

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,**

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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> <sup>1,2</sup> | <u>P</u> <sup>1</sup> |

- 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  
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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 <sup>1</sup> 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 <sup>2</sup> 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.  
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### 31 **Section 21.72.010 – Terms.**

#### 32 33 D. List of Definitions.

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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.