

COMMISSIONERS OF OXFORD

Ordinance No. 2401

INTRODUCED BY: Commissioning Greer

DATE OF INTRODUCTION: January 23, 2024

**AN ORDINANCE OF THE TOWN OF OXFORD TO AMEND SECTIONS
19, 26, 30 AND 32 OF THE OXFORD ZONING ORDINANCE TO
ESTABLISH REASONABLE ZONING REGULATIONS FOR CANNABIS
BUSINESSES**

Introduced, read first time, ordered posted, and public hearing scheduled on February 13, 2024 at 6:00 p.m. at the Oxford Town Meeting Room, Market Street, Oxford, Maryland 21654.

By Order _____
Town Manager

I hereby certify that the foregoing Ordinance Number 2401 of the Town of Oxford was duly read, advertised, and enacted in accordance with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 2024.

Attest: _____
Cheryl Lewis, Town Manager
Town of Oxford

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WHEREAS, the Town of Oxford is authorized by the Maryland Code Ann. Land Use Article § 4-202 to adopt such zoning regulations as it determines are in the public health, safety and welfare; and

WHEREAS, the Town of Oxford is authorized by the Maryland Code Ann. Alcoholic Beverages Article to establish reasonable zoning requirements for cannabis businesses; and

WHEREAS, the Commissioners of Oxford recognize that the Cannabis Reform Act (House Bill 556/Senate Bill 516) was signed into law and became effective July 1, 2023; and

WHEREAS, the Cannabis Reform Act creates a licensing system for sales of recreational marijuana and establishes regulatory agencies to oversee the retail market; and

WHEREAS, Oxford, Maryland is a small town located in the south-central part of Talbot County, on the west-central edge of Maryland's Eastern Shore. Oxford is located on the south bank of the Tred Avon River, near its mouth, where it empties into the Choptank River. It is one of the oldest towns on the Eastern Shore, and retains a number of historically significant structures, and is the only Eastern Shore town shown on the Augustine Herrman map of Maryland, published in 1670. Heavily water-oriented from its beginning, it served an important port function in its early years and today retains its essential character as a center for water-oriented recreation and other maritime activity; and

WHEREAS, the Town Zoning Ordinance contains no specific or particular provisions for the development and/or regulation of businesses engaged in the manufacture or sale of cannabis for recreational or medicinal purposes; and

WHEREAS, the Commissioners have determined that it is desirable and in the public interest to amend Sections 19, 26, 30 and 32 of the Oxford Zoning Ordinance to provide the provisions for developing and/or regulating businesses engaged in the manufacture or sale of cannabis.

NOW, THEREFORE, the Commissioners of Oxford hereby ordain as follows:

Section 1. Section 19 of the Oxford Zoning Ordinance is hereby amended as follows:

19.01 - Definitions.

...

Cannabis – (a) “Cannabis” means all parts of any plant of the genus cannabis, whether growing or not, including: (i) The seeds of the plant; (ii) The resin extracted from any part of the plant; and (iii) Any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction.

Cannabis Dispensary - an entity licensed by the Maryland Cannabis Administration that acquires, possesses, repackages, processes, transfers, transports, sells, distributes, or dispenses, products containing cannabis, related supplies, related products including tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

Cannabis Growing Facility - an entity that cultivates, manufactures, packages or distributes cannabis to licensed processors, licensed dispensaries or registered independent testing laboratories.

Cannabis Processing Facility - an entity licensed by the Maryland Cannabis Administration that: (a) Transforms the cannabis into another product or extract; and (b) Packages and labels cannabis.

Child Care Center – an agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation.

On-Site Consumption Establishments – an entity licensed pursuant to Section 36-401(c)(4) of the Alcoholic Beverages Article of the Maryland Annotated Code that allows cannabis to be consumed, smoked, vaped, or otherwise ingested, on premises.

