

**COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND**

2025 Legislative Session, Legislative Day No.: June 10, 2025

Bill No.: 1618

Expiration Date: August 14, 2025

Introduced by: Mr. Callahan, Ms. Haythe, Mr. Leshner

A BILL TO AMEND CHAPTER 190 (ZONING, SUBDIVISION, AND LAND DEVELOPMENT) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF PROVIDING THAT CANNABIS GROWING AND THE PROCESSING OF CANNABIS GROWN ON-SITE SHALL BE PERMITTED USES IN THE AGRICULTURAL CONSERVATION ("AC"), COUNTRYSIDE PRESERVATION ("CP"), AND WESTERN RURAL CONSERVATION ("WRC") ZONING DISTRICTS, PROVIDING THAT THE PROCESSING OF CANNABIS NOT GROWN ON-SITE SHALL BE PERMITTED BY SPECIAL EXCEPTION IN THE AC, CP, AND WRC ZONING DISTRICTS, AND PROVIDING THAT CANNABIS DISPENSARIES SHALL BE PERMITTED BY SPECIAL EXCEPTION IN THE LIMITED COMMERCIAL ("LC"), GENERAL COMMERCIAL ("GC"), AND LIMITED INDUSTRIAL ("LI") ZONING DISTRICTS, EACH SUBJECT TO CERTAIN CONDITIONS, AND DEFINING TERMS ASSOCIATED THEREWITH

By the Council: June 10, 2025

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 8, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order:

Susan W. Moran

Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 190 (ZONING, SUBDIVISION, AND LAND DEVELOPMENT) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF PROVIDING THAT CANNABIS GROWING AND THE PROCESSING OF CANNABIS GROWN ON-SITE SHALL BE PERMITTED USES IN THE AGRICULTURAL CONSERVATION (“AC”), COUNTRYSIDE PRESERVATION (“CP”), AND WESTERN RURAL CONSERVATION (“WRC”) ZONING DISTRICTS, PROVIDING THAT THE PROCESSING OF CANNABIS NOT GROWN ON-SITE SHALL BE PERMITTED BY SPECIAL EXCEPTION IN THE AC, CP, AND WRC ZONING DISTRICTS, AND PROVIDING THAT CANNABIS DISPENSARIES SHALL BE PERMITTED BY SPECIAL EXCEPTION IN THE LIMITED COMMERCIAL (“LC”), GENERAL COMMERCIAL (“GC”), AND LIMITED INDUSTRIAL (“LI”) ZONING DISTRICTS, EACH SUBJECT TO CERTAIN CONDITIONS, AND DEFINING TERMS ASSOCIATED THEREWITH

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND that Chapter 190 (Zoning, Subdivision, and Land Development) of the Talbot County Code shall be and is hereby amended as follows:

KEY	
Boldface	Heading or defined term
<u>Underline</u>	Added to law by Bill
* * *	Existing law unaffected

* * *

§ 190-25.2 Table of Land Uses.

Amend Table IV-1. Table of Land Uses as indicated on Exhibit 1 attached hereto and incorporated herein by reference as if fully set forth.

* * *

§ 190-26 Agriculture and related uses.

* * *

26.18 Cannabis grower.

A. Minimum setbacks:

1. 500 feet from any lot line of a property containing a pre-existing residential use, unless consent to reduce the setback is obtained from all owners of residential properties within the 500-foot setback. In no event shall the setback be reduced to less than 200 feet.

2. 500 feet from any lot line of a property containing a pre-existing institutional use.

B. Minimum lot size: 20 acres.

C. The use must be located on a property that is actively farmed and granted agricultural assessment value by the Maryland Department of Assessment and Taxation.

D. Major Site Plan approval is required.

E. The property owner or the cannabis grower, if other than the property owner, shall provide documentation from a professional engineer, certified industrial hygienist, or other duly qualified professional that no odors from cannabis grown on the property, whether grown indoors or outdoors, shall be detectible from adjacent properties or public rights-of-way.

* * *

26.19 Cannabis processor.

A. Minimum setbacks:

1. 500 feet from any lot line of a property containing a pre-existing residential use, unless consent to reduce the setback is obtained from all owners of residential properties within the 500-foot setback. In no event shall the setback be reduced to less than 200 feet.

2. 500 feet from any lot line of a property containing a pre-existing institutional use.

B. Minimum lot size: 20 acres.

C. The use must be located on a property that is actively farmed and granted agricultural assessment value by the Maryland Department of Assessment and Taxation.

