

Council Agenda Report

Date: September 27, 2021

Prepared by: Pat Escher, A.I.C.P., Division Manager

SUBJECT: Public Hearing Ordinance 1189

Recommendation: That Council;

- A. Open a Public Hearing for Ordinance No. 1189;
- B. Close the Public Hearing for Ordinance No. 1189; and
- C. Approve the Ordinance as unanimously recommended by the Planning Commission.

Discussion: Ordinance 1189, which would allow for the processing of medical cannabis processing facilities for consumer packet goods in the General Commercial Zoning District, was discussed at the July 6, 2021 Planning Commission as a discussion item. It had come to staff's attention that the medical cannabis industry is continuing to evolve and as such so should the City's Unified Development Code.

In discussion with the Commission, the applicant requesting this amendment, Daniel Lilly, met with the Planning Commission virtually to explain the industry's changing needs in small work sessions. The Commission discussed the item again at their July 6th meeting and determined that the request had merit, should move forward in the process and directed staff to prepare a text amendment. The Commission unanimously recommended that the Council approve Ordinance 1189 at their public hearing on August 3rd.

Fiscal Impact: NA

Approved by: *David Deutsch, Acting City Manager*

ORDINANCE NO. 1189

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 4.2.3(D) AND TABLE 1: PERMITTED USES BY ZONING DISTRICT OF THE CITY'S UNIFIED DEVELOPMENT CODE ("UDC") TO PROVIDE THAT MEDICAL CANNABIS PROCESSING FACILITIES FOR CONSUMER PACKAGE GOODS IS A PERMITTED USE WITH CONDITIONS IN THE GENERAL COMMERCIAL ZONING DISTRICT; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO ZONING IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204 and § 2.2.3 of the Unified Development Code (the "UDC"), the Commissioners of Cambridge are authorized and empowered to amend, supplement, change, modify, and repeal the City of Cambridge's (the "City") zoning regulations and boundaries and change the City's zoning classifications; and

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-201, the Commissioners of Cambridge are authorized and empowered to divide the City into districts and zones of any number, shape, and area that it considers best suited to carry out the purposes of Division I (Single-Jurisdiction Planning and Zoning) of the Land Use Article; and

WHEREAS, pursuant to § 3-27(1) of the Charter of the City of Cambridge (the "Charter") and Md. Code Ann., Local Gov't § 5-202(5), the Commissioners of Cambridge are authorized and empowered to pass ordinances for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the town and visitors thereto and sojourners therein; and

WHEREAS, following a public hearing held on August 3, 2021, the City of Cambridge Planning Commission (the "Planning Commission") recommended that the Commissioners of Cambridge approve a text amendment amending § 4.2.3(D) and Table 1: Permitted Uses by Zoning District of the UDC to provide that Medical Cannabis processing facilities for consumer package goods is a Permitted Use with Conditions in the General Commercial Zoning District; and

WHEREAS, on September 27, 2021, the Commissioners of Cambridge held a public hearing regarding the foregoing text amendment recommended by the Planning Commission, notice of which was published on August 27, 2021 and September 10, 2021 in the Star Democrat, a newspaper of general circulation in the City, in accordance with Md. Code Ann., Land Use § 4-203(b) and § 2.2.3.C of the UDC; and

WHEREAS, having considered the recommendations of the Planning Commission and the Department of Planning and Zoning Staff, as well as the comments made during the September 27, 2021 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend § 4.2.3(D) and Table 1: Permitted Uses by Zoning District of the UDC to provide that Medical Cannabis processing facilities for consumer package goods is a Permitted Use with Conditions in the General Commercial Zoning District; and

WHEREAS, the Commissioners of Cambridge find that the text amendment set forth herein is necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that the City's Unified Development Code is hereby amended as follows:

