



Legislation Details (With Text)

File #: O-4-21 **Version:** 1 **Name:**

Type: Ordinance **Status:** Failed

File created: 1/28/2021 **In control:** Public Safety Committee

On agenda: 7/12/2021 **Final action:** 7/12/2021

Title: Medical Cannabis Dispensaries - For the purpose of allowing medical cannabis dispensaries in certain zoning districts within the City of Annapolis; and adding a definition.

Sponsors: Dajuan K. Gay, Brooks Schandelmeier, Ross Arnett

Indexes: Planning Commission, Public Safety Committee, Rules and City Government Committee

Code sections:

Attachments: 1. O-4-21 First Reader, 2. O-4-21 Zoning Districts Map, 3. O-4-21 Staff Report, 4. O-4-21 Fiscal Impact Note, 5. O-4-21 Staff Report to PC, 6. O-4-21 PC Findings and Recommendations, 7. O-4-21 Amendment 1 - Pindell Charles, 8. O-4-21 Amendment 2-3 - Gay 7-9-21, 9. O-4-21 Map - 1000 ft buffer schools P-District Permitted

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------------------------|-----------------------------------|--------|
| 7/12/2021 | 1 | City Council | adopt on second reader | Pass |
| 7/12/2021 | 1 | City Council | amended | Pass |
| 7/12/2021 | 1 | City Council | amended | Pass |
| 7/12/2021 | 1 | City Council | adopt as amended | Fail |
| 7/6/2021 | 1 | Rules & City Government Committee | recommend favorably | Pass |
| 6/30/2021 | 1 | Public Safety Committee | recommend favorably | Pass |
| 6/30/2021 | 1 | Public Safety Committee | Recommend Favorably-Amendment | Pass |
| 6/21/2021 | 1 | Housing and Human Welfare Committee | recommend favorably | Pass |
| 6/14/2021 | 1 | Public Safety Committee | | |
| 5/10/2021 | 1 | City Council | declare the public hearing closed | |
| 2/8/2021 | 1 | City Council | adopt on first reader | Pass |
| 2/8/2021 | 1 | City Council | refer | |
| 2/8/2021 | 1 | City Council | refer | |
| 2/8/2021 | 1 | City Council | refer | |
| 2/8/2021 | 1 | City Council | consider | |

Medical Cannabis Dispensaries - For the purpose of allowing medical cannabis dispensaries in certain zoning districts within the City of Annapolis; and adding a definition.

CITY COUNCIL OF THE City of Annapolis

Ordinance 4-21

Introduced by: Alderman Gay
Co-sponsored by: Alderman Schandelmeier, Alderman Arnett

Referred to
Planning Commission
Rules and City Government Committee
Public Safety Committee
180 day Rule: _____

AN ORDINANCE concerning

Medical Cannabis Dispensaries

FOR the purpose of allowing medical cannabis dispensaries in certain zoning districts within the City of Annapolis; and adding a definition.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis,
2021 Edition
21.48.020
21.48.030
21.72.010

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Title 21 - PLANNING AND ZONING
Chapter 21.48 - USE TABLES

Section 21.48.020 - Table of Uses-Commercial and Industrial Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Important. The notes at the end of the table are as much a part of the law as the table itself.

| Uses | District B1 | District B2 | District B3 | District B3-CD | District BCE | District BR | District C2 | District C2A | District PM2 | District I1 |
|-----------------------------------|----------------|----------------|----------------|-------------------|-----------------|----------------|----------------|-----------------|----------------------|----------------|
| MEDICAL CANNABIS DISPENSARY | P | P | P | P | P | P | P | P | P Std ^{1,2} | P ¹ |

Notes:

Uses in the PM2 district are subject to the following provisions as indicated in the table:

1. This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage)

property zoned R1, R1A, R1B or R2.

2. This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it exceed thirty-three percent of the total gross floor area. This use is considered a neighborhood convenience use and is subject to standards given in Section 21.64.420.
3. If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval.
4. ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-through facilities are not permitted.

REVISOR'S NOTE: In this section, the use "Medical Cannabis Dispensary" is added. See the defined term in Section 21.72.010.D of this Ordinance.

No other changes are made.

Section 21.48.030 - Table of Uses-Office and Mixed Use Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020

Important. The notes at the end of the table are as much a part of the law as the table itself.

| Uses | District P | District MX | District PM | District C2P |
|-----------------------------|------------|-------------|-------------|--------------|
| MEDICAL CANNABIS DISPENSARY | <u>S</u> | <u>P</u> | <u>P</u> | |

Footnotes:

¹ If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval.

² The following apply only to the uses specified: in the MX-1 area only, in planned developments with a minimum lot size of five acres, "accessory structures" such as clock towers attached to office and/or retail structures and "theaters, indoor" shall not exceed one hundred feet in height. See the bulk regulations table in Section 21.50.260.

Table Notes:

The following regulations apply to all uses in the MX District:

1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the following:
 - a. Either twenty-five percent of the gross floor area shall be designed for retail uses, or residential uses, or a combination of retail and residential uses, alternatively, the entire ground level front façade shall be designed

for retail uses, exclusive of: (i) not more than one driveway, which shall not be greater than thirty-three feet wide, required for access to parking; (ii) space required for a lobby and space required for access to upper floor uses. Retail use along the front façade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;

b. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and new structures shall be located at the front of the zoning lot. If surface parking is located adjacent to single-family residential use, dense plantings shall be installed and maintained on the zoning lot to provide an effective screen; and

c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be mitigated by the applicant.

2. Buildings in excess of forty-six feet, but less than sixty-five feet in height require special exception approval except as provided in note No. 1 above.

3. Uses and combinations of uses located on zoning lots of forty thousand square feet or more require special exception approval, unless such uses are approved as part of a planned development.

REVISOR'S NOTE: In this section, the use "Medical Cannabis Dispensary" is added. See the defined term in Section 21.72.010.D of this Ordinance.

No other changes are made.

Section 21.72.010 - Terms.

D. List of Definitions.

"MEDICAL CANNABIS DISPENSARY" MEANS AN ENTITY LICENSED UNDER THE MARYLAND CODE, HEALTH-GENERAL ARTICLE, TITLE 13, SUBTITLE 33 THAT ACQUIRES, POSSESSES, PROCESSES, TRANSFERS, TRANSPORTS, SELLS, DISTRIBUTES, DISPENSES, OR ADMINISTERS CANNABIS, PRODUCTS CONTAINING CANNABIS, RELATED SUPPLIES, RELATED PRODUCTS CONTAINING CANNABIS INCLUDING FOOD, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR CAREGIVER.

REVISOR'S NOTE: In this section "Medical Cannabis Dispensary" is added to provide an express definition of that term.

No other changes are made.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Revisor's Notes contained in this Ordinance are not law and may not be considered to have been enacted as a part of this Ordinance.

SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS

CITY COUNCIL that this ordinance shall take effect from the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.