

ORDINANCE NO. 754

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF DENTON TO AMEND THE DENTON TOWN CODE ZONING ORDINANCE AND THE PROVISIONS CONTAINED IN CHAPTER 128 OF THE DENTON TOWN CODE WITH RESPECT TO CANNABIS ENTERPRISES

WHEREAS, the Town of Denton (“Town”) is authorized by the Maryland Annotated Code (“Code”), Land Use Article, Section 4-202 to amend the Denton Town Code Chapter 128, Zoning Ordinance as it determines are in the public health, safety and welfare; and

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

WHEREAS, the Denton Town Council 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, 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 Denton Town Council have determined that it is desirable and in the public interest to amend Denton Town Code §128-8 and §128-95.4 to provide the provisions for developing and/or regulating businesses engaged in the manufacture or sale of cannabis;

WHEREAS, Appendix VII (Official Table of Use Regulations) of Chapter 128 (Zoning) of the Denton Town Code sets forth permitted uses by Zoning Districts.

NOW, THEREFORE, BE IT ENACTED, the Denton Town Council hereby ordains as follows:

SECTION 1: The Denton Town Code §128-8 Terms defined hereby modified and reenacted with amendments as follows:

§ 128-8. Terms defined.

Cannabis Enterprises.

A. Definitions.

(1) Cannabis Enterprise – An entity licensed by the State of Maryland to acquire, possess, repack, process, transfer, transport, sell, distribute, dispense, or dispose of products containing cannabis, related supplies, related products, including tinctures, aerosols, oils or ointments, or educational materials. This definition includes medical marijuana dispensaries.

(2) All other relevant terms are defined in Title 14 Independent Agencies, Subtitle 17 Maryland Cannabis Administration, 14.17.01 Definitions.

§128-95.4. Cannabis Enterprises.

A. *Cannabis enterprises involving only retail sales and not including on-site consumption are permitted by conditional use in the following districts: Regional Highway Commercial (RHC) District, the Central Business Commercial (CBC) District, and the Planned Neighborhood (PN) District. Cannabis enterprises involving only retail sales not including on-site consumption are permitted by special exception in the General Commercial (“GC”) District. Cannabis enterprises involving growing, processing, transport, packaging, warehousing, and the like are permitted in the Industrial (I) District. All cannabis enterprises are subject to the following conditions:*

(1) The State of Maryland licenses the enterprise.

(2) No cannabis dispensary as defined by Title 36 of the Alcoholic Beverages and Cannabis Article of the Maryland Annotated Code may be located within five hundred (500) feet of a pre-existing school, licensed childcare center, registered family childcare home, playground, recreation center, library, public park, or place of worship.

(3) No cannabis dispensary as defined by Title 36 of the Alcoholic Beverages and Cannabis Article of the Maryland Annotated Code may be located within one half mile of any other licensed cannabis dispensary.

(4) No cannabis dispensary as defined by Title 36 of the Alcoholic Beverages and Cannabis Article of the Maryland Annotated Code may be located within one hundred (100) feet from an area zoned for residential use.

SECTION 2: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 3: In accordance with Md. Code Ann., Land Use §§ 4-203(b)(3), this Ordinance shall not be effective until at least ten (10) days after a public hearing.

ENACTED THIS _____ DAY OF _____, 2024.

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Dallas Lister, Councilperson

Lester L. Branson, Councilperson

Walter Keith Johnson, Councilperson

Frank Taylor, Councilperson

ATTEST:

Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2024.

Lyndsey Ryan, Interim Town Attorney

Date Introduced _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is stricken reflects language omitted from the Town Code
Text in **bold** and *italicized* reflects additions to the Town Code

ZONING CHAPTER 128, Attachment 7

**Official Table of Use Regulations
by General Zoning Districts**

**Amended 12-10-2010 by Ord. No. 615, effective 12-16-2010; Ord. No. 637, effective 10-16-2011;
Ord. No. 651, effective 3-17-2013; Ord. No. 665, effective 3-19-15; Ord. No. 667, effective 4-19-15; Ord. No. 669, effective 5-11-15;
Ord. No. 738, effective 1/15/23; Ord. No. 741, effective 4-16-23; Ord. No. 743, effective 5-14-23;**

KEY

P - Permitted use within zoning district

C - Permitted use subject to conditions required by the Planning Commission (site plan review and approval required)

E - Use subject to special exception from the Board of Appeals (site plan review and approval, & Planning Commission recommendation required)

Uses marked with an asterisk (*) indicate that use is subject to supplemental development standards as detailed in Article XI.

