CITY OF LAUREL, MARYLAND

ORDINANCE NO. 2012

TEXT AMENDMENT NO. 263

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAUREL, MARYLAND TO AMEND THE UNIFIED LAND DEVELOPMENT CODE, CHAPTER 20 "LAND DEVELOPMENT AND SUBDIVISION REGULATIONS," TO UPDATE THE DEFINITION SECTION, THE USE TABLE IN THE COMMERCIAL ZONE, AND TO UPDATE THE SPECIAL EXCEPTION SECTION, ALL TO INCLUDE LICENSED DISPENSARY FOR CANNABIS AS A SPECIAL EXCEPTION USE IN CERTAIN ZONES.

Sponsored by the President at the request of the Administration.

WHEREAS, on March 28, 2011, the Mayor and City Council of Laurel, Maryland adopted City Ordinance Number 1702, Text Amendment Number 223, enacting Laurel City Code, Chapter 20: "Land Development and Subdivision Regulations", known as the "City of Laurel Unified Land Development Code," which contains all requirements for development within the City; and

WHEREAS, the Maryland State Legislature, in its 2023 Session, has passed legislation to legalize the sale and use of personal non-medical cannabis, and allowed municipalities to adopt zoning regulations with regard to this matter; and

WHEREAS, the City Council desires to make the changes to Chapter 20 of the Unified Land Development Code to address this matter, as recommended by City staff, as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council of Laurel, Maryland that the following sections of the Laurel City Code, Chapter 20 "Land Development and Subdivision," Article I "Zoning" be and hereby are amended as follows: Division 1 "In General", Section 20-1.7. "Definitions", Division 5 "Zoning Districts", Section 20-7.8. "Table of commercial uses.", Division 10 "Special Exceptions", Section 20-22.72. "Licensed premises of licensed dispensaries".

Section 20-1.7. Definitions.

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Cannabis. The plant Cannabis Sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a Delta-9-tetrahydrocannabinol concentration greater than 0.3% on

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a dry weight basis, and includes cannabis products. This does not include hemp or hemp products, as defined in the Annotated Code of Maryland, Agriculture Article, Section 14-101.

* * *

Licensed dispensary of cannabis. An entity licensed by the Maryland Cannabis Administration that acquires, possesses, repackages, transports, sells, distributes, or dispenses, cannabis or cannabis products (products composed of cannabis, cannabis concentrate, cannabis extract, or other ingredients, and are intended for use or consumption, including edible products, oils and tinctures) for medical and personal non-medical use, along with related supplies and products, including, without limitation, tinctures, aerosols, oils, or ointments, and educational materials for use by a qualified user, through a storefront or through a delivery service, based on license type. The use of cannabis for personal non-medical use is limited to individuals at least 21 years of age.

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Retail sales with smoking lounge. A business establishment that may include in part, the smoking of tobacco products, electronic cigarettes, hookah/shisha including but not limited to establishments known variously as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, etc. (collectively referred to as smoking lounge(s). Smoking lounges shall include the retail sale of tobacco products, smoking accessories, and related items as an accessory use to the smoking lounge. The sale or consumption of cannabis on the premises is prohibited. Smoking must take place completely indoors at the establishment.

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Section 20-7.8. Table of commercial uses.

* * *

Use	C-N	C-C	C-G	C-SH	C-V	C-VAC
~~State licensed premises of a licensed dispensary of medical cannabis, as defined in COMAR 10.62.01.01. (ll)~~ Licensed dispensary of cannabis (ll)	X	X	SE	X	X	X

* * *

(jj) Retail sales of cigars, flavored tobacco, hookahs and accessories. The sale, distribution, consumption and smoking of cannabis on the premises is prohibited.

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Hookah/shishas is a water pipe used to smoke tea, herbs and/or flavored tobacco. It can have single or multiple hoses and tips to share among a group.

A retail store and smoking lounge is subject to the following conditions:

(1) All lounge patrons and occupants must be at least twenty-one (21) years of age.
(2) Smoking lounge can only sell pre-packaged snacks such as chips and nuts no on-site food preparation.
(3) Live performance by a band or other performing group permitted, no dancing allowed. Performances limited to two (2) events per month. The business owner shall give written notice seven (7) days before the event to the Department of Economic and Community Development. The notice shall include the band or group in order for the Laurel Police Department to determine security needs.

