

ZTA 25-07

RETAIL SALES AND SERVICE – CANNABIS DISPENSARY

Description

This ZTA would prohibit a licensed Cannabis Dispensary from being located within 100-feet of a lot containing a residential use.

ZTA 25-07
Completed: 5-29-25

MCPB
Item No. 9
6-5-25

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ZTA SPONSORS

Co-Sponsors:
Councilmembers Alborno, Katz, and Council
President Stewart

INTRODUCTION DATE

May 13, 2025

COUNCIL PUBLIC HEARING DATE

June 17, 2025

REVIEW BASIS

Chapter 59

Summary

- The Maryland General Assembly passed Senate Bill 215 in 2025, which modified regulations on licensed cannabis dispensaries.
- Bill 215 allows local jurisdictions to establish setbacks for licensed dispensaries of up to 100 feet from residentially zoned land.
- ZTA 25-07 makes Retail/Service Establishment as a limited use in all zones where it was previously a permitted and implements a new standard requiring Retail/Service Establishments that includes a cannabis dispensary to be set back at least 100 feet from residentially zoned land.

TABLE OF CONTENTS

SECTION 1 – BACKGROUND	2
Rationale For Introduction	2
SECTION 2 – TEXT AS INTRODUCED	2
ZTA 25-07 As Introduced	2
SECTION 3 – CLIMATE ASSESSMENT	3
SECTION 4 – CONCLUSION	4
SECTION 5 – ATTACHMENTS	4

SECTION 1 – BACKGROUND

Rationale For Introduction

Zoning Text Amendment (ZTA) 25-07, Retail Sales and Service – Cannabis Dispensary was introduced on May 13, 2025, by Councilmembers Alborno, Katz, and Council President Stewart (Attachment A). The ZTA is scheduled for a District Council Public Hearing on June 17, 2025.

Planning Staff recommends that the Planning Board support the ZTA as introduced. This ZTA would require any licensed cannabis dispensaries to be set back at least 100 feet from a lot that is improved with a residential use at the time of application. The Maryland General Assembly passed SB 215 this year, which permits local jurisdictions to enact up to a 100-foot setback for cannabis dispensaries from areas zoned for or improved with a residential use.

While the intent of the ZTA is limited to establishing the 100-foot setback from lots with residential uses to a cannabis dispensary, the technical means to enable this change is cumbersome. In the Montgomery County Zoning Code, rather than identifying an exhaustive list of different types of retail stores, there is a single ‘catch-all’ use called Retail/Service Establishment. The only distinction the code makes is based on the size of the retail use, not the type of retailer. To add the new setbacks for cannabis dispensaries, the use Retail/Service Establishment has to become a limited use in every zone that permits retail, as permitted uses do not come with additional standards or requirements such as requiring additional setbacks.

SECTION 2 – TEXT AS INTRODUCED

ZTA 25-07 As Introduced

USE TABLE SECTION 3.1.6.

The first section of the ZTA updates the use table in Section 3.1.6. of the Zoning Code (page 4). In every zone where Retail/Service Establishment is currently a permitted “P” use, it would be replaced with a limited “L” use. It is the designation of a limited use that directs the reader to review the use standards for Retail/Service Establishment for further instruction.

RETAIL/SERVICE ESTABLISHMENT SECTION 3.5.11.

The next five pages of the ZTA, from lines 9 through 149, are various technical updates needed to enable Retail/Service Establishment as a limited use in all zones. The existing limited use standards for Retail/Service Establishment are broken down by zone and usually start with “where Retail/Service Establishment is allowed as a limited use, the following apply....” Because Retail/Service Establishment is now a limited use in all zones, this language becomes irrelevant, and more specific detail is required to separate the existing limited use standards from the new one for cannabis

dispensaries. Currently, the size of the Retail/Service Establishment is what dictates whether the use is a permitted or limited use. Therefore, specificity on establishment size is being explicitly added throughout the use section. Existing limited use standards for Retail/Service Establishment include:

- In the CRN zone establishments between 5,001 – 50,000 square feet, and in the CRT, GR, and NR establishments larger than 50,000 square feet that abut agricultural or residential property require a site plan.
- In the CRT, CR, GR, and NR zones, establishments larger than 50,000 square feet within ½ mile of a Metrorail station have special design, operations, and architectural requirements.
- In the EOF, LSC, IL, IM, and IH zones, the amount of retail permitted is limited in size and in the type of retail allowed to keep retail subservient to other employment uses.
- Any Retail/Service Establishment larger than 120,000 square feet, regardless of zone, has special design and operational requirements.

Lines 150 – 152 of the ZTA are where the new limited use standard requiring cannabis dispensaries be at least 100 feet from a lot line improved with a residential use is located. This standard applies to all retail sizes and all retail zones.

OVERLAY ZONES

The last section of the ZTA, from lines 154 – 172, contains technical amendments to the White Flint 2-Parklawn (WF-P) Overlay Zone, updating section references that point back to some of the existing limited use standards for retail.

SECTION 3 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each Zoning Text Amendment, Master Plan, and Master Plan Amendment, effective March 1, 2023. Each Climate Assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and on community resilience and adaptive capacity. The climate impact assessment for ZTA 25-07 is attached in Attachment B.

Planning Staff anticipates no climate impacts associated with ZTA 25-07. The ZTA does not make any fundamental changes to development regulations that would have any impact on energy, emissions, transportation, land cover, or resource distribution.

SECTION 4 – CONCLUSION

Planning Staff recommends the Planning Board support ZTA 25-07 as introduced. The ZTA establishes a reasonable 100-foot setback for licensed cannabis dispensaries from residential uses, as allowed by State Code.

SECTION 5 – ATTACHMENTS

Attachment A: Zoning Text Amendment 25-07 Intro Packet

Attachment B: Climate Assessment 25-07