

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2024 Legislative Session

Reference No.:	CB-013-2024
Draft No.:	2
Committee:	PLANNING, HOUSING AND ECONOMIC DEVELOPMENT
Date:	3/11/2024
Action:	FAVORABLE (A)

REPORT:

Committee Vote: Favorable as amended, 4-0-1 (In favor: Council Members Dernoga, Franklin, and Olson) (Abstain: Council Member Hawkins)

The Planning, Housing and Economic Development (PHED) Committee convened on March 11, 2023, to consider CB-013-2024. The PHED Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. As presented on March 5, 2024, Draft-1 of the bill amends the Zoning Ordinance to add definitions and permit Cannabis uses in the Industrial and certain Commercial Zones of the County, subject to certain location, structural, and operational regulations; and to prohibit On-Site Consumption Cannabis uses in Prince George's County.

Council Member Fisher explained that she worked with Council Members Olson and Oriadha to draft the revised version of the bill.

The County Council's Acting Associate County Council Administrator/ Legislative Counsel summarized revisions in a Proposed Draft-2 of the bill prepared at the bill sponsors' requests as follows:

On page 1, line 5 remove the words ~~providing parking regulations for Cannabis uses;~~

On page 26, line 1-12 remove and replace:

(G) Cannabis Dispensary

(1) The boundaries of property used as a Medical Cannabis Dispensary shall be:

(aa) At least ~~three hundred (300)~~ FIVE HUNDRED (500) feet from any EXISTING OR PLANNED RESIDENTIAL USE, OR property in a residential zone, including a residential comprehensive design zone under the prior ordinance;

(bb) At least five hundred (500) feet from any:
(I) Pre-existing primary or secondary school in the State; or a pre-existing licensed childcare center or registered, pre-existing family childcare home pursuant to the Education Article, Annotated Code of Maryland; or

(II) A playground, recreation center, library, or public park; and

(III) At least one thousand (1,000) feet from another Cannabis dispensary or Cannabis micro-dispensary.

(cc) AT LEAST TWO THOUSAND (2,000) FEET FROM ANY LIQUOR STORE.

On page 29, lines 20 through 29 removes the language below:

~~PART 27-6. DEVELOPMENT STANDARDS.~~
~~SECTION 27-6300. OFF-STREET PARKING AND LOADING.~~
~~Sec. 27-6305. Off-Street Parking Space Standards.~~
~~(a) Minimum Number of Off-Street Parking Spaces~~
~~— Except as otherwise provided for multiple use developments (see Section 27-6305(c) below), new development or a change in use or expansion shall provide the minimum number of off-street parking spaces in accordance with Table 27-6305(a), Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space standards for uses with variable parking demands or unlisted uses is provided in Section 27-6305(b), Unlisted Uses.~~

The Office of Law found the bill in proper legislative format with no legal impediments if enacted.

Sakinda Skinner, County Council Liaison, stated that the County Executive's Office is taking no position on CB-13-2024; it is zoning legislation under the purview of the Council.

Ms. Marable-Lewis, Executive Director of Veterans Initiative 22 (VI22), supported the legislation with amendments. She also spoke in opposition to banning onsite consumption and the language prohibiting cannabis dispensaries within 2,000 feet of a liquor store.

Mr. Pounds with Perry, White, Ross & Jacobson, and Mr. Coakley, Vice President, Donohoe Real Estate, who works with Cannabis Companies, spoke in support of the legislation in concept. Finding sites for cannabis dispensaries has been difficult. The language prohibiting cannabis dispensaries from locating within 2,000 feet of a liquor store would make it even more difficult to find sites.

The Planning Board voted to support the bill with amendments as explained in a February 29, 2024, letter to the Council Chair with the following analysis:

Following discussion of LDR-18-2024 and in consideration of public comments on this proposed legislation (of which there were none), the Planning Board approved a motion to support LDR-18-2024 with amendments, adopt the findings contained in the technical staff report, and recommend amendments eliminating additional setbacks for indoor cannabis growers and micro-growers, as well as cannabis processors and micro-processors.

Planning Board Proposed Amendments:

The Planning Board recommends amendments to the proposed setbacks for the cannabis grower and processor uses in LDR-18-2024 to better comply with the MCRA. The MCRA states that zoning regulations may not unduly burden cannabis licensees.

The Planning Board finds that the proposed setbacks for indoor Cannabis Growers and Cannabis Micro-Growers, as well as Cannabis Processors and Cannabis Micro-Processors, may unduly burden Cannabis licensees because they are unnecessary in that these uses do not entail the same additional negative externalities (i.e., sights, smells, security etc.) as outdoor growing operations and dispensaries. Even if these setbacks do not constitute an undue burden, the Planning Board finds that the standard setbacks in the zones in which these uses will be permitted are sufficient for indoor Cannabis Growers and Cannabis Micro-Growers, as well as Cannabis Processors and Cannabis Micro-Processors.

Accordingly, the Planning Board recommends the following additional amendments:

- At pg. 24, ln. 7 and pg. 25, ln. 1, insert “outdoor” in front of cannabis grower and “cannabis micro-grower,” respectively.
- At pg. 24, ln. 16–19, pg. 25, ln. 9–12, pg. 27, ln. 24–28, and pg. 28, ln. 15–18, delete the additional setbacks from property lines for buildings, structures, and parking for Cannabis Growers, Cannabis Micro-Growers, Cannabis Processors, and Cannabis Micro-Processors.
- At pg. pg. 27, ln. 17–24 and pg. 28, ln. 7–14, delete the setbacks requiring Cannabis Processors and Cannabis Micro-Processors to locate 300 feet from the various identified uses and zones.

The Planning Board has reviewed the Legislative Amendment Decision Standards and concludes that LDR-18-2024, including the Planning Board’s proposed amendments meets the criteria that the provisions for each zone shall be uniform for each class or kind of development throughout the zone. As discussed in the attached technical staff report, LDR-18-2024 will be consistently applied to each affected zone across the County but can be argued to create different standards for subsets of properties within a zone. However, this differentiation is reasonable based upon public policies to be served.

After discussion, on a motion by Council Member Olson, seconded by Vice Chair Ivey, the Committee voted favorably on CB-013-2024 Proposed DR-2 including the additional revisions. Council Member Hawkins abstained from voting.