

BILL NO. 3

1ST READING 6/15/2017

PASSED 8/23/2017

NO. 6, 2017

A N O R D I N A N C E

AN ORDINANCE OF THE CITY OF CHESTER, DELAWARE COUNTY, PENNSYLVANIA, AMENDING PART THIRTEEN – PLANNING AND ZONING, OF THE CODIFIED ORDINANCES OF THE CITY OF CHESTER, ENTITLED: “THE CITY OF CHESTER ZONING ORDINANCE OF 2015,” FOR PURPOSES OF (i) PERMITTING SCHOOLS, PUBLIC OR, PRIVATE, PRIMARY, OR SECONDARY IN COMMERCIAL DISTRICTS AND LIGHT INDUSTRIAL DISTRICTS BY SPECIAL EXCEPTION RATHER THAN BY RIGHT; (ii) PERMITTING THE MANUFACTURE AND/OR BULK PROCESSING OF PHARMACEUTICALS, INCLUDING MEDICAL MARIJUANA, IN UNIVERSITY/OFFICE DISTRICTS, LIGHT INDUSTRIAL DISTRICTS AND MEDIUM INDUSTRIAL/COMMERCIAL DISTRICTS BY CONDITIONAL USE; (iii) ESTABLISHING A MINIMUM BUILDING HEIGHT OF THIRTY FEET (30”) OR TWO STORIES IN NON-RESIDENTIAL DISTRICTS; (iv) ESTABLISHING A MAXIMUM BUILDING HEIGHT OF 15 FEET (15’) FOR ACCESSORY VEHICLE GARAGES; (v) ESTABLISHING CERTAIN CONDITIONAL USE CRITERIA FOR MEDICAL MARIJUANA PRODUCTION FACILITIES; (vi) ESTABLISHING A MAXIMUM LOT AREA FOR SCHOOLS OF TWO (2) ACRES; (vii) DEFINING “MEDICAL MARIJUANA;” “MEDICAL MARIJUANA MANUFACTURING/PRODUCTION FACILITY”; “MEDICAL MARIJUANA DISPENSARY”, (viii) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

THE COUNCIL OF THE CITY OF CHESTER DOES ORDAIN:

SECTION 1. That the City of Chester Zoning Ordinance of 2015 enacted as Part Thirteen – Planning and Zoning of the Codified Ordinances of the City of Chester is hereby amended as follows: .

Proposed Amendments

Article 1327.01(c) - School, Public or Private, Primary or Secondary

- a. Current Zoning in commercial district (P); *Proposed amendment (SE)*
- b. Current zoning in light industrial district (P); *Proposed amendment (SE)*

Article 1327.01(e)- Manufacture and/or bulk processing of the following

- a. *Medical marijuana. (by conditional use)*

Article 1329.01(b) (2). Dimensional Requirements for Primarily Non-Residential Districts- Central Business District:

- a. *Minimum Building Height 30 feet or 2 stories.*

Article 1329.03. Accessory Structures and Uses.

- a. *(5) A vehicle garage that is accessory to a dwelling shall in no case be setback less than 10 feet from the centerline of any alley which provides access to the garage, and have a height requirement of no more than 15 feet from the ground, unless a larger setback and height is established by another section of this Ordinance.*

Article 1347.02 Additional Requirements for Specific Uses

a. Medical marijuana dispensaries

- *Must conform to the standards and requirements set forth by the Commonwealth of Pennsylvania.*
- *All persons, entities or organizations wishing to establish a medical marijuana dispensary within the city must apply for and be granted a conditional use permit for said use, a zoning permit, and a business license.*
- *Dispensaries must be:*
 - i. *1,000 feet from Drug Free Zones including arcades, child care centers, educational institutions, libraries, outdoor recreation facilities, schools and youth activity centers.*
 - ii. *1,000 feet from another medical marijuana dispensary/ manufacturer center.*
 - iii. *1,000 feet from a park under the jurisdiction and control of the city or county recreation department.*
 - iv. *1,000 feet from a religious institution that is exempt via the city assessor.*
- *Medical marijuana dispensaries shall be restricted to hours of operation between 6a.m. and 10 p.m.*
- *No medical marijuana dispensary may sell or display any drug paraphernalia on the premises at any time, including but not limited to cigarette papers or filters, roach clips, water pipes (bongs), and any other item deemed as drug paraphernalia.*
- *Persons under the age of 18 years of age are not permitted on the premises of any medical marijuana dispensary at any time except in the company of a qualified person (i.e. patient and/or care giver) over the age of 18.*

b. Medical marijuana manufacturing

- *Must conform to the standards and requirements set forth by the Commonwealth of Pennsylvania.*
- *All persons, entities or organizations wishing to establish a medical marijuana dispensary within the city must apply for and be granted a conditional use permit for said use, a zoning permit, and a business license.*
- *Development of medical marijuana includes: cultivation, drying, processing, manufacturing and storage of marijuana and marijuana-infused products.*
- *Maximum building size of an off-site cultivation facility is 40,000 square feet.*
- *All business shall be conducted within an enclosed building.*
- *Manufacturing sites must be:*
 - i. 1,000 feet from childcare centers and schools.*
 - ii. 1,000 feet from another medical marijuana dispensary/ manufacturer center.*

Article 1365.02 Definitions**a. Marijuana**

- a. *As used in this section, "marijuana" means all parts of the plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate but shall not include industrial hemp, the fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product whether for medicinal or non-medicinal (recreational) purposes)*

b. Medical Marijuana Dispensary

- a. *A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health of the Commonwealth to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19.*

c. Medical Marijuana Manufacturing/Production Facility

- a. *A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health of the Commonwealth under this act to grow and process medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19.*

SECTION TWO. That all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION THREE: If any section, part or clause of this Ordinance is declared invalid or unconstitutional, in whole or in part, by a court of competent jurisdiction, the remainder of this Ordinance shall remain valid and in full force and effect. The City Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the City of Chester Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance of the City of Chester.

SECTION FOUR. That all allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided by the laws of the Commonwealth of Pennsylvania.

SECTION FIVE: Under the authority conferred by the Pennsylvania Municipal Planning Code, as amended, the City Council of the City of Chester hereby enacts and ordains into an Ordinance the attached document. This Ordinance shall take effect immediately upon final enactment.

WE HEREBY CERTIFY that this Ordinance passed Council this 23rd day of August, A.D. 2017.


MAYOR

Attest: 
CITY CLERK