

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2016 Legislative Session

Reference No.: CB-005-2016
Draft No.: 2
Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT
Date: 05/02/2016
Action: FAV (A)

REPORT:

After reviewing all of the comments received on referral for CB-005-2016 DR-1 and testimony from speakers at its March 02, 2016, work session, the PZED committee directed the Zoning and Legislative Counsel to prepare a responsive Proposed DR-2 of CB-005-2016 for comments and final action by the Committee at its May 2, 2016, meeting. As explained by counsel, the Proposed DR-2 of CB-005-2016 offers the following modifications to the legislation:

1. On page 1, beginning in Line 3, expand the title to allow potential permitted medical cannabis uses in the R-A (Rural Agricultural), M-X-T (Mixed Use – Transportation-Oriented), D-D-O (Development District Overlay), and T-D- O (Transit District Overlay) Zones.
2. On pages 2–3, revise proposed amendments to Section 27-107.01(a) to reflect definitions for “Certifying Physician,” “Medical cannabis,” “Medical cannabis finished product,” “Medical cannabis grower,” “Medical cannabis processor,” “Medical cannabis dispensary,” “Medical facility,” and “Qualifying patient” to conform with the terminology set forth in the State enabling Medical Cannabis public general law.
3. On pages 4–5, amend the proposed change to the Residential Table of Uses Permitted to reflect “Medical Cannabis Grower and/or Processor” as a Permitted use in the R-A and O-S Zones of the County, subject to a new proposed Footnote 109, as follows: “Subject to conformance with Section 445.16 of this Subtitle.”
4. On page 6, amend the proposed change to the Commercial Table of Uses Permitted to reflect “Medical Cannabis Dispensary” as a Permitted use in the C-O and C-S-C Zones, subject to a new Footnote 62, as follows: “Subject to conformance with Section 27-464.08 of this Subtitle.”
5. On page 7, amend the proposed change to the Industrial Table of Uses Permitted to reflect “Medical Cannabis Grower and/or Processor” as a Permitted use in the I-1 and I-3 Zones, subject to a new Footnote 61, as follows: “Subject to conformance with Section 27-475.06.08 of this Subtitle.”
6. On page 8, add a proposed amendment to the Mixed Use Zones Table of Uses Permitted to reflect “Medical Cannabis Dispensary” as a legislatively permitted use subject to Special Exception Approval, with a proposed new footnote 18, as follows: “Subejct to conformance with Section 27-548.01.04 of this Subtitle.”

7. On page 8, add a proposed amendment to the Table of Uses for the M-U-TC Zone to reflect “Medical Cannabis Dispensary” as a prohibited use in the M-U-TC Zones of the County.
8. On page 9, amend Section 27-548.05 of Part 10A, Division 2 “T-D-O (Transit District Overlay) Zone” to add a new subsection (b), as follows: “Notwithstanding the provisions of Subsection (a) of this Section, any provision of this Subtitle, or any other applicable provision with the Transit District Development Plan for an approved Transit District Overlay Zone, a medical cannabis grower, medical cannabis processor, or medical cannabis dispensary use shall be permitted or prohibited in accordance with the prescriptions of this Subtitle for the underlying zone in which the property is classified.”
9. On page 10, amend Section 27-548.22 of Part 10A, Division 3 “D-D-O (Development District Overlay) Zone” to add a new subsection (c), as follows: “Notwithstanding the provisions of Subsection (a) of this Section, any provision of this Subtitle, or any other applicable provision with the Transit District Development Plan for an approved Development District Overlay Zone, a medical cannabis grower, medical cannabis processor, or medical cannabis dispensary use shall be permitted or prohibited in accordance with the prescriptions of this Subtitle for the underlying zone in which the property is classified.”
10. On pages 10–11, add a new Section 27-445.16 “Medical Cannabis Uses – Growers and Processors (O-S Zone), as follows:
 - (a) The property boundaries of property used as medical cannabis grower and/or processor shall be at least 500 feet from::
 - (1) any R-A, R-E, R-L, R-R, R-S, R-80, and R-55 Zone; and
 - (2) any school or park land uses.
 - (b) Minimum parking required shall be at least equivalent to the minimum parking requirements for a wholesale establishment, as set forth in Part 11 of this Subtitle, unless a Departure from Parking and Loading Standards is approved in accordance with the requirements of this Subtitle.
 - (c) Medical cannabis grower and/or processor is not permitted as an accessory use.
 - (d) Buildings, structures, and parking shall be setback from property lines by at least 200 feet.
 - (e) The minimum net lot area shall be 10 acres.
 - (f) Cultivation may be conducted outdoors, subject to applicable State licensing regulations. All other aspects of the uses shall be conducted within a fully enclosed building, in accordance with all applicable laws, rules, and regulations.
 - (g) Outdoor cultivation areas shall be set back at least 100 feet from a street and/or property line and fenced in accordance with applicable State licensing regulations; and a

