



Bill No. 16-12

Concerning: Allowing “Medical Cannabis Grower” Pilot Program in the Agricultural Zoning District and creation of certain conditions and restrictions for each activity

Introduced: July 19, 2016

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: _____

Frederick County Code, Chapter Unrevised

Section(s) _____ / _____

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Vice-President M. C. Keegan-Ayer

AN ACT to: Allow “Medical Cannabis Grower” to grow medical cannabis, as a Pilot Program, in the Agricultural Zoning District; and creating certain conditions and restrictions on each activity.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter Unrevised Section(s) _____

Other: _____

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

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Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

Bill No. 16-12

The County Council of Frederick County, Maryland, finds it necessary and appropriate to allow "Medical Cannabis Grower" to grow Medical Cannabis, as a Pilot Program, with Special Exception approval, in the Agricultural Zoning District.

NOW, THEREFORE, BE IT IN ENACTED, that such a Pilot Program be allowed under the Frederick County Code, without the Code being altered or amended at this time, as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

DEFINITIONS

MEDICAL CANNABIS GROWER. The grower of Medical Cannabis as defined in COMAR 10.62.01.01.

PILOT PROGRAM. The proposed program shall run for a period of eight years. The Pilot Program may be assessed by the Frederick County Council on an annual basis, as measured from the date of passage, to evaluate the Program and determine what if any modifications are required. The Pilot Program will expire at the end of the eight-year period unless the Council takes action to extend the Pilot Program.

SPECIFIED CONDITIONS FOR A MEDICAL CANNABIS GROWER IN THE AGRICULTURAL DISTRICT

(1) Eligibility

- a. To be eligible for the Pilot Program, the applicant must have filed with the Maryland Cannabis Commission by their November 1, 2015, deadline.
- b. The premises shall be located on a lot or parcel of at least 25 acres.

(2) Setbacks

- a. Medical Cannabis shall not be grown within 125 feet of the property line in the front yard.
- b. Medical Cannabis shall not be grown within 100 feet of the property line in the side yard.
- c. Medical Cannabis shall not be grown within 100 feet of the property line in the rear yard.

(3) The premises may not be located within 1,000 feet of the lot line of a public or private school, or the lot line of real property owned by the Board of Education. This setback may be modified by the approving body.

(4) Other than the security lighting required by COMAR 10.62.10.05, no visible light shall emanate from the premises from dusk to dawn.

(5) In addition to those security features required by Title 10, Subtitle 62 of COMAR, the premises shall have on-site security at all times consisting of at least one person.

Underline - indicates entirely new matter added to existing law by original bill.

*** - indicates existing law unaffected by bill.

APPLICATION AND ADMINISTRATION

- (1) All would be participants in the Pilot Program must file with the Planning and Permitting Division.
- (2) The Planning and Permitting Division will administer the Pilot Program to ensure that the specified conditions required of the Medical Cannabis Grower are being followed.
 - a. Any changes to be made to the security shall be reported to the Planning and Permitting Division within 30 days.
- (3) All Medical Cannabis Growers in the Pilot Program shall file an annual report to the Frederick County Council by January 30, or the next workday thereafter should January 30 occur on a weekend. The report will detail the following:
 - a. The security measures the Medical Cannabis Grower had in place over the last calendar year.
 - b. Any security incidents in the last calendar year.
 - c. Any incidents requiring police or sheriff department involvement.
 - d. Any theft that occurred, and if so what was taken.
- (4) The Planning and Permitting Division shall file a report to the Frederick County Council by January 30, detailing the following related to the Medical Cannabis Grower involved in the Pilot Program:
 - a. Any traffic complaints made in relation to the Medical Cannabis Grower.
 - b. Any violations by the Medical Cannabis Grower of the lighting requirements as set forth in this legislation.
 - c. Any violations by the Medical Cannabis Grower relating to the screening and visual requirements as set forth by COMAR and local approving body.

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