

**MUNICIPALITY OF NORRISTOWN  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 17-01**

**MUNICIPAL OF NORRISTOWN, MONTGOMERY COUNTY,  
PENNSYLVANIA, AMENDING THE NORRISTOWN MUNICIPALITY  
ZONING ORDINANCE TO ESTABLISH CERTAIN NEW USE  
CLASSIFICATIONS; PROVIDING FOR REGULATIONS GOVERNING  
MEDICAL MARIJUANA DISPENSARY USES AND MEDICAL MARIJUANA  
GROWER/PROCESSOR USES; AMENDING CERTAIN PROVISIONS  
PERTAINING TO COMMERCIAL DEVELOPMENT AND ARCHITECTURAL  
DESIGN STANDARDS; AMENDING THE DEFINITION OF FINANCIAL  
INSTITUTION; REPEALING ALL INCONSISTENT ORDINANCES;  
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE  
DATE**

**WHEREAS**, in April, 2016, the Pennsylvania General Assembly enacted the Medical Marijuana Act, Act No. 16 of 2016, which provides for access to medical marijuana for patients suffering from certain medical conditions; and

**WHEREAS**, the Norristown Municipal Council ("Council") believes it to be in the best interest of the Municipality and its residents to regulate the location and nature of licensed organizations growing, acquiring, possessing, manufacturing, selling, delivering, transporting, and/or distributing/dispensing medical marijuana within the Borough; and

**WHEREAS**, the Medical Marijuana Act provides for two distinct land uses: Medical Marijuana Grower/Processor and Medical Marijuana Dispensary; and

**WHEREAS**, the Medical Marijuana Act requires that a Medical Marijuana Grower/Processor "shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district"; and

**WHEREAS**, the Medical Marijuana Act requires that a Medical Marijuana Dispensary "shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district."

**WHEREAS**, Council further desires to amend the Zoning Ordinance to revise certain requirements relating to commercial development and architectural design standards

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Norristown Municipal Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**SECTION I. AMENDMENT.**

Article II Section 320-11 of the Norristown Municipal Code is hereby amended by adding the following terms and definitions in alphabetical order:

**FINANCIAL INSTITUTION** - An entity which is authorized by federal or state law and licensed to do business in the Commonwealth of Pennsylvania as one of the following: a bank, bank and trust company, trust company, credit union, savings bank, savings and loan association or foreign banking corporation, excluding a check cashing facility, the deposits of which are insured by an agency of the federal government, or as an investment adviser registered under the Investment Advisers Act of 1940 or with the Pennsylvania Securities Commission, an investment company registered under the Investment Company Act of 1940, or a broker dealer registered under the Securities Exchange Act of 1934.

**MEDICAL MARIJUANA ACT** – Act 16 of 2016, 35 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 does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

**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/or process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

Article XV Section 320-151 A. is amended by adding a new Class I Permitted Use (23) as follows:

“(23) Medical Marijuana Grower/Processor shall meet the following requirements:

- A. The facility must be about the Institutional District as defined herein and delineated on the Norristown Municipal Zone Map.
- B. The facility must be at least 130,000 square feet and no more than 175,000 square feet in size.
- C. A Medical Marijuana Grower/Processor shall provide proof of registration with the Pennsylvania 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 Department of Health. Should registration be denied or revoked at any time, any conditional use or special exception shall immediately become void.

- D. A Medical Marijuana Grower/Processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- E. A Medical Marijuana Grower/Processor must be located on a lot containing not less two (2) acres.
- F. A Medical Marijuana Grower/Processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a day-care center. Nor shall a Medical Marijuana Grower/Processor be located closer than 2,500 feet from another Medical Marijuana Grower/Processor or Medical Marijuana Dispensary.
- G. A Medical Marijuana Grower/Processor must operate entirely within an indoor, enclosed, and secure facility.
- H. A Medical Marijuana Grower/Processor may not operate on the same site as a Medical Marijuana Dispensary.
- I. A Medical Marijuana Grower/Processor shall not receive deliveries or make shipments earlier than 9:00 A.M. or later than 9:00 P.M.
- J. A Medical Marijuana Grower/Processor shall submit a disposal plan to, and obtain approval from the Municipal Code Enforcement Officer or his or her designee. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- K. There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Grower/Processor is operating.
- L. No one under the age of twenty-one (21) shall be permitted in a Medical Marijuana Grower/Processor.
- M. No retail sales of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- N. No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- O. A Medical Marijuana Grower/Processor shall submit a security plan to, and obtain approval from the Code Enforcement Officer or his or her designee.

The Medical Marijuana Grower/Processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.

- P. A Medical Marijuana Grower/Processor shall contract with a private security company, licensed in accordance with 22 Pa. C.S.A. (the Private Detective Act), and the Grower/Processor shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week, and shall install panic alarms approved by the Chief of Police.
- Q. A Medical Marijuana Grower/Processor shall submit a site plan for approval by the Municipal Engineer and a Floor Plan for approval by the Municipal Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

Article XVI Section 320-161 B. is amended by adding a new subsection (8) as follows:

“(8) Medical Marijuana Dispensaries provided that the following requirements are met:

- A. A Medical Marijuana Dispensary shall provide proof of registration with the Pennsylvania Department of Health or proof that registration has been sought and is pending approval, and shall maintain a valid, accurate, and up to date registration with the Department of Health. Should registration be denied or revoked at any time, any special exception or conditional use shall immediately become void.
- B. A Medical Marijuana Dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- C. A Medical Marijuana Dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a residentially zoned property or a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center. Nor shall a Medical Marijuana Dispensary be located closer than 2,500 feet from another Medical Marijuana Dispensary or from a Medical Marijuana Grower/Processor.
- D. 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.

