary in GGMC

- a) Signage shall be limited to one, internally illuminated sign not exceeding twelve (12) square feet, and;
- b) Shall be located at least 1,000 feet from of any public or private church, school, or correction facility;
- c) Shall be located on a property at least 100 feet from any residential dwelling;
- d) Shall be located on a property designated sewer service S-1 or S-2 as identified by the 2011 Comprehensive Water & Sewerage Plan;

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SECTION II

BE IT FURTHER ENACTED that a new Section 18:1-95 U. be ADDED to the Code of Public Local Laws to read as follows:

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

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U. Medical Cannabis- Grower, Processor, and Dispensary

1. Medical Cannabis Licensed Grower:

- a. Shall be located on a property that comprises twenty (20) acres or more;
- b. Shall not be located within 1000 feet of any public or private day care, pre-, elementary, middle, or high school, , and;
- c. If proposed in the critical area, the classification shall be Intensely Developed Area (IDA).

2. Medical Cannabis Licensed Processor:

- a. Shall not be located within 1000 feet of any public or private day care, pre-, elementary, middle, or high school, and;
- b. If proposed in the critical area, the classification shall be Intensely Developed Area (IDA).

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 500 feet from of any public or private church, day care, school, or correction facility;
- c. Shall be located on a property at least 100 feet from any residential dwelling;
- d. Shall be located on a property designated sewer service S-1 or S-2 as identified by the 2011 Comprehensive Water & Sewerage Plan;
- e. Shall Comply with 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 Cannabis Dispensary;
- h. Shall not have an on-site physician for the purpose of issuing written certifications for medical cannabis;
- i. Signage shall be limited to one, internally illuminated sign not exceeding twelve (12) square feet, and;
- j. The use shall be limited to Medical Cannabis and related products.

SECTION III

BE IT FURTHER ENACTED that the following definitions be ADDED to Chapter 18: App – 1.

Definitions for Chapter 18App-1 Definitions. :

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“Medical Cannabis ” is any product containing usable cannabis or medical cannabis finished product.

“Medical Cannabis Finished Product” is any product containing a medical cannabis concentrate or a medical cannabis-infused product packaged and labeled for release to a qualifying patient.

- (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 cannabis-infused product” does not include a food as

that term is defined in Health-General Article, §21-101, Annotated Code of Maryland.

“Medical Cannabis Licensed Dispensary ” is an entity licensed by the Maryland Medical Cannabis Commission that acquires, possesses, repackages, processes, transfers, transports, sells, distributes, or dispenses, products containing medical cannabis, related supplies, related products including tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

“Medical Cannabis Licensed Processor ” is an entity licensed by the Maryland Medical Cannabis Commission that:

- (a) Transforms the medical cannabis into another product or extract; and
- (b) Packages and labels medical cannabis.

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SECTION IV

BE IT FURTHER ENACTED that, upon introduction, this Ordinance be referred to the Queen Anne’s County Planning Commission for investigation and recommendation.

SECTION V

THIS Ordinance is declared to be emergency legislation, affecting the health, safety and welfare of the County and upon the affirmative votes of four-fifths of the total membership of the Board of County Commissioners, shall be effective immediately upon its passage.

INTRODUCED BY: Commissioner Moran

DATE: January 31, 2017

PUBLIC HEARING HELD: March 28, 2017 @ 6:30 p.m.

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: April 11, 2017

EFFECTIVE DATE: April 11, 2017