



TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 10 OF 2020

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING CHAPTER 240 ZONING, ARTICLE II DEFINITIONS , SECTION 240-9 PARTICULAR MEANINGS OF THE SOUTH FAYETTE CODE TO PROVIDE DEFINITIONS FOR AN ACADEMIC CLINICAL RESEARCH CENTER, CAREGIVER (MEDICAL MARIJUANA), CERTIFIED MEDICAL MARIJUANA USE, FORM OF MEDICAL MARIJUANA IDENTIFICATION CARD, MEDICAL MARIJUANA, MEDICAL MARIJUANA ACT, MEDICAL MARIJUANA DISPENSARY, MEDICAL MARIJUANA GROWER/PROCESSOR, AND MEDICAL MARIJUANA REGISTRY; AMENDING CHAPTER 240 ZONING, ARTICLE XIII, B-1 BUSINESS DISTRICT, SECTION 240-76.2 AUTHORIZED USES, SECTION 240-76.2 B CONDITIONAL USES TO PERMIT A MEDICAL MARIJUANA DISPENSARY IN THE B-1 BUSINESS DISTRICT SUBJECT TO CERTAIN CONDITIONS; AND AMENDING CHAPTER 240 ZONING, ARTICLE XII I-1 GENERAL INDUSTRIAL, SECTION 240-71 AUTHORIZED USES, SECTION 240-71 B, CONDITIONAL USES TO PERMIT MEDICAL MARIJUANA GROWER/PROCESSOR IN THE I-1 GENERAL INDUSTRIAL DISTRICT SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Board of Commissioners of the Township of South Fayette has determined that it is necessary and appropriate to amend the Township’s Zoning Ordinance in order to establish a process and standards for the establishment, construction, and operations of medical marijuana facilities, pursuant to the Pennsylvania “Medical Marijuana Act”, Act 16 of 2016, to allow for the integration of a permitted industry while providing for the protection of the public’s health, safety, morals, and general welfare; and

WHEREAS, the Board of Commissioners has determined that the adoption of certain conditions relative to the establishment, construction and operations of medical marijuana facilities, pursuant to the Medical Marijuana Act are necessary and reasonable for the protection of the public’s health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SOUTH FAYETTE AS FOLLOWS:

Section 1. The recitals set forth hereinabove are incorporated herein by reference thereto.

Section 2. Chapter 240 Zoning, Article II Definitions, Section 240-9 Particular Meanings of the South Fayette Code shall be amended by the addition of the following definitions in alphabetical order:

CAREGIVER (MEDICAL MARIJUANA) - The individual designated by a patient to deliver medical marijuana.

CERTIFIED MEDICAL MARIJUANA USE - The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the Commonwealth.

FORM OF MEDICAL MARIJUANA - The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

IDENTIFICATION CARD - A document issued by the Pennsylvania Department of Health that permits access to medical marijuana.

MEDICAL MARIJUANA - Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania under the Medical Marijuana Act.

MEDICAL MARIJUANA ACT – The Act of April 17, 2016, P.L. 84, No. 16, as amended from time to time (53 P.S. 10231.101, et. seq.).

MEDICAL MARIJUANA DISPENSARY - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana; the term includes the facility from which medical marijuana is dispensed.

MEDICAL MARIJUANA GROWER/PROCESSOR - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

MEDICAL MARIJUANA REGISTRY - The registry established by the Pennsylvania Department of Health for all medical marijuana organizations and practitioners.

Section 3. Chapter 240 Zoning, Article XIIA, B-1 Business District, Section 240-76.2 Authorized Uses, Section 240-76.2 Conditional Uses is hereby amended to permit a Medical Marijuana Dispensary as a conditional use subject to certain conditions set forth in §240-95 A.

