



Legislation Text

File #: R-10-24, Version: 1

Temporary Moratorium on City Consideration of Applications by Businesses Related to the Cannabis Industry - For the purpose of adopting a temporary moratorium on the processing, review, and approval of applications, site plans, permits, and other authorizations for the location, construction, and selling of cannabis for nine months to allow the City sufficient time to enact reasonable, thoughtful, and lawful zoning requirements and other regulations pertaining thereto as deemed necessary to protect the public health, safety, and welfare.

**CITY COUNCIL OF THE
City of Annapolis**

Resolution 10-24

Introduced by: Alderwoman Tierney

Co-sponsored by:

A **RESOLUTION** concerning

Temporary Moratorium on City Consideration of Applications by Businesses Related to the Cannabis Industry

FOR the purpose of adopting a temporary moratorium on the processing, review, and approval of applications, site plans, permits, and other authorizations for the location, construction, and selling of cannabis for nine months to allow the City sufficient time to enact reasonable, thoughtful, and lawful zoning requirements and other regulations pertaining thereto as deemed necessary to protect the public health, safety, and welfare.

WHEREAS, Under Local Government Article § 5-202 and § 5-204 of the Maryland Code, the City of Annapolis may enact local laws to preserve peace and good order, secure persons and property, protect the health and convenience of residents, and establish and regulate markets in the City to do so; and

WHEREAS, On November 8, 2022, Maryland voters passed a ballot referendum legalizing cannabis use for individuals age 21 and older as of July 1, 2023, which was followed by the Maryland General Assembly enacting comprehensive cannabis reform statutes during the 2023 legislative session under House Bill 556 and Senate Bill 516; and

WHEREAS, On May 3, 2023, the Governor of Maryland signed into law the Maryland Cannabis Reform Act, Acts of Maryland ("Chapter 254"), effective July 1, 2023, which regulates the legalization of adult-use cannabis and provides political subdivisions with the power to establish zoning requirements and otherwise regulate cannabis subject to certain limitations; and

WHEREAS, The Annapolis City Council recognizes the significant planning, zoning, property, economic,

and secondary effects arising from or related to the location, construction, and operation of businesses engaged in growing, processing, and selling cannabis; and

WHEREAS, The City currently lacks regulations regarding businesses engaged in growing, processing, and selling cannabis; and

WHEREAS, The City Council recognizes the potential negative impacts of regulations regarding businesses engaged in growing, processing, and selling cannabis use stemming from inadequate and hurried deliberations; and

WHEREAS, The City Council has determined that enacting hastily prepared regulations before the complete understanding of Chapter 254 and the State regulations promulgated pursuant thereto would fail to meet the spirit and intent of Chapter 254 while potentially creating confusion, unintended consequences, unreasonable and inequitable outcomes, and litigation, and would otherwise be prejudicial to the public health, safety, and welfare; and

WHEREAS, The City Council requires sufficient time for appropriate study and public input to ensure the establishment of effective and durable zoning text amendments and other necessary regulations applicable to businesses engaged in growing, processing, and selling cannabis; and

WHEREAS, The City Council has determined that a temporary moratorium, for a term of nine months, to be a reasonable length of time for the due consideration of zoning text amendments and other regulations for the safe, practical, and legal implementation of Chapter 254 in the County.

NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that:

1. **Moratorium Established.** A temporary moratorium is hereby established on the processing, review, and approval of applications, site plans, permits, and other authorizations, including but not limited to zoning, occupancy, and building certificates and permits and approvals, for businesses engaged in growing, processing, and selling cannabis for nine months.
2. **Recommendations and Legislation.** This temporary moratorium is established to allow a reasonable time within which City staff, with the assistance of subject matter experts where appropriate, can prepare recommendations for review by the Planning Commission; the Planning Commission can prepare recommendations for the City Council; and the City Council can consider and enact legislation to:
 - a. Efficiently and fairly establish zoning requirements and other regulations for cannabis;
 - b. Promote the policies articulated in the State's cannabis legalization statutes as approved by Governor Wes Moore on May 3, 2023; and
 - c. Consider other related matters that the City Council, the Planning Commission, and City staff deem appropriate.
3. **Applications.** During the duration of this temporary moratorium, the City shall not process, review, or approve any application, site plan, permit, or other authorization, including but not limited to any zoning, occupancy, or building certificate or permit within the City's jurisdiction, for a business engaged in growing, processing, and selling cannabis.

4. **Extension.** The City Council reserves the right to extend or modify this temporary moratorium for such additional period(s) and upon such terms and conditions as it deems necessary to protect the public health, safety, and welfare.

AND BE IT FINALLY RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this resolution shall take effect upon passage.