



City of Annapolis
DEPARTMENT OF PLANNING AND ZONING

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March 8, 2021

MEMORANDUM

To: Planning Commission
From: Sally Nash, Ph.D., AICP, Director of Planning and Zoning *APW*
Re: Ordinance O-4-21 (ZTA2021-003): Medical Cannabis Dispensaries
Encl: O-4-21

Purpose

This legislation allows the use “Medical Cannabis Dispensaries” throughout the City, in the same locations as traditional “Drugstores,” which are part of the category called “Personal Care Establishments.” This new use would be a permitted use in all commercial, industrial, and mixed use districts except for C2P. In the P District, the use is a special exception use.

A medical cannabis dispensary is defined as “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.”

Analysis

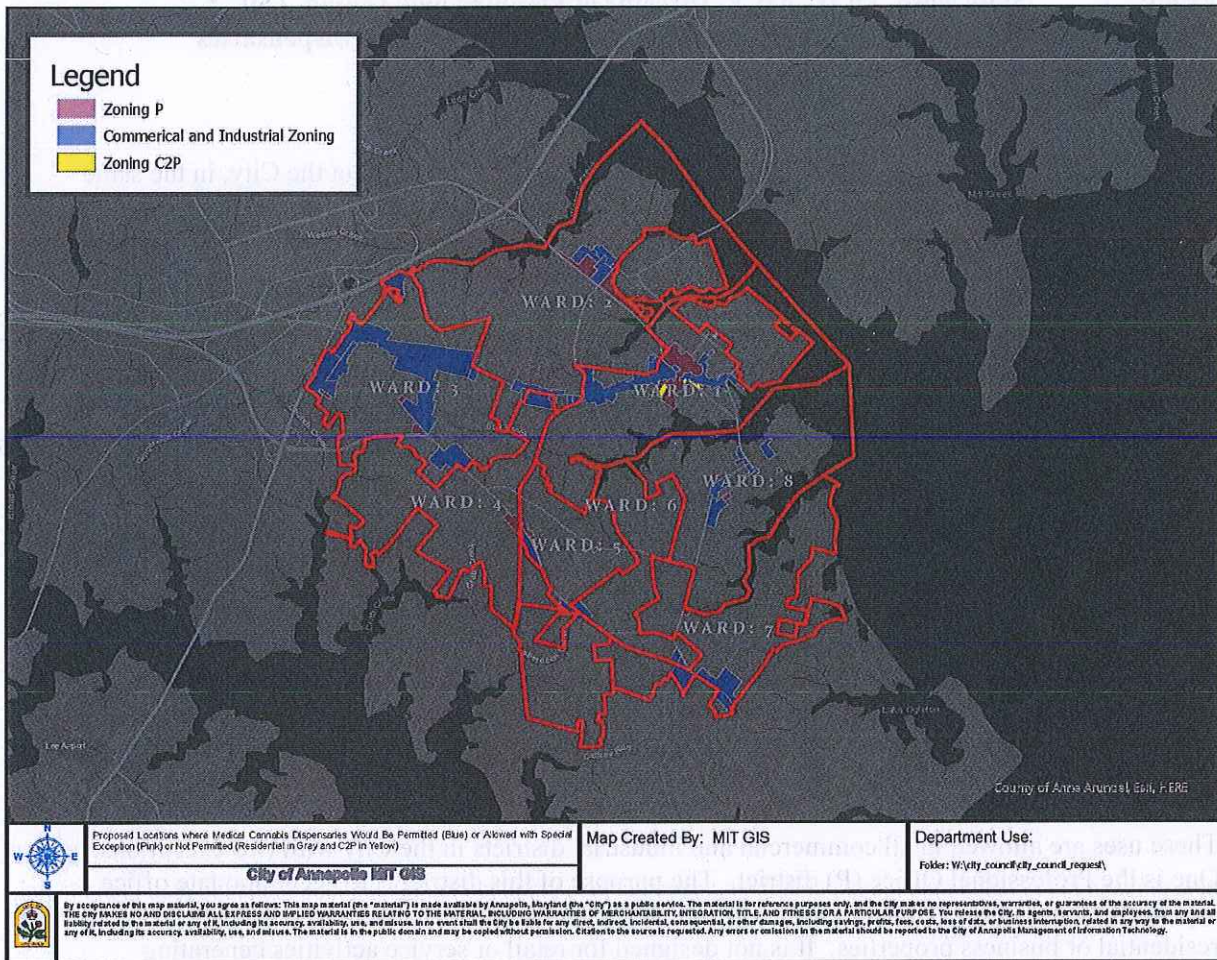
Title 21 defines a “Personal Care Establishment” as:

