

**TOWN COUNCIL OF CENTREVILLE
ORDINANCE NO 09-2024**

**AN ORDINANCE OF THE TOWN COUNCIL OF CENTREVILLE AMENDING
THE TOWN OF CENTREVILLE ZONING ORDINANCE, WHICH IS CHAPTER
170 OF THE TOWN CODE, TO UPDATE THE CANNABIS PROVISIONS IN
ORDER TO ADMINISTER AND ENFORCE THE TOWN'S ZONING ORDINANCE
MORE EFFECTIVELY**

WHEREAS, the Town Council has the authority under Section 5-213 of the Local Government Article of the Annotated Code of Maryland, to adopt zoning regulations;

WHEREAS, Section 4-102(6) *et seq.* of the Land Use Article of the Annotated Code of Maryland enables the Town Council to divide the Town into districts and zones;

WHEREAS, the State of Maryland passed legislation legalizing recreational cannabis under certain limitations, which is known as the Cannabis Reform Act (House Bill 556/Senate Bill 516) and was signed into law and became effective on July 1, 2023;

WHEREAS, the State of Maryland further refined the limitations on cannabis (House Bill 805/Senate Bill 537) which was signed into law and became effective on June 1, 2024;

WHEREAS, the Centreville Zoning Ordinance currently only addresses medical cannabis, and does not address recreational cannabis;

WHEREAS, some of the existing standards in the Centreville Zoning Ordinance need to be updated to be in compliance with State law;

WHEREAS, Section 170-62 of the Code of the Town of Centreville provides for amendments to the regulations, restrictions and boundaries set forth in Chapter 170 of the Code;

WHEREAS, the Centreville Planning and Zoning Commission considered the matter at its August 21, 2024 meeting and has recommended that the Town Council approve this Ordinance; and

WHEREAS, the Town Council held a public hearing on the zoning amendment on September 5, 2024.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Centreville:

Section 1. Article IX, Chapter 170 of the Centreville Town Code, Section 170-68 Definitions is hereby amended to modify the following definition:

~~**Medical Cannabis Licensed Dispensary**~~ is an entity licensed by the Maryland ~~Medical Cannabis 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~~. ~~Such products and supplies shall not include recreational or any other~~

~~cannabis that is not approved by a provider registered with the Maryland Medical Cannabis Commission for use by a patient registered with the Maryland Medical Cannabis Commission with a valid written certification.~~

Section 2. Article IX, Chapter 170 of the Centreville Town Code, Section 170-68 Definitions is hereby amended to add the following definition:

On-site cannabis consumption establishment – an indoor or outdoor location, which is open to the public, and licensed to allow individuals who are 21 years or older to consume cannabis on its premises. On-site consumption establishments shall be prohibited in all zoning districts.

Section 3. Article IX, Chapter 170 of the Centreville Town Code, is hereby amended to add a new Section 170-23.A.13 for Permitted Uses in the General Commercial District C-2:

13. *Cannabis Licensed Dispensary, subject to the following provisions:*

- a. The boundaries of property used as a Cannabis Licensed Dispensary shall be at least 100 feet from any property with a residential use;*
- b. The boundaries of property used as a Cannabis Licensed Dispensary shall be at least 500 feet from a pre-existing school, playground, recreation center, library, public park, or place of worship;*
- c. The boundaries of property used as a Cannabis Licensed Dispensary shall be at least 1,000 feet from property with another Cannabis Licensed Dispensary;*
- d. A Cannabis Licensed Dispensary shall not be permitted as an accessory use; and*
- e. Parking requirements for a Cannabis Licensed Dispensary shall be at least equivalent to the minimum parking requirements applicable to retail businesses.*

Section 4. Article IX, Chapter 170 of the Centreville Town Code, is hereby amended to add a new Section 170-24.A.8 for Permitted Uses in the Intense Commercial District C-3:

8. *Cannabis Licensed Dispensary, subject to the following provisions:*

- a. The boundaries of property used as a Cannabis Licensed Dispensary shall be at least 100 feet from any property with a residential use;*
- b. The boundaries of property used as a Cannabis Licensed Dispensary shall be at least 500 feet from a pre-existing school, playground, recreation center, library, public park, or place of worship;*
- c. The boundaries of property used as a Cannabis Licensed Dispensary shall be at least 1,000 feet from property with another Cannabis Licensed Dispensary;*
- d. A Cannabis Licensed Dispensary shall not be permitted as an accessory use; and*
- e. Parking requirements for a Cannabis Licensed Dispensary shall be at least equivalent to the minimum parking requirements applicable to retail businesses.*

Section 5. Article IX, Chapter 170 of the Centreville Town Code, Section 170-29.F.1.r is hereby amended to modify the following permitted uses to the Planned Business Development District (PBD):

r. ~~Medical~~ Cannabis Licensed Dispensary, subject to the following provisions:

- (1) The boundaries of property used as a ~~Medical~~-Cannabis Licensed Dispensary shall be at least ~~500~~ **100** feet from any property with a residential use;
- (2) The boundaries of property used as a ~~Medical~~ Cannabis Licensed Dispensary shall be at least ~~1,000~~ **500** feet from property with any *pre-existing school, playground, recreation center, library, public park, or place of worship*;
- (3) The boundaries of property used as a ~~Medical~~-Cannabis Licensed Dispensary shall be at least ~~2,500~~ **1,000** feet from property with another ~~Medical~~-Cannabis Licensed Dispensary;

~~[4] This use shall not have an on-site prescribing authority for the purpose of issuing written certifications for medical cannabis;~~

~~(5)~~**(4)** A ~~Medical~~ Cannabis Licensed Dispensary shall not be permitted as an accessory use; and

~~(6)~~**(5)** Parking requirements for a ~~Medical~~ Cannabis Licensed Dispensary shall be at least equivalent to the minimum parking requirements applicable to ~~medical services~~ *retail businesses*.

(Language to be deleted from the existing Ordinance is indicated in ~~strikethrough~~ format and language to added is indicated by *bold italics* text)

Section 6. If any section, clause, paragraph, sentence or phrase of the Ordinance or the application thereof to any person, property, or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality shall in no way affect other provisions or any other application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application, and for this purpose the provisions of this Ordinance are declared severable.

Section 7. This Ordinance shall become effective twenty (20) days after its enactment.

ATTEST:

THE TOWN COUNCIL OF CENTREVILLE

R. Gaye Adams
R. Gaye Adams
Town Clerk

First Reading: 7/18/2024
Second Reading: 9/5/2024
Enacted: 9/19/2024
Effective: 10/9/2024

ABSENT
Ashley Heffernan Kaiser, Esq., President

[Signature]
Eric B. Johnson, Jr., Vice President

[Signature]
Daniel B. Worth, Member

[Signature]
Jim A. Beauchamp, Member

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Jeffrey D. Kiel, Member