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
RESIDENTIAL												
Single-family detached	P	P	P	P	P	P			P	P	P	
Manufactured home park/subdivision *			E									
Accessory apartment in combination with primary residence *	C	C	C	C	C	C			P	C	C	
Accessory apartment in combination with commercial use *				C	C	C			P			
Duplex *			C	C	C				P	C		
Townhouses *			C	E	C				P	C		
Apartments *			C	E	C				P	C		
Homes for disabled or infirm	E	E	E	E	E	P			E	E		
Nursing care, intermediate care homes *	E	E	E	E	E	P			E	E		
Adult Assisted Living *			C	E	E							
Child Care Family *	P	P	P	P	P	P	P		P	P	P	
Rooming houses, boardinghouses			E	C	C				E	E		
Tourist home and other temporary residences renting by the day or week (bed-and-breakfast)	E	E	E	C	C		C		E	E		
Temporary emergency, construction and repair residences *	P	P	P	P	P	P	P	P	P	P	P	P
Guesthouse	P	P	P						P	P	P	
Farm Caretaker Home*											C	
Home occupation *	C	C	C	C	C	C			C	C	C	
Planned residential development *	E	E	C							C		

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
COMMERCIAL												
Sales												
Adult-oriented business *								C				
Viewing Booth and Live Viewing Booths												
Agricultural machinery, service, supplies							C	C		C	E	
Neighborhood center *	E	E	E						E			
Lumber and/or other building materials							C	C		C		
Retail shops and stores selling antiques, apparel, art supplies, beverages, books, cards, confections, dry goods, drugs, fabrics, floor covering, flowers, food stuffs, furniture, garden supplies, gifts, hardware, hobbies, household appliances, jewelry, luggage, musical instruments, novelties, paint, periodicals, records, shoes, sporting goods, fishing supplies, boating and marine supplies and equipment, stationary, tobacco, and other miscellaneous related items which generate typical retail traffic volumes.				C	C	C	C	E	C	E		
Convenience store and other retail uses designed to attract a large volume of stop-and-go traffic.				C	E		C		C			
Supermarket (retail and wholesale)				C			C		E			
Department store (retail and wholesale)				C	C		C		C			
Yard sales and garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any ninety-day period	P	P	P	P	P	P	P		P	P	P	
Wholesale or warehouse establishments					E		C	C		C		
Office, clerical research and services not primarily related to goods or merchandise												
Sales												
Operations designed to attract and serve customers or clients on the premises, such as the office of attorneys, physicians, other professionals, insurance and stock brokers, travel agents, government office buildings, etc.			E	C	C	C	C		E	E		
Operations designed to attract little or no customers or client traffic other than employees of the entity operating the principal use			E	C	C		C		E	E		
Banks with drive-in windows				C	C		C		P	E		

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
RESTAURANT												
No substantial carry-out or delivery service, no service or consumption outside fully enclosed structure				C	C		C		P	C		
No substantial carry-out or delivery service, no drive-in service, service or consumption outside of fully enclosed structure allowed				C	C		C		P	C		
Carry-out and delivery service, service or consumption outside fully enclosed structure allowed				E	C		C		E	C		
Riverfront restaurant												C
Bar/Nightclub, no carry-out service				E	E		C		C			
Bar/Nightclub, carry-out service				E	E		E		C			
Micro-brewery, Micro-distillery, Micro-winery, Coffee roasting				C	C		C		C	C		C
Liquor Store				E	C		C		C			
Barbershop/Beauty salon				C	C		C		C			
Tattoo Parlor				C	E		C					
Cannabis - Retail Sales*				E	C		C		C			
Funeral home				C	C		C		E			
Motel/Hotel				C	C		C		E			
Laundromat and dry cleaning				C	C		C					
Laundromat (self service)				C	C		C		E			
General service and repair establishments, provided that no outside storage of material is permitted				C	C		C	C	E	C		
Motor vehicle and boat sales or rental *				E			C	C		C		
Manufactured home sales							E	E		E		
Motor vehicle repair and maintenance, not including substantial body work				E			C	C		C		
Motor vehicle painting and body work				E			C	C		E		
Gas sales *				C	E		C		C			
Neighborhood filling station												
Car wash *				E			C		E			
Scrap materials, salvage yards, junkyards and automobile graveyards												
Hospital clinic for large or small animals *				C			C				C	
Veterinary				C			C				C	
Kennel				C			C				E	

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Other commercial												
Child or Adult Care Centers *	C	C	C	C	C	C	C		C	C		C
Child Care Centers within a business *				C	C	C	C	C		C		
Truck filling station, repair or service shop							C	C				
INDUSTRIAL												
Industrial Park *								C				
General light manufacturing or fabricating including processing, cleaning, testing and distribution of materials, foodstuffs and products *							E	C		C		
Cannabis - Growing, processing, transport, packaging, warehousing*								C				
Any manufacturing, compounding, processing, packaging, treatment or distribution of products which may, in the opinion of the Zoning Administrator, have accompanying hazards such as fire, explosion, noise, vibration, dust, pollution or the emission of smoke, odor, wastes or toxic gases (heavy industry)												
AGRICULTURE, SILVICULTURAL, MINING, OR QUARRYING OPERATIONS												
Agricultural operations, excluding livestock							E				P	
Silvicultural operations							E				P	
Mining or quarrying operations, including on-site sales of products											E	
Reclamation landfill												
STORAGE AND PARKING												
Automobile parking garages or parking lots not located on a lot on which there is another principal use to which parking is related				C	C		C					
Storage of goods not related to sale or use of those goods on the same lot where they are stored *												
All storage within completely enclosed structure				C	C	C	C	C		C		
Storage outside completely enclosed structures							E	C		E		

