

(***** indicates existing text preceding and/or following a change)

ORDINANCE No. 2016-05

AN ORDINANCE ADOPTING AMENDMENTS TO THE CODE OF PUBLIC LOCAL LAWS AND ORDINANCES OF CARROLL COUNTY, MARYLAND

WHEREAS, The Board of Commissioners of Carroll County, Maryland (“the Board”), has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland"; and

WHEREAS, the Board is charged under State law with the duty and responsibility for establishing comprehensive policies and programs to promote the health, safety, and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities; and

WHEREAS, the Carroll County Planning and Zoning Commission reviewed and approved the amendments at its meeting on July 19, 2016.

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Carroll County, Maryland:

ARTICLE I. AMENDMENTS.

Section 1. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.002 Definitions, the definition of “Agricultural or Agricultural Purposes” is deleted in its entirety and replaced, and the definitions of “Medical Cannabis”, “Medical Cannabis Dispensary”, “Medical Cannabis Grower”, and “Medical Cannabis Processor” are added, all as follows:

Chapter 158, ZONING REGULATIONS

§ 158.002 DEFINITIONS.

AGRICULTURAL or AGRICULTURAL PURPOSES. The raising of farm products for use or sale, including livestock or poultry husbandry, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers, and similar products of the soil, and including stables for boarding and training horses. ***AGRICULTURAL or AGRICULTURAL PURPOSES*** does not include the growing, cultivation, processing or dispensing of Marijuana, as defined in the Criminal Law Article, § 5-101, of the Annotated Code of Maryland as amended, or Medical Cannabis, as defined in COMAR, Title 10, Subtitle 62.

MEDICAL CANNABIS. Any product defined as Medical Cannabis in COMAR 10.62.01 that is grown, processed, transported or sold pursuant to a license issued by the Natalie LaPrade Medical Marijuana

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Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS DISPENSARY. A person or entity licensed by the State as a dispensary as defined in COMAR 10.62.01.13 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS GROWER. A person or entity licensed by the State as a grower as defined in COMAR 10.62.01.14 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS PROCESSOR. A person or entity licensed by the State as a processor as defined in COMAR 10.62.01.16 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

Section 2. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.059, Medical Cannabis is added as follows:

§ 158.059 MEDICAL CANNABIS.

Uses related to the growing, processing, or dispensing of **MEDICAL CANNABIS** shall comply with the following requirements:

(A) The licensed premises of a **MEDICAL CANNABIS DISPENSARY, MEDICAL CANNABIS PROCESSOR, or MEDICAL CANNABIS GROWER**, may not be located within 1,000 feet of an existing public or private elementary school, middle school, or high school, or a site acquired for the location of such a facility, provided that the school is programmed for construction in the current Community Investment Plan (CIP).

(B) The outdoor growing of **MEDICAL CANNABIS** is prohibited in all Districts.

(C) All lighting, including security lighting required by COMAR 10.62.10.05, shall comply with Carroll County site plan requirements as specified in § 155.059.

(D) The use shall be subject to site plan approval by the Planning Commission pursuant to § 155.059.

(E) No variances from the requirements of this section or the distance requirements set forth in § 158.040 shall be granted.

Section 3. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.079, "I-R" Restricted Industrial District, § 158.079(C)(1)(j) and (k) are deleted in their entirety and replaced, and § 158.079(C)(1)(l), (m) and (n) are added, all as follows:

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§ 158.079 “I-R” RESTRICTED INDUSTRIAL DISTRICT.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

(1) Uses of a light industrial nature including but not limited to the following, provided that such uses shall be subject to the distance requirements specified in § 158.040:

(j) Blacksmith, welding, machine, or similar shops;

(k) Heliports;

(l) The indoor growing of **MEDICAL CANNABIS**, provided the operator of the use is a licensed **MEDICAL CANNABIS GROWER**, as defined in § 158.002, and subject to the requirements of § 158.059;

(m) The indoor processing of **MEDICAL CANNABIS**, provided the operator of the use is a licensed **MEDICAL CANNABIS PROCESSOR** as defined in § 158.002, and subject to the requirements of § 158.059; and

(n) The facilities for, and the dispensing of, **MEDICAL CANNABIS**, provided the dispenser is a licensed **MEDICAL CANNABIS DISPENSARY**, as defined in § 158.002, and subject to the requirements of § 158.059.

