



City of Annapolis
Planning Commission
Department of Planning & Zoning
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April 15, 2021

To: Annapolis City Council
From: Planning Commission
Re: Findings for Ordinance O-4-21 (ZTA2021-003): Medical Cannabis Dispensaries

SUMMARY

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:

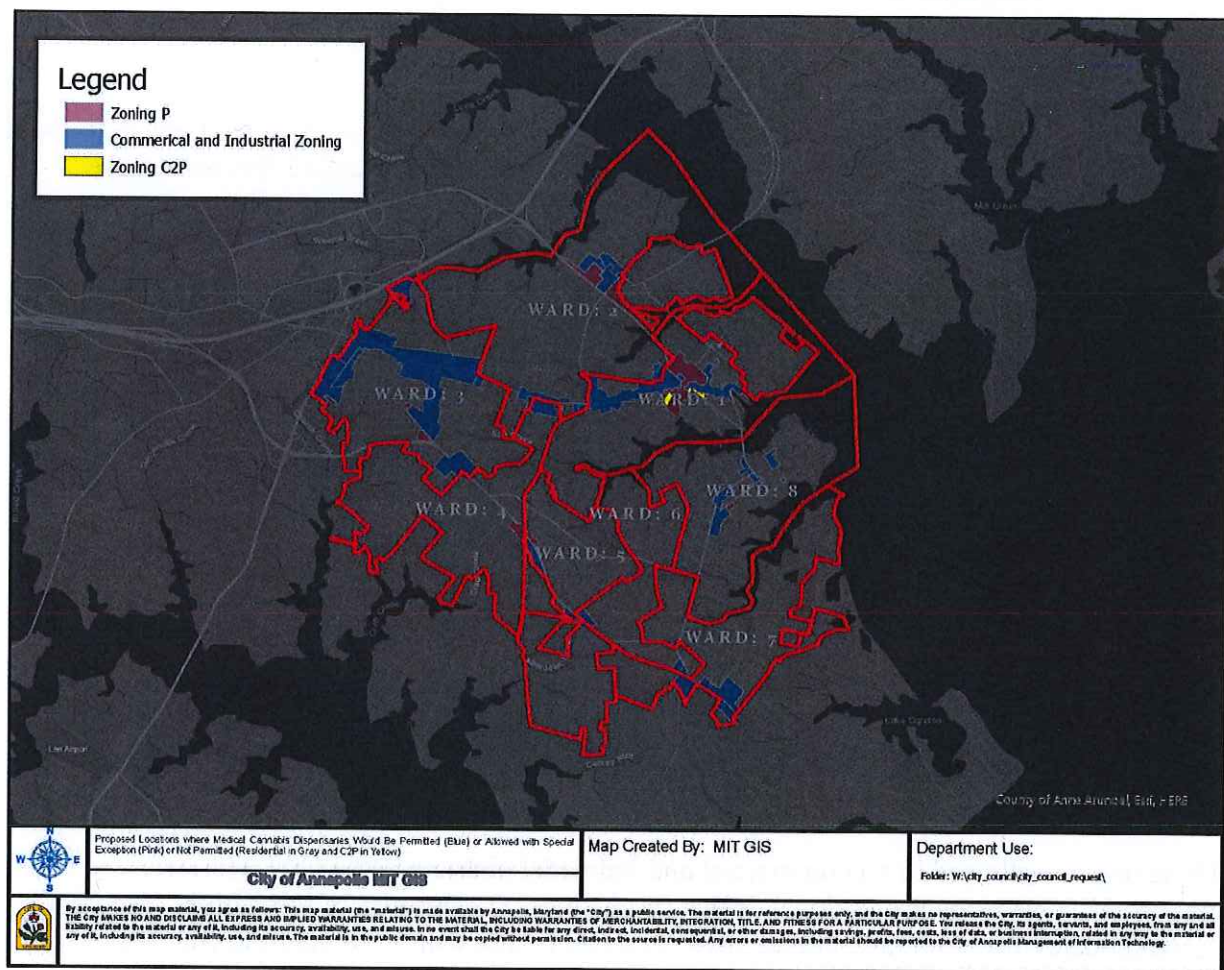
an establishment providing services for the customary comfort, convenience or care of individuals. The term “personal care establishment” includes but is not limited to barbershops, beauty parlors, dressmaking/tailoring stores, drugstores, and photography studios. The term “personal care establishment” 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.



RECOMMENDATIONS

The Planning Commission did not fully support this legislation as written, and found upon majority vote, that if this legislation was to be passed by the council with respect to Cannabis Dispensaries it should consider the following for amendment. The primary goal of the Planning

Commission is to prohibit clustering of medical cannabis dispensaries, and to ensure approved dispensaries be spread thinly throughout the City in appropriate places.


Without expressing a preference for what regulatory mechanism (i.e. Permitted, Permitted Subject to Standards, or Special Exception) is instituted to regulate Medical Cannabis Dispensaries, the Planning Commission recommends strongly that in any legislation permitting dispensaries, the process shall include the opportunity for the public to comment on any application and that the following four factors be included.

- I. Distance from existing dispensaries
- II. Distance from public and charter schools
- III. Distance from residential lot lines
- IV. Parking standards and Design standards (e.g. signs, lights, access, security, loitering, etc.)

The Planning Commission held a public hearing on this on March 18, 2021 and April 1, 2021 and several public comments were received and are posted in ETrakit in the project file for ZTA2021-003.

The recommendation was approved with a vote of 4 to 1.

Adopted this 15th day of April, 2021



Ben Sale, Chair

