

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2016 Legislative Session**

Bill No. CB-5-2016

Chapter No. 12

Proposed and Presented by Council Members Harrison, Glaros and Davis

Introduced by Council Members Harrison, Glaros, Davis, Lehman, Taveras

Co-Sponsors _____

Date of Introduction May 3, 2016

ZONING BILL

1 AN ORDINANCE concerning

2 Medical Cannabis

3 For the purpose of providing definitions related to Medical Cannabis uses in the Zoning
4 Ordinance and permitting certain Medical Cannabis uses in the O-S, R-A, C-O, C-S-C, I-1, I-2,
5 M-U-I, M-X-T, T-D-O and D-D-O Zones of Prince George's County, under certain
6 circumstances.

7 BY repealing and reenacting with amendments:

8 Sections 27-107.01, 27-441, 27-461, 27-473,
9 27-546.17, 27-547, 27-548.05, and 27-548.22,

10 The Zoning Ordinance of Prince George's County, Maryland,
11 being also

12 SUBTITLE 27. ZONING.

13 The Prince George's County Code
14 (2015 Edition).

15 BY adding:

16 Sections 27-372.01, 27-445.16, 27-464.08, and 27-475.06.08,
17 The Zoning Ordinance of Prince George's County, Maryland,

18 being also

19 SUBTITLE 27. ZONING.

20 The Prince George's County Code

(2015 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-107.01, 27-441, 27-461, 27-473, 27-546.17, 27-547, 27-548.05, and 27-548.22 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * *

(45) **Certified Nonconforming Use:** A “Nonconforming Use” for which a use and occupancy permit identifying the “Use” as nonconforming has been issued.

(45.1) **Certifying Physician** means a physician, as specified within Section 14-101(i) of the Health Occupations Article, Annotated Code of Maryland, who is registered with the Natalie M. LaPrade Medical Cannabis Commission.

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(148.1) **Medical Cannabis** means any product containing usable cannabis or usable medical cannabis finished product.

(148.2) **Medical Cannabis Finished Product** means a product containing a medical cannabis concentrate or a medical cannabis-infused product packaged and labeled for release to a qualifying patient.

(148.3) **Medical Cannabis Grower** means an entity licensed under Subtitle 33 of the Health – General Article, Annotated Code of Maryland, that cultivates, manufactures, packages, processes, or distributes medical cannabis to licensed processors, licensed dispensaries, or registered independent testing laboratories.

(148.4) **Medical Cannabis processor** means an entity licensed under Subtitle 33 of the Health – General Article, Annotated Code of Maryland, that transforms medical cannabis into another product or extract, and packages and labels medical cannabis.

1 (148.5) **Medical Cannabis dispensary** means an entity licensed under Subtitle 33 of
2 the Health – General Article, Annotated Code of Maryland, that acquires, possesses, repackages,
3 processes, transfers, transports, sells, distributes, or dispenses products containing usable medical
4 cannabis, related supplies, or related products, including tinctures, aerosols, oils, or ointments; or
5 educational materials for use by a qualifying patient or caregiver.

6 [(148.1)] (148.6) **Medical day care:** The provision of medical day care services in an
7 ambulatory care setting to medically handicapped adults who do not require 24-hour inpatient
8 care, but, due to their degree of impairment, are not capable of full-time independent living. A
9 medically handicapped adult means a chronically ill or disabled person eligible for day care
10 services, whose illness or disability may not require 24-hour inpatient care, but which, in the
11 absence of medical day care service, may precipitate admission to, or prolong a stay in, a
12 hospital, nursing facility, or other long-term care facility. A medical day care facility must be
13 licensed by the State Department of Health and Mental Hygiene and is required to furnish the
14 following: Nursing services, diet modifications, rehabilitative services, social services, medical
15 consultation and other special services.

16 (148.7) **Medical facility** means a facility, office, or clinic where patients are examined
17 or treated by physicians, including hospitals and outpatient facilities, urgent care centers,
18 physical therapy offices, and dentists, but does not include drug or alcohol treatment facilities,
19 methadone treatment facilities, or massage therapy establishments.

