

ORDINANCE NO 6-22

**SOUTH STRABANE TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE ZONING CODE TO CREATE THE DEFINITION FOR MEDICAL MARIJUANA DISPENSARIES AND TO PERMIT IT AS A CONDITIONAL USE IN THE C-2 ZONING DISTRICT AND TO PROVIDE SPECIFIC REGULATIONS FOR SAID USE; AND TO CREATE THE DEFINITION FOR MEDICAL MARIJUANA GROWER/PROCESSOR FACILITIES AND TO PERMIT IT AS A CONDITIONAL USE IN THE I-1 AND A-1 ZONING DISTRICTS AND TO PROVIDE SPECIFIC REGULATIONS FOR SAID USE.

WHEREAS, the Medical Marijuana Act, Act 16 of 2016 (“Act”), recognizes certain uses of land, described therein as “dispensary” and “grower/processor”, in connection with the program established by the Act to provide patients with access to medical marijuana; and

WHEREAS, the Township Board of Supervisors desires to designate the zoning districts in which medical marijuana dispensary and grower/processor land uses may be conducted; and

WHEREAS, the Township Planning Commission has recommended that dispensary uses be permitted conditional uses in and only in the C-2 General Commercial District and the grower/processor uses be permitted conditional uses in and only in the I-1 Light Industrial District and A-1 Agricultural District; and

WHEREAS, the Township Planning Commission reviewed this ordinance on September 1, 2022 and recommended adoption to the Board of Supervisors; and

WHEREAS, the Township Board of Supervisors held a Public Hearing on September 27, 2022 pursuant to the Pennsylvania Municipalities Planning Code at which time testimony was received concerning the proposed ordinance; and

WHEREAS, in the judgement of the Board of Supervisors, the amendment is consistent with the Township’s overall comprehensive plan through encouraging development that best utilizes existing building stock, complements neighboring land uses and established community character and promotes South Strabane Township as a business-friendly community.

NOW, THEREFORE, the South Strabane Township Board of Supervisors does hereby enact and ordain the following:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as the “Medical Marijuana Dispensary and Grower/Processor Zoning Amendment of 2022.”

SECTION 2. PURPOSE

The purpose of this Ordinance is to establish a process and standards for the establishment, construction, and operations of medical marijuana dispensaries and medical marijuana grower/processors, pursuant to the Pennsylvania Medical Marijuana Act, Act 16 of 2016, as amended from time to time, to allow for the integration of an allowed industry while providing for the protection of the public’s health, safety, and general welfare.

SECTION 3.

Article II, Terminology, Section 245-9, Definitions, is amended to add the following defined terms:

Medical Marijuana—Marijuana for certified medical use as set forth in the Medical Marijuana Act, Act 16 of 2016, and any subsequent amendments thereto.

Medical Marijuana Dispensary— A facility holding a permit issued by the Pennsylvania Department of Health to dispense Medical Marijuana

Medical Marijuana Grower/Processor—A facility holding a permit issued by the Pennsylvania Department of Health to grow and process medical marijuana.

SECTION 4.

Article X, C-2 General Commercial District, Section 245-63, Authorized uses, is amended to add Medical Marijuana Dispensary as an authorized Conditional Use.

SECTION 5.

Article IV, A-1 Agricultural District, Section 245-15, Authorized uses, is amended to add Medical Marijuana Grower/Processor as an authorized Conditional Use.

SECTION 6.

Article XII, I-1 Light Industrial District, Section 245-79, Authorized uses, is amended to add Medical Marijuana Grower/Processor as an authorized Conditional Use.

SECTION 7.

Article XV, Conditional Uses; Uses by Special Exception, is modified to add new Section 245-168.7:

Section 245-168.7 Medical marijuana dispensary.

