

**AMENDMENT 1 to Bill No. 16-12**

**Introduced By:**

Council Vice President M.C. Keegan-Ayer  
(District 4)

**Introduction Date:**

August 30, 2016

**Adopted/Rejected/Withdrawn:**

August 30, 2016

To replace all language of Bill 16-12 with the provisions herein.

**An ACT to Allow “Medical Cannabis Grower” as a temporary special exception use in the Agricultural Zoning District; defining “Medical Cannabis Grower” and setting special exception criteria and setback requirements.**

In Frederick County Code, Chapter 19, Amend: §§1-19-5.310, 6.100, 11.100 and 1-19-8.351.

Chapter 19 is hereby amended to add the following:

**§1-19-5.310. USE TABLE.**

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Uses	<i>Zoning Districts</i>													
	<i>RC</i>	<i>A</i>	<i>RI</i>	<i>R3</i>	<i>R5</i>	<i>R8</i>	<i>R12</i>	<i>R16</i>	<i>VC</i>	<i>MX</i>	<i>GC</i>	<i>ORI</i>	<i>LI</i>	<i>GI</i>
<i>Industrial Uses</i>														
<b>MEDICAL CANNABIS GROWER - TEMPORARY</b>		E												

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**EXPLANATION:**

**BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.**

[Brackets] indicate matter deleted from the bill.

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

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

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## §1-19-11.100. DEFINITIONS.

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**MEDICAL CANNABIS GROWER.** THE GROWER OF MEDICAL CANNABIS AS DEFINED IN COMAR 10.62.01.01.

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## §1-19-8.351. SPECIFIED CONDITIONS FOR A MEDICAL CANNABIS GROWER - TEMPORARY IN THE AGRICULTURAL DISTRICT

### (A) ELIGIBILITY

- (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 THE ADOPTION OF THE CODE PROVISIONS AUTHORIZING MEDICAL CANNABIS GROWER-TEMPORARY.

### (B) SETBACKS

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#### EXPLANATION:

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- (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.
- (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

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**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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