



Office of the Chairman
Prince George's County Planning Board

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February 11, 2021

The Honorable Calvin S. Hawkins, II
Chairman
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Dear Chairman Hawkins: *Calvin*

Re: CB-6-2021

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the February 11, 2021 Planning Board meeting, the following position was adopted in accordance with the planning staff's recommendation on the proposed legislation. **A Planning Board Analysis of the bill is attached for your consideration and a brief excerpt from the report is provided below:**

CB-6-2021 A bill to amend the Zoning Ordinance additional requirements for "Medical Cannabis" in the Mixed-Use Infill (M-U-I), Mixed Use Transportation (M-X-T), Open Space (O-S), Commercial Office (C-O), Commercial Shopping Center (C-S-C), Planned Industrial Employment (I-3), Light Industrial (I-1), and Heavy Industrial (I-2) Zones.

Planning Board Recommendation: Support with amendments.
(See Attachment 1 for full analysis)

The bill amends the locational regulations for medical cannabis dispensaries, growers, and processors to permit the uses to be 300 feet from residential and school uses. The boundaries must be measured from the customer or building entrance following the shortest distance on a public right-of-way to the property line.

The Planning Board understands the original reasons for locational requirements were fear that cannabis uses would cause problems. We also recognize that medical cannabis uses are heavily regulated and are not likely to pose any more risk to nearby park facilities than other types of medical facilities and pharmacies, which are often found in proximity to Maryland-National Capital Park and Planning Commission (M-NCPPC) property.

The proposed locational language requiring medical cannabis uses to be measured 300 feet from the customer or building entrance following the shortest direct distance on a public right-of-way to the property line is vague and may not achieve the intended goal. It is also unclear whether the limitation is 300 feet between the customer or building entrance and a nearby property or if the 300 feet is along the public right-of-way. Also, measuring from the entrance of a building can essentially nullify the 300-foot minimum requirement if the business has a medium-to-large parking lot.

Measuring along the public right-of-way can substantially reduce the total distance from a residential zone or school use, especially in areas where the public right-of-way does not follow straight lines on a gridded road network.

The Planning Board would like to recommend a few amendments for District Council consideration. The amendments are as follows:

Clarify and amend the locational regulations throughout the bill. As drafted, it is not clear how the distance regulations to the medical cannabis uses will be measured.

On page 1, add the Planned Industrial Employment (I-3) Zone to the title. The zone is referenced in the bill.

On pages 3 through 5, there are no distance requirements from daycare centers and before-and-after school land uses for medical cannabis growers and processors in the O-S, I-1, and I-3 Zones. Perhaps the bill could be amended to add distance requirements. There are currently regulations in these zones prohibiting these uses near school land uses.

On page 5, line 1, delete the word "retail" behind the word "wholesale". The language would read: "wholesale establishment". This change would be consistent with the language on page 3 line 14 of the bill.

The adopted Zoning Ordinance permits medical cannabis dispensaries, growers, and processors in several of the new zones. The Agriculture and Preservation (AG) and Agricultural-Residential (AR) Zones permit "medical cannabis grower and/or processor" with use-specific standards. Medical cannabis dispensaries are prohibited in all Rural and Agricultural and Residential Zones.

"Medical cannabis grower and/or processor" is permitted in the Industrial, Employment (IE) Zone with use-specific standards and "medical cannabis dispensary" is permitted with the approval of a Special Exception in the Commercial, General and Office (GCO) and in the Local Transit-Oriented (LTO), Regional Transit-Oriented, Low-Intensity (RTO-L), and Regional Transit-Oriented, High-Intensity (RTO-H) zone in their "edge" subzones, all with use-specific standards.

These zones and the use-specific standards associated with these uses all generally reflect current law. Should the Council adopt CB-6-2021, the Planning Board recommends incorporating the revisions into the legislative reconciliation package for CB-13-2018 prior to the effective date of the new Zoning Ordinance.

The Honorable Calvin S. Hawkins, II
Planning Board Recommendation.
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As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Betty". The signature is written in a cursive, flowing style.