- E. A Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower/Processor.
- F. A Medical Marijuana Facility shall be limited to hours of operation not earlier than 9:00 A.M. and not later than 9:00 P.M.
- G. A Medical Marijuana Dispensary shall submit a disposal plan to, and obtain approval from the Municipal Code Enforcement Officer or his or her designee. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- H. There shall be no emission of dust, fumes, vapors, or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Dispensary is operating.
- I. No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- J. No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Dispensary.
- K. The minimum size of a Medical Marijuana Dispensary facility shall be two thousand (2,000) gross square feet in total floor area.
- L. A Medical Marijuana Dispensary shall submit a security plan to, and obtain approval from, the Municipal Engineer, the Municipal Planner, and the Municipal Code Enforcement Officer. The Medical Marijuana Grower/Processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- M. A Medical Marijuana Dispensary shall provide proof of a contract with a private security company, licensed in accordance with 22 Pa. C.S.A. (the Private Detective Act), and shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week, and shall install panic alarms approved by the Chief of Police.

- N. A Medical Marijuana Dispensary shall submit a site plan for approval by the Municipal Engineer and a Floor Plan for approval by the Municipal Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.”

Article IX, Section 320-88, of the Norristown Municipal Code is hereby amended as follows:

“A. Class I and Class II Permitted Uses.”

“A.1 All buildings associated with Class I, II, Permitted Uses shall comply with the following standards:”

“B.3 Gas Stations and convenience stores with gas pumps that are not part of a Class III Permitted Use.”

“D. 1 All buildings associated with Class III Permitted Uses shall be subject to review in accordance with §320-89”

“D. 2 All shopping centers and other retail establishments with 75,000 square feet or more in gross floor area shall meet the following additional requirements:

- (a) All sides of shopping centers and retail establishments with 50,000 square feet or more of floor area that directly face an abutting public street shall feature at least one customer entrance connected to the street by a clearly defined pedestrian walkway. This requirement can be met for two sides of a shopping center or large retail establishment by a corner entrance that is visible from both sides.
- (b) Shopping centers shall contain a common use area that will serve as a focal point for the center and provide walkways, seating, and landscaping. The common use area shall meet the following requirements:
  - [1] It shall generally be located between the street and the front facade of the primary shopping center or large retail establishment building, within 200 feet of this building.
  - [2] It shall be equal to or greater in size than 5% of the gross floor area of the shopping center or large retail establishment.
  - [3] It shall be directly connected to the sidewalk in front of the shopping center or large retail establishment, without intervening driveways or streets.
  - [4] It shall consist of one contiguous area and shall be improved with either a gazebo, pavilion, clock tower, or paved patio area with a

fountain to help identify this area as the central gathering place for the development and shall be a minimum of 300 square feet in size.

[5] It shall contain shade trees, ornamental plantings, and seating; it may also contain outdoor dining areas.

A new Section 320-89 is added to Article IX as follows:

“Section 320 – 89, Design Review Board.

A. All buildings for Class III uses shall be reviewed by the Historical Architectural Review Board when this board has jurisdiction. When the Historical Architectural Review Board does not have jurisdiction, all buildings for Class III uses shall be reviewed by a Design Review Board in accordance with section § 320-243.”

Article XXIII Section 243 B. (3) of the Norristown Municipal Code is hereby amended as follows:

B. (3) General site considerations (including site layout, open space, topography, orientation, customer entrances, aesthetics of ground floor facades that face public streets with surrounding area and buildings, store front landscaping and location of buildings, circulation and parking, setbacks, heights, walls, fencing and similar elements) and general architectural considerations (including the character, scale and quality of the design, the architectural relationship with the site and other buildings, screening of exterior appurtenances and similar elements) have been designed and incorporated to invite pedestrian circulation between this area and the remainder of the municipality, to be compatible with the existing built environment, and to encourage continuing revitalization of the municipality.”

Article XXIII Section 249 A. (6) (d) of the Norristown Municipal Code is hereby amended as follows:

“A. (6)(d) Individual canopies shall have a maximum area of 6,000 square feet.”

Article XXIII Section 256 is hereby repealed.

Article XXVII Section 320-317 of the Norristown Municipal Code is hereby amended by adding the following terms and definitions in alphabetical order:

**FUEL DISPENSER SIGN**

**Any sign that is part of, or attached to, an enclosure containing fuel dispensing equipment.**

**GAS CANOPY SIGN**

**Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure.**

**SECTION II. SEVERABILITY**

In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

**SECTION III. REPEALER**

All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**SECTION IV. EFFECTIVE DATE**

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

**ORDAINED AND ENACTED** by the Municipal Council of the Municipality of Norristown, Montgomery County, Pennsylvania this \_\_\_\_ day of \_\_\_\_\_, 2017.

**NORRISTOWN MUNICIPAL COUNCIL**

By: \_\_\_\_\_  
Sonya Sanders  
Council President

Attest \_\_\_\_\_  
Crandall O. Jones,  
Municipal Administrator