

RESOLUTION NO. 1209-23

A RESOLUTION ESTABLISHING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF AN APPLICATION OR SITE PLAN AND/OR ISSUANCE OF OTHER ZONING APPROVALS FOR THE OPERATION OF BUSINESSES ENGAGED IN THE GROWING, PROCESSING, AND/OR SELLING OF CANNABIS

WHEREAS, the Bel Air Board of Town Commissioners ("the Town"), is authorized pursuant to Md. Code Ann., Local Government Article §5-202 and §401 of the Town's Charter to take all such actions not contrary to the Constitution and laws of the State of Maryland or its Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town and its visitors; and

WHEREAS, pursuant to Md. Code Ann., Local Government Article §5-213 and §401(52) of the Town's Charter, the Town shall have the power to regulate and restrict, among other things, the location and use of buildings, structures, and land for trade, industry, residence, or other purposes for the purpose of promoting the health, security, general welfare, and morals of the community; and

WHEREAS, on November 8, 2022, Maryland voters passed "Question 4" by ballot referendum, making it legal for individuals aged twenty-one and older to possess and consume cannabis in Maryland on or after July 1, 2023; and

WHEREAS, on April 8, 2023, the Maryland General Assembly passed the Cannabis Reform Act (HB556/SB516) (hereinafter "the Act") which allowed for cannabis sales to adults 21 and older from licensed dispensaries and established a framework for adult-use cannabis sales

beginning July 1, 2023, including the conversion of existing medical cannabis business licenses to both medical and adult-use cannabis, and created a new Maryland Cannabis Administration to oversee see both medical and adult-use program; and

WHEREAS, on May 3, 2023, the Governor of Maryland signed the Act into law; and

WHEREAS, the Act provides political subdivisions with the power to establish zoning requirements for and otherwise regulate cannabis subject to certain limitations; and

WHEREAS, the Maryland Cannabis Administration is tasked under the Act to adopt various regulations relating, but not limited, to establishing: (1) operating requirements for cannabis licensees, (2) the maximum potency of cannabis products sold in the State, and (3) the packaging and labeling of cannabis products for sale. Not all of the regulations have been fully established at this time and/or available for close study and consideration; and

WHEREAS, immediately prior hereto, the Town passed Ordinance No 813-23 entitled, “Amending Chapter 165. Comprehensive Plan and Development Regulations, Part 2 Zoning, Article III. Establishment and Regulation of Zoning Districts, Article VII. Development and Performance Standards, Article XIV. Definitions, and Attachment 1, Permitted Use Chart,” which includes proposed definitions, set-backs, performance standards and other zoning requirements in order to attempt to comply with the express language of the Act as well as other necessary revisions to Chapter 165, unrelated to the Act; and

WHEREAS, on July 17, 2023, the Town held a public hearing on Ordinance No. 813-23; and

WHEREAS, the Town considers the public interest to be best served by the adoption of zoning code amendments and regulations that establish appropriate locations for facilities for growing, processing, and selling of cannabis; and

WHEREAS, the Town finds that there are significant planning, zoning, property, economic, business, and secondary effects arising from and relating to the location, construction, and operation of businesses engaged in the growing, processing and selling of cannabis; and

WHEREAS, the Town requires additional time to undertake appropriate study and obtain desired public input before establishing additional Town ordinances and other necessary regulations applicable to businesses engaging in the growing, processing and/or selling of cannabis; and

WHEREAS, the acceptance and processing of an application and/or site plan and/or issuance of other zoning approvals for the operation of businesses engaged in the growing, processing and/or selling of cannabis, before appropriate study of the matter, obtaining desired public input, and consideration and approval of meaningful and effective amendments to Town ordinances and/or regulations governing the matter, would frustrate the Town's ability to protect the health, safety and welfare of the residents of and visitors to the Town and be adverse to the orderly business development of the Town; and

WHEREAS, the Town has determined that a moratorium as stated and described below, for a term of nine (9) months, is necessary and reasonable for due consideration of necessary Town Code amendments and other regulations for the safe, practical, and additional legal implementation of the Act and applicable State law.

NOW, THEREFORE, BE IT RESOLVED BY THE BEL AIR BOARD OF TOWN COMMISSIONERS, that:

1. Moratorium. A moratorium is hereby established for a period of nine (9) months from the adoption date hereof, unless shortened by the Board of Town Commissioners, against the submission, acceptance, consideration and processing of any application or

site plan and/or seeking or issuance of other zoning approvals for the operation of businesses engaged in the growing, processing and/or selling of cannabis.

2. Suspension of Operation of Ordinance 813-23. The operation of Ordinance No. 813-23 is hereby suspended as it relates to all amendments pertaining to zoning requirements, limitations, setbacks and/or approvals for the operation of businesses engaged in growing, processing and/or selling of cannabis.
3. Recommendations and legislation. This moratorium is established to allow a reasonable amount of time within which: (1) Town staff can investigate, study, consider, and analyze all relevant subject matter materials and seek expert advice on the same, as may be needed to prepare recommendations for review by the Planning Commission; (2) the Planning Commission can hold a public hearing on any additional zoning code changes; (3) the Planning Commission can make its own findings and forward those findings and recommendations to the Board of Town Commissioners; and (4) the Board of Town Commissioners can enact any legislation that it deems just, proper and lawful, governing the growing, processing and/or selling of cannabis in the Town.
4. The Board of Town Commissioners finds that as of the date of passage of this Resolution, there are no pending applications, site plans or other requests for approval before the Department of Planning & Community Development, Planning Commission, or the Board of Appeals for the operation of businesses engaged in growing, processing and/or selling of cannabis.
5. Applicability. During the moratorium, the Town shall not accept, process, or review any application or site plan, and/or issue any other zoning approval for the operation of businesses engaged in the growing, processing and/or selling of cannabis, and no such application(s) or site plan(s) shall be submitted to the Town.

AND BE IT FURTHER RESOLVED by the Bel Air Board of Town Commissioners that this Resolution shall take effect on July 17, 2023.

ENACTMENT: July 17, 2023

EFFECTIVE: July 17, 2023

AYES:

NAYS:

ABSENT:

Kevin M. Bianca, Chair
Board of Town Commissioners

Michael Krantz, Town Clerk