

Bill No. 16-03
Concerning: Allowing Medical Cannabis Grower as a permitted use, with Special Exception approval, in the Agricultural Zoning District
Revised: _____ Draft No. _____
Introduced: January 12, 2016
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Frederick County Code, Chapter 19, Section(s) _____
1-19-5.301, 1-19-6.100, 1-19-11.100 and adding 1-19-351

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Vice President M. C. Keegan-Ayer

AN ACT to: Allow "Medical Cannabis Grower" as a permitted use, with Special Exception approval in the Agricultural Zoning District; defining "Medical Cannabis Grower" and setting Special Exception criteria and setback requirements.

By amending:

Frederick County Code, Chapter 19, Section(s) 1-19-5.301, 1-19-6.100, 1-19-11.100 and adding new 1-19-351
Other:

Boldface	<i>Heading or defined term.</i>
Underlining	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
Double underlining	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. 16-03

The County Council of Frederick County, Maryland, finds it necessary and appropriate to allow the use of "Medical Cannabis Grower", with Special Exception approval, in the Agricultural Zoning District.

NOW, THEREFORE, BE IT ENACTED, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

Amend §1-19-5.310 to add “Medical Cannabis Grower” as a new line item under ‘Industrial Uses’ heading, as follows:

§1-19-5.310. USE TABLE.

<i>Zoning Districts</i>														
<i>Uses</i>	<i>RC</i>	<i>A</i>	<i>R1</i>	<i>R3</i>	<i>R5</i>	<i>R8</i>	<i>R12</i>	<i>R16</i>	<i>VC</i>	<i>MX</i>	<i>GC</i>	<i>ORI</i>	<i>LI</i>	<i>GI</i>
<i>Industrial Uses</i>														
<u>Medical Cannabis Grower</u>		<u>E</u>												

Amend §1-19-6.100 to add “Medical Cannabis Grower” as a new line item under the Agricultural District heading, as follows:

§1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
<i>Agricultural District A</i>							
<u>Medical Cannabis Grower</u>	-	-	-	<u>125'</u>	<u>100'</u>	<u>100'</u>	-

Amend §1-19-11.100 to add new definitions, as follows:

§1-19-11.100. DEFINITIONS.

AGRICULTURAL ACTIVITY. Land used exclusively as a bona fide agricultural operation by the owner or tenant. The use of land for agricultural purposes includes farming, viticulture (grape production), fish culture, animal and poultry husbandry, and equine activities. Necessary accessory uses such as packing, treating, or storing of produce, composting and power generation from farm animal waste are allowed provided that the operation of the accessory use is clearly

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***indicates existing law unaffected by bill.

incidental to the agricultural activity. The business of intensive swine feeding operations, garbage feeding of hogs, fur farms or the raising of animals for the use of medical or other tests or experiments, commercial slaughtering of livestock, poultry, fish or meat processing is excluded from this definition. Agricultural Activity does not include the cultivation, processing or dispensing of Marijuana, as defined in the Criminal Law Article, § 5-101, of the State Code as amended, or Medical Cannabis, as defined in COMAR, Title 10, Subtitle 62.

MEDICAL CANNABIS GROWER. The grower of Medical Cannabis as defined in COMAR 10.62.01.01.

Add a new § 1-19-8.351:

§ 1-19-8.351. MEDICAL CANNABIS GROWER IN THE AGRICULTURAL DISTRICT.

(A) Grower. Licensed premises of a licensed grower of Medical Cannabis, as defined in COMAR 10.62.01.01, shall comply with all of the following requirements.

- (1) The premises may not be located within 1,000 feet of a dwelling, the lot line of a public or private school, or the lot line of real property owned by the Board of Education. This setback may be modified by the approving body.
- (2) The premises shall be located on a lot or parcel of at least 25 acres.
- (3) Other than the security lighting required by COMAR 10.62.10.05, no visible light shall emanate from the premises from dusk to dawn.
- (4) In addition to those security features required by Title 10, Subtitle 62 of COMAR, the premises shall have on-site armed security at all times, with at least one armed security office for every 25,000 square feet of use.

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