



Bill No. 16-12

Concerning: Allowing "Medical Cannabis Grower" as a temporary Special Exception in the Agricultural Zoning District; define Medical Cannabis Grower, and set Special Exception criteria and setback requirements.

Introduced: July 12, 2016

Revised: Aug. 30, 2016 Draft No.

Enacted:

Effective:

Expires:

Frederick County Code, Chapter 19

Section(s) 1-19-5.310, 6.100, 11.000, 1-10-8.351

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

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

AN ACT to: Allow "Medical Cannabis Grower" as a temporary Special Exception use in the Agricultural Zoning District; define "Medical Cannabis Grower," and set Special Exception criteria and setback requirements.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter 19 Section(s) 1-19-5.310, 6.100, 11.000, 1-10-8.351

Other: _____

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

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. _____

The County Council of Frederick County, Maryland, finds it necessary and appropriate to allow “Medical Cannabis Grower” as a temporary Special Exception use in the Agricultural Zoning District; define “Medical Cannabis Grower,” and set Special Exception criteria and setback requirements.

NOW, THEREFORE, BE IT IN ENACTED, that Frederick County Code, Chapter 19, §§1-19-5.310, 6.100, 11.000 and 1-10-8.351 be amended.

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

§1-19-5.310. USE TABLE.

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	RI2	RI6	VC	MX	GC	ORI	LI	GI
<i>Industrial Uses</i>														
MEDICAL CANNABIS GROWER - TEMPORARY		E												

§1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
<i>Agricultural District A</i>							
MEDICAL CANNABIS GROWER - TEMPORARY	25 Acres	-	-	125'	100'	100'	-

§1-19-11.100. DEFINITIONS

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

Specified Conditions for a Medical Cannabis Grower – Temporary in the Agricultural District

(A) Eligibility

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

***indicates existing law unaffected by bill.

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- (1) To be eligible for the Temporary Use/Special Exception approval the applicant must have filed a grower application with the Maryland Cannabis Commission by November 2015; and
- (2) The use must be located on a lot or parcel of at least 25 acres.
- (3) The Temporary Use/Special Exception approval shall terminate eight years from the date of adoption of the Code provisions authorizing Medical Cannabis Grower-Temporary.

(B) Setbacks

- (1) Medical Cannabis may not be grown within 125 feet of the property line in the front yard.
- (2) Medical Cannabis may not be grown within 100 feet of the property line in the side yard(s).
- (3) Medical Cannabis may not be grown within 100 feet of the property line in the rear yard.
- (C) The growing facility 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 Board of Appeals.
- (D) Medical Cannabis growing must occur within greenhouses or other enclosed structures.
- (E) Other than the security lighting required by COMAR 10.62.10.05, no visible light shall emanate from the premises from dusk to dawn.
- (F) In addition to those security measures required by Title 10, Subtitle 62 of COMAR, the premises shall have on-site security at all times consisting of at least one person.
- (G) Application and Administration
 - (1) An eligible applicant must file a Special Exception application with the Division of Planning and Permitting.
 - (2) The Division of Planning and Permitting will administer the Temporary Special Exception to ensure that the specified conditions required of the Medical Cannabis Grower are being followed.

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- (3) Any changes to be made to the security shall be reported to the Planning and Permitting Division within 30 days.
- (4) All Medical Cannabis Growers – Temporary receiving Special Exception approval shall file an annual report to the Frederick County Council by January 30, of each year, containing the following information:
 - a. The security measures utilized by the applicant during the last calendar year;
 - b. Any security incidents occurring during the last calendar year;
 - c. Any incidents requiring Police or Sheriff Department involvement; and
 - d. Any theft that occurred, and if so, a list of items taken.
- (5) The Planning and Permitting Division shall file with the Frederick County Council by January 30 of each year, a report detailing the following related to each Medical Cannabis Grower receiving Special Exception approval:
 - a. Any traffic complaints received in relation to the Medical Cannabis Grower;
 - b. Any complaints received relating to the lighting requirements as set forth in this section; and
 - c. Any complaints received relating to the screening and visual requirements as set forth in COMAR and in the Special Exception and Site Plan approvals.

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COUNTY COUNCIL

To: County Council
From: M.C. Keegan-Ayer, District 3
Date: September 2, 2016
Subject: Medical Cannabis Growing Pilot Program

Issue: Should the County Council allow a "Medical Cannabis Grower" to grow Medical Cannabis, as a temporary Special Exception use in greenhouses or other enclosed structures in the Agricultural Zoning District?

Background: There is currently no Medical Cannabis grown in the Agricultural Zone in Frederick County.

What would new legislation do?: The proposed legislation would allow a "Medical Cannabis Grower" to grow Medical Cannabis ONLY in a greenhouse or other enclosed structures, as a temporary special exception use, administered by the Division of Planning and Permitting, in the Agricultural Zoning District under an eight year temporary program.

Timeline: The Pilot Program shall run for a period of eight years and may be assessed by the Planning and Permitting Division and the Frederick County Council on an annual basis from the date of passage, for evaluation, and to determine what, if any, modifications are necessary. The temporary program will expire at the end of the eight year period, unless the Council decides otherwise.

Conditions for Eligibility:

1. The applicant must have filed with the Maryland Cannabis Commission by their November 1, 2015 deadline AND the premises must be located on a lot or parcel of at least 25 acres.
2. Medical Cannabis may not be grown within 125 feet of the property line in the front yard, or within 100 feet of property line on either the side yard or the rear yard.
3. The Medical Cannabis growing facility may not be grown 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. However, this setback may be modified by the Board of Appeals.
4. Medical Cannabis growing MUST occur within greenhouses or other enclosed structures.
5. Other than the security lighting required by COMAR 10.62.10.05, NO VISIBLE LIGHT shall emanate from the premises from dusk to dawn.
6. In addition to the security measures required by Title 10, Subtitle 62 of COMAR, the premises shall have on-site security at all times consisting of at least one person.

Application and Administration:

1. All applicants for the Pilot Program must file a Special Exception application with the Division of Planning and Permitting, who will administer the Temporary Special



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M.C. Keegan-Ayer
Council Member District 3

Exception to ensure specified conditions required of the Medical Cannabis Grower are being followed.

2. Any changes to be made to security shall be reported to the Planning and Permitting Division within 30 days.
3. All Medical Cannabis Growers – Temporary receiving Special Exception approval, shall file an annual report with the Frederick County Council by January 30, of each year, containing:
 - a. The security measures employed by the applicant during the last calendar year;
 - b. Any security incidents occurring during the last calendar year;
 - c. Any incidents requiring involvement of law enforcement; and
 - d. Any theft that occurred, and if so, a list of items taken.
4. The Planning and Permitting Division shall file a report with the Frederick County Council by January 30 of each year, detailing the following related to each Medical Cannabis Grower receiving Special Exception approval:
 - a. Any traffic complaints in relation to the Medical Cannabis Grower;
 - b. Any complaints received relating to the lighting requirements as set forth in this legislation; and
 - c. Any complaints received relating to the screening and visual requirements as set forth in COMAR and in the Special Exception and Site Plan approvals.