planted bufferyard between the fence line and cultivation area shall be installed.

(h) Outdoor signage shall be limited to building mounted signs and advertisement for cannabis or cannabis products is prohibited.

11. On pages 11–12, add a new “Section 27-464.08. Medical Cannabis Uses – Dispensary (C-O and C-S-C Zones),” as follows:

(a) The property boundaries of property used as a medical cannabis dispensary shall be at least 500 feet from:

(1) any R-A, R-E, R-L, R-R, R-S, R-80, and R-55 Zone; and

(2) any land owned by the Maryland-National Capital Park and Planning Commission; and

(3) any school land uses.

any school or park land uses.

(b) A medical cannabis dispensary shall be located within 500 feet of a medical facility as defined in Section 27-107.01 of this Subtitle.

(c) Parking requirements for a medical cannabis dispensary shall be at least equivalent to the minimum parking requirements applicable to a medical practitioner’s office/medical clinic, as set forth in Part 11 of this Subtitle.

(d) A Medical cannabis dispensary shall not be permitted as an accessory use.

12. On page 12, add a new “Section 27-475.06.08. Medical Cannabis Uses – Growers and Processors (I-1 and I-3 Zones),” as follows:

(a) The property boundaries of property used as medical cannabis grower and/or processor shall be at least 500 feet from:

(4) any R-A, R-E, R-L, R-R, R-S, R-80, or R-55 Zone;

(5) any land owned by the Maryland-National Capital Park and Planning Commission; and

(6) any school land uses.

(b) Minimum parking required shall be equivalent to the minimum required for a wholesale establishment as set forth in Part 11 of this Subtitle.

(c) Medical cannabis grower and/or processor is not permitted as an accessory use.

(d) Buildings, structures and parking shall be setback from property lines by at least 50

feet.

(e) All aspects of the uses shall be conducted within a fully enclosed building, in accordance with all applicable laws, rules and regulations.

(f) Outdoor signage shall be limited to building mounted signs and advertisement for cannabis or cannabis products is prohibited.

12. On page 12–13, add a new “Section 27-548.01.04. Medical Cannabis Uses–Dispensary (M-X-T Zone), as follows:

(a) The property boundaries of property used as a medical cannabis dispensary shall be:

(1) within ½ mile of a Metrorail station entrance;

(2) at least 500 feet from any R-A, R-E, R-L, R-R, R-S, R-80, or R-55 Zone;

(3) at least 500 feet from any land owned by the Maryland-National Capital Park and Planning Commission; and

(4) any school land uses.

(b) A medical cannabis dispensary shall be located within 500 feet of a medical facility, as defined in Section 27-107.01 of this Subtitle.

(c) Minimum parking requirements for a medical cannabis dispensary shall be at least equivalent to the minimum parking requirements for a medical practitioner’s office/medical clinic, as set forth in Part 11 of this Subtitle.

(d) Medical cannabis dispensary is not permitted as an accessory use.

(e) Outdoor signage shall be limited to building mounted signs and advertisement for cannabis or cannabis products is prohibited.

Finally, during discussion of the Proposed DR-2 of CB-005-2016, the Committee added a reference in the proposed purpose of the bill to include a reference to the M-U-I (Mixed Use – Infill) Zone in order to address concerns about proliferation of Medical Cannabis Dispensary uses in Mixed Use Zones in the County that are not transportation-oriented. The Zoning and Legislative Counsel informed the committee that, pursuant to Section 27-546.17 of the Zoning Ordinance, all uses permitted by right or by Special Ex caption in the C-S-C Zone, as provided in Section 27-461(b) of the Zoning Ordinance, are permitted by right in the M-U-I Zone.