

**Ordinance No. 2022 -**

**Subject:** An ordinance amending Chapter 285 of the Code of St. Mary's County, Maryland, by adding Use 51.3.84.a. "Medical Cannabis Growing Facility"; by adding Use 51.3.84.b. "Medical Cannabis Processor"; by adding Use 51.3.76.a. "Medical Cannabis Dispensary"; by amending Chapter 90 by adding definitions of "Medical Cannabis", "Medical Cannabis Grower", "Medical Cannabis Processor" and "Medical Cannabis Dispensary".

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**ORDINANCE**

**TO AMEND CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND BY ADDING USE 51.3.84.a. "MEDICAL CANNABIS GROWER"; BY ADDING USE 51.3.84.b. "MEDICAL CANNABIS PROCESSOR"; BY ADDING NEW USE 51.3.76.A. "MEDICAL CANNABIS DISPENSARY"; BY AMENDING CHAPTER 90 BY ADDING THE NEW DEFINITIONS OF "MEDICAL CANNABIS GROWER," "MEDICAL CANNABIS PROCESSOR", "MEDICAL CANNABIS DISPENSARY."**

**WHEREAS**, pursuant to § 4-101 through § 4-104 of the Land Use Article of the Annotated Code of Maryland, the Commissioners of St. Mary's County, Maryland, are authorized to establish zoning districts and prescribe regulations applicable in such districts; and

**WHEREAS**, the Commissioners of St. Mary's County, Maryland and County staff obtained community input, determined community needs, and investigated impacts the medical cannabis industry's operations may have on the County; and

**WHEREAS**, the St. Mary's County Planning Commission held a Public Hearing on May 9<sup>th</sup>, 2022 to review, hear, consider, draft and make recommendations to the Commissioners of St. Mary's County to approve or disapprove the adoption of an ordinance to amend the text of the Comprehensive Zoning Ordinance regarding future medical Cannabis growing facilities, process facilities, and dispensaries;

**WHEREAS**, the St. Mary's County Planning Commission on June 6<sup>th</sup>, 2022, recommended that the Commissioners of St. Mary's County approve a text amendment accomplishing these goals;

**WHEREAS**, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety, and welfare of the residents of St. Mary's County to amend Chapter 285 of the Code of St. Mary's County, Maryland by adding Use 51.3.84.a. "Medical Cannabis Growing Facility"; by adding Use 51.3.84.b. "Medical Cannabis Processor"; by adding Use 51.3.76.a. "Medical Cannabis Dispensary"; by amending Chapter 90 by adding the new definitions of "Medical Cannabis Growing Facility," "Medical Cannabis Dispensary";

**NOW, THEREFORE, BE IT ORDAINED** that the Commissioners of St. Mary's County, Maryland, pursuant to § 4-101 through § 4-104 of the Land Use Article of the Annotated Code of Maryland, that:

**SECTION I.** Code of St. Mary's County, Maryland, Chapter 285, Schedule 50.4 is amended by adding three new uses:

50.4.84.a. Medical Cannabis Growing Facility. A facility operated by a person or entity licensed by the state that cultivates, manufactures, grows, packages, or distributes medical cannabis to a licensed processor or a registered independent testing laboratory pursuant to COMAR 10.62.01 to 10.62.35.

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Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
84.a. Medical Cannabis Growing Facility	High	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	C	-	-	-	APZ-2 (0.56)

50.4.84.b. Medical Cannabis Processor. A facility operated by a person or entity licensed by the state that transforms medical cannabis into another product or extract and/or packages and labels medical cannabis pursuant to COMAR 10.62.01 to 10.62.35.

Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
84.b. Medical Cannabis Processor	High	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	C	-	-	-	APZ-2 (0.56)

50.4.76.a. Medical Cannabis Dispensary. A person or entity licensed by the state that acquires, possesses, transfers, sells, dispenses, or distributes products containing medical cannabis and related supplies and products pursuant to COMAR 10.62.01 to 10.62.35.

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76.a. Cannabis Dispensary	Low	-	C	C	-	-	-	-	-	-	-	C	C	C	C	C	-	-	-	-	LDA IDA	APZ-2 (0.16)

**SECTION II.** Chapter 285, § 51.3 of Chapter 285 of the Code of St. Mary’s County, Maryland, is amended by adding § 51.3.84.a “Medical Cannabis Growing Facility”:

51.3.84.a. Medical Cannabis Growing Facility.

a. General Standards:

- (1) General site plan approval is required.
- (2) The site plan shall conform to all requirements imposed by COMAR 10.62.01 – 10.62.37.
- (3) Proof of approval or preapproval of all necessary licenses as may be required by COMAR 10.62.01 – 10.62.37 must be furnished by Applicant before a site plan will receive final approval from LUGM.
- (4) A Medical Cannabis Growing Facility may not be located within 500 feet of the property line of:
  - a. A residential dwelling;
  - b. A public or private elementary school, middle school, or high school
  - c. A daycare facility, as defined in CZO 50.4.28; or
  - d. A substance abuse treatment facility
- (5) Cultivation of cannabis shall be located entirely within one or more completely enclosed buildings, in an indoor facility with rigid walls, a roof, and doors.
- (6) In each room of the facility that is used, in whole or in part, for the cultivation or processing of cannabis, Applicant shall seal, screen, or sanitize the room to effectively exclude odors leaving the facility.
- (7) Applicant shall provide certification by a Professional Engineer, Certified Industrial Hygienist, or other equivalently qualified professional that proposed odor control measures will effectively eliminate outdoor odors for all odor sources.

b. Conditional Standards:

1. The facility shall meet all general standards.
2. Applicant must demonstrate that the use will not cause negative impacts to its general vicinity due to traffic, noise, offensive odor, or light pollution.