D. Major Site Plan approval is required.

E. The property owner or the cannabis processor, if other than the property owner, shall provide documentation from a professional engineer, certified industrial hygienist, or other duly qualified professional that no odors from cannabis processed on the property shall be detectible from adjacent properties or public rights-of-way.

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§ 190-29 Commercial uses.

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29.23 Cannabis dispensary.

A. A cannabis dispensary shall not be located:

1. Within 500 feet of a pre-existing:

- a. primary or secondary school;
- b. licensed childcare center or registered family childcare home under Md. Code Ann., Education, Division II (Elementary and Secondary Education), Title 9.5 (Division of Early Childhood Development); or
- c. playground, recreation center, library, public park, or place of worship; or

2. Within 1,000 feet of another dispensary licensed under Md. Code Ann., Alcoholic Beverages and Cannabis, Division III (Cannabis), Title 36 (Medical and Adult-Use Cannabis).

B. The distance requirements under Subsection A.1 above shall be measured using a direct line between the nearest property lines.

C. Hours of operation are limited to 9:00 a.m. to 9:00 p.m.

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§ 190-78 Terms Defined

* * *

CANNABIS

A. "Cannabis" means the plant cannabis sativa L. and any part of the plant, including all non-synthetically derived extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry weight basis.

B. "Cannabis" includes cannabis products.

C. "Cannabis" does not include hemp or hemp products, as defined in Md. Code Ann., Agriculture, § 14-101.

CANNABIS DISPENSARY

An entity licensed under Md. Code Ann., Alcoholic Beverages and Cannabis, Division III (Cannabis), Title 36 (Medical and Adult-Use Cannabis) that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront.

CANNABIS GROWER

An entity licensed as a cannabis grower under Md. Code Ann., Alcoholic Beverages and Cannabis, Division III (Cannabis), Title 36 (Medical and Adult-Use Cannabis) that cultivates or packages cannabis and is authorized by the Maryland Cannabis Administration to provide cannabis to other cannabis licensees and registered independent testing laboratories.

CANNABIS PROCESSOR

An entity licensed as a cannabis processor under Md. Code Ann., Alcoholic Beverages and Cannabis, Division III (Cannabis), Title 36 (Medical and Adult-Use Cannabis) that transforms cannabis into another product or extract and packages and labels the cannabis product and is authorized by the Maryland Cannabis Administration to provide cannabis to licensed dispensaries and registered independent testing laboratories.

CANNABIS PRODUCT

A product that is composed of cannabis, cannabis concentrate, cannabis extract, or any other ingredient and is intended for use or consumption, including edible products, oils, tinctures, and any other product produced and regulated under COMAR Title 14 (Independent Agencies), Subtitle 17 (Maryland Cannabis Administration).

CANNABIS-INFUSED PRODUCTS

Oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge, or any other product containing cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.

* * *

GREENHOUSE, RETAIL

A structure designed and used for growing plants other than cannabis that are displayed and sold to the general public on the site.

GREENHOUSE, WHOLESALE

A structure designed and used for growing plants other than cannabis that are not displayed or sold to the general public on the site.

* * *

SECTION TWO: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code and the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FOUR: AND BE IT FURTHER ENACTED, that this Bill shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1618 having been published, a public hearing was held on Tuesday, July 8, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: ***FAILED***

By Order *Susan W. Moran*
Susan W. Moran, Secretary

Callahan	-	Nay
Stepp	-	Abstain
Leshner	-	Aye
Mielke	-	Nay
Haythe	-	Abstain

EXHIBIT 1

Table IV-1. Table of Land Uses

Use Type	Section Cross-Reference	Conservation Districts					Residential Districts		Village Districts			Commercial Industrial Districts		
		AC	CP	WRC	TC	RC	RR	TR	VR	VH	VM	LC	GC	LI
25.2.A. Agriculture and Related Uses														
Agriculture Production														
* * *														
Cannabis grower; Cannabis processor (if cannabis grown on-site)	26.18; 26.19	<u>P</u>	<u>P</u>	<u>P</u>										
* * *														
Agriculture Support Businesses and Services														
* * *														
Cannabis processor (if cannabis grown off-site)	26.19	<u>S</u>	<u>S</u>	<u>S</u>										
* * *														
25.2.D. Commercial Uses														
* * *														
Retail Sales														
* * *														
Cannabis dispensary	29.23											<u>S</u>	<u>S</u>	<u>S</u>
* * *														