

For Introduction – July 10, 2024
Public Hearing – August 14, 2024
Adopted – August 14, 2024

ORDINANCE NO. 560

AN ORDINANCE AMENDING CHAPTER 340, “ZONING”, OF THE CODE OF THE TOWN OF ST. MICHAELS, TO PROHIBIT THE LOCATION OF CANNABIS DISPENSARIES WITHIN 100 FEET OF A RESIDENTIAL ZONE AND CORRECTING AN ERROR IN THE TOWN’S PREVIOUS IMPLEMENTATION OF THE AUTHORITY GRANTED BY THE STATE TO REGULATE CANNABIS BUSINESSES

WHEREAS, pursuant to the Local Government Article of the Annotated Code of Maryland, §5-213, The Commissioners of St. Michaels (“the Town”) have the authority to provide reasonable zoning regulations subject to the referendum of the voters at regular or special elections; and

WHEREAS, pursuant to the aforesaid authority and the additional authority contained in Md. Code Annotated, Land Use Article, Division 1, “Single Jurisdiction Planning and Zoning,” Title 4, “Zoning” (formerly, Md. Code Ann., Art. 66B, § 4.01 et seq.), the Town has enacted Chapter 340, “Zoning”, of the Town Code; and

WHEREAS, pursuant to Chapter 340, § 98-2, the Town’s Planning Commission is charged with reviewing proposed amendments to the text of Chapter 340 and making recommendations to the Town Commissioners with respect to such proposed amendments; and

WHEREAS, in the 2023 legislative session, the General Assembly enacted SB 516, legalizing the use of cannabis for recreational purposes under certain circumstances and providing for the licensure of cannabis growers, cannabis processors, and cannabis dispensaries by the Maryland Cannabis Administration; and

WHEREAS, the Town Commissioners, in furtherance of the public interest adopted zoning regulations establishing the appropriate locations for facilities for the growing, processing and dispensing of cannabis in certain zones in the Town by Ordinance 550, adopted on or about February 14, 2023; and

WHEREAS, in the 2024 session of the General Assembly, the legislature adopted HB 805, making certain amendments to the State laws concerning the location and operation of cannabis businesses, including among other things, a provision clarifying that local governments may prohibit cannabis dispensaries from locating within 100 feet of a residential zone; and

WHEREAS, the Town’s Planning Commission considered the implementation of a regulation in the Town implementing the 100-foot buffer and has issued a report and recommendation with respect thereto; and

WHEREAS, having considered the report and recommendation of the Planning Commission, the Town Commissioners have determined that the public interest would be best

Underlining : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from existing law.

served by amending the text of Section 340-90 to restrict the location of cannabis dispensaries within 100' of a residential zone.

SECTION 1. NOW THEREFORE, BE IT ENACTED AND ORDAINED by The Commissioners of St. Michaels, that Chapter 340, "Zoning", of the St. Michaels Town Code, Article VIII, "Supplemental Use Regulations", § 340-90, Cannabis Dispensaries or Business", is amended to read as follows:

§ 340-90. Cannabis Business

A. A cannabis business must provide evidence that a license from the Maryland Cannabis Administration to operate a cannabis business has been issued to the owner(s) of the business and currently is in effect.

B. A cannabis business must conform to all regulations of the Maryland Cannabis Administration relating to the particular type of cannabis business, including but not limited to any requirement relating to labeling, packaging, and advertising, age restrictions and vendor training.

C. On-site consumption of any cannabis products at a cannabis business is prohibited. Cannabis may not be consumed in any zone outside an enclosed structure or in any manner that results in detectable smoke, fumes, or odors on any adjacent property, including but not limited to public rights of way.

D. A cannabis-business DISPENSARY must be separated by at least 500', as measured from property line to property line, from schools, child care centers, playgrounds, recreation centers, libraries, or public parks and 1,000' from another cannabis business DISPENSARY as measured from property line to property line at closest point.

E. ON OR AFTER JULY 1, 2024, A CANNABIS DISPENSARY MAY NOT LOCATE IN THE TOWN WITHIN 100' OF A RESIDENTIAL ZONE.

SECTION 2. BE IT FURTHER ENACTED AND ORDAINED by The Commissioners of St. Michaels, that the Table of Uses adopted in Chapter 340, "Zoning", of the St. Michaels Town Code, Article VII, "Permitted Uses", be and hereby is amended as set forth in Exhibit A hereto.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

~~Strikethrough~~ : Indicates matter deleted from existing law
UNDERLINED SMALL CAPS : Indicate matter added to existing law.

SECTION 5. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 6: AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after adoption, having been introduced on the 10th day of **July 2024**, and passed by a majority vote of The Commissioners of St. Michaels following a public hearing of The Commissioners of St. Michaels on the **14th** day of **August 2024**, which latter date shall be at least six and no more than 70 days after the date of its introduction.

Mercier	YAY
Whittington	YAY
Hudson	YAY
Wojciechowski	YAY
Roiter	YAY

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS




Kristen Payne, Town Clerk



Al Mercier, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 15th day of August 2024, at 8:30 a.m. to the 3rd day of September 2024, at 4:30 p.m., on the bulletin board at the St. Michaels Town Office, and that a summary of the above Ordinance, the date of its passage, its effective date, and a statement that the entire text of the Ordinance will appear on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: 9/3/24, 2024



Robert Straebel, Town Administrator

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