

TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Medical Marijuana Ordinance

Prepared by: Robert Duncan, Assistant Manager

Date: November 1, 2017

I. Action To Be Considered By The Board:

Consider for recommendation to the Board of Commissioners authorization to advertise and hold a public hearing on December 20th, 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 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 could consider. Staff used this document and a medical marijuana model ordinance prepared by a Tri-County Regional Planning Commission as our guide to prepare the initial draft of this ordinance. In October, the Building & Planning Committee provided staff direction to amend this ordinance to permit medical marijuana dispensaries in non-residential zoning districts, subject to compliance with the PA Act 16 separation requirements and PAHD regulations. Direction was also provided to permit medical marijuana growing facilities in the M Manufacturing district, subject to a number of additional regulations that would apply to growing facilities in Lower Merion Township.

The Solicitor has amended this ordinance to reflect the direction provided by the Building & Planning Committee.

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 December to obtain public comment on the proposed ordinance. If authorized, the Board will also consider whether to adopt this ordinance at their December 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.