

**ORDINANCE NO. 2017-0-\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF WARRINGTON,  
BUCKS COUNTY, PENNSYLVANIA,  
AMENDING THE WARRINGTON TOWNSHIP  
ZONING ORDINANCE**

WHEREAS, Warrington Township, Bucks County, Pennsylvania, by Ordinance Number 85-2, as amended, duly established zoning rules and regulations within Warrington Township; and

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;

WHEREAS, the Board of Supervisors of Warrington Township (“Board”) believes 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, and/or distributing/dispensing medical marijuana within the Township;

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

WHEREAS, the Medical Marijuana Act requires 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;”

WHEREAS, the Medical Marijuana Act requires 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;”

WHEREAS, adoption of this amendment will promote the following community development objectives:

- a. Assure that land uses provided for under the Medical Marijuana Act are permitted in the Township with other similar uses in appropriate areas within the Township;
- b. Assure that any Medical Marijuana Dispensaries and/or Medical Marijuana Grower/Processors located within the Township obtain the required permits and adhere to the requirements of the Department of Health.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania that the Ordinance No. 85-2, as amended is further amended to provide as follows:

Section 1. Zoning Ordinance No. 85-2, as amended, shall be amended by amending Section 202 to include the following definitions:

Department of Health – The Department of Health of the Commonwealth of Pennsylvania.

Medical Marijuana Act – Act 16 of 2016, 35 P.S. § 1023.101 et seq.

Medical Marijuana Dispensary – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a Medical Marijuana Permit issued by the Department of Health 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 holds a Medical Marijuana Permit from the Department of Health 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.

Medical Marijuana Permit – An authorization issued by the Department of Health to a Medical Marijuana Dispensary or a Medical Marijuana Grower/Processor to conduct activities under the Medical Marijuana Act.

Section 2. Zoning Ordinance No. 85-2, as amended, shall be amended by inserting a new Part 12-A as follows:

Part 12-A PI-1A Planned Industrial District

§1201-A General Description and Purpose

1. The PI-1A Planned Industrial District is hereby established as a district in which the regulations are intended to permit and encourage industrial development to ensure that it will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the Township, to contribute to the soundness of the economic base of the Township, and otherwise further the purposes of this Chapter.

2. Consistent with the general purpose of this Chapter, the specific intent of this Part is:

- A. To encourage the construction on and continued use of land for industrial purposes.
- B. To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the district.
- C. To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facilities and operation of industries to minimize air pollution, noise, glare, heat, vibration, fire, safety hazards, etc.

§1202-A Permitted Uses

The specific uses permitted in this district shall be the erection, construction, alteration or use of buildings on premises for the following uses and no other:

- A. Any manufacturing, wholesale, or distributing use which meets the provisions of §1006, Performance Requirements, as follows:
  - 1. Storage buildings and warehouses; parking garages and lots.
  - 2. Laboratories; experimental, research or testing.
  - 3. Carpet or rug cleaning; laundry, cleaning and dyeing plant.
  - 4. Wholesaling and distributing activities.
  - 5. Light metal processing as follows: cleaning, finishing, grinding, heat treating, plating, polishing, rustproofing, and sharpening; metal stamping and extrusion of small products; similar metal working processes.
  - 6. Job printing, newspaper or book publishing, electronics and small parts assembly or manufacture.
  - 7. Baking and food processing.
  - 8. Electronics and small parts assembly or manufacture.
  - 9. Manufacture and/or storage of construction materials and equipment.
- B. Dwelling quarters for watchmen or caretakers employed on the premises shall be permitted in connection with any industrial establishment.
- C. Miniwarehouses.
- D. Food preparation and serving areas as an accessory use to uses specified in this section.
- E. Signs, in accordance with part 22.

§1203-A Conditional Uses

The following uses may be permitted as conditional uses by the Board of Supervisors under the provisions of §2302 and the following limitations:

- A. Any manufacturing, compounding, processing, packaging, or treatment of the following previously prepared materials: bone, cork, feathers, cellophane, ceramics, felt, fur, glass, hair, horn, paper, pharmaceutical, plastics, shells, iron and steel, aluminum, leather, plaster, metals, precious and/or semiprecious stones, woods, yarns, containers or novelties from paper or cardboard, natural or synthetic rubber, tobacco, textile or textile products, and perfumes in accordance with the Area Requirements of §1205 and the Standards of §1206.
- B. The manufacture of musical instruments, toys, novelties, electrical or electronic devices; home, commercial and industrial appliances and instruments, including the manufacture of accessory parts or assemblies; dental and medical equipment; watches and clocks; optical goods, drafting equipment, and canvas products in accordance with the Area Requirements of §1205 and the Standards of §1206.
- C. Medical Marijuana Grower/Processor in accordance with the standards in §2329.
- D. Commercial Uses in accordance with the Area Requirements of §1205 and the Standards of §1206.
- E. Commercial recreational facilities in accordance with the Area Requirements of §1205 and the Standards of §1206.
- F. Professional and business office facilities in accordance with the Area Requirements of §1205 and the Standards of §1206.
- G. Retail store in accordance with the Area Requirements of §1205-A and the Standards of §1206.
- H. Medical Marijuana Dispensary in accordance with the standards in §2328.

§1204-A Special Exceptions

None.

