

DRAFT RECOMMENDATIONS

The Zoning sub-workgroup offers the following Howard County Code considerations for cannabis regulations. The sub-workgroup is forwarding: example use definitions for Cannabis Dispensary, Cannabis Growing Facility, Cannabis Processing Facility and Cannabis Onsite Consumption and current and proposed zoning code allowances in response to the statewide legalization of adult-use cannabis effective 07/1/2023.

Zoning Considerations: Below are definitions of use types, allowable uses in the districts, and various bulk and parking requirements.

Definitions

CANNABIS DISPENSARY. An entity licensed by the state 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.

CANNABIS GROWING FACILITY. An entity licensed by the state that cultivates and packages cannabis and is authorized by the state to provide cannabis to other cannabis licensees and registered independent testing laboratories.

CANNABIS MICRO LICENSE. A license issued by the state in accordance with § 36– 401(c)(2) of the Alcoholic Beverages Article of the Maryland Annotated Code, Medical and Adult Use Cannabis Title. A micro license authorizes the holder of the license:

- (i) for growers, to operate not more than 10,000 square feet of indoor canopy or its equivalent;
- (ii) for processors, to process not more than 1,000 pounds of cannabis per year; and
- (iii) for dispensaries, to operate a delivery service that sells cannabis or cannabis products without a physical storefront, provided that the licensee employs not more than 10 employees.

CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT. An entity licensed by the state to distribute cannabis or cannabis products for on-site consumption other than consumption by smoking indoors. (If the commission recommends this be permitted, then include a definition.)

CANNABIS PROCESSING FACILITY. An entity licensed by the state that transforms cannabis into another product or an extract and packages and labels the cannabis product and is authorized by the state to provide cannabis to licensed dispensaries and registered independent testing laboratories.

Zoning Table- Districts for Consideration by Type of Use (table is reflective of current zoning interpretation)

Type of Use	Districts Allowed	Zoning Section References	Description	Notes
Cannabis Dispensary	R-SI, POR, PEC, CCT, B-1, B-2, SC, M-1, M-2, CE, NT, PGCC, TOD, CAC, HC, CE, NT, PGCC, TOD	103.0: Definitions, 113.2: - R-SI (Residential: Senior—Institutional), 115.0: - POR (Planned Office Research) District, 116.0 PEC (Planned Employment Center) 117.4 CCT (Community Center Transition) District, 118.0: - B-1 (Business: Local) District, 119.0: - B- 2 (Business: General), 120.0: - SC (Shopping Center), 122.0: - M-1 (Manufacturing: Light), 123.0: - M-2 (Manufacturing: Heavy), 125.0 NT (New Town), 126.0 PGCC (Planned	Currently these are Classified as Ambulatory Health Care Facility. <u>Ambulatory Health Care Facilities</u> includes, but is not limited to, health maintenance organizations, out-patient clinics, diagnostic centers, ambulatory surgical facilities, physician offices, public health clinics, or community mental health centers. Interpreted to be similar to other retail uses that are licensed by the State such	If the property is located in NT (New Town) zoning district it is subject to the requirements of FDP.

		<p>Golf Center Community). 127.2 CE (Corridor Employment District), 127.4 TOD (Transit Oriented Development), 127.5 CAC (Corridor Activity Center).</p> <p>114.4 HC (Historic Commercial)</p>	as drug stores and liquor stores.	
Cannabis Processing and Growing	*RR, RC, RC-DEO and RR-DEO (with conditional use requirement), POR, PEC, CE, M-1, M-2, NT, TOD	<p>103.0, 128.0.I.1. (As an accessory use to Farming)</p> <p>See section references above for POR, PEC, CE, M-1, M-2, NT, TOD</p>	<p>The Processing Use complies with the Value- added Processing sub- definition of the term Primary Agricultural Processing. Therefore, the Processing Use is permitted on the Property as an accessory use to the principal Farming use, subject to Zoning Permit approval as required under Section 128.0.I.1.</p> <p>However, the consideration for a conditional use requirement (yellow highlighted text) is to align more with manufacturing since grow facilities need to be climate controlled, not cross pollinated, and nutrient management irrigation is better suited for these types of uses.</p> <p>Processing also complies with the Light Industrial definition.</p>	If the property is located in NT (New Town) zoning district it is subject to the requirements of FDP.
Cannabis Growing	*RR, RC, RC-DEO and RR-DEO R-ED (with conditional use requirement), POR, PEC, BR, B-1, B-2, M-1, and M-2.	103.0 of the Zoning Regulations. Section 104.0.B.1 of the RC See section references above	<p>The Growing Use complies with the definition of Farming in Section 103.0 of the Zoning Regulations.</p> <p>However, the consideration for a conditional use requirement (the yellow highlighted text) is to align more with manufacturing since grow facilities need to be climate controlled, not cross pollinated, and nutrient management irrigation is better suited for these types of uses.</p>	If the property is located in NT (New Town) zoning district it is subject to the requirements of FDP.
Onsite Consumption <i>(If the commission recommends this be permitted, then include as a use.)</i>	HC, POR, PEC, OT, B-1, B-2, SC, M-2, NT, PGCC, TOD, CAC.	<p>103.0, 117.3 OT (Office Transition)</p> <p>See section references above</p>	<p>Classified as a Specialty Store</p> <p><u>Specialty Store:</u> A retail business that principally offers a specific type or category of merchandise for sale or rental. Examples include but are not limited to stores specializing in art supplies, bicycles, books, cards, electronics, fabrics, flowers, gifts, hobbies, house wares, jewelry, luggage, musical instruments, news publications, optical goods, pets, photographic supplies,</p>	<p>Exemption for Smoking Prohibition:</p> <p>https://library.municode.com/md/howard_county/code_s/code_of_ordinances?nodeId=HOCOCO_TIT12HES_OSE_SUBTITLE_6SMPU_PL</p>

			radios and televisions, sewing machines, sporting goods, stationary, or works of art.	
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** Red texts indicates that the district allows multiple types of cannabis uses. Additional

Considerations:

Consider the State distance restrictions:

State cannabis law has the following distance restrictions on where a newly licensed dispensary can be located:¹

- 500 feet from a school, day care center, public park, library, or recreation center.
- 1,000 feet from another dispensary.

Additional Parking Considerations:

A cannabis grower or cannabis processor may provide up to 50 percent of its required off-street parking spaces for the facility in an off-site parking lot, if:

- The cannabis grower or cannabis processor provides a shuttle to the facility for the employees parking in the off-site lot; or
- Both the cannabis grower or cannabis processor use and the off-site parking lot are located within 1,000 feet of a mass transit administration light rail stop to provide the necessary transportation between the lot and the facility.

¹ These distance restrictions were added via amendment late in the legislative process. Note that this only applies to dispensaries. The State law has no distance restrictions for processing facilities or growing facilities.