- A. Proof of registration with the Pennsylvania Department of Health or proof that registration is pending approval shall be provided.
- B. A valid, accurate, and up to date registration with the Department of Health shall be maintained. Should registration be denied or revoked at any time, any conditional use shall immediately become void.
- C. Medical marijuana shall only be dispensed in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.
- D. A security plan shall be submitted to and approval obtained from the Police Chief and Zoning Officer or their designee. The security plan shall detail how the medical marijuana dispensary will maintain all security and surveillance standards set forth by the Medical Marijuana Act.
- E. A medical marijuana dispensary shall not be located on the same property where a medical marijuana grower/processor is located.
- F. There shall be a single secure public entrance and appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
- G. Hours of operation shall be limited to the hours between 9:00 a.m. and 9:00 p.m.
- H. The consumption of medical marijuana on the property hosting the medical marijuana dispensary shall be prohibited.
- I. There shall be no signs or other displays of products, including cannabis imagery, present in any window or other area that is visible from the street or sidewalk.
- J. A medical marijuana dispensary shall only dispense medical marijuana to certified patients and caregivers as defined by the Medical Marijuana Act and shall comply with all lawful, applicable health regulations.
- K. Access to any person under the age of eighteen (18) shall be prohibited, unless accompanied by a caregiver as defined by the Medical Marijuana Act.
- L. A medical marijuana dispensary shall not be located within 1,000 feet of the property line of any public or private school.
- M. A medical marijuana dispensary shall not be located within 1,000 feet of the property line of the next nearest medical marijuana dispensary or grower/processor.
- N. A medical marijuana dispensary shall not be located within 500 feet of the property line of a residential use and/or residential zoning district.
- O. A medical marijuana dispensary shall not be located within 500 feet of the property line of the I-2 General Industrial Zoning District.

SECTION 8.

Article XV, Conditional Uses; Uses by Special Exception, is modified to add new Section 245 168.8:

Section 245-168.8 Medical Marijuana Grower/Processor.

- A. Proof of registration with the Pennsylvania Department of Health or proof that registration is pending approval shall be provided.

- B. A valid, accurate, and up to date registration with the Department of Health shall be maintained. Should registration be denied or revoked at any time, any conditional use shall immediately become void.
- C. Medical marijuana shall only be grown/processed in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- D. A security plan shall be submitted to and approval obtained from the Police Chief and Zoning Officer or their designee. The security plan shall detail how the medical marijuana grower/processor will maintain all security and surveillance standards set forth by the Medical Marijuana Act.
- E. A medical marijuana grower/processor shall not be located on the same property where a medical marijuana dispensary is located.
- F. The floor area of a medical marijuana grower/processor shall include sufficient space for production, secure storage of marijuana seed, related finished product cultivation and marijuana related materials and equipment used in production and cultivation or for required laboratory testing.
- G. Medical marijuana remnants and byproducts shall be secured and properly disposed of in accordance with Pennsylvania Department of Health policy and shall not be placed within any unsecure exterior refuse containers.
- H. Only wholesale products shall be provided. Retail sales and dispensing of medical marijuana is prohibited.
- I. Deliveries to or shipments from a medical marijuana grower/processor shall be limited to the hours between 9:00 a.m. and 9:00 p.m.
- J. Access to any person under the age of twenty-one (21) shall be prohibited.
- K. The consumption of medical marijuana on the property hosting the medical marijuana grower/processor shall be prohibited.
- L. A medical marijuana grower/processor shall not be located within 1,000 feet of the property line of any public or private school.
- M. A medical marijuana grower/processor shall not be located within 1,000 feet of the property line of the next nearest medical marijuana dispensary or grower/processor.
- N. A medical marijuana grower/processor shall not be located within 1,000 feet of the property line of a residential use and/or residential zoning district.

SECTION 9.

Article XVII, Off-Street Parking and Loading, is revised to add the following use and parking requirements to the Table set forth in Section 245-183(C):

| Use | Number of Parking Spaces Required |
|---|---|
| Medical Marijuana Dispensary | 1 space for each 200 square feet of gross floor area. |
| Medical Marijuana Growing/Processing Facility | 1 space per employee, plus five spaces. |

SECTION 10. REPEALER

Any ordinance containing any provision inconsistent herewith to the extent that such provisions are inconsistent, those provisions are hereby repealed.

SECTION 11. SEVERABILITY.

The provisions of this Ordinance are hereby declared severable, and if any of its provisions shall be held to be invalid or unconstitutional, or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof; it is hereby declared to be the intent of the Township that this Ordinance would have been adopted if such invalid, unconstitutional or otherwise void provision had not been included herein.

SECTION 12. EFFECTIVE DATE

Pursuant to 1601(a.1) of the Second Class Township Code, this ordinance shall become effective five (5) days after enactment.


ORDAINED AND ENACTED INTO LAW by the South Strabane Township Board of Supervisors this 27th day of September, 2022.

ATTEST:

SOUTH STRABANE TOWNSHIP



Brandon J. Stanick, Township Manager

By: 

K. Robert Weber, Chairman