20 * * * * * * * * *

21 (187) **Public Utility:** A privately owned facility which provides the public with
22 electricity, natural gas, water or sewer service (as part of a community system), or wire-
23 transmitted telecommunications service; or any privately-owned railroad facility.

24 (187.1) **Qualifying patient** means an individual who: (a) lives in the State of
25 Maryland, or during that time an individual is present in the State, is physically present in the
26 State for the purpose of receiving medical care from a medical facility in the State; (b) has been
27 provided with a written certification by a certifying physician in accordance with a bona fide
28 physician-patient relationship; and (c) if the person is younger than eighteen (18) years old, has a
29 caregiver.

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**PART 5. RESIDENTIAL ZONES.
DIVISION 3. USES PERMITTED.**

Sec. 27-441. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
* * * * *	*	*	*	*	*	*	*	*	*
(7) RESOURCE PRODUCTION/RECOVERY:									
* * * * *	*	*	*	*	*	*	*	*	*
Agricultural Uses									
* * * * *	*	*	*	*	*	*	*	*	*
<u>(G) Medical Cannabis Grower and/or Processor</u>	X	P ¹⁰⁹	P ¹⁰⁹	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
* * * * *	*	*	*	*	*	*	*	*
(7) RESOURCE PRODUCTION/RECOVERY:	*	*	*	*	*	*	*	*
* * * * *	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Agricultural Uses	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
* * * * *	*	*	*	*	*	*	*	*
<u>(G) Medical Cannabis Grower and/or Processor</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

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109 Subject to conformance with Section 27-445.16 of this Subtitle.

**PART 6. COMMERCIAL ZONES.
DIVISION 3. USES PERMITTED.**

Sec. 27-461. Uses permitted.

(b) TABLE OF USES I.

USE	ZONE					
	C-O	C-A	C-S-C	C-W	C-M	C-R-C
(1) COMMERCIAL:						
* * * * *	*	*	*	*	*	*
(C) Offices:						
* * * * *	*	*	*	*	*	*
<u>Medical Cannabis Dispensary</u>	<u>P⁶²</u>	<u>X</u>	<u>P⁶²</u>	<u>X</u>	<u>X</u>	<u>X</u>
* * * * *	*	*	*	*	*	*

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62 Subject to conformance with Section 27-464.08 of this Subtitle.

**PART 7. INDUSTRIAL ZONES.
DIVISION 3. USES PERMITTED.**

Sec. 27-473. Uses permitted.

(b) TABLE OF USES.

USE	ZONE				
	I-1 ³³	I-2 ³³	I-3	I-4	U-L-I
* * * * *	*	*	*	*	*
(M) Wholesale Trade:⁹					
* * * * *	*	*	*	*	*
<u>Medical Cannabis Grower and/or Processor</u>	<u>P⁶¹</u>	<u>X</u>	<u>P⁶¹</u>	<u>X</u>	<u>X</u>
* * * * *	*	*	*	*	*

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61 Subject to conformance with Section 27-475.06.08 of this Subtitle.

SUBTITLE 27. ZONING.

PART 10. MIXED USE ZONES.

DIVISION 2. SPECIFIC MIXED USE ZONES.

SUBDIVISION 4. M-U-I ZONE (MIXED USE – INFILL).

Sec. 27-546.17. - Uses.

(a) All uses permitted by right or by Special Exception in the C-S-C Zone, as provided in Section 27-461(b), are permitted by right in the M-U-I Zone, except as follows:

(1) For the uses in Sections 27-461(b)(3), Miscellaneous, and 27-461(b)(6), Residential/Lodging, the uses allowed are those permitted in Section 27-441(b)(3) and (6) for the R-18 Zone, except that hotel and motel uses are permitted as in the C-S-C Zone.

(2) Use restrictions may be imposed on a property when the M-U-I Zone is approved, whether the approval is in a Sectional Map Amendment, a T-D-O Zone map amendment, a D-D-O Zone map amendment, a case involving property owned by a municipality or the Prince George's County Redevelopment Authority, or an individual site plan case. Use restrictions in conditions imposed at rezoning may limit or prohibit uses otherwise allowed in the M-U-I Zone. If use restrictions are imposed in an individual map amendment or site plan case, the District Council and the owner shall follow the conditional zoning procedure in Part 3, Division 2.

