



ZONING ORDINANCE INTERPRETATION #1-15 MEDICAL CANNABIS

EFFECTIVE 9/1/2015

The State of Maryland has adopted regulations for the production and distribution of medical marijuana, or cannabis. Included in the regulations are the requirements for both the production and dispensing of the product to registered patients and care-givers.

The State regulations establish four general operations related to medical cannabis:

- Licensed grower – an entity that cultivates, manufactures, packages or distributes medical cannabis to license processors, licensed dispensaries, or registered independent testing laboratories
- Licensed processor – an entity licensed by the Commission that:
 - Transforms the medical cannabis into another product or extract; and
 - Packages and labels medical cannabis
- Licensed dispensary – an entity licensed by the Commission that acquires, possesses, repackages, processes, transfers, transports, sells, distributes, or dispenses, products containing medical cannabis, related supplies, related products including tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.
- Independent testing laboratory – a facility, entity, or site that offers or performs tests of medical cannabis and products containing medical cannabis

Within the context of the zoning ordinance, the following definitions are relevant:

Consumable Goods to Be Used in the Home - Products used in the home that must be replenished on a regular basis, including but not limited to groceries, baked goods, hobby and craft supplies, pharmaceuticals, personal care items, and similar products. Items that are separately regulated in this Chapter are not included in this definition.

Industrial, Service - Services intended to serve residents of the City and surrounding areas, including retailing facilities for certain commodities appropriate in an industrial zone. Such

uses include, but are not limited to, assembly of electrical and electronic appliances and equipment and precision instruments; photographic processing; radio and television recording studios; research laboratories; home improvement services; and similar types of uses. Items separately regulated in this Chapter are not included in this definition.

Laboratory, Research - A facility for scientific research in the fields of physics, chemistry, medicine, genetics, biotechnology, and similar fields of inquiry.

Given the definitions for cannabis production and dispensing, and the definitions contained within the Zoning Ordinance, the following interpretation is promulgated:

Licensed Growers

Licensed growers are principally involved in the production, preparation, packaging and distribution of medical cannabis. Given that these activities are consistent with the uses allowed under the service industrial definition, licensed growers are allowed as light industrial and service industrial uses. As of the date of this interpretation, service industrial uses are permitted in the I-L, Light Industrial, I-H, Heavy Industrial, and MXE, Mixed Use Employment zones. Service industrial uses are a conditional use in the MXB, Mixed Use Business zone, the condition being that the use cannot adjoin or confront single unit detached dwellings.

Licensed Processors

Licensed processors utilize the cannabis products from the growers to produce other products or extracts and packages and labels the products for distribution to dispensaries. Licensed processors are also deemed to be service industrial uses and are therefore allowed in the same zones as growers. There may be instances where a processor and a dispensary are attached. In such combined operations, the use is also deemed to be a service industrial use.

Licensed Dispensary

Licensed dispensaries, which are principally involved in the preparation of products for final delivery to patients and licensed care-givers, are allowed as consumable goods to be used in the home, equivalent to a drug store or pharmacy.

The retail sale of consumable goods to be used in the home is permitted in all of the mixed use zones, although retailing and sale of consumable goods is a conditional use in the MXT (Mixed Use Transition) zone. The condition states that this use is limited to 2,500 square feet of gross floor area for each tenant, other than a grocery store or a drug store. Therefore, a licensed cannabis dispensary is also a permitted use in the MXT Zone.

The retail sale of consumable goods to be used in the home is a conditional use in the RMD-15 and RMD-25, Residential Medium Density, zones. The condition states that the use is permitted only in multi-unit buildings with at least 150 dwelling units. The use must be primarily for the residents, and no direct entrance from the outside is permitted. Given the requirement that the use be primarily for the residents with no outside entrance, a medical cannabis dispensary is not likely to appear in the RMD zones.

Independent Testing Laboratories

Independent testing laboratories are deemed to fall within the same context as research laboratories. These uses are permitted as service industrial uses as above. They are also permitted under the term “non-medical research laboratory” in the MXE, Mixed Use Employment, and MXB, Mixed Use Business zones.

Planned Development Zones

In the Planned Development zones, the uses are dictated by the Governing Documents where specific land uses are included in the approved development plan.



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