

ORDINANCE 2017-5

An Ordinance To Amend Certain Provisions of the Millcreek Township Zoning Code to Address the Recent Passage of the Medical Marijuana Law in Pennsylvania

WHEREAS, the Supervisors of Millcreek Township, Erie County, Pennsylvania, under the powers vested in them by the " Second Class Township Code" of Pennsylvania and the authority and procedures of the ` Pennsylvania Municipalities Planning Code", as amended, as well as other laws of the Commonwealth of Pennsylvania including the Pennsylvania Medical Marijuana Act (PA Act 16 of 2016), do hereby enact and ordain the following amendment to the text of the Zoning Chapter of the Millcreek Township Code; and

WHEREAS, the Board of Supervisors of Millcreek Township desire to amend the Zoning Chapter of its Code by providing for the establishment of Medical Marijuana Facility uses in certain Zoning Districts of the Township of Millcreek and providing for the regulation of same as allowed under the Pennsylvania Medical Marijuana Law.

WHEREAS, the purpose of these amendments is to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania "Medical Marijuana Act" (PA Act 16, 2016) to allow for the integration of an allowed industry while providing for the protection of the public's health, safety, morals, and general welfare.

WHEREAS, the Board of Supervisors provided a copy of the proposed changes to the zoning code to the Millcreek Township Planning Commission and to the Erie County Planning Department thirty (30) days prior to the hearing held by the Board of Supervisors on these changes;

WHEREAS, after public notice of a hearing on this proposed Ordinance, and an opportunity to be heard on this Ordinance at a hearing;

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Millcreek, Erie County, Pennsylvania as follows:

1. Section 145-11, Definitions of the Millcreek Code, Chapter 145, Zoning is amended to add the following definitions:

ACADEMIC CLINICAL RESEARCH CENTER

An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

CLINICAL REGISTRANT

An entity that: (1) holds a permit as both a grower/processor and a dispensary; and

(2) has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

HEALTH CARE MEDICAL MARIJUANA ORGANIZATION

A vertically integrated health system approved by the Pennsylvania Department of Health to dispense medical marijuana or grow and process medical marijuana, or both, in accordance with a research study under the Pennsylvania medical Marijuana Act.

MEDICAL MARIJUANA

Marijuana for certified medical use as set forth in the Pennsylvania Medical Marijuana Act.

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. This does not include a Health Care Medical Marijuana Organization.

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. "Medical marijuana." Marijuana for certified medical use as set forth in this act. This does not include a Health Care Medical Marijuana Organization.

MEDICAL MARIJUANA ORGANIZATION

A medical marijuana dispensary or medical marijuana grower/processor.

MEDICAL MARIJUANA PERMIT

An authorization issued by the Pennsylvania Department of Health to a medical marijuana organization to conduct activities under this act.

VERTICALLY INTEGRATED HEALTH SYSTEM

A health delivery system licensed under the Health Care Facilities Act, in which the complete spectrum of care, including primary and specialty care, hospitalization and pharmaceutical care, is provided within a single organization.

2. Section 145-29(C) of the Millcreek Code, Chapter 145, Zoning, Article III, Establishment of Zoning Districts, Map and General Regulations is amended to add the following requirements to Off-street parking:

Type of Use	Minimum Off-street Parking Requirements (Number of Spaces)
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Nonresidential Uses

Medical marijuana grower/processor	1 per each 400 SF of GFA
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Medical marijuana dispensary	1 per each 200 SF of GFA
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3. Section 145-49(B) of the Millcreek Code, Chapter 145, Zoning, Article IV, Zoning District Regulations is amended to add the following permitted use to C-3 Highway Commercial District:

(26) Medical marijuana dispensary;

4. Section 145-52 (B) of the Millcreek Code, Chapter 145, Zoning, Article IV, Zoning District Regulations is amended to add the following permitted use to I-1 Light Industrial District:

(22) Medical marijuana grower/processor

5. Section 145-52 (B) of the Millcreek Code, Chapter 145, Zoning, Article IV, Zoning District Regulations is amended to add the following permitted use to I-2 Heavy Industrial District:

(18) Medical marijuana grower/processor

4. Section 145-54(B) of the Millcreek Code, Chapter 145, Zoning, Article IV, Zoning District Regulations is amended to add the following permitted use to I-3 Industrial Park District:

(14) Medical marijuana grower/processor

(15) Medical marijuana dispensary;

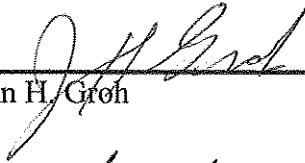
Effective Date. This Ordinance shall be effective 5 days after the date on which this Ordinance is enacted

BE IT ENACTED this 14th day of March 2017.

MILLCREEK TOWNSHIP SUPERVISORS



Brian P. McGrath



John H. Groh



John E. Morgan