

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Ordinance 1099 concerning Amending Sections of  
City Code 205 Zoning**

**(Public Hearing)**

Date: **3/7/2023**

**Notice:** Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- FYI
- Read and Comment as Needed**
- Action Required by March 20, 2023**
- In Confidential File Drawer

Approve:

Casi Boyer  Yes  No  No Comment  
Comment: \_\_\_\_\_

Dave Martin  Yes  No  No Comment  
Comment: \_\_\_\_\_

Jim Ringsaker  Yes  No  No Comment  
Comment: \_\_\_\_\_

Jason Robertson  Yes  No  No Comment  
Comment: \_\_\_\_\_

Tammy Lynn Schneegas  Yes  No  No Comment  
Comment: \_\_\_\_\_

Carolyn Zinner  Yes  No  No Comment  
Comment: \_\_\_\_\_

Note: N/A

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1099

Introduced by \_\_\_\_\_ Council Member Schneegas

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND SECTIONS OF CITY CODE 205 ZONING**

On: 3/6/2023

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

**PUBLIC HEARING**

A Public Hearing is scheduled for March 20, 2023 at 7:00 p.m.

**EXPLANATION**  
Underlining indicates matter added to existing law.  
**[Bold Brackets]** indicate matter deleted from existing law.  
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

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32 WHEREAS, the Mayor and City Council desire to amend sections of City Code 205 Zoning;

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34 BE IT DETERMINED, DECIDED, AND ORDAINED, AS FOLLOWS:

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36 Chapter 205 Zoning shall be amended as follows, with words shown underlined to be added and  
37 those shown [bold brackets] to be deleted.

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39 § 205-3 Continuing existing uses and approvals.

40 A. [After March 15, 1982, an]An existing structure or combined use of structure and land  
41 devoted to a use not principally or conditionally permitted in the district in which it is  
42 located shall not be enlarged, extended, substituted, reconstructed, converted or altered  
43 except as follows:

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45 § 205-13 Definitions.

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47 **BODY ART ESTABLISHMENT**

48 Any permanent premises, business, location or facility, used or operated in whole or in part where  
49 body piercing, permanent cosmetics application or tattooing occurs.

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51 **CANNABIS**

52 All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether  
53 growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of  
54 the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant,  
55 its seeds, or resin. For the purposes of this section the terms “cannabis” and “marijuana” shall have  
56 the same meaning.

57

58 **CANNABIS DISPENSARY**

59 An entity that acquires, possesses, transfers, transports, sells, distributes, dispenses, or administers  
60 cannabis, products containing cannabis, related supplies, related products containing cannabis,  
61 including edible cannabis products, tinctures, aerosols, oils, or ointments, or educational materials  
62 as licensed by the State of Maryland.

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64 **CANNABIS GROWER**

65 An entity that cultivates or packages cannabis and is authorized by the State of Maryland to provide  
66 cannabis to a processor, dispensary, or independent testing laboratory.

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68 **CANNABIS PROCESSOR**

69 An entity that transforms cannabis into another product or extract and packages and labels cannabis  
70 as licensed by the State of Maryland.

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72 **CBD SHOP**

73 A storefront that acquires, possesses, transfers, transports, sells, distributes, dispenses, or  
74 administers CBD, products containing CBD, related supplies, related products containing CBD,  
75 including edible CBD products, tinctures, aerosols, oils, or ointments, or educational materials.  
76 Products that contain CBD and cannabis in amounts that require licensing by the State of Maryland  
77 to dispense are considered cannabis.

78 **INDEPENDENT CANNABIS TESTING LABORATORY**

79 A facility, entity, or a site that offers or performs tests related to the inspection and testing of  
80 cannabis and products containing cannabis as licensed by the State of Maryland.

81  
82 **NONCONFORMING STRUCTURE**

83 A structure that was lawfully constructed at the time the building was permitted, but which,  
84 because of subsequent changes to City Code, the structure would no longer be permitted.

85 **[A structure lawfully existing prior to March 15, 1982, which does not conform to the**  
86 **building provisions of this chapter for the district in which it is situated.]**

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88 **NONCONFORMING USE**

89 A use that was allowed under the zoning code at the time the use was established, but which,  
90 because of subsequent changes to City Code, the use is no longer permitted.

91 **[Any use of a building, structure, lot or land, or part thereof, lawfully existing prior to March**  
92 **15, 1982, which is neither a principal permitted use or a conditional use in the district in**  
93 **which it is situated.]**

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95 § 205-27 Conditional uses.

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97 AA. CBD shops and all cannabis uses as defined under the City Code, provided that another CBD  
98 shop or cannabis entity is not located within 1,000 feet.

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100 § 205-28.1 Prohibited uses.

101  
102 A. The following uses are prohibited in the RB/Residential Business zoning district. Uses  
103 listed below that are currently operating at the time this law is passed will be considered  
104 non-conforming

- 105 1. Bail bond business
- 106 2. Body art establishment
- 107 3. Cannabis growing and processing facilities
- 108 4. Cash for gold business
- 109 5. Pain management clinics
- 110 6. Pawn shops
- 111 7. Payday advance business

112  
113 § 205-28.2 [1] Publicly-owned waterfront parcels.

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116 ADOPTED by the City Council of Havre de Grace, Maryland this \_\_\_ day of \_\_\_\_\_, 2023.

117  
118 SIGNED by the Mayor and attested by the Director of Administration this \_\_\_\_ day of  
119 \_\_\_\_\_, 2023.

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121 [Signatures to follow on the next page.]  
122

123 ATTEST:

MAYOR AND CITY COUNCIL  
OF HAVRE DE GRACE

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127 \_\_\_\_\_  
Stephen J. Gamatoria  
128 Director of Administration

127 \_\_\_\_\_  
William T. Martin  
128 Mayor

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130

131 Introduced/First Reading: 2/21/2023

132 Public Hearing:

133 Second Reading/Adopted:

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Effective Date:

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137 In accordance with the provisions of the Maryland Ann. Code, Land Use Article, §4-203 and  
138 the City Charter requirements, this ordinance shall become effective no earlier than ten days  
139 after the close of the public hearing on the Zoning Code amendments set forth herein.