Elizabeth M. Hewlett
Chairman

Attachments

CB-6-2021 – Planning Board Analysis (Attachment 1)

A bill that amends the Zoning Ordinance additional requirements for “Medical Cannabis” in the Mixed-Use Infill (M-U-I), Mixed Use Transportation (M-X-T), Open Space (O-S), Commercial Office (C-O), Commercial Shopping Center (C-S-C), Planned Industrial Employment (I-3), Light Industrial (I-1), and Heavy Industrial (I-2) Zones.

The Planning Board has the following comments and suggestions for consideration by the District Council:

Policy Analysis:

The bill amends the locational regulations for medical cannabis dispensaries, growers, and processors to permit the uses to be 300 feet from residential and school uses. The boundaries must be measured from the customer or building entrance following the shortest distance on a public right-of-way to the property line.

The Planning Board understands the original reasons for locational requirements were fear that cannabis uses would cause problems. We also recognize that medical cannabis uses are heavily regulated and are not likely to pose any more risk to nearby park facilities than other types of medical facilities and pharmacies, which are often found in proximity to Maryland-National Capital Park and Planning Commission (M-NCPPC) property.

The proposed locational language requiring medical cannabis uses to be measured 300 feet from the customer or building entrance following the shortest direct distance on a public right-of-way to the property line is vague and may not achieve the intended goal. It is also unclear whether the limitation is 300 feet between the customer or building entrance and a nearby property or if the 300 feet is along the public right-of-way. Also, measuring from the entrance of a building can essentially nullify the 300-foot minimum requirement if the business has a medium-to-large parking lot. Measuring along the public right-of-way can substantially reduce the total distance from a residential zone or school use, especially in areas where the public right-of-way does not follow straight lines on a gridded road network.

The Planning Board would like to recommend a few amendments for District Council consideration. The amendments are as follows:

Clarify and amend the locational regulations throughout the bill. As drafted, it is not clear how the distance regulations to the medical cannabis uses will be measured.

On page 1, add the Planned Industrial Employment (I-3) Zone to the title. The zone is referenced in the bill.

On pages 3 through 5, there are no distance requirements from daycare centers and before-and-after school land uses for medical cannabis growers and processors in the O-S, I-1, and I-3 Zones. Perhaps the bill could be amended to add distance requirements. There are currently regulations in these zones prohibiting these uses near school land uses.

CB-6-2021 – Planning Board Analysis (Attachment 1)

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On page 5, line 1, delete the word “retail” behind the word “wholesale”. The language would read: “wholesale establishment”. This change would be consistent with the language on page 3 line 14 of the bill.

Impacted Property

The legislation would impact properties located in the M-U-I, M-X-T, O-S, C-O, C-S-C, I-3, I-1, and I-2 Zones.

Adopted Zoning Ordinance

The adopted Zoning Ordinance permits medical cannabis dispensaries, growers, and processors in several of the new zones. The Agriculture and Preservation (AG) and Agricultural-Residential (AR) Zones permit "medical cannabis grower and/or processor" with use-specific standards. Medical cannabis dispensaries are prohibited in all Rural and Agricultural and Residential Zones.

"Medical cannabis grower and/or processor" is permitted in the Industrial, Employment (IE) Zone with use-specific standards and "medical cannabis dispensary" is permitted with the approval of a Special Exception in the Commercial, General and Office (GCO) and in the Local Transit-Oriented (LTO), Regional Transit-Oriented, Low-Intensity (RTO-L), and Regional Transit-Oriented, High-Intensity (RTO-H) zone in their "edge" subzones, all with use-specific standards.

These zones and the use-specific standards associated with these uses all generally reflect current law. Should the Council adopt CB-6-2021, the Planning Board recommends incorporating the revisions into the legislative reconciliation package for CB-13-2018 prior to the effective date of the new Zoning Ordinance.

Following discussion, the Planning Board voted to support CB-6-2021 with amendments.