

**ORDINANCE AMENDING ZONING 110 TO INCLUDE SPECIFICS FOR
MEDICAL MARIJUANA**

110.17 SPECIFIC STANDARDS

VV) MEDICAL MARIJUANA FACILITY USES

1) MEDICAL MARIJUANA GROWER/PROCESSOR. Medical Marijuana Grower/Processor shall only be a conditional use in a RR Zone. A medical marijuana grower/processor shall comply with the following:

A) A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

B) The medical marijuana grower/processor shall demonstrate to the satisfaction of the Township that the floor area of its facilities includes 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. The building envelope and maximum allowable floor area shall be determined by applying the setback, parking, landscaping, coverage, and building height requirements of the applicable zoning district in which the facilities are to be located.

C) There shall be no emission of dust, fumes, vapors, odors or waste into the environment from any facility where medical marijuana growing, processing or testing occurs.

D) Marijuana remnants and by-products shall be secured and properly

disposed of in accordance with DOH policy and shall not be placed in any unsecure exterior refuse containers.

E) The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

F) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

G) Said grower/processor shall abide by all other requirements of the zone in which they are located as well as provided below.

3) MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE. A medical marijuana transport vehicle service shall only be a conditional use in a "C" commercial zone and, a medical marijuana transport vehicle service shall comply with the following:

A) A traffic impact study is required where the office is located.

B) If a medical marijuana product is to be temporarily stored at a medical marijuana transport vehicle service facility, the facility must be secured to the same level as a grower/processor and dispensary.

C) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

D) Said medical marijuana transport vehicle service shall abide by all other requirements of the zone in which they are located as well as provided below.

4) MEDICAL MARIJUANA DISPENSARY. A medical marijuana dispensary shall only be a conditional use in a "C" commercial zone and, a medical marijuana

dispensary shall comply with the following:

A) A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the DOH.

B) A medical marijuana dispensary shall only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

C) A medical marijuana dispensary shall not operate on the same site as a facility used for growing and processing medical marijuana.

D) A medical marijuana dispensary shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.

E) Permitted hours of operation shall be 8 a.m. to 8 p.m. of the same calendar day.

F) A medical marijuana dispensary shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of products and shall have an interior customer waiting area equal to a minimum of twenty five (25%) per cent of the gross floor area.

G) A medical marijuana dispensary shall:

- a. Not have a drive through service;
- b. Not have outdoor seating areas;
- c. Not have outdoor vending machines;
- d. Prohibit the administering of or consumption of medical

marijuana on the premises; and

e. Not offer direct or home delivery service.

H) A medical marijuana dispensary shall only dispense medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.

I) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed, it should be from within a secure environment.

J) Said medical marijuana transport vehicle service shall abide by all other requirements of the zone in which they are located as well as provided below.

5) In addition to above, a medical marijuana facility shall comply with the following:

A) A medical marijuana facility shall not be located within 1,000 feet of the property line of:

- 1) A public, private or parochial school or other education facility;
- 2) A day-care center or other child care facility;
- 3) Playground;
- 4) Park;
- 5) Church, Synagogue, Mosque, or other similar place of worship;
- 6) Library;
- 7) Camp; and
- 8) Amusement Park.

B) A medical marijuana facility shall not be rendered in violation of this provision by the subsequent location of a school defined above or a day care center.

C) A medical marijuana facility shall not be located within 1,000 feet of any residential district and shall not be located within 1,000 feet of any structure whose use is principally residential.

D) A medical marijuana facility shall not be located within 1,000 feet from the nearest medical marijuana facility. This does not preclude complementing or supporting

businesses covered by different definitions. This separation does not apply to the distance between the grower/processor and the specific dispensary they serve, or with which they partner.

E) The distance between any such medical marijuana facility and any of the protected land uses specified herein shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point on the property line or structure of such protected land use.

F) A medical marijuana facility shall be prohibited in all districts RR and commercial conditional use.

G) Off street parking shall be provided at the rate of three (3) spaces for each 100 square feet of all public areas and an additional one space per each employee of the largest shift.

H) The proposed establishment shall not be detrimental to the use of adjoining properties and must meet the following performance standards:

1) Lighting in accordance with current zoning requirements; and

2) All parking areas shall be screened and include at least a 20 foot buffer from all private properties adjacent to the site.

I) The proposed medical marijuana facility shall not constitute a nuisance due to noise or to loitering outside of the building.

J) The Applicant is required to obtain approval of a land development plan under the Subdivision and Land Development Ordinance of Westfall Township, as amended.

K) All other Federal, State and other permits shall be obtained prior to the issuance of a certificate of occupancy.

L) The proposed medical marijuana facility shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania and

their respective agencies and instrumentalities.

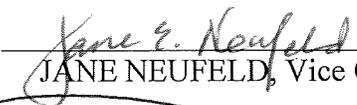
M) The proposed medical marijuana facility shall have a minimum of one (1) contiguous acre for development. All owners of record must join in the application for development.

N) The Applicant is required to obtain conditional use approval which shall include a community impact analysis which includes an evaluation of the potential impacts upon the following community facilities;

- (1) Emergency services and fire protection;
- (2) Solid waste disposal;
- (3) Recreation;
- (4) Surrounding roadway systems;
- (5) School facilities and school district budget;
- (6) Water supply;
- (7) Sewage disposal;
- (8) Township revenues and expenses;

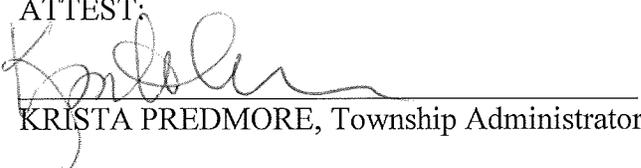
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