(3) Notwithstanding any other provision of this Subtitle to the contrary, a Medical Cannabis Dispensary use on property classified within the M-U-I Zone may be permitted, subject to Special Exception approval in accordance with Part 4 and Section 27-372.01 of this Subtitle, inclusive.

(b) Residential and commercial uses may be placed with a horizontal or vertical mix on property in the M-U-I Zone, subject to approval of a Detailed Site Plan.

DIVISION 3. USES PERMITTED. (MIXED USE ZONES).

Sec. 27-547. Uses Permitted.

(b) TABLE OF USES.

USE	ZONE	
	M-X-T	M-X-C
* * * * *	*	*
(4) MISCELLANEOUS:		
* * * * *	*	*
<u>Medical Cannabis Dispensary</u>	<u>SE¹⁸</u>	<u>X</u>
* * * * *	*	*

18 Subject to conformance with Section 27-372.01 of this Subtitle.

(c) TABLE OF USES FOR M-U-TC ZONE.

USE:	ZONE
	M-U-TC
* * * * *	*
(4) MISCELLANEOUS:	*
* * * * *	*
<u>Medical Cannabis Dispensary</u>	<u>X</u>
* * * * *	*

SUBTITLE 27. ZONING.

PART 10A. OVERLAY ZONES.

DIVISION 1. T-D-O (TRANSIT DISTRICT OVERLAY) ZONE.

SUBDIVISION 1. GENERAL.

Sec. 27-548.05. Uses.

(a) The uses allowed on a lot in a Transit District Overlay Zone shall be the same as those allowed in the underlying zone in which the lot is classified, except as is modified by the Transit District Development Plan.

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1 **(b) Notwithstanding any other provision of this Subtitle, or any other applicable provision**
 2 **within the Transit District Development Plan for an approved Transit District Overlay Zone, a**
 3 **Medical Cannabis Grower, Medical Cannabis Processor, or Medical Cannabis Dispensary use**
 4 **shall be permitted or prohibited in accordance with the requirements of this Subtitle for the**
 5 **underlying zone in which the property is classified.**

6 **[(b)] (c)** The Transit District Development Plan may:

- 7 (1) Restrict a lot to specific uses which are allowed in the underlying zone;
- 8 (2) Add uses to those that are allowed for a lot in the underlying zone; or
- 9 (3) In underlying Industrial or Commercial Zones, permit specific uses on a lot from

10 less intensive Commercial or Industrial Zones if the uses are not permitted in the underlying
 11 zone.

12 **[(c)] (d)** If a use is permitted in the underlying zone by Special Exception, approval of a
 13 Special Exception (Part 4) need not be obtained and the use may be allowed by right, if it is
 14 provided for on the Transit District Development Plan. Where a Special Exception use is not
 15 provided for on the Transit District Development Plan, amendment of the Plan shall be required
 16 to permit the use. If the underlying zone requires that specific uses or general use types be
 17 present in every development within that zone, the Transit District Development Plan shall
 18 reflect those uses and any specified mix or ratio of the uses. In the case of the M-X-T Zone, the
 19 amount of square footage devoted to each use shall be in keeping with the purposes of that zone.

20 **DIVISION 3. D-D-O (DEVELOPMENT DISTRICT OVERLAY) ZONE.**

21 **Sec. 27-548.22. Uses.**

22 (a) The uses allowed on property in a Development District Overlay Zone shall be the
 23 same as those allowed in the underlying zone in which the property is classified, except as
 24 modified by Development District Standards approved by the District Council.

25 (b) Notwithstanding the provisions of subsection (a) of this Section, any other provision of
 26 the Zoning Ordinance, or any applicable provision within an approved comprehensive plan, a
 27 Hospital is a permitted use in the M-X-T/D-D-O Zone.

28 (c) **Notwithstanding any other provision of this Subtitle, or any other applicable provision**
 29 **within the Development District Standards for an approved Development District Overlay Zone,**
 30 **a Medical Cannabis Grower, Medical Cannabis Processor, or Medical Cannabis Dispensary use**

1 shall be permitted or prohibited in accordance the prescriptions of this Subtitle for the underlying
2 zone in which the property is classified.