§1205-A Area Requirements

1. For uses permitted by §1202-A, the standards set forth in §1205 shall apply. For uses permitted by 1203-A, the area requirements set forth in §1205 shall apply, unless otherwise stated.
2. Retail stores shall comply with the following minimum area requirements:
  - A. Minimum Lot Area and Lot Width
    1. Twenty thousand square feet, with a lot width of 100 feet at the building line, for all lots served by neither a public water nor a public sanitary sewer system.
    2. Ten thousand square feet, with a lot width of 75 feet at the building line, for all lots served by both public water and a public sanitary sewer system.
  - B. Side yards. Two side yards, not less than 20 feet in width, each.
  - C. Rear yard. There shall be a rear yard not less than 35 feet in depth.
  - D. Impervious Coverage. Not more than 35% of the lot areas shall be occupied by buildings.
  - E. Maximum height: 35 feet.

§1206-A Standards

For uses permitted by §1202-A, the standards set forth in §1206 shall apply. For uses permitted by §1203-A, the standards set forth in §1206 shall apply, unless otherwise stated.

§1207-A Parking

See Part 21.

§1208-A Signs

See Part 22, §2210.

Section 3. Zoning Ordinance No. 85-2, as amended, shall be amended by inserting a new Section 2328 as follows:

2328 Medical Marijuana Dispensary

1. Conditional Use Criteria

- (a) A Medical Marijuana Dispensary shall provide a copy of the Medical Marijuana Permit issued by the Department of Health or proof that a Medical Marijuana Permit has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date Medical Marijuana Permit with the Department of Health. Should a Medical Marijuana Permit be denied, not renewed, or revoked at any time, any conditional use shall immediately become void.
- (b) A Medical Marijuana Dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- (c) A Medical Marijuana Dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a day-care center.
- (d) A Medical Marijuana Dispensary must operate entirely within an indoor, enclosed, and secured facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.
- (e) A Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower/Processor.
- (f) A Medical Marijuana Dispensary shall be limited to hours of operation not earlier than 9:00 A.M. and no later than 9:00 P.M.
- (g) A Medical Marijuana Dispensary shall submit a disposal plan to, and obtain approval from the Township Chief of Police. Medical marijuana remnants and by-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- (h) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Dispensary is operating.
- (i) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- (j) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Dispensary.
- (k) The minimum size of a Medical Marijuana Dispensary facility shall be two thousand (2,000) square feet in total floor area.
- (l) A Medical Marijuana Dispensary shall submit a security plan to, and obtain approval from, the Township Engineer, the Township Planner, and the Township Police Chief. The Medical Marijuana Dispensary shall demonstrate how it will maintain effective

security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.

(m) A Medical Marijuana Dispensary shall provide proof of a contract with a private security company, and shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week.

(n) A Medical Marijuana Dispensary shall submit a site plan for approval by the Township Engineer and a Floor Plan for approval by the Township Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, by-product, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against dissemination.

Section 4. Zoning Ordinance No. 85-2, as amended, shall be amended by inserting a new Section 2329 as follows:

2329 Medical Marijuana Grower/Processor

1. Conditional Use Criteria

(a) A Medical Marijuana Grower/Processor shall provide a copy of the Medical Marijuana Permit issued by the Department of Health or proof that a Medical Marijuana Permit has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date Medical Marijuana Permit issued by the Department of Health. Should a Medical Marijuana Permit be denied, not renewed or revoked at any time, any conditional use shall immediately become void.

(b) A Medical Marijuana Grower/Processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.

(c) A Medical Marijuana Grower/Processor must be located on a lot containing not less than two (2) acres.

(d) A Medical Marijuana Grower/Processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a day-care center.

(e) A Medical Marijuana Grower/Processor must operate entirely within an indoor, enclosed, and secure facility.

(f) A Medical Marijuana Grower/Processor may not operate on the same site as a Medical Marijuana Dispensary.

- (g) A Medical Marijuana Grower/Processor shall be limited to hours of operation not earlier than 9:00 A.M. and not later than 9:00 P.M.
- (h) A Medical Marijuana Grower/Processor shall submit a disposal plan to, and obtain approval from the Township Police Chief. Medical marijuana remnants and by-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- (i) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Grower/Processor is operating.
- (j) No one under the age of twenty-one (21) shall be permitted in a Medical Marijuana Grower/Processor.
- (k) No retail sales of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (l) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (m) A Medical Marijuana Grower/Processor shall submit a security plan to, and obtain approval from the Township Police Chief. The Medical Marijuana Grower/Processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- (n) A Medical Marijuana Grower/Processor shall contract with a private security company, and the Medical Marijuana Grower/Processor shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week.
- (o) A Medical Marijuana Grower/Processor shall submit a site plan for approval by the Township Engineer and a Floor Plan for approval by the Township Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, by-product, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

Section 5. Repealer. This Ordinance hereby repeals any provision inconsistent with the Subdivision and Land Development Ordinance now in effect or of other Ordinances, to the extent of such inconsistency. All other provisions of the Subdivision and Land Development Ordinance of Warrington Township, not inconsistent herewith, shall remain in full force and effect.

Section 6. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or



unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance

Section 7. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED on this \_\_\_\_ day of \_\_\_\_\_, 2017.

**BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP**

ATTEST:

\_\_\_\_\_  
Barry P. Luber  
Township Manager

\_\_\_\_\_  
Shirley A. Yannich, Chair

\_\_\_\_\_  
Fred R. Gaines, Vice Chair

\_\_\_\_\_  
Matthew W. Hallowell, Sr., Member

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Millie A. Seliga, Member

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Carol T. Baker, Member