an establishment providing services for the customary comfort, convenience or care of individuals. The term “personal care establishment” includes but is not limited to barbershops, beauty parlors, dressmaking/tailoring stores, drugstores, and photography studios. The term “personal care establishment” does not include any that is otherwise listed specifically in the Table of Permitted Uses for the zoning district where the term is used.

These uses are allowed in all commercial and industrial districts in the City with two exceptions. One is the Professional Office (P) district. The purpose of this district is to accommodate office and institutional uses “of a nature that will be compatible with the character of adjoining residential or business properties. It is not designed for retail or service activities generating customer traffic or delivery of goods” (City Code Section 21.44.010). Personal care establishments are a special exception use in this district and must go to the Board of Appeals for approval.

In the Conservation Professional Office (C2P) district, personal care establishments are not permitted. The purpose of this district is described in Section 2.44.040 as “designed to serve as a transitional zone between predominately commercial and residential districts, to buffer adjoining residential neighborhoods from commercial and other nonresidential impacts, and to properly zone certain existing, established office uses that, over time, have been shown to be compatible with adjacent residential areas. It is intended to accommodate office uses of a nature that will be compatible with the character of adjoining residential properties by allowing professional office uses that operate with minimal customer and delivery traffic.” Personal care establishments are not permitted in this zone.

In order to determine which zoning districts the new use, "Medical Cannabis Dispensaries" should be permitted in, staff considered this similar use of personal care establishments, including traffic impacts and the intended purpose of the zone. It was determined that there were enough similarities between the two categories to justify permitting the new use in the same zoning districts. See map below.

