

## **TOWNSHIP OF LOWER MERION**

### ***Building & Planning Committee***

#### **Issue Briefing**

**Topic:** Medical Marijuana Ordinance

**Prepared by:** Robert Duncan, Assistant Manager

**Date:** October 4, 2017

**I. Action To Be Considered By The Board:**

Consider for recommendation to the Board of Commissioners authorization to advertise, hold a public hearing, and consider for adoption an ordinance regulating Medical Marijuana in compliance with PA Act 16.

**II. Why This Issue Requires Board Consideration:**

The Board of Commissioners must adopt amendments to the Township's Zoning Code.

**III. Current Policy Or Practice (If Applicable):**

N/A

**IV. Other Relevant Background Information:**

PA Act 16 was adopted in 2016 authorizing the growing, processing and dispensing of medical marijuana to patients with qualifying medical conditions. The PA Department of Health (PADH) has since established medical marijuana temporary regulations applicable throughout Pennsylvania. The PADH has also begun to accept license applications for the first round of licenses for medical marijuana uses.

The Montgomery County Planning Commission prepared a memo providing a general overview of the important aspects of this legislation. This overview provides a good summary of the Act and suggested zoning regulations Municipalities should consider. Staff used this document and a Medical marijuana model ordinance prepared by a Tri-County Regional Planning Commission as our guide to prepare this ordinance. The Montgomery County Planning Commission overview and staff's draft ordinance is attached.

Staff has been working with the Solicitor to prepare this ordinance regulating medical marijuana growers and dispensaries. The enclosed draft ordinance will permit the medical marijuana grower use in the M District. Medical marijuana dispensaries would be permitted in the Rock Hill Overlay District and the City Avenue Regional Center District. An Academic Clinical Research Center would be permitted in the Medical Center District. We have also included a 1,000-foot separation requirement

between the Medical Marijuana uses and schools, day care centers, and religious uses. We have also included bulk and area standards such as parking, maximum floor area, and loading regulations.

The Zoning Officer has received one official request for a use permit to operate a Medical Marijuana Dispensary at a site on Rock Hill Road. We have received inquiries for other locations but staff has not received a formal application yet for any other location in the Township.

**V. Impact on Township Finances:**

This ordinance will have no impact on Township finances.

**VI. Staff Recommendation**

Staff recommends the Board of Commissioners authorize a public hearing in November to obtain public comment on the proposed ordinance. If authorized, the Board will also consider whether to adopt this ordinance at their November meeting after receiving public comment. If it is determined that further edits are required before adopting this ordinance, the ordinance must be re-advertised and consideration for adoption would occur at a future meeting.