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Sec. 20-22.72. - Licensed premises of licensed dispensaries <u>of cannabis.</u>

(a) Licensed premises of a licensed dispensary of ~~medical~~ cannabis <u>requiring</u> a special exception, as defined in the Code of Maryland Regulations ("COMAR"), <u>Section</u> 10.62.01.01<u>,</u> shall comply with ~~all of~~ the following requirements:

(1) ~~P~~<u>The subject p</u>remises shall not be located within ~~one thousand (1,000)~~ <u>five hundred (500)</u> feet of ~~a~~<u>the</u> lot line of a public or private school, ~~or~~ real property owned by the Prince George's County Board of Education, or a house of worship; within five hundred (500) feet of a pre-existing licensed childcare center or registered family child care home; or within five hundred (500) feet of a playground, recreation center, library, or public park.
(2) Vehicular access shall be <u>directly</u> from an arterial or higher classification road.
(3) "No Loitering" signs shall be conspicuously posted in all parking <u>areas serving ~~for~~ the dispensary.</u>
(4) The <u>subject</u> premises <u>shall ~~may~~</u> not be located within ~~one (1) mile~~ <u>one thousand (1,000) feet</u> of any other licensed premises of a licensed dispensary of ~~medical~~ cannabis <u>located</u> within <u>the</u> ~~c~~<u>City</u> limits of the City of Laurel.
(5) The <u>subject</u> premises <u>shall ~~may~~</u> not <u>allow ~~have any~~ the</u> display of <u>unpackaged</u> ~~medical~~ cannabis ~~visible~~ to <u>be visible to</u> its customers or the general public.
(6) The premises may not have an on-site physician for the purpose of issuing written certifications for medical cannabis.

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(7) A premises may sell cannabis with applicable special exception application approval.

(8) A licensed dispensary of cannabis for medical use that obtained special exception approval from the City of Laurel on or before January 1, 2023 will be able to sell personal non-medical cannabis without approval of a new special exception.

(b) Any licensed premises of a licensed dispensary of cannabis that wishes to include a drive-thru window may be allowed to do so, subject to approval of a special exception, which, in addition to the general requirements for a special exception as set forth in Section 20-21, shall demonstrate to the satisfaction of the Board of Appeals, the following:

(1) The use shall not constitute a nuisance due to noise, illumination, fumes, odors, physical activity, or other factors in the location proposed;

(2) The use at the proposed location shall not create a vehicular or pedestrian traffic hazard or traffic nuisance at its location;

(3) The use shall not pre-empt frontage on any highway or public road in such manner so as to substantially reduce the visibility from, or prevent reasonable accessibility to a public or private right-of-way;

(4) When such use abuts a residential zone, institutional premises not recommended for reclassification to commercial, or industrial zone on an adopted Master Plan the use shall be screened by either: (a) a substantial, sightly, and solid wall or fence, not less than six (6) feet in height, together with a minimum four-foot (4') planting strip on the outside of such wall or fence, planted in shrubs and evergreens at least three (3) feet high at the time of original planting; or (b) a natural terrain feature that provides screening that is equally effective as the previously-described wall or fence and planting strip; either of which shall be maintained in good condition.

(5) Location, maintenance, vehicle sight distance provisions, advertising, and parking areas pertaining to screening shall be as provided for in other sections of these regulations.

(6) Signs, if erected, shall be in conformance with Division 7 of this article, and such signs, product displays, and any other obstructions which adversely affect visibility at intersections or at entrances and exits to and from such use shall be prohibited.

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(7) Lighting, including illuminated signs that may be permitted as set forth in Section 20-17, shall be arranged so as not to reflect or cause glare into any property within a residential zone.

(8) When the proposed use occupies a corner lot, the ingress or egress driveways shall be located at least twenty (20) feet from the intersection of the front and side street lines of the lot, as defined in Section 20-1.7.

* * *

AND, BE IT FURTHER ENACTED AND ORDAINED, that this Ordinance shall take effect on the date of its passage.

PASSED this _____ day of _____, 2023.

ATTEST:

_____ _____

SARA A. GREEN, CPM, CMC
City Clerk

BRENCIS D. SMITH
President of the City Council

APPROVED this _____ day of _____, 2023.

_____

CRAIG A. MOE
Mayor

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