Section 4. Chapter 240 Zoning, Article XV Express Standards and Criteria for Grant of Conditional Uses and Uses by Special Exception, Section 240-95 Standards for Specific Uses is hereby AMENDED to include the following criteria for the approval of a Medical Marijuana Dispensary as a Conditional Use as follows:

Medical Marijuana Dispensary, subject to the following conditions:

- (1) A medical marijuana dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- (2) A medical marijuana dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building, and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (3) A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- (4) Medical marijuana dispensaries shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana.
- (5) Permitted daily hours of operation of a medical marijuana dispensary shall be 8:00 am to 8:00 pm.
- (6) A medical marijuana dispensary shall:
 - (a) Not have a drive-through service
- (7) A medical marijuana dispensary may only dispense medical marijuana to certified patients and medical marijuana caregivers, and shall comply with all lawful, applicable state and local health regulations.
- (8) A medical marijuana dispensary shall comply with the separation requirements set forth in the Medical Marijuana Act. The separation distance shall be measured using a pedestrian route continually accessible to the public, measured from lot line to lot line, regardless of municipality in which it is located.
- (9) Parking requirements will follow the parking schedule for retail uses applicable to the B-1 zoning district. However; the same may be modified if a Traffic Impact Study is required and reflects the necessity for additional parking.
- (10) Vehicular ingress and egress to and from a medical marijuana dispensary site shall be designed to accommodate the anticipated vehicles used to service the facility. A Traffic Impact Study may be required.

Section 5. Chapter 240 Zoning, Article XII I-1 General Industrial, Section 240-71 Authorized Uses, Section 240-71 B, Conditional Uses is hereby AMENDED to permit a Medical Marijuana Grower/Processor and a as a conditional use subject to certain conditions set forth in §240-95 A.

Section 6. Chapter 240 Zoning, Article XV Express Standards and Criteria for Grant of Conditional Uses and Uses by Special Exception, Section 240-95 Standards for Specific Uses is hereby

AMENDED to include the following criteria for the approval of a Medical Marijuana Grower/Processor as a Conditional Use as follows:

- (1) A medical marijuana grower/processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- (2) The maximum floor area of a medical marijuana grower/processor shall be limited to 20,000 square feet, of which sufficient space must be set aside for, secure storage of marijuana seeds, related finished product, and marijuana related materials used in production or for required laboratory testing.
- (3) Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health Policy and shall not be placed within any unsecure refuse containers.
- (4) The grower/processor shall provide only wholesale products to other permitted medical marijuana uses. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.
- (5) Grower/processors may not locate within 1,000 feet of the property line of a public, private, or parochial school, or day-care center.
- (6) Parking requirements will follow the parking schedule found in Article XX, Off-Street Parking Regulations, Section M.
- (7) Vehicle ingress and egress to and from a medical marijuana grower/processor shall be designed to accommodate the anticipated vehicles used to service the facility.
 - (a) All vehicular access must secure the appropriate highway occupancy permit.
- (8) A medical marijuana grower/processor must be legally registered in the Commonwealth and possess a current valid Medical Marijuana Permit from the Pennsylvania Department of Health.
- (9) Any odor must be managed by ventilation and exhaust equipment with operable filtration so that any odors are effectively confined to the interior of the building. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment that can be seen, smelled, or otherwise perceived beyond the facility.
- (10) A plan shall be provided demonstrating that all external and internal lighting, including light for nighttime growing, is shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- (11) A minimum 50 feet buffer planting is required where a grower/processor facility adjoins a residential, hotel or apartment hotel use or district.

- (12) The facility must not be within 3,000 feet of another medical marijuana grower/processor facility.
- (13) No pictures, photographs, drawings or other depictions of marijuana or marijuana paraphernalia shall appear on the outside of any medical marijuana grower/processor facility or any sign associated therewith.
- (14) A medical marijuana grower/processor shall comply with any other lawful and applicable requirements or restrictions imposed by state and/or local laws or regulations.

Section 7. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 8. This Ordinance shall take effect and be in force from and after its approval as required by law.

ADOPTED AND APPROVED this 14th day of November 2020.

ATTEST:

TOWNSHIP OF SOUTH FAYETTE

John Barrett, Manager/Secretary

Gwen Rodi, Chairman Board of Commissioners