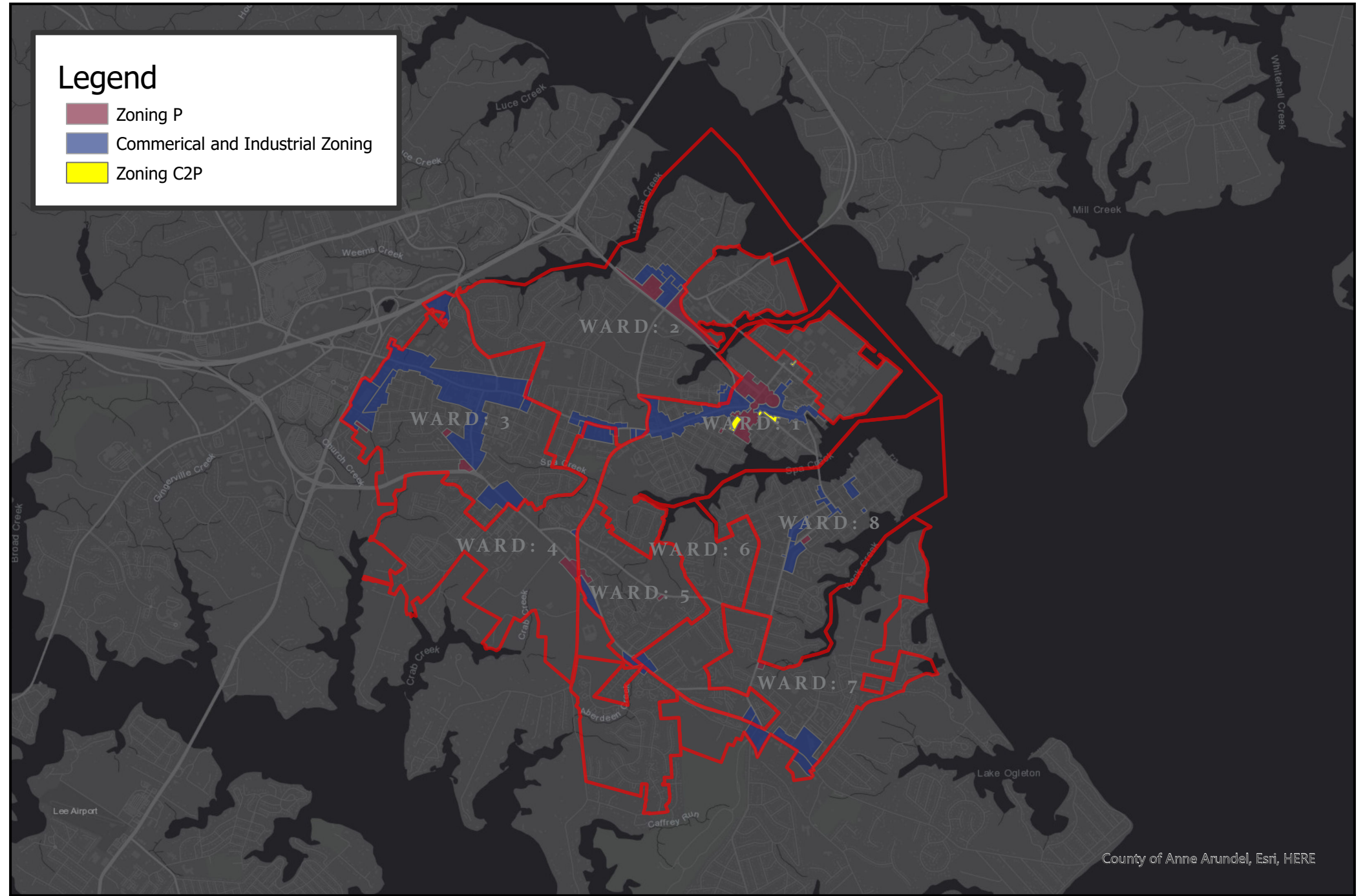


Report Prepared by

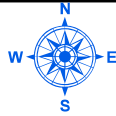
Sally Nash, Ph.D., AICP
 Director of Planning and Zoning

Legend

- Zoning P
- Commerical and Industrial Zoning
- Zoning C2P



County of Anne Arundel, Esri, HERE



Proposed Locations where Medical Cannabis Dispensaries Would Be Permitted (Blue) or Allowed with Special Exception (Pink) or Not Permitted (Residential in Gray and C2P in Yellow)

City of Annapolis MIT GIS

Map Created By: MIT GIS

Department Use:

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1 **..Title**

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

4 **..Body**

5 **CITY COUNCIL OF THE**
6 **City of Annapolis**

7
8 **Ordinance 4-21**

9
10 **Introduced by: Alderman Gay**

11 **Co-sponsored by: Alderman Schandelmeier, Alderman Arnett,**
12 **Mayor Buckley**

13
14 **Referred to**

15 **Planning Commission**

16 **Rules and City Government Committee**

17 **180 day Rule:** _____

18
19 **AN ORDINANCE** concerning

20
21 **Medical Cannabis Dispensaries**

22
23 **FOR** the purpose of allowing medical cannabis dispensaries in certain zoning districts within the
24 City of Annapolis; and adding a definition.

