

ORDINANCE NO. 2024-

WHEREAS, the Board of Commissioners of Carroll County, Maryland (“the Board”), has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland"; and

WHEREAS, the Board is charged under State law with the duty and responsibility for establishing comprehensive policies and programs to promote the health, safety, and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities; and

WHEREAS, the Carroll County Planning and Zoning Commission recommended the proposed amendments at its meeting on October 17, 2023.

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Carroll County, Maryland:

ARTICLE I. AMENDMENTS.

§ 158.002 DEFINITIONS.

CANNABIS PRODUCTS. Products that are composed of cannabis, cannabis concentrate, cannabis extract, or other ingredients and are intended for use or consumption, including edible products, oils, and tinctures.

CANNABIS DISPENSARY. An entity licensed under the *Maryland Cannabis Administration* that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and education materials for the use by qualifying patients, caregivers, or consumers through a storefront or through a delivery service, based on license type.

CANNABIS GROWER. An entity licensed under the *Maryland Cannabis Administration* that (1) Cultivates or packages cannabis and (2) Is authorized by the *Administration* to provide cannabis to other cannabis licensees and registered independent testing laboratories.

CANNABIS PROCESSOR. An entity licensed under the *Maryland Cannabis Administration* that (1) Transforms cannabis into another product or an extract and packages and labels the cannabis product and (2) Is authorized by the *Administration* to provide cannabis to licensed dispensaries and registered independent testing laboratories.

MARYLAND CANNABIS ADMINISTRATION. As established as “*the Administration*” under §36-201 Maryland Alcoholic Beverages Article of the Maryland Annotated Code.

ON-SITE CONSUMPTION ESTABLISHMENT. An entity licensed under the *Maryland Cannabis Administration* to distribute cannabis or cannabis products for on-site consumption other than consumption by smoking indoors.

§ 158.040 DISTANCE REQUIREMENTS.

(A) Any uses or buildings subject to compliance with this section, as referenced in § [158.051](#), § [158.059](#), § [158.071.01](#), § [158.075.01](#), § [158.076](#), § [158.097](#) or § [158.082](#)(A), shall be located at least 200 feet from:

- (1) Any lot in a Residence District.
- (2) Any residential lot of less than three acres in the A or C District.
- (3) On adjoining lots of three acres or more, minimum separation distance of at least 300 feet from dwellings is required.

(B) The following uses shall be subject to two times the distance requirement in division (A) above:

- (1) Coal yard;
- (2) Commercial kennels for more than ten dogs and veterinary facilities in the Agricultural and Conservation Districts;
- (3) Commercial swimming pools and golf ranges in the Agricultural and Conservation Districts;
- (4) Crematorium;
- (5) Electric generating power plant, not including solar facilities;
- (6) Flour and grain milling;
- (7) Heavy manufacturing;
- (8) Shop for the service, repair, or sale exclusively of farm machinery and equipment; and
- (9) Steel mill.

§ 158.048.01 TEMPORARY AND SEASONAL USES.

The following temporary and seasonal uses and other similar uses shall be subject to approval by the Zoning Administrator and shall meet the requirements of § [158.048](#).

(A) Carnivals and fairs sponsored by a nonprofit organization, a volunteer fire company, school, church, or other charitable, social, civic, or educational organization.

- (1) Such use shall operate for a period of time not to exceed ten days per event.
- (2) The use shall not be held more than once in any 30-day period at the same location.

(B) Seasonal sales of items, including but not limited to Christmas trees, pumpkins, plants, flowers, or other decorative plant materials, not to include cannabis products, for a period of not more than 90

consecutive days. Each seasonal item not sold within the same 90-day period requires a separate temporary zoning certificate.

§ 158.059 CANNABIS

Uses related to the growing, processing, or dispensing of cannabis shall comply with the following requirements:

- (A) The outdoor growing of cannabis is prohibited in all districts.
- (B) For the purpose of this section, distance will be taken from the nearest point of the structure occupied by the use requiring separation to the nearest point of the structure from which the separation is to be established. A licensed cannabis dispensary, grower, and/or processor, may not locate within:
 - a. 500 feet of:
 - i. A pre-existing primary or secondary school in the state, or a licensed childcare center or a registered family childcare home under Title 9.5 of the Education article; or
 - ii. A playground, recreation center, library, or public park; or
 - iii. Any lot in a Residence District; or
 - iv. Any residential lot of less than three acres in the Agriculture or Conservation district; or
 - b. 1,000 feet of another cannabis dispensary.
- (C) All lighting, including security lighting required by COMAR 10.62.10.05, shall comply with Carroll County site plan requirements as specified in § [155.050](#).
- (D) The use shall be subject to site plan approval by the Planning Commission pursuant to § [155.050](#).
- (E) No variances from the requirements of this section or the distance requirements set forth in § [158.059](#) shall be granted.
- (F) Cannabis products are not permitted to be sold in conjunction with a temporary zoning certificate.
- (G) A cannabis dispensary in conjunction with an on-site consumption establishment is prohibited in all zoning districts.

158.071.01 Agricultural and Conservation Districts: Regulation of Principal Uses

LAND USE CATEGORY DESCRIPTION	Agriculture	Conservation	ADDITIONAL REGULATIONS
<i>Industrial</i>			
Growing of cannabis	X	X	158.002, 158.059

158.075.01 Residential Districts: Regulation of Principal Uses

LAND USE CATEGORY DESCRIPTION	R-40,000	R-20,000	R-10,000	R-7,500	ADDITIONAL REGULATIONS
<i>Commercial</i>					
Facility for dispensing cannabis	X	X	X	X	158.002
<i>Office/Health Care</i>					
<i>Industrial</i>					
Indoor growing of cannabis	X	X	X	X	158.002

§158.082 – Commercial, Industrial, Employment Campus Districts: Regulation of Principal Uses.

LAND USE CATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
<i>Office/Health Care</i>							
<i>Retail/Service</i>							
<i>Cannabis Dispensary</i>	X	P	P	X	X	X	158.002, 158.048.01, 158.059
<i>Cannabis Dispensary in conjunction with a cannabis growing and/or processing facility</i>	X	X	X	P	P	X	158.002, 158.048.01, 158.059

<i>Cannabis Dispensary in conjunction with an on-site consumption establishment</i>	X	X	X	X	X	X	158.002, 158.059
<i>Manufacturing/Production</i>							
Indoor processing of cannabis	X	X	X	P	P	X	158.002 , 158.048.01, 158.059
<i>Miscellaneous</i>							
Indoor growing of cannabis	X	X	X	P	P	X	158.002 , 158.048.01, 158.059

ARTICLE II. SEVERABILITY.

Should any provision, section, paragraph, or subparagraph of this ordinance, including any code, or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

This Ordinance shall become effective _____, 2024.

ADOPTED _____, 2024

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

ATTEST:

Vivian Daly, County Clerk

Kenneth A. Kiler, President (SEAL)

Joseph A. Vigliotti, Vice-President (SEAL)

Thomas S. Gordon III, Commissioner (SEAL)

Michael R. Guerin, Commissioner (SEAL)

Edward C. Rothstein, Commissioner (SEAL)

Approved for legal sufficiency:

Timothy C. Burke, County Attorney

Notice of Public Hearing published: _____

Public Hearing held: _____

Public Meeting to adopt Ordinance: _____

Notice of Adoption of Ordinance published: _____

Ordinance filed with Clerk of Court: _____

I hereby certify that the actions described above took place on the dates referred to above
and that this Ordinance is effective as of the _____ day of _____, 2024.

Timothy C. Burke, County Attorney