

ORDINANCE NO. 2018-04

**AN ORDINANCE OF THE TOWNSHIP OF BERWICK, ADAMS COUNTY,
PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE BERWICK
TOWNSHIP ZONING ORDINANCE**

BE IT ENACTED, ADOPTED, AND ORDAINED by the Township of Berwick, Adams County, Pennsylvania, by the Berwick Township Board of Supervisors, and it is hereby **ENACTED, ADOPTED, AND ORDAINED** by the authority of the same as follows:

SECTION I: ADD DEFINITIONS TO SECTION 201:

Section 201 is hereby amended to add following terms and definitions to read as follows:

ACADEMIC CLINICAL RESEARCH CENTER — An accredited medical school within the Commonwealth that operates or partners with an acute care hospital licensed within the Commonwealth.

MEDICAL MARIJUANA — Marijuana for certified medical use as set forth in Pennsylvania Act 16 of 2016.

MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE - Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

MEDICAL MARIJUANA DISPENSARY - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

MEDICAL MARIJUANA GROWER/PROCESSOR - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

**SECTION II: ADD ACADEMIC CLINICAL RESEARCH CENTER AS AN
INSTITUTIONAL USE PERMITTED BY SPECIAL EXCEPTION IN THE LIMITED
MIXED USE (LMU) DISTRICT**

Section 306.B(I) is hereby amended to add the following to the Permitted Uses table under Institutional Uses.

Type of Use	Type of Use: P=Permitted SE—Special Exception C=Conditional	Use Regulations
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Academic Clinical Research Center	SE	Section 412A
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SECTION III: ADD MEDICAL MARIJUANA DISPENSARY AS A COMMERCIAL USE PERMITTED BY SPECIAL EXCEPTION IN THE LIMITED MIXED USE (LMU) DISTRICT

Section 306.B(1) is hereby amended to add the following to the Permitted Uses table under Commercial and Industrial Uses.

Type of Use	Type of Use: P—Permitted SE—Special Exception C—Conditional	Use Regulations
Medical Marijuana Dispensary	SE	Section 430A

SECTION IV: ADD MEDICAL MARIJUANA DISPENSARY AS A COMMERCIAL USE PERMITTED BY SPECIAL EXCEPTION IN THE HIGHWAY COMMERCIAL (HC) DISTRICT

Section 307.B(1) is hereby amended to add the following to the Permitted Uses table under Commercial Uses.

Type of Use	Type of Use: P=Permitted SE=Special Exception C—Conditional	Use Regulations
Medical Marijuana Dispensary	SE	Section 430A

SECTION V: ADD MEDICAL MARIJUANA GROWER / PROCESSOR AND MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE AS LIGHT INDUSTRIAL USES PERMITTED BY SPECIAL EXCEPTION IN THE HIGHWAY COMMERCIAL (HC) DISTRICT

Section 307.B(1) is hereby amended to add the following to the Permitted Uses table under Light Industrial Uses.

Type of Use	Type of Use: P=Permitted SE=Special Exception C—Conditional	Use Regulations
Medical Marijuana Grower / Processor	SE	Section 439A

Medical Marijuana Delivery Vehicle Office	SE	Section 444A
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SECTION VI: ADD MEDICAL MARIJUANA GROWER / PROCESSOR AND MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE AS LIGHT INDUSTRIAL USES PERMITTED BY SPECIAL EXCEPTION IN THE EMPLOYMENT CENTER (EC) DISTRICT

Section 308.B(1) is hereby amended to add the following to the Permitted Uses table under Light Industrial Uses.

Type of Use	Type of Use: P=Permitted SE=Special Exception C=Conditional	Use Regulations
Medical Marijuana Grower / Processor	SE	Section 439A
Medical Marijuana Delivery Vehicle Office	SE	Section 444A

SECTION VII: ADD USE REGULATIONS FOR ACADEMIC CLINICAL RESEARCH CENTER USES

Article 4 — Use Regulations is hereby amended by adding the following as Section 412A. §

412A. Academic Clinical Research Center

- A. An Academic Clinical Research Center may grow medical marijuana only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.
- B. External lighting, if proposed, shall comply with Section 605.
- C. Screens and Buffers shall be provided in accordance with Section 604.
- D. Parking shall be provided in accordance with Section 702 and designed in accordance with Sections 705 through 707.

SECTION VIII: ADD USE REGULATIONS FOR MEDICAL MARIJUANA DISPENSARY USES

Article 4 — Use Regulations is hereby amended by adding the following as Section 430A. §

430A. Medical Marijuana Dispensary

- A. The Medical Marijuana Dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- B. The Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building.
- C. The Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower / Processor facility.
- D. The Medical Marijuana Dispensary shall have a single secure public entrance and shall implement security measures to prevent the theft of marijuana and to prevent the unauthorized entrance into areas containing medical marijuana.
- E. The Medical Marijuana Dispensary shall not include any of the following functions or features.
1. Drive-through service or facilities.
 2. Outdoor seating areas.
 3. Outdoor vending machines.
 4. Direct or home delivery service.
- F. The Medical Marijuana Dispensary shall prohibit the administration of, or the consumption of, medical marijuana on the premises.
- G. The Medical Marijuana Dispensary may not be located within one thousand (1,000) feet of the property line of *an educational institution* or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- H. The Medical Marijuana Dispensary shall be separated by a minimum distance of one thousand (1,000) feet from any other Medical Marijuana Dispensary. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the Medical Marijuana Dispensaries are conducted or proposed to be conducted, regardless of municipality in which it is located.
- I. External lighting, if proposed, shall comply with Section 605.
- J. Screens and Buffers shall be provided in accordance with Section 604.
- K. Parking shall be provided in accordance with Section 702 and designed in accordance with Sections 705 through 707.