Section 4. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.080, “I-G” General Industrial District, § 158.080(C)(1)(v) and (w) are deleted in their entirety and replaced, and § 158.080(C)(1)(x), (y), and (z) are added, all as follows:

§ 158.080 “I-G” GENERAL INDUSTRIAL DISTRICT.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

(1) Uses of a heavy industrial nature, but not limited to the following, provided that such uses shall be located two times the distance requirements specified in § 158.040:

(v) Manufacture of wire or wire products;

(w) Manufacture of mulch, including the processing, storage, and sale at retail and wholesale;

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(x) The indoor growing of **MEDICAL CANNABIS**, provided the operator of the use is a licensed **MEDICAL CANNABIS GROWER**, as defined in § 158.002, and subject to the requirements of § 158.059;

(y) The indoor processing of **MEDICAL CANNABIS**, provided the operator of the use is a licensed **MEDICAL CANNABIS PROCESSOR** as defined in § 158.002, and subject to the requirements of § 158.059; and

(z) The facilities for, and the dispensing of, **MEDICAL CANNABIS**, provided the dispenser is a licensed **MEDICAL CANNABIS DISPENSARY**, as defined in § 158.002, and subject to the requirements of § 158.059.

ARTICLE II. SEVERABILITY.

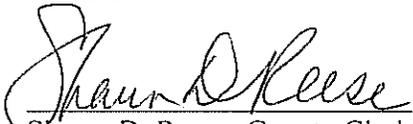
Should any provision, section, sentence, clause, or part of this ordinance be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the County Commissioners that such remainder shall be and shall remain in full force and effect.

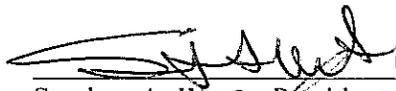
ARTICLE III. EFFECTIVE DATE.

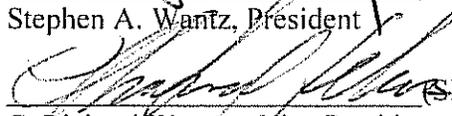
This Ordinance shall become effective on 09/27/16, 2016.
ADOPTED this 15th day of September, 2016.

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

ATTEST:


Shawn D. Reese, County Clerk

 (SEAL)
Stephen A. Wantz, President

 (SEAL)
C. Richard Weaver, Vice President

 (SEAL)
Dennis E. Frazier, Secretary

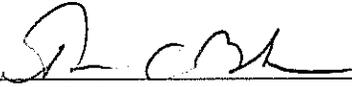
 (SEAL)
Richard S. Rothschild, Commissioner

____ (SEAL)
J. Douglas Howard, Commissioner

Chapter 158, Zoning Regulations - Medical Cannabis

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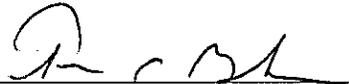
Approved for legal sufficiency:



Timothy C. Burke, County Attorney

Notice of Public Hearing published: 07/26/16 and 08/02/16
Public Hearing held: 08/11/16
Public Meeting to adopt Ordinance: 09/15/16
Notice of Adoption of Ordinance published: 09/27/16
Ordinance filed with Clerk of Court: 09/27/16

I hereby certify that the actions described above took place on the dates referred to above and that this Ordinance is effective as of the 27th day of September, 2016.



Timothy C. Burke, County Attorney

I2230-0265/TCB/III/ATTORNEY/ORDINANCES(HEARINGS)/CH158/MEDICALCANNABIS/Ordinance.doc/09/22/16

**RETURN RECORDED ORIGINAL ORDINANCE TO:
County Attorney
225 North Center Street
Westminster, Maryland 21157**