3 [(c)] (d) Development District Standards may limit land uses or general use types allowed
4 in the underlying zone where the uses are incompatible with, or detrimental to, the goals of the
5 Development District and purposes of the D-D-O Zone. Development District Standards may
6 allow uses prohibited in the underlying zone where the uses are compatible with the goals of the
7 Development District and purposes of the D-D-O Zone.

8 [(d)] (e) A table of uses shall be incorporated within each Development District Overlay
9 Zone clearly showing all uses in the underlying zone that will be permitted, prohibited, or
10 otherwise restricted pursuant to Section 27-548.25 of this Division.

11 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
12 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
13 Regional District in Prince George's County, Maryland, that Sections 27-272.01, 27-445.16,
14 27-464.08, and 27-475.06.08 of the Zoning Ordinance be and the same are hereby added:

15 **SUBTITLE 27. ZONING.**

16 **PART 4. SPECIAL EXCEPTIONS.**

17 **DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL**
18 **EXCEPTIONS.**

19 **Sec. 27-372.01. Medical Cannabis Uses — Dispensary (M-U-I and M-X-T Zones).**

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

21 (1) within one-half mile of a Metrorail Line station, as measured from the center of the
22 transit station platform;

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

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

26 (4) at least 500 feet from any school land uses; and

27 (5) at least one mile from any other medical cannabis dispensary use.

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

30 (c) Minimum parking requirements for a medical cannabis dispensary shall be at least
31 equivalent to the minimum parking requirements for a medical practitioner’s office/medical

1 clinic set forth in Part 11 of this Subtitle.

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

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

5 **PART 5. RESIDENTIAL ZONES.**

6 **DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

7 **Sec. 27-445.16. Medical Cannabis Uses — Growers and Processors (O-S Zone).**

8 (a) The boundaries of property used for Medical Cannabis Grower and/or Processor uses
9 shall be at least 500 feet from:

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

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

13 (3) any school land uses.

14 (b) Minimum parking required shall be at least equivalent to minimum parking
15 requirements prescribed within Part 11 of this Subtitle for a wholesale establishment, unless a
16 Departure from Parking and Loading Standards is approved in accordance with the requirements
17 of this Subtitle.

18 (c) Medical Cannabis Grower and/or Processor is not permitted as an accessory use.

19 (d) Buildings, structures, and parking shall be setback from property lines by at least 200
20 feet.

21 (e) The minimum net lot area shall be 10 acres.

22 (f) Cultivation may be conducted outdoors pursuant to State licensing regulations. All
23 other aspects of the uses shall be conducted within a fully enclosed building, in accordance with
24 all applicable laws, rules, and regulations.

25 (g) Outdoor cultivation areas shall be set back at least 100 feet from a street and/or
26 property line and fenced in accordance with applicable State licensing regulations; and a planted
27 bufferyard between the fence line and cultivation area shall be installed.

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

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PART 6. COMMERCIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-464.08. Medical Cannabis Uses — Dispensary (C-O and C-S-C Zones).

(a) The 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, or R-55 Zone;

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

(3) any school land uses.

(b) A medical cannabis dispensary shall be located within 500 feet of a medical facility, as specified 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 prescribed in Part 11 of this Subtitle for a wholesale establishment, unless a Departure from Parking and Loading Standards is approved in accordance with the requirements of this Subtitle.

ble 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.

(e) The boundaries of property used as a medical cannabis dispensary shall be at least one mile from any other medical cannabis dispensary use.

PART 7. INDUSTRIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

Sec. 27-475.06.08. Medical Cannabis Uses — Growers and Processors (I-1 and I-3 Zones).

(a) The 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, or R-55 Zone;

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

(3) any school land uses.

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

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

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

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

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

7 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are
8 hereby declared to be severable; and, in the event that any section, subsection, paragraph,
9 subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or
10 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
11 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
12 subsections, or sections of this Ordinance, since the same would have been enacted without the
13 incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph,
14 subparagraph, subsection, or section.

1 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
2 date of its adoption.

Adopted this 31st day of May , 2016.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Derrick L. Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.