

**Ordinance No. 226**  
**Introduced: February 5, 2024**  
**Public Hearing:**  
**Enacted:**  
**Effective:**

**COMMISSIONERS OF POOLESVILLE, MARYLAND  
CANNABIS DISPENSARY**

AN ORDINANCE of the Town of Poolesville, Maryland to add to the Poolesville Code of Ordinances a Use Classification in the Zoning Code to address the State of Maryland licensing of Cannabis Dispensaries.

WHEREAS, as the State of Maryland through acts of the General Assembly and a voter referendum have taken steps to legalize the sale and possession of certain amounts of cannabis in the State, and requiring local governments to adjust their zoning designations to accommodate licensed Cannabis Dispensaries within certain parameters as outlined in State law; and

WHEREAS, the Commissioners of Poolesville wish to protect the citizens and children of the community by ensuring that compliance with the State mandate to provide a zoning designation is enacted in a manner which will regulate the location and activity of a Cannabis Dispensary to safeguard the health, safety and welfare of the community and serve the public interest by minimizing the potential for adverse impacts on adjacent properties and neighborhood; and

PURSUANT to Section 82.12(65) of the Charter of the Town of Poolesville, Maryland, Title 4 of the Land Use Article of the Annotated Code of Maryland, and applicable provisions of the Code of the Town of Poolesville, the Commissioners of the Town of Poolesville are empowered to exercise planning and zoning powers within the Town of Poolesville, Maryland; and

WHEREAS, under the requirements of the Land Use Article of the Maryland Annotated Code and the Poolesville Town Code, the Poolesville Planning and Zoning Commission shall review proposed zoning amendments and offer comment thereon; and

WHEREAS, the Commissioners of Poolesville after giving public notice as required by law, held a public hearing on the Ordinance on \_\_\_\_\_ to receive public input and comment.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF  
POOLESVILLE, MARYLAND THAT:**

**Section One: That a new line in subsection (c) “Commercial” of the Use Chart contained in Section 3 of the Zoning Code of the Town of Poolesville shall be added in alphabetical order, to make Cannabis Dispensary a Special Exception use in the P-Comm zoning district as follows:**

	PR1/3	PR1/2	PR3/4	PTR2+	PRMUL	PRD	P-COMM
<b>Cannabis Dispensary</b>							<b>SE</b>

**Section Two: That a new definition be added to Section 14 “Definitions” of the Zoning Code of the Town of Poolesville as follows:**

26. *Cannabis Dispensary. A person or entity licensed by the State that acquires, possesses, transfers, sells, dispenses, or distributes products containing cannabis or relating to cannabis, both natural and synthetic, in any and all forms, and related supplies and products at a State-licensed dispensary pursuant to State law and regulation.*

[Note: The remaining subsection numbers in Section 14 shall be adjusted to increase accordingly]

**Section Three: That Section 7, Subsection B shall be repealed and replaced as follows:**

**B. Uses**

1. *Uses permitted are listed on the Use Chart in Section 3 denoted with a “P”.*
2. *Uses requiring a Special Exception are listed on the Use Chart in Section 3 denoted with a “SE” and may have requirements and conditions related thereto which are delineated in this Section, in addition to the general requirements contained in the Zoning Code.*

- a. *Cannabis Dispensary. The Board of Zoning Appeals shall consider the following, in addition to the standards contained elsewhere in the Zoning Code, when granting a Special Exception for a Cannabis Dispensary*
1. *Documentation must be provided to show the proposed facility will meet all State standards for such use and including but not limited to methods to secure the premises; plans for a secure room; plans for securing the entrances; location of security lighting; security alarm system and security surveillance system.*
  2. *The Application shall contain all submittals, licenses, leases and approvals as required by State, County and Local law.*
  3. *No portion of the lot which is used for the Cannabis Dispensary shall be within 500 feet of the property line of any existing school, daycare, park/recreation facility, and church/place of worship.*
  4. *A finding must be made that the Cannabis Dispensary use is compatible with adjacent uses and surrounding properties. A Cannabis Dispensary shall not be located on any lot which abuts a current residential use, as there is a rebuttal presumption that such location would be incompatible with the adjacent use.*
  5. *The Board of Zoning Appeals shall consider the adequacy of the roads and any traffic impacts that create a nuisance proposed by such use.*
  6. *The requested Cannabis Dispensary use shall not be located closer than 2,500 feet from any other existing or proposed Cannabis Dispensary.*
  7. *The Cannabis Dispensary shall not have an on-site physician for the purpose of issuing written certifications for medical cannabis.*
  8. *Operational hours in which the Cannabis Dispensary is open to the public shall be limited to between 10 am and 6 pm.*
  9. *Cannabis Dispensary use must be the only use existing at the proposed location, it shall not be an incidental or accessory use, nor shall any other incidental or accessory uses be permitted.*

#### **Section Four: 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 text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

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James E. Brown, President  
Commissioners of Poolesville

A TRUE COPY ATTEST:

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Ann M. Leibrand  
Town Clerk

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