25
26 **BY** repealing and reenacting with amendments the following portions of the Code of the City
27 of Annapolis, 2021 Edition

28 21.48.020

29 21.48.030

30 21.72.010

31
32
33 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
34 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

35
36 **Title 21 – PLANNING AND ZONING**

37 **Chapter 21.48 – USE TABLES**

38
39 **Section 21.48.020 - Table of Uses—Commercial and Industrial Zoning Districts.**

40 P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter
41 21.64); A = Accessory Use; Blank = Not Permitted

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

45 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	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P Std</u> ^{1,2}	<u>P</u> ¹

- 1 Notes:
2 Uses in the PM2 district are subject to the following provisions as indicated in the table:
3 1. This use is permitted as a principal use only in districts that do not adjoin (along non-street
4 frontage) property zoned R1, R1A, R1B or R2.
5 2. This use is permitted as an incidental use in a structure that contains business, professional or
6 governmental offices provided that gross floor area of all incidental uses does not exceed the
7 amount of space devoted to the first floor of a multistory structure; except, that in no case shall it
8 exceed thirty-three percent of the total gross floor area. This use is considered a neighborhood
9 convenience use and is subject to standards given in Section 21.64.420.
10 3. If the principal use with which the drive-thru facility is associated is a special exception use,
11 then the drive-thru facility requires special exception approval.
12 4. ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A
13 districts, drive-through facilities are not permitted.

14
15 REVISOR’S NOTE: In this section, the use “Medical Cannabis Dispensary” is added.
16 See the defined term in Section 21.72.010.D of this Ordinance.

17
18 No other changes are made.
19
20

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

22
23 P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter
24 21.64); A = Accessory Use; Blank = Not Permitted

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

28 **Important.** The notes at the end of the table are as much a part of the law as the table itself.
29

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

30 Footnotes:

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

33 ² The following apply only to the uses specified: in the MX-1 area only, in planned
34 developments with a minimum lot size of five acres, "accessory structures" such as clock towers

1 attached to office and/or retail structures and "theaters, indoor" shall not exceed one hundred feet
2 in height. See the bulk regulations table in Section 21.50.260.

3 Table Notes:

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

5 1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the
6 following:

7 a. Either twenty-five percent of the gross floor area shall be designed for retail uses, or
8 residential uses, or a combination of retail and residential uses, alternatively, the entire ground
9 level front façade shall be designed for retail uses, exclusive of: (i) not more than one driveway,
10 which shall not be greater than thirty-three feet wide, required for access to parking; (ii) space
11 required for a lobby and space required for access to upper floor uses. Retail use along the front
12 façade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;

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

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

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

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

24
25 REVISOR'S NOTE: In this section, the use "Medical Cannabis Dispensary" is added.
26 See the defined term in Section 21.72.010.D of this Ordinance.

27
28 No other changes are made.
29
30

31 **Section 21.72.010 – Terms.**

32 33 D. List of Definitions.

34
35 "MEDICAL CANNABIS DISPENSARY" MEANS AN ENTITY LICENSED UNDER THE
36 MARYLAND CODE, HEALTH-GENERAL ARTICLE, TITLE 13, SUBTITLE 33 THAT
37 ACQUIRES, POSSESSES, PROCESSES, TRANSFERS, TRANSPORTS, SELLS,
38 DISTRIBUTES, DISPENSES, OR ADMINISTERS CANNABIS, PRODUCTS CONTAINING
39 CANNABIS, RELATED SUPPLIES, RELATED PRODUCTS CONTAINING CANNABIS
40 INCLUDING FOOD, TINCTURES, AEROSOLS, OILS, OR OINTMENTS, OR
41 EDUCATIONAL MATERIALS FOR USE BY A QUALIFYING PATIENT OR CAREGIVER.

42
43 REVISOR'S NOTE: In this section "Medical Cannabis Dispensary" is added to provide
44 an express definition of that term.

45
46 No other changes are made.

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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.

O-4-21

Medical Cannabis Dispensaries

Amendment 1 – Pindell Charles

Amendment 1:

On page 1, after line 29 insert “21.64.404”

and on page 3, after line 28, insert “21.64.404 - MEDICAL CANNABIS DISPENSARIES.

THIS USE MAY NOT BE LOCATED WITHIN A TWO MILE RADIUS OF ANY OTHER LICENSED PREMISES OF A LICENSED DISPENSARY OF MEDICAL CANNABIS.”