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**SECTION III.** Chapter § 51.3 of Chapter 285 of the Code of St. Mary's County, Maryland be amended by adding § 51.3.84.b "Medical Cannabis Processor":

51.3.84.b. Medical Cannabis Processor.

a. General Standards:

- (1) General site plan approval is required.
- (2) The site plan shall conform to all requirements imposed by COMAR 10.62.01 – 10.62.37.
- (3) Proof of approval or preapproval of all necessary licenses as may be required by COMAR 10.62.01 – 10.62.37 must be furnished by Applicant before a site plan will receive final approval from LUGM.
- (4) A Medical Cannabis Processor may not be located within 500 feet of the property line of:
  - a. A residential dwelling;
  - b. A public or private elementary school, middle school, or high school
  - c. A day care facility, as defined in CZO 50.4.28; or
  - d. A substance abuse treatment facility
- (5) Processing of cannabis or cannabis products shall be located entirely within one or more completely enclosed buildings, in an indoor facility with rigid walls, a roof, and doors.
- (6) Any offensive odor emanating from the use must not be detectable by the public from outside the facility.
- (7) Except as provided in CZO § 51.3.76.a.a.8, if included on the same parcel as a Medical Cannabis Dispensary, outdoor signage shall be limited to identifying the use's trade name.

b. Conditional Standards:

1. The facility shall meet all limited standards.
2. Applicant must demonstrate that the use will not cause negative impacts to its general vicinity due to traffic, noise, offensive odor, or light pollution.

**SECTION IV.** Chapter § 51.3 of Chapter 285 of the Code of St. Mary's County, Maryland be amended by adding § 51.3.76.a "Medical Cannabis Dispensary":

§ 51.3.76.a. Medical Cannabis Dispensary.

a. General Standards:

- (1) General site plan approval is required.
- (2) The site plan shall conform to all requirements imposed by COMAR 10.62.01 – 10.62.37.
- (3) Proof of approval or preapproval of all necessary licenses as may be required by COMAR 10.62.01 – 10.62.37 must be furnished by Applicant before a site plan will receive final approval from LUGM.
- (4) A Medical Cannabis Dispensary may not be located within 500 feet of the property line of:
  - a. A public or private elementary school, middle school, or high school
  - b. A day care facility, as defined in CZO 50.4.28; or
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- (5) Sale of cannabis or cannabis products shall be located entirely within one or more completely enclosed buildings, in an indoor facility with rigid walls, a roof, and doors.
  - (6) Any offensive odor emanating from the use must not be detectable by the public from outside the facility.
  - (7) Except as provided in § 51.3.76.a.a.8, outdoor signage shall be limited to identifying the use's trade name.
  - (8) A "no loitering" sign shall be prominently displayed in a place of public view on the exterior wall of the use.
- b. Conditional Standards:
1. The facility shall meet all limited standards.
  2. Applicant must demonstrate that the use will not cause negative impacts to its general vicinity due to traffic, noise, offensive odor, or light pollution.

**SECTION V.** Chapter 90 of Chapter 285 of the Code of St. Mary's County, Maryland, is amended by adding the following new definitions:

**Medical Cannabis.** Any product defined as Medical Cannabis in COMAR 10.62.01 that is grown, processed, transported or sold pursuant to a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

**Medical Cannabis Dispensary.** A person or entity licensed by the state as a dispensary as defined in COMAR 10.62.01.13 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

**Medical Cannabis Growing Facility.** A person or entity licensed by the state as a grower as defined in COMAR 10.62.01.14 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

**Medical Cannabis Processor.** A person or entity licensed by the state as a processor as defined in COMAR 10.62.01.19 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

**SECTION VI.** This Ordinance shall be effective upon the date written below.

Those voting Aye: \_\_\_\_\_

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Those voting Nay: \_\_\_\_\_  
Those Abstaining: \_\_\_\_\_  
Date of Adoption: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**ATTEST:**

**COMMISSIONERS OF ST. MARY’S COUNTY**

\_\_\_\_\_  
David Weiskopf  
Interim County Administrator

\_\_\_\_\_  
James R. Guy, Commissioner President

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Eric Colvin, Commissioner

\_\_\_\_\_  
Neil A. Murphy  
Deputy County Attorney

\_\_\_\_\_  
Michael L. Hewitt, Commissioner

\_\_\_\_\_  
Todd B. Morgan, Commissioner

\_\_\_\_\_  
John E. O’Connor, Commissioner