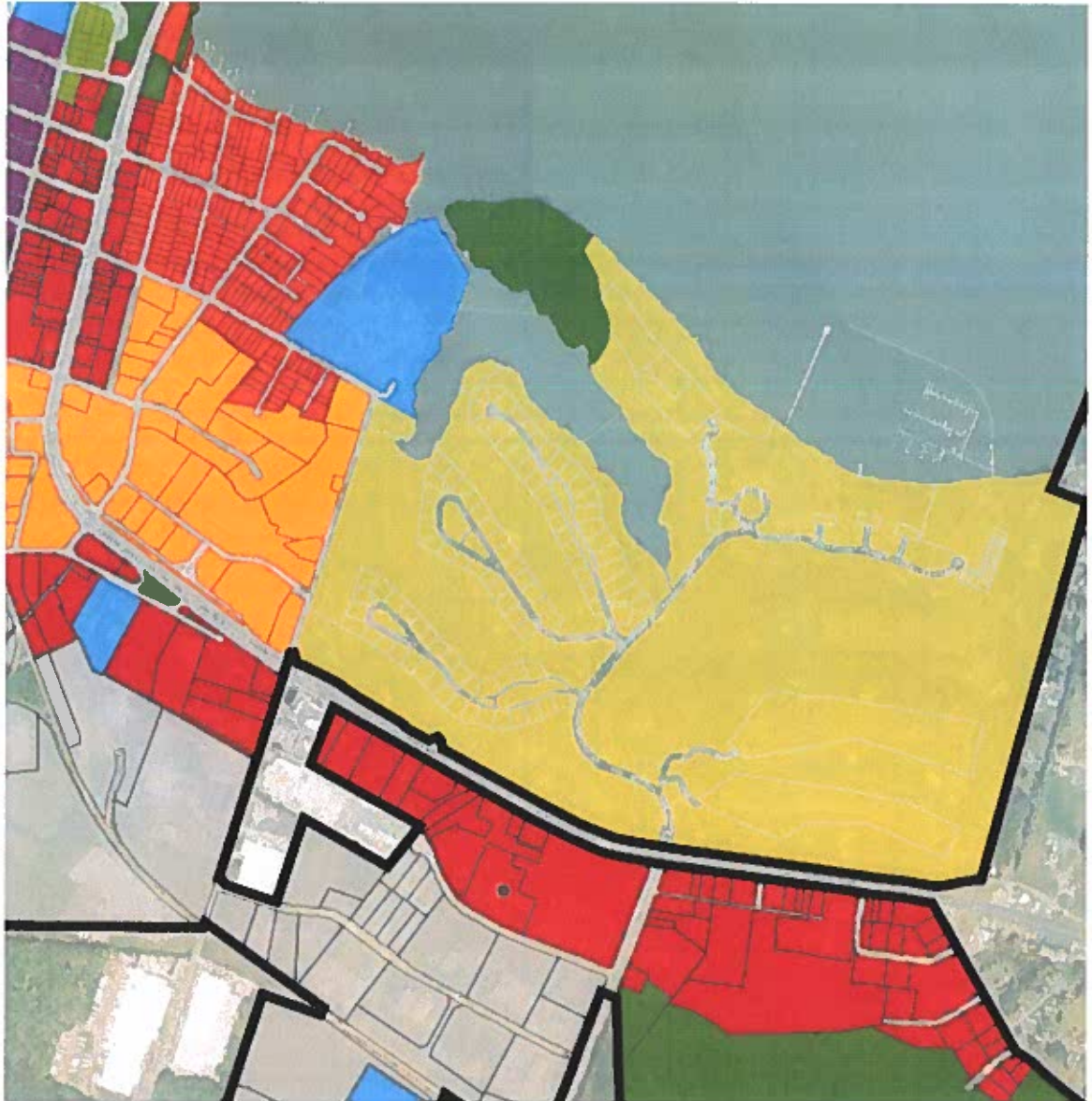
SECTION 1. Section 4.2.3 (Standards for Conditional and Special Exception Uses) is amended as follows:

§ 4.2.3 Standards for Conditional and Special Exception Uses

D. Miscellaneous Uses

13. Medical Cannabis Processing Facilities for Consumer Package Goods Permitted Use with Conditions in the General Commercial Zoning District

- a. Any new facility shall come to the Planning Commission for review and approval.**
- b. Any new facility shall be located within very close proximity of the US Route 50 corridor, limited to the properties zoned General Commercial shown below.**
- c. The Planning Commission may impose additional conditions on the facility as part of their review process.**
- d. The number of these facilities shall not exceed the number of Medical Cannabis Grow Facilities within the City.**



Properties shown in red are zoned General Commercial.

SECTION 2. *Table 1: Permitted Uses by Zoning District is hereby amended for the purpose of allowing Medical Cannabis Processing Facilities for Consumer Package Goods as a Permitted Use with Conditions in the General Commercial Zoning District as shown on Exhibit 1 hereto, which is incorporated by reference as if fully set forth herein.*

SECTION 3. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 4. In this Ordinance, unless a section of the UDC is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Sections 1 *and* 2, language added after the date of introduction is in bold,

italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 5. 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, it being the intent of the Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 6. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. 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.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective on the tenth (10th) day following the date of passage.

ATTEST: THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Andrew Bradshaw, Mayor

**Introduced the 23rd day of August, 2021
Passed the 27th day of September, 2021
Effective the 7th day of October, 2021**