

ORDINANCE NO. ORD-2024-37

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
(RZ-24-003)**

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board") adopted the Zoning Ordinance for Washington County, Maryland (the "Ordinance") on January 23, 1973, and it became effective on April 2, 1973.

Planning and Zoning Staff filed an application requesting that amendments be made to the text of the Ordinance. The amendments proposed would amend language relating to the definitions, locations, and separation requirements for cannabis growing, processing, and dispensary facilities in the county.

The Washington County Planning Commission (the "Planning Commission") held a public meeting for the purpose of taking comments on the proposed amendments, pursuant to public notice duly given.

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on October 15, 2024, pursuant to notice duly given.

The Board has considered the recommendations of the Planning Commission and the Planning Department staff, and testimony and materials received at the public hearing. The Board conducted this review in a public session.

The Board believes it to be in the best interests of the citizens of Washington County for the amendments to be enacted.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that certain provisions of the Zoning Ordinance, as amended, be further amended and restated as follows:

ARTICLE 3. DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES)

Section 3.3 - Table No. 3.3 - TABLE OF LAND USE REGULATIONS (RURAL AREA USES)

| Land Uses | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|-------------------------------------|-----------|-----------|-----------|----------|----------|----------|------------------|
| K. Manufacturing | | | | | | | |
| <u>Cannabis Processor, Standard</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N/A</u> |

| | | | | | | | |
|--------------------------------------|-----------|-----------|-----------|-----------|----------|----------|------------|
| <u>Cannabis Processor, Micro</u> | <u>SE</u> | <u>SE</u> | <u>SE</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N/A</u> |
| P. Retail and Wholesale Trade | | | | | | | |
| <u>Cannabis Dispensary, Standard</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>P</u> | <u>N</u> | <u>N/A</u> |
| <u>Cannabis Dispensary, Micro</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>SE</u> | <u>P</u> | <u>N</u> | <u>N/A</u> |

Article 11 “BL” Business, Local District

Section 11.1 Principal Permitted Uses

- (a) Local retail goods and service shops, including: Cannabis Dispensary, Standard and Micro. Provided that the use is a minimum 500 feet from any pre-existing primary or secondary school in the State, or a licensed childcare center or registered family childcare home; a pre-existing playground, recreation center, library, public park, or place of worship; and that the use be a minimum one half-mile from another dispensary.

Article 12 “BG” Business, General District

Section 12.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

- (l) Cannabis Processor, Standard and Micro.
- (~~h~~) (m) Any other use that the Board finds is functionally similar to any principally permitted use or special exception except adult book stores, adult mini-motion picture theaters, or any other type of adult entertainment listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

Article 13 “IR” Industrial, Restricted District

Section 13.1 Principal; Permitted Uses

- (i) Cannabis Processor, Standard and Micro.

Article 19C “Special Economic District”

Section 19C.2 Principal Permitted Uses

Cannabis Dispensary, Standard and Micro. Provided that the use is a minimum 500 feet from pre-existing primary or secondary school in the State, or a licensed childcare center or registered family childcare home; a pre-existing playground, recreation center, library, public park, or place

of worship; and that the use be a minimum one half-mile from another dispensary.

ARTICLE 28A – DEFINITIONS

Cannabis Dispensary: An entity licensed under this title that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront or through a delivery service, based on license type

- A standard licensed dispensary operates a store at a physical location that sells cannabis or cannabis products.
- A micro licensed dispensary operates a delivery service that sells cannabis or cannabis products without a physical storefront, provided that the licensee employs not more than 10 employees

Cannabis Grower: An entity licensed under this title that: (1) cultivates or packages cannabis; and (2) is authorized by the Administration to provide cannabis to other cannabis licensees and registered independent testing laboratories. Per the definition of agriculture provided in Article 28A, the growing, drying and packaging of cannabis, a product of the soil, is considered an agricultural use. Therefore, cannabis growing facilities must be permitted in every district agriculture is permitted.

- A standard licensed grower operates more than 10,000 square feet, but not more than 300,000 square feet, of indoor canopy or its equivalent, as calculated by the Administration.
- A micro licensed grower operates not more than 10,000 square feet of indoor canopy or its equivalent, as calculated by the Administration.

Cannabis Processor: An entity licensed under this title that: (1) transforms cannabis into another product or an extract and packages and labels the cannabis product; and (2) is authorized by the Administration to provide cannabis to licensed dispensaries and registered independent testing laboratories

- A standard licensed processor processes more than 1,000 pounds of cannabis per year, as calculated by the Administration.
- A micro licensed processor processes no more than 1,000 pounds of cannabis per year, as calculated by the Administration.

Cannabis Products: Products that are composed of cannabis, cannabis concentrate, cannabis extract, or other ingredients and are intended for use or consumption, including edible products, oils, and tinctures

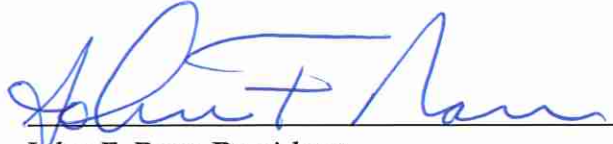
Adopted and effective this 15th day of October, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND



Dawn L. Marcus, Clerk



John F. Barr, President

Approved as to legal
sufficiency:



Zachary J. Kieffer
County Attorney

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