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Outdoor Storage - Industrial Park								C				
Parking of vehicles or storage of equipment outside enclosed structures where: (a) vehicles or equipment are owned and used by person making use of the lot, and (b) parking or storage is more than a minor and incidental part of the overall use made of the lot. Parking or storage of waste removal vehicles and equipment is not included *							C	C		C		
INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES												
Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area *	E	E	E	E		C	C					
Nursing care institutions, intermediate care institutions, disabled or infirm institutions, child-care institutions	E	E	E	E		C	E		E			
Institutions (other than halfway houses) where intellectually disabled persons are housed			E	E	E	C			E			
Group homes, private			E	E	E	C			E			
Group home/halfway house *			E	E	E	C			E			
Group home/disabled or infirm home			E	E	E	C			C			
Clinics, less than 10,000 sq.ft. Health & Dental Care *	E	E	E	C	C	C	C		E			
Clinics, less than 10,000 sq.ft. Substance Abuse *						C						
EMERGENCY SERVICES												
Police stations	E	E	E	E	E	E	E	E	E	E		
Fire stations	E	E	E	E	E	E	E	E	E	E		
Rescue squad, ambulance service	E	E	E	E	E	E	E	E	E	E		
Civil defense operation	E	E	E	E	E	E	E	E	E	E	E	
SEMIPUBLIC USES, EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES												
Elementary or secondary school and associated grounds and facilities	C	C	C	C	C	C	C	E	C	E	C	C
Trade or vocational schools	E	E	C	C	C	C	C	E	C	E	C	C

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	C	C	C	C	C	C	C	E	C	E	C	C
Churches, synagogues and temples (including associated residential structures), religious personnel and associated buildings, but not including elementary school or secondary school buildings	C	C	C	C	C	C	C	E	C	E	C	C
Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)												
Located within a building designed and previously occupied as a residence or within a building having a gross floor area not exceeding 3,500 square feet	C	C	C	C	C	C	C		C	E	E	C
Located within any permissible structure	E	E	E	C	C	C			E	E	E	C
Social, fraternal clubs and lodges, union halls and similar uses	E	E	E	E	E				E	E		C
RECREATION, AMUSEMENT, ENTERTAINMENT												
Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and			E	C	C		C	E	E	E		E
Movie theaters				C	C		C		E			
Coliseums, stadiums and similar facilities							E	E				
Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development *	E	E	E				E	E	E	E		E
Publicly owned and operated outdoor recreation facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, boat landings and ramps, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	E	E	E				C	C	E	C		C
Golf driving ranges not accessory to golf course, par-3 golf courses, miniature golf courses, skateboard parks, water slides and similar uses							C	C	E			E
Horseback riding; stables (not constructed pursuant to permit authorizing residential development) *	E							E	E		E	E

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Automobile, motorcycle and go cart racing tracks							E	E				
Drive-in movie theaters							E	E				E
MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES												
Sanitary landfill												
Military reserve, National Guard centers												
Utility facilities;												
Neighborhood	C	C	C	C	C	C	C	C	C			C
Community or regional							C	C				C
UNCLASSIFIED, MISCELLANEOUS												
Towers and antennas 50 feet tall or less	P	P	P	P	P	P	P	P	P	P	P	
Towers and antennas more than 50 feet tall	E	E	E	E	E	E	E	E	E	E	E	
Earth satellite antenna (satellite dish)												
-24 inches or less in diameter	P	P	P	P	P	P	P	P	P	P	P	P
-Greater than 24 inches in diameter	E	E	E	E	E	E	E	E	E	E		
Post office	E	E	E	C	C	C	C	E	E	E		
Airport								E				
Open-air markets (farm and craft markets, produce markets)				C	C		C				C	
Horticulture sales with outdoor displays				C	C		C				C	
Cemetery	C											
Crematorium								E				
Temporary structures used in connection with the construction of a permanent building or for some nonrecurring purpose	P	P	P	P	P	P	P	P	P	P	P	P
Bus station, train station	E			E	E		E		E			
Commercial greenhouse operations *												
No on-premises sales	E	E	E	C			C	C	E		P	
on-premises sales permitted				C			C	C			P	
Special events	C	C	C	C	C	C	C		C	C	E	E
Off-premises signs							E	E		E		
Vendor operations and peddlers *	C	C	C	C	C	C	C	C	C	C	C	C
Auction House (no vehicles sold)				E			C					
Farmer's Market *				C	C							
Garden center				C			C		C		C	

Text that is stricken reflects language omitted from the Town Code

Text in **bold and italicized** reflects additions to the Town Code