

TOWNSHIP OF MARPLE
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ - 2017

AN ORDINANCE OF THE TOWNSHIP OF MARPLE, DELAWARE COUNTY, PENNSYLVANIA, PURSUANT TO ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING THE MARPLE TOWNSHIP ZONING ORDINANCE BY ESTABLISHING CERTAIN NEW USE DEFINITIONS IN SECTION 300-14 OF THE MARPLE TOWNSHIP ZONING ORDINANCE AND FURTHER ESTABLISHING AND REGULATING MEDICAL MARIJUANA DISPENSARY FACILITIES AS CONDITIONAL USES IN THE B-1 BUSINESS DISTRICT AND FURTHER ESTABLISHING AND REGULATING MEDICAL MARIJUANA GROWER/PROCESSOR FACILITIES AS CONDITIONAL USES IN THE I-LIGHT INDUSTRIAL ZONING DISTRICT BY ADDING SECTIONS 300-43.1B(2)(g) and 300-47C TO THE MARPLE TOWNSHIP ZONING ORDINANCE.

WHEREAS, in April 2016 the Pennsylvania General Assembly enacted the Medical Marijuana Act, Act No. 16 of 2016 which provides for access to medical marijuana for patients suffering from certain medical conditions; and

WHEREAS, the Board of Commissioners of Marple Township believe it to be in the best interest of the Township and its residents to regulate the location and nature of licensed organizations, growing, acquiring, possessing, manufacturing, selling, delivering, transporting dispensing and/or distributing medical marijuana within the Township; and

WHEREAS, the Medical Marijuana Act provides for two distinct land uses: a Medical Marijuana Grower/Processor and a Medical Marijuana Dispensary; and

WHEREAS, the Medical Marijuana Act provides that a Medical Marijuana Grower/Processor “shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district;” and

WHEREAS, the Medical Marijuana Act provides that a Medical Marijuana Dispensary “shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district;” and

WHEREAS, the Board of Commissioners has determined that it is in the best interest of the Township and its residents to amend the Marple Township Zoning Ordinance to establish definitions for a Medical Marijuana Dispensary use and a Medical Marijuana Grower/Processor use, and to further amend the Marple Township Zoning Ordinance to provide regulations for such uses.

NOW THEREFORE be it ENACTED and ORDAINED by the Board of Commissioners of Marple Township as follows:

SECTION 1.

Article II, Section 300-14, Definitions, of the Marple Township Zoning Ordinance is hereby amended to include the following definition of terms:

MEDICAL MARIJUANA ACT – Act 16 of 2016, 35 P.S. §10231.101, *et. seq.*

MEDICAL MARIJUANA DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered by the Department of Health of the Commonwealth of Pennsylvania under the Medical Marijuana Act to dispense medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

MEDICAL MARIJUANA GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered by the Department of Health of the Commonwealth of Pennsylvania under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

SECTION 2. Article V, Section 300-43., B-1 Business District Regulations of the Marple Township Zoning Ordinance is hereby amended in its entirety to read as follows:

B-1 Business District Regulations

A. Intent. The intent of the B-1 Business District is to provide appropriate locations and development standards for general commercial use. Uses in this district may expect patrons from throughout the area and region. Suitable locations for these uses should be limited to the Commercial Cores identified in the Comprehensive Plan.

B. Permitted uses. Uses are permitted in B-1 Business Districts in accordance with § 300-37. Specified uses are allowed as special exceptions in accordance with § 300-36B when authorized by the Zoning Hearing Board. Accessory uses are permitted in accordance with Article XIII.

C. Conditional uses.

(1) Medical Marijuana Dispensary shall be permitted as a conditional use pursuant to Board of Commissioners' approval and subject to the general standards set forth in Sections 300-131 governing conditional uses and the specific standards set forth below:

(a) A Medical Marijuana Dispensary Facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent unauthorized entrance in areas containing medical marijuana.

(b) Permitted hours of operation of a Dispensary Facility shall be 8:00 a.m. to 8:00 p.m., daily.

(c) A Dispensary Facility shall have secure storage area for storage of Medical Marijuana, which such area shall be a minimum of one-third of the gross floor area of the facility, and shall have an interior customer waiting area equal to a minimum of twenty-five percent (25%) of the gross floor area of the dispensary facility.

(d) A Dispensary Facility shall not have any of the following: drive-thru service, an outdoor seating area, outdoor vending machines.

(e) A Dispensary Facility shall not be located within 1,000 feet of a property line of any institutional zoning district or institutional zoning use, including but not limited to, public, private and parochial schools and day-care centers. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the dispensary is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located.

(f) A Dispensary Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Dispensary Facility.

D. Development standards. Uses shall occur in accordance with the standards of § 300-38.

SECTION 3. Article VI, Section 300-47, I Light Industrial District Use Regulations of the Marple Township Zoning Ordinance is hereby amended to read as follows:

300-47C Conditional Uses. Subject to the general standards set forth in Sections 300-131 governing conditional uses, the following uses shall be permitted as conditional uses when authorized by the Board of Commissioners:

(1) Medical Marijuana Grower/Processor - a Medical Marijuana Grower/Processor use shall be permitted as a conditional use pursuant to Board of Commissioners' approval and in accordance with the specific standards set forth below:

(a) The maximum floor area of a Grower/Processor facility shall be limited to _____ square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product and marijuana related materials used in production or for required laboratory testing.

(b) There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any Grower/Processor facility where Medical Marijuana growing, processing or testing occurs.

(c) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with policies of the Department of Health of the Commonwealth of Pennsylvania. No such remnants or byproducts shall be disposed of in any unsecure exterior refuse container.

(d) A Medical Marijuana Grower/Processor Facility shall not be located within 1,000 feet of a property line of any institutional zoning district or institutional zoning use, including but not limited to, public, private and parochial schools and day-care centers. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the dispensary is located, to the closest property line of the protected district or use, regardless of the municipality in which it is located.

(e) A Medical Marijuana Grower/Processor Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Grower/Processor Facility.

SECTION 4.

SEVERABILITY. If any provision or part of this Ordinance is held invalid, the remaining provisions or parts of this Ordinance shall not be affected thereby. If the application of this Ordinance or any of its provisions or parts to any persons, property or circumstances is held invalid, the application of this Ordinance to other persons, property or circumstances shall not be affected thereby.

ENACTED and ORDAINED this ___ day of _____, 2017 by the Marple Township Board of Commissioners.

President, Board of Commissioners

Attest:_____