

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2021 Legislative Session

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**Reference No.:** CB-041-2021

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 06/17/2021

**Action:** FAV(A)

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### REPORT:

Committee Vote: Favorable as amended, 9-0 (In favor: Council Members Hawkins, Davis, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner)

The Committee of the Whole convened on June 17, 2021 to consider CB-41-2021. The Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. CB-41-2021 amends the Zoning Ordinance to alter the additional requirements related to medical cannabis uses in the Mixed Use Infill, Mixed Use Transportation, Commercial Office, and Commercial Shopping Center Zones.

Council Vice-Chair Taveras, the bill's sponsor, commented with the following statement:

“This bill is important because as one of the original drafters of the Medical Cannabis legislation we worked hard to bring a common-sense approach to zoning medical cannabis in the County. Since then we have been able to locate several dispensaries and growers throughout the County, however some zoning challenges still remain.

With that said we want to be able to preserve some level of protection and address communities' concerns while addressing the need to expand potential locations where medical cannabis dispensaries and growers can still exist and co-exist with the community throughout the County. Therefore, what we are proposing is several policy changes to the original legislation.

This bill would:

- Eliminate the one-mile criteria around the Metro Line stations
- It would retain at least 500 feet (establishes the boundaries) from any residential area
- Maintain 500 feet from any recreation center, playground, trail owned by the Maryland-National Capital Park and Planning Commission.
- Maintain at least 500 feet from any school land uses
- Retain the one-mile criteria from at least one mile from any other medical cannabis dispensary use.

- Eliminate the medical cannabis dispensary being located within 500 feet of a medical facility.
- We have obtained the 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.
- Medical cannabis dispensary is not permitted as an accessory use.
- Outdoor signage shall be limited to building mounted signs and advertisement for cannabis or cannabis products is prohibited.
- So, moving forward the minimum lot area shall be 10 acres and everything else is pretty much the same with 300 feet from any R-A, R-E, R-L, R-R, R-S, R-80, or R-55 Zone.”

Rana Hightower, Planning Department Intergovernmental Affairs, informed the Committee that the Planning Board voted on June 17, 2021 to support CB-41-2021. The Planning staff analysis included with the Planning Board’s letter of support indicates that medical cannabis uses are heavily regulated and not likely to pose any more risk than other uses. Planning staff supports the removal of the proposed locational barriers to permitting the use.

The Zoning Hearing Examiner submitted a June 14, 2021 memorandum to the PHED Committee Director indicating that she had no suggested additions or revisions to the bill. The Office of Law reviewed CB-41-2021 and determined that it is in proper legislative form with no legal impediments to its enactment. Terry Bell, County Executive’s Liaison to the County Council, indicated that the County Executive is in support of the legislation.

Eddie Pounds, Esq., of Funk and Bolton, representing Green Leaf Medical, LLC and Joy Strand, Executive Vice President of Green Leaf Medical, LLC testified in support of the legislation to facilitate removing barriers to locating the use in State Legislative District 22.

A motion by Council Member Ivey, and second by Council Member Franklin, for an amendment to the legislation to allow the medical cannabis uses in Industrial Zones failed 4-6. Vice-Chair Taveras requested an amendment to the effective date clause on page 3 to provide that the legislation take effect on the date of its adoption.

On a motion by Vice-Chair Taveras and second by Council Member Turner, the Committee voted favorable, 9-0, on CB-41-2021 including the amendment to the effective date clause.