L. Loading areas shall be provided in accordance with Section 708.

SECTION IX: ADD USE REGULATIONS FOR MEDICAL MARIJUANA GROWER / PROCESSOR USES

Article 4 — Use Regulations is hereby amended by adding the following as Section 439A. §

439A. Medical Marijuana Grower / Processor

- A. The Medical Marijuana Grower / Processor must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- B. The 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 Pennsylvania Department of Health.
- C. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health policy and shall not be placed within any unsecure exterior refuse containers.
- D. The Medical Marijuana 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.
- E. The Medical Marijuana Grower / Processor may not be located within one thousand (1,000) feet of the property line of *an educational institution* or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- F. A water supply feasibility report, prepared in accordance with Section 412 of the Berwick Township Subdivision and Land Development Ordinance, shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use. In addition to meeting all requirement of Section 412 of the Subdivision and Land Development Ordinance, the report shall assess any water quality and water quantity impacts for all public and private wells within a mile of the proposed Medical Marijuana Grower / Processor facility. The report shall be prepared by a licensed hydrogeologist.
- G. External lighting, if proposed, shall comply with Section 605.
- H. Screens and Buffers shall be provided in accordance with Section 604.
- I. Parking shall be provided in accordance with Section 702 and designed in accordance with Sections 705 through 707.

J. Loading areas shall be provided in accordance with Section 708.

SECTION X: ADD USE REGULATIONS FOR MEDICAL MARIJUANA TRANSPORT VEHICLE SERVICE USES

Article 4 — Use Regulations is hereby amended by adding the following as Section 444A. §

444A. Medical Marijuana Transport Vehicle Service

- A. Any medical marijuana storage, including temporary storage, at a Medical Marijuana Transport Vehicle Service facility shall be secured to the same level as that for a Medical Marijuana Grower / Processor facility.
- B. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall be equipped with a locking cargo area.
- C. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall have no markings that would identify the vehicle as being used to transport medical marijuana.
- D. External lighting, if proposed, shall comply with Section 605.
- E. Screens and Buffers shall be provided in accordance with Section 604.
- F. Parking shall be provided in accordance with Section 702 and designed in accordance with Sections 705 through 707.
- G. Loading areas shall be provided in accordance with Section 708.

SECTION XI: ESTABLISH A MINIMUM PARKING SPACE REQUIREMENT FOR ACADEMIC CLINICAL RESEARCH CENTER USES

Section 702.E is hereby amended to revise the minimum parking space requirement for "Vocational Training and Adult Education Facilities" to read as follows.

Vocational Training and Adult Educational Facilities, including Academic Clinical Research Centers	1 space for every 1.5 students based on design capacity plus 1 space per classroom.
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SECTION XII: ESTABLISH A MINIMUM PARKING SPACE REQUIREMENT FOR MEDICAL MARIJUANA DISPENSARY USES

Section 702.E is hereby amended to revise the minimum parking space requirement for "Retail Store or Personal Service Business" to read as follows.

Retail Store or Personal Service Business, including Medical Marijuana Dispensary	1 space for every 200 square feet of gross floor area, plus 1 space for each employee on <u>the largest shift.</u>
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SECTION XIII: ESTABLISH A MINIMUM PARKING SPACE REQUIREMENT FOR MEDICAL MARIJUANA GROWER / PROCESSOR USES

Section 702.E is hereby amended to revise the minimum parking space requirement for "Industrial" to read as follows.

Industrial, including Medical Marijuana Grower / Processor	3 spaces for every 4 employees on the largest shift, plus 1 space for every company vehicle <u>normally stored on the premises.</u>
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SECTION XIV: ESTABLISH A MINIMUM PARKING SPACE REQUIREMENT FOR MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE USES

Section 702.E is hereby amended to add a minimum parking space requirement for "Medical Delivery Vehicle Office" under the "Transportation Uses" category to read as follows.

Medical Marijuana Delivery Vehicle Office	3 spaces for every 4 employees on the largest shift, plus 1 space for every company vehicle normally stored on the premises.
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SECTION XV: REPEALER

All provisions of the Berwick Township Zoning Ordinance are hereby revised and amended, as necessary and appropriate, in order to insure and confirm consistency thereof with the provisions of the present Ordinance. Any Ordinance or Resolution, or any portion of any Ordinance or Resolution, or any portion of the Berwick Township Zoning Ordinance, which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed insofar as the same is affected by or inconsistent with the provisions of the present Ordinance.

SECTION XVI: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the present Ordinance.

SECTION XVII: EFFECTIVE DATE

The Ordinance shall be effective five (5) days after enactment.


ENACTED AND ORDAINED into an Ordinance this ____ day of _____, 2018.

ATTEST:

TOWNSHIP OF BERWICK
ADAMS COUNTY,
PENNSYLVANIA

BOARD OF SUPERVISORS OF
BERWICK TOWNSHIP

Secretary 4,4 AbaktOA



Peter L. Socks, r., Chairman