

**ORDINANCE 2025-06
DOWNTOWN BOROUGH
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING CHAPTER 287 OF THE CODE OF DOWNTOWN BOROUGH, BEING THE ZONING CODE, IN ORDER TO PROVIDE FOR USES PERMITTED UNDER PENNSYLVANIA ACT 16 OF 2016, THE MEDICAL MARIJUANA ACT. EFFECTIVE FIVE DAYS FROM ENACTMENT.

BE IT AND IT IS HEREBY ENACTED by the DOWNTOWN Borough Council, Chester County, as follows:

Section 1. The Code of the Borough of DOWNTOWN, Chapter 287 thereof, being the DOWNTOWN Borough Zoning Code, Article II, Definitions and Word Usage, §287-7, Definitions, is amended by adding the following definitions, as follows:

DISPENSARY, MEDICAL MARIJUANA - A person, including a natural person, corporation, association, trust or other entity, or any combination thereof, which holds a permit issued from the Department of Health under Act 16 of 2016, the Medical Marijuana Act, to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Act.

GROWER/PROCESSOR, MEDICAL MARIJUANA-A person, including a natural person, corporation, association, trust or other entity, or any combination thereof, which holds a permit issued from the Department of Health under Act 16 of 2016, the Medical Marijuana Act, to grow and process medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19 of the Act.

Section 2. The Code of the Borough of DOWNTOWN, Chapter 287 thereof, being the DOWNTOWN Borough Zoning Code, Article IX, C-I General Commercial District, § 287-37, is amended by adding new section 37D, entitled conditional use, as follows:

D. Conditional uses. The following use shall be permitted only upon the grant of conditional use approval from the Borough Council, subject to the terms of this article and § 287-137, and subject to Article IV and Article XIA:

(1) Medical Marijuana Dispensaries, subject to compliance with Section 287-87.2.

Section 3. The Code of the Borough of Downingtown, Chapter 287 thereof, being the Downingtown Borough Zoning Code, Article IX, C-3 Highway-Oriented Commercial District, § 287-47D, Conditional uses, is amended by adding new sections (4) and (5) as follows:

(4) Medical Marijuana Dispensaries, subject to compliance with 287-87.2.

Section 4. The Code of the Borough of Downingtown, Chapter 287 thereof, being the Downingtown Borough Zoning Code, Article XII, I-1 Limited Industrial District, § 287-53, by amending 287-53D, conditional uses, is amended by moving section 3 to 5 and adding new section (3) and (4) as follows:

(3) Medical Marijuana Dispensaries, subject to compliance with 287-87.2.

(4) Medical Marijuana Growers/Processors, subject to compliance with 287-87.1.

Section 5. The Code of the Borough of Downingtown, Chapter 287 thereof, being the Downingtown Borough Zoning Code, Article XV, I-3 Multipurpose District, by amending 287-69.2A, is amended by moving section (10) to (11) and adding new section (10) as follows:

(10) Medical Marijuana Dispensaries, subject to compliance with 287-87.2.

Section 6. The Code of the Borough of Downingtown, Chapter 287 thereof, being the Downingtown Borough Zoning Code, Article XV, I-3 Multipurpose District, by amending 287-69.2B, conditional use by adding a new section (5) and moving sections (5) and (6) to section (6) and (7) as follows:

(5) Medical Marijuana Growers/Processors, subject to compliance with 287-87.1.

(6) Adaptive reuse of existing buildings, redevelopment, and brownfield redevelopment as a new mixed-use development, in accordance with Article XIIIA.

(7) All other uses as determined by the Borough Council to be of the same general character as the uses by right.

Section 7. The Code of the Borough of Downingtown, Chapter 287 thereof, being the Downingtown Borough Zoning Code, Article XVI, General Regulations, by adding a new § 287-87.1, entitled Specific Requirements for Medical Marijuana Grower/Processors as follows:

287-87.1 Specific requirements for Medical Marijuana Grower/Processors.

1. Applicants must determine water and wastewater needs associated with this use. The Borough may assess additional tapping fees and/or rate fees for public water and sewer pursuant to projected service demands.
2. Wastewater treatment shall comply with Borough Code Chapter 235-24, prohibitions and restrictions on industrial users.
3. The site or facility shall provide adequate policing/enforcement to prevent the unintended transfer of marijuana plants off-premises.
4. No more than one Medical Marijuana Grower/Processor shall be permitted on any one parcel or in any one building.
5. A Medical Marijuana Grower/Processor may only grow/process medical marijuana in an indoor, enclosed permanent secure facility unless an outdoor facility is approved by the appropriate Commonwealth agency.
6. Off-street parking shall be consistent with § 287-107D (4), "Industrial, Manufacturing, warehouse uses".
7. All loading and unloading activity shall comply and be consistent with § 287-111, "Off-street loading".
8. No Medical Marijuana Grower/Processor shall be permitted within 1,000 feet of any of the following uses; another medical marijuana grower/processor, a medical marijuana dispensary, a significant tobacco retailer, a school, religious use, public park, or day care center.

Section 8. The Code of the Borough of Downingtown, Chapter 287 thereof, being the Downingtown Borough Zoning Code, Article XVI, General Regulations, is amended by adding new section 287-87.2, entitled specific requirements for medical marijuana dispensaries, as follows:

287-88.2 Specific requirements for Medical Marijuana Dispensaries.

1. The site or facility shall provide adequate policing/enforcement to prevent the sale of medical marijuana products other than for state-licensed medical reasons.
2. No more than one dispensary shall be permitted on any one parcel, or in any one building.
3. A Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed permanent secure facility and must have obtained approval from the Pennsylvania Department of Health, or in accordance with a curbside delivery protocol as approved by the Pennsylvania Department of Health.
4. The consumption of medical marijuana on the premises is prohibited.
5. Off-street parking shall be consistent with § 287-107D (2), “Retail and service uses”.
6. All loading and unloading activity shall be consistent with § 287-111 “Off-street loading”.
7. No Medical Marijuana Dispensary shall be permitted within 1,000 feet of any of the following uses; another medical marijuana dispensary, a medical marijuana grower/processor, a significant tobacco retailer, school, religious use, public park, or day care center.

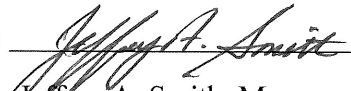
Section 9. Applicability. The provisions hereof shall supersede any ordinances or parts of ordinances which are inconsistent herewith.

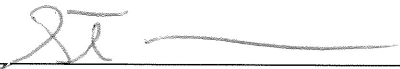
Section 10. Severability. If any provision, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

Section 11. Effective Date. This Ordinance shall become effective five (5) days from enactment.

ENACTED AND ORDAINED this 6th day of August, 2025 by the Borough Council of
Downingtown.

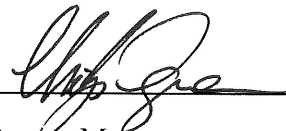
ATTEST:

By: 
Jeffrey A. Smith, Manager

By: 
Steven J. Plaugh, Council President

APPROVED by the Mayor on the 6th day of August, 2025.

SEAL


Phil Dague, Mayor