

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1107

AN ORDINANCE OF THE BOROUGH OF AMBLER AMENDING THE ZONING ORDINANCE TO RECOGNIZE MEDICAL MARIJUANA BY ADDING DEFINITIONS OF MEDICAL MARIJUANA FACILITIES AND ALLOWING GROWING/PROCESSING FACILITIES AND DISPENSARIES; BEING AMENDMENTS TO SECTIONS 27-202, 27-1502, 27-1301, AND 27-1306; LEAVING THE REMAINDER OF THE ORDINANCE IN FULL FORCE AND EFFECT; EFFECTIVE ON THE EARLIEST DATE RECOGNIZED BY THE BOROUGH CODE

WHEREAS, the Pennsylvania legislature has legalized medical marijuana for use by persons suffering from certain serious medical conditions and

WHEREAS, it is the law of the Commonwealth that municipalities must make provision for any use that is legally permissible and

WHEREAS, Borough Council wishes to add provisions to its zoning ordinance to recognize medical marijuana facilities, consistent with state law,

NOW THEREFORE, Borough Council does hereby ORDAIN as follows:

1. Section 27-202 of the Borough zoning ordinance, "Definitions", is modified by adding the following definitions:

DISPENSARY – A person, corporation, partnership, association trust, or other entity, or any combination thereof, who holds a permit issued by the Department to dispense medical marijuana. The term does not include a health care medical marijuana organization as defined under Sections 1901-1908 of the Act.

GROWER/PROCESSOR – A person, corporation, partnership, association trust, or other entity, or any combination thereof, who holds a permit from the Department under the Act to grow and process medical marijuana. This term does not include a health care medical marijuana organization as defined under Sections 1901-1908 of the Act.

GROWING/PROCESSING FACILITY – Any building or structure used to grow and process to dispense medical marijuana by a licensed dispensary and that meets all requirements of the Act.

MEDICAL MARIJUANA – Marijuana for certified medical use as set forth in the Act.

2. Section 27-1502.1, Permitted Uses in the Industrial District is amended by adding a new paragraph "F" the text of which is: "Medical marijuana growing/processing facility."
3. Section 27-1504, Development Regulations in the Industrial District, is amended by adding a new paragraph "8", the text of which is as follows:
 8. Medical marijuana growing/processing facilities.
 1. All applicable standards in Part IX, Title 28 of the Pennsylvania Code shall apply to any medical marijuana facility.

2. The growing/processing facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
 3. A facility shall have an enclosed secure area out of public sight for the loading and unloading of medical marijuana into and from a transport vehicle.
 4. Off-street parking shall comply with Part 21 of the zoning ordinance for industrial uses, specifically, 1 space per 500 square feet of gross floor area or 1 space per employee on the largest shift, whichever is greater; plus, one unloading area or dock for each building complex.
4. Section 27-1302.1, Permitted Uses in the Commercial District, is amended by the addition of a new paragraph "K", the text of which is: "Medical Marijuana Dispensary".
5. A new section, 27-1306, Development Regulations in the Commercial District, shall be added to the Commercial District section of the zoning ordinance and shall read as follows:
- A. Medical marijuana dispensaries.
 1. All applicable standards in Part IX, Title 28 of the Pennsylvania Code shall apply to any medical marijuana facility.
 2. Signage shall comply with Part 20 contained herein.
 3. Off-street parking for medical marijuana dispensaries shall comply with Part 21 Off-Street Parking and Loading. Parking space requirement for retail uses: 1 space per 250 square feet of gross sales floor area plus 1 space per employee on the largest shift.

This ordinance is effective on the earliest date provided for in section 3301.3 of the Borough Code. If any portion of this ordinance is found invalid by a court of competent jurisdiction, such infirm portion shall, to the extent possible, be severed from the remainder, which shall remain in full force and effect.

SO ORDAINED this 18th day of April, 2017.

Salvatore Pasceri
Salvatore Pasceri, President of Borough Council

Attest: Mary Aversa
Mary Aversa, Secretary