

Ordinance No. 842-25

An Ordinance Amending to Article VII of the Development Regulations
in Chapter 165 of the Bel Air Town Code

WHEREAS, the Board of Town Commissioners is required, under the Land Use Article of the Annotated Code of Maryland, to maintain consistency between the Development Regulations, State Annotated Code, and the Town of Bel Air Comprehensive Plan; and

WHEREAS, The Land Use Article of the Annotated Code of Maryland provides the authority for the Board of Town Commissioners to adopt planning and zoning controls; and

WHEREAS, The Board of Town Commissioners is authorized to adopt planning and zoning controls designed to protect the health, safety and well-being of its citizens which include protection from the clustering and over development of cannabis dispensaries; and

WHEREAS, The Bel Air Board of Town Commissioners wish to update the Development Regulations to restrict the location of cannabis dispensaries in relationship to each other and pursuant to the authority granted and restrictions set by the Maryland General Assembly in Senate Bill 215 (Md. Code Ann., Al. Bev. & Cann. Art., §36-410) eff. April 22, 2025; and

WHEREAS, the changes to Article VII are to adjust the separation between cannabis dispensaries; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that amendments to the Town of Bel Air Development Regulations, Chapter 165, Ordinance No. 842-25, provided for below is hereby adopted:

§ 165-53 Performance standards and development guidelines by use.

...

H. Use category performance standards and guidelines: retail uses. All retail uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections A and B of this section and as listed below:

...

(1) Performance standards.

...

(2) In addition, specific retail uses listed below shall be subject to the following:

...

(a) Cannabis business.

[1] Performance standards.

[a] Operation of on-site consumption establishments is prohibited.

[b] Use must be setback 500 feet from all public parks, playgrounds, recreation centers, libraries, schools, and day-care facilities.

[c] Use must be set back 500 feet from all residential uses.

[d] Use must be set back **one-half mile** ~~1,000 feet~~ from all other cannabis dispensaries.

[2] Guidelines.

[a] The Board of Appeals may review and stipulate limitations to meet requirements of the special exception criteria:

[i] Hours or operation;

[ii] Signage;

[iii] Security; [iv] Disposal of refuse and recycling.

BE IT ORDAINED If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the _____ day of _____, 2025.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Paula Etting, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk