

**ORDINANCE #938-2020**

**AN ORDINANCE OF THE BOROUGH OF OXFORD, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING, OF THE CODE OF THE BOROUGH OF OXFORD REGARDING MEDICAL MARIJUANA.**

BE IT ENACTED AND ORDAINED by the Council of the Borough of Oxford, Chester County, Pennsylvania, that certain provisions of Chapter 27, Zoning, as amended, be amended as follows:

**SECTION 1.** Chapter 27, Zoning, Part 2, Definitions, §27-202, Definition of Terms, shall be amended to add the following terms and definitions:

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 Pa. 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 Pa. 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.

MEDICAL MARIJUANA – Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania pursuant to Act 16 of 2016.

**SECTION 2.** Chapter 27, Zoning, Part 7, C-1 Planned Commercial District, §27-704, Uses Permitted as Conditional Uses, subsection (1) shall be amended to add new subsection G, as follows:

- G. Medical marijuana dispensary, in accordance with the terms of §27-1331 of this chapter.

**SECTION 3.** Chapter 27, Zoning, Part 8, C-2 Neighborhood Commercial District, §27-805, Uses Permitted as Conditional Uses, subsection (1) shall be amended to add new subsection C, as follows:

- C. Medical marijuana dispensary, in accordance with the terms of §27-1331 of this chapter.

**SECTION 4.** Chapter 27, Zoning, Part 9, C-3 Central Business District, §27-902(1)(B), Uses Permitted as Conditional Uses, shall be amended to add new subsection 9, as follows:

- 9. Medical marijuana dispensary, in accordance with the terms of §27-1331 of this chapter.

**SECTION 5.** Chapter 27, Zoning, Part 9, C-3 Central Business District, §27-902(2)(B), Uses Permitted as Conditional Uses, shall be amended to add new subsection 5, as follows:

- 5. Medical marijuana dispensary, in accordance with the terms of §27-1331 of this chapter.

**SECTION 6.** Chapter 27, Zoning, Part 10, I General Industrial District, §27-1005(1), Uses Permitted as Conditional Uses, shall be amended to add new subsection E, as follows:

- E. Medical marijuana grower/processor, in accordance with the terms of §27-1331 of this chapter.

**SECTION 7.** Chapter 27, Zoning, Part 13, Supplemental Land Use Regulations, shall be amended to add new §27-1331, Medical Marijuana Grower/Processor and Dispensary, to read as follows:

§27-1331. Medical Marijuana Grower/Processor and Dispensary.

1. The following standards shall apply to any medical marijuana grower/processor or dispensary, where such use is permitted as a conditional use under the terms of this chapter.

A. Medical Marijuana Grower/Processor.

- (1) A medical marijuana grower/processor shall provide proof of registration with the PA Department of Health, or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the PA Department of Health. Should registration be denied or revoked at any time, any conditional use approval shall immediately become void.
- (2) A medical marijuana grower/processor shall at all times operate in compliance with all PA Department of Health regulations pertaining to such facilities.
- (3) No more than one grower/processor shall be permitted on any one site or in any one building.
- (4) The site or facility shall provide adequate security to prevent the unintended transfer of marijuana plants off the premises.
- (5) Off-street parking shall be provided in accordance with the applicable terms of §27-1211, Parking Regulations, of this chapter. In applying the terms of §27-1211(1)(G)(7) to determine the number of parking spaces required, the requirements for "industry, wholesale storage or distribution, research" shall be applied.
- (6) Where off-street loading facilities are to be provided, they shall comply with the standards contained in §27-1212, Loading and Unloading, of this chapter.
- (7) A medical marijuana grower/processor use shall not be operated or maintained on a parcel within one thousand (1,000) feet of the nearest point on the property line of a residentially-zoned property or a parcel containing a public, private, or parochial school or a day-care center.
- (8) A medical marijuana grower/processor shall submit a disposal plan to, and obtain approval from, the Zoning Officer or his or her designee. Medical marijuana remnants and by-products shall be disposed of according to the approved plan and shall not be placed within an exterior refuse container.
- (9) No retail sales of medical marijuana and no use of medical marijuana shall be permitted on the premises of a medical marijuana grower/processor.

B. Medical Marijuana Dispensary.

- (1) A medical marijuana dispensary shall provide proof of registration with the PA Department of Health, or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up-to-date registration with the PA Department of Health. Should registration be denied or revoked at any time, any conditional use approval shall immediately become void.
- (2) A medical marijuana dispensary shall at all times operate in compliance with all PA Department of Health regulations pertaining to such facilities.
- (3) A medical marijuana dispensary may not operate on the same site as a medical marijuana grower/processor.
- (4) A medical marijuana dispensary shall not be operated or maintained on a parcel within one thousand (1,000) feet of the nearest point on the property line of a residentially-zoned property or a parcel containing a public, private, or parochial school or a day-care center.

- (5) The site or facility shall provide adequate security to prevent the sale of medical marijuana products other than for state-licensed medical purposes.
- (6) No more than one dispensary shall be permitted on any one site or in any one building.
- (7) A medical marijuana dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales and no sidewalk displays shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.
- (8) No use of medical marijuana shall be permitted on the premises of a medical marijuana dispensary.
- (9) There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line of the property where the medical marijuana dispensary is operating.
- (10) A medical marijuana dispensary shall submit a disposal plan to, and obtain approval from, the Zoning Officer or his or her designee. Medical marijuana remnants and byproducts shall be disposed of according to the approved plan and shall not be placed within an exterior refuse container.
- (11) Off-street parking shall be provided in accordance with the requirements for "retail and service establishments," as contained in §27-1211(1)(G)(7) of this chapter.

**SECTION 8.** If any 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 Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 9.** All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

**SECTION 10.** This amendment shall be effective 5 days following adoption, as by law provided.

ENACTED AND ORDAINED this 2nd day of March, 2020.

OXFORD BOROUGH COUNCIL

By: Peggy Ann Russell  
PEGGY ANN RUSSELL, President

ATTEST:

Brian H. Hoover  
BRIAN H. HOOVER, Secretary

APPROVED THIS 2nd DAY OF March, 2020.

Phillip Harris  
PHILLIP HARRIS, Mayor