Section 2. Section 26 of the Oxford Zoning Ordinance is hereby amended to include cannabis dispensaries and cannabis processing facilities as special exception uses within the C-2 district, as follows:

§26.02 - Special Exceptions.

The following principal uses and structures may be permitted by special exception in the "C-2" district:

...

M. Cannabis Dispensary

1. *A cannabis dispensary shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR 10.62.01 to 10.62.35 and Title 36 of the Alcoholic Beverages Article of the Maryland Annotated Code.*
2. *No cannabis dispensary shall be permitted within five hundred (500) feet (measured from the closest portion of the affected properties) of any of the following uses: Schools, child care centers; playgrounds; recreation centers; libraries; or public parks. No cannabis dispensary shall be located within 1,000 feet (measured from the closest portion of the affected properties) of another cannabis dispensary.*

N. Cannabis Processing Facility.

A cannabis processing facility shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR 10.62.01 to 10.62.35 and Title 36 of the Alcoholic Beverages Article of the Maryland Annotated Code.

Section 3. Section 30 of the Oxford Zoning Ordinance is hereby amended by amending Section 30.02 titled “Special Exceptions” to include cannabis growing facilities and processing facilities as a special exception use in the CIP district, as follows:

30.02 - Special Exceptions.

A. *Uses which are determined by the Board of Appeals to be of the same general character as those permitted in the district.*

B. Cannabis Growing and Processing Facility.

1. *A cannabis growing and processing facility shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR 10.62.01 to 10.62.35 and Title 36 of the Alcoholic Beverages Article of the Maryland Annotated Code.*

Section 4. Section 32 of the Oxford Zoning Ordinance is hereby amended by adding Section 32.22 titled “On-Site Consumption – Cannabis”, as follows:

A. Definitions.

On-Site Consumption. A location that is licensed pursuant to Section 36-407 of the Alcoholic Beverages Article of the Maryland Annotated Code to distribute cannabis or cannabis products for on-site consumption other than consumption by smoking indoors which is prohibited.

B. Prohibited.

It shall be prohibited for an On-Site Consumption Establishment to operate within the corporate limits of the Town of Oxford. No license or permit shall be issued at any time that authorizes said operation. It shall further be prohibited for any establishment to permit the consumption, smoking, vaping, or otherwise ingesting, cannabis or cannabis products on-site.

C. Penalties.

A person who operates, or causes to be operated, an establishment that allows for on-site consumption of cannabis or cannabis products is in violation of this Article and shall be subject to the following penalties and/ or remedies:

- 1. A violation of this Article shall be a municipal infraction and subject to the penalties and remedies set forth in Section 17 of this Code.*
- 2. Each day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.*
- 3. In addition to the penalties above, the Town may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this Section, as provided by law including but not limited to injunctive relief.*

Section 5. Section 8 of the Oxford Zoning Ordinance Subsection 8.00 titled “Off-street Parking” is hereby amended as follows:

...

- C. The number of parking places provided shall be determined according to the following schedule of minimum requirements:

...

14. Manufacturing plants; compounding, processing or packaging and other similar uses permitted in the “M” and “CIP” districts – one parking space *per 1,000 square feet of gross floor area* for each two employees working on the principal shift.

...

17. *Cannabis Dispensary – one parking space for each 200 square feet of building gross floor area.*
18. *Cannabis Processing Facility and Cannabis Growing Facility – one parking space 1,000 square feet of building gross floor area.*

Section 6. This Ordinance shall take effect on the _____ day of _____, 2024.

Section 7. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this 13th day of February, 2024.

COMMISSIONERS OF OXFORD:

Thomas Costigan, President

Susan Delean-Botkin, Commissioner

Katrina Greer, Commissioner

I hereby certify that the foregoing Ordinance Number 2401 of the Town of Oxford was duly read, advertised, and enacted with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 2024.

ATTEST:

Cheryl Lewis
Town Manager

Language in ***bold and italicized*** reflects language added
Language ~~stricken~~ reflects language to be deleted