

Bill No. 23-21

Concerning: Amendments to Chapter 1-19 (Zoning Ordinance) for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility.

Introduced: October 17, 2023

Revised: _____ Draft No. _____

Enacted: November 21, 2023

Effective: January 20, 2024

Expires: January 15, 2024

Frederick County Code, Chapter 1-19

Section(s) 5.310, 8.240, 8.404, & 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad Young on behalf of County Executive Jessica Fitzwater

AN ACT to: Create definitions and approval criteria for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility in response to the statewide legalization of adult-use cannabis.

Date Council Approved: 11/21/2023 Date Transmitted to Executive: 11/21/2023

Executive: Jessica Fitzwater Date Received: 11/22/2023

Approved: ✓ Date: 11/28/23

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, Chapter 1-19 Section(s) 5.310, 8.240, 8.404, & 11.100

Other: _____

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Heading or defined term.
Added to existing law.
Deleted from existing law.
Existing law unaffected by bill.

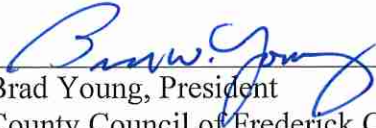
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WHEREAS the Zoning Ordinance does not include definitions or regulations for cannabis related uses; and

WHEREAS the State of Maryland adopted Senate Bill 516- Cannabis Reform, which allows local jurisdictions to “establish reasonable zoning requirements for cannabis businesses” that do not “unduly burden a cannabis licensee”; and

WHEREAS the County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to adopt definitions and approval criteria for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility in response to the statewide legalization of adult-use cannabis.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.



Brad Young, President
County Council of Frederick County,
Maryland

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- 1 § 1-19-5.310. USE TABLE.
- 2 (A) Permitted uses and required development review.
- 3 P Principal permitted use subject to design regulations
- 4 PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-
- 5 19-3.300 through 1-19-3.300.4
- 6 E Principal permitted use as a special exception with site development plan approval. See §§ 1-
- 7 19-8.320 and following
- 8 T Permitted as temporary use as a special exception. See § 1-19-8.300
- 9 X Permitted as temporary use only. See § 1-19-8.700
- 10 SW Solid Waste Floating Zone
- 11 A blank indicates that the use is not permitted under any situation

Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
Commercial Uses - Retail														
[Some rows removed]	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Book and magazine									PS	PS	PS			
Camera									PS	PS	PS			
<u>Cannabis Dispensary</u>									<u>PS</u>	<u>PS</u>	<u>PS</u>			
Convenience stores									PS	PS	PS		PS	PS
Department store or variety store									PS	PS	PS			
[Some rows removed]	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Industrial Uses														
<u>Cannabis Growing Facility</u>												<u>PS</u>	<u>PS</u>	<u>PS</u>
<u>Cannabis Processing Facility</u>												<u>PS</u>	<u>PS</u>	<u>PS</u>
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
[Some rows removed]	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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§ 1-19-8.240. ACCESSORY USES ON RESIDENTIAL PROPERTIES.

(A) Customary accessory uses permitted on residential properties include the following.

(5) Home occupations.

(a) *General home occupation standards.* All home occupations shall comply with the following conditions.

[Subsections (1) through (9) remain unchanged.]

10. Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility are not permissible home occupation uses.

§ 1-19-8.404. CANNABIS DISPENSARY, CANNABIS GROWING FACILITY, AND CANNABIS PROCESSING FACILITY.

§ 1-19-8.404.1. SCOPE.

The provisions of this division shall apply to:

(1) All Cannabis Dispensaries, Cannabis Growing Facilities, and Cannabis Processing Facilities legally established in the County prior to January 1, 2023, for which an application is received for an expansion of use, and;

(2) All applications for establishing a new Cannabis Dispensary, Cannabis Growing Facility, or Cannabis Processing Facility.

§ 1-19-8.404.2. CANNABIS DISPENSARY.

The following provisions shall apply to a Cannabis Dispensary.

(A) A Cannabis Dispensary may not be located:

(1) Within 1,500 feet of an existing public or private school, park, library, playground, recreation center, childcare center, and family childcare home.

