

**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**Adopted/Rejected/Withdrawn:** August 30, 2016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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<i>Zoning Districts</i>														
<i>Uses</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>		<b>E</b>												

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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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- (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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