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- (2) Within 1,500 feet of a property owned by Frederick County Government or owned by the Frederick County Board of Education that is planned to be used for a public school, park, library, playground, or recreation center in the future.
- (3) Within 1,500 feet of a property identified on the Comprehensive Plan as a future public school, library, recreation center, park, or similar use that is intended to be used for a public purpose.
- (4) Within 1,000 feet of another Cannabis Dispensary.
- (B) The distance requirements under subsection (A) above shall be measured using a direct line between the nearest property lines.
- (C) A Cannabis Dispensary may not operate as a home occupation.
- (D) The Cannabis Dispensary use, requirements, and restrictions apply to operations under a standard cannabis license issued by the state as well as operations under a micro license issued by the state.

§ 1-19-8.404.3. CANNABIS GROWING FACILITY.

The following provisions shall apply to a Cannabis Growing Facility.

- (A) A Cannabis Growing Facility may not operate as a home occupation.
- (B) Performance Standards:
- (1) In the LI and GI districts, the performance standards under §1-19-7.610 shall apply.
- (2) In the ORI district, the performance standards under §1-19-7.620 shall apply.
- (C) Growing shall be conducted indoors.
- (D) Security fencing shall be screened from view by the use of vegetative landscaping, emphasizing native species.
- (E) The Cannabis Growing Facility use, requirements, and restrictions apply to operations under a standard cannabis license issued by the state as well as operations under a micro license issued by the state.
- (F) A Cannabis Growing Facility may include an accessory Cannabis Processing Facility use and an accessory Cannabis Dispensary use subject to meeting the requirements under §1-19-8.250.1.

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1 **§ 1-19-8.404.4. CANNABIS PROCESSING FACILITY.**

2 The following provisions shall apply to a Cannabis Processing Facility.

3 (A) A Cannabis Processing Facility may not operate as a home occupation.

4 (B) Performance Standards:

5 (1) In the LI and GI districts, the performance standards under §1-19-7.610 shall apply.

6 (2) In the ORI district, the performance standards under §1-19-7.620 shall apply.

7 (C) Security fencing shall be screened from view by the use of vegetative landscaping,
8 emphasizing native species.

9 (D) The Cannabis Processing Facility use, requirements, and restrictions apply to operations
10 under a standard cannabis license issued by the state as well as operations under a micro
11 license issued by the state.

12 (E) A Cannabis Processing Facility may include an accessory Cannabis Dispensary use and an
13 accessory Cannabis Growing Facility use subject to meeting the requirements under § 1-
14 19-8.404 and §1-19-8.250.1.

16 **§ 1-19-8.404.5. CANNABIS ON-SITE CONSUMPTION FACILITY.**

17 Cannabis On-Site Consumption Facilities are not permitted.

19 **§ 1-19-11.100. DEFINITIONS.**

20 [Subsection (A) remains unchanged.]

21 (B) In this chapter the following terms are used as defined unless otherwise apparent from the
22 context.

23 *****

24 **CANNABIS.** The plant cannabis sativa L. and any part of the plant, including all derivatives,
25 extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a
26 delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis. Cannabis
27 includes cannabis products. Cannabis does not include hemp or hemp products, as defined in the
28 MD. Code Ann., Agricultural Article.

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1 **CANNABIS DISPENSARY.** An entity licensed by the state that acquires, possesses,
2 repackages, transports, sells, distributes, or dispenses, cannabis or cannabis products, including
3 tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by
4 qualifying patients, caregivers, or consumers through a storefront.

5
6 **CANNABIS GROWING FACILITY.** An entity licensed by the state that cultivates and
7 packages cannabis and is authorized by the state to provide cannabis to other cannabis licensees
8 and registered independent testing laboratories.

9
10 **CANNABIS MICRO LICENSE.** A license issued by the state in accordance with § 36–
11 401(c)(2) of the Alcoholic Beverages Article of the Maryland Annotated Code, Medical and Adult
12 Use Cannabis Title. A micro license authorizes the holder of the license:

- 13 (i) for growers, to operate not more than 10,000 square feet of indoor canopy or its
14 equivalent;
15 (ii) for processors, to process not more than 1,000 pounds of cannabis per year; and
16 (iii) for dispensaries, to operate a delivery service that sells cannabis or cannabis
17 products without a physical storefront, provided that the licensee employs not more
18 than 10 employees.

19
20 **CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT.** An entity licensed by the state
21 to distribute cannabis or cannabis products for on-site consumption other than consumption by
22 smoking indoors.

23
24 **CANNABIS PROCESSING FACILITY.** An entity licensed by the state that transforms
25 cannabis into another product or an extract and packages and labels the cannabis product and is
26 authorized by the state to provide cannabis to licensed dispensaries and registered independent
27 testing laboratories.

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