

AGENDA
POCONO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
JUNE 11th 2018 - 7:00 p.m.

A. CALL TO ORDER (followed by the Pledge of Allegiance)

B. ROLL CALL

C. NOTIFICATIONS OF COMMENTS

D. CORRESPONDENCE:

Time extension from Ertle Enterprises, Inc. until 08/27/2018.

E. MINUTES: Minutes of the Pocono Township Planning Commission Meeting - 05/29/2018.

F. DISUSSION - Log Cabin Express

G. NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW:

H. FINAL PLANS UNDER CONSIDERATION:

I. PRELIMINARY PLANS UNDER CONSIDERATION:

1. Sheldon Kopelson, Commercial Development (Lot 3) - Plans were administratively accepted at the 8/13/2013 P.C. Mtg. The configuration of the minor subdivision is dependent on the Rt. 715 realignment. Tabled at the 03/26/2018 P.C. Mtg. A resubmission has not occurred. Deadline for P.C. consideration extended to 12/10/2018.
2. Spa Castle Land Development - Land Development on Birchwood Road. The plans were administratively accepted at the 12/14/2015 P.C. Mtg. Tabled at the 03/26/2018 P.C. Mtg. Time extension requested until 10/20/2018. Deadline for P.C. consideration is 10/08/2018.
3. Running Lane Land Development Plan and Minor Subdivision/Lot Combination Plan - The plans were administratively accepted at the 08/14/2017 P.C. Mtg. Plans were tabled at the 03/26/2018 P.C. Mtg. Time extension requested until 07/30/2018. Deadline for P.C. consideration is extended to 07/09/2018.
4. Pocono Logistics LDP - Plan fees paid. Plans were accepted at the 03/26/2018 P.C. Mtg. Deadline for P.C. consideration is 07/09/2018. Twp. Engineer's review letter dated 04/19/2018 was received.

SKETCH PLANS:

**PRESENTATION OF SPECIAL EXCEPTIONS, CONDITIONAL USE, ET AL,
APPLICATIONS:**

ORDINANCES:

Medical Marijuana Ordinance

SALDO Amendment

Amendments to Ordinance 110 (Signs)

UNFINISHED BUSINESS:

For Discussion:

Revised Draft - Yard Sales Ordinance (possible)

NEW BUSINESS:

COMMENTS BY AUDIENCE:

ADJOURNMENT:

POCONO TOWNSHIP PLAN STATUS

Project Name (Acceptance Date)	Application Type	Prelim/Final	Review/Period Expires	Last PC Mtg	Last BOC Mtg	Latest Comment Letter	Last Meeting Tabled	PC Recommendation Approve/Deny	BOC Approved/Rejected
Kopelson Lot 3 Land Development (8/13/13)	Commercial Land Dev	Prelim	12/31/2018	12/10/2018	12/17/2018	unknown date	4/23/2018		
Spa Castle Land Development (Prelim) (12/14/15)	Commercial Land Dev	Prelim	10/20/2018	10/8/2018	10/15/2018	Planning Rev 9/9/16 Technical Rev 11/9/16	4/23/2018		
Running Lane LDP (8/14/17) *Submitted one application	Land Dev	Prelim	7/30/2018	7/9/2018	7/16/2018	5/10/2018	4/23/2018		
Running Lane LDP (8/14/17)	Lot Combo	Prelim	7/30/2018	7/9/2018	7/16/2018	5/10/2018	4/23/2018		
Pocono Logistics (03/26/2018)	Land Dev	Prelim/Final	7/31/2018	7/9/2018	7/16/2018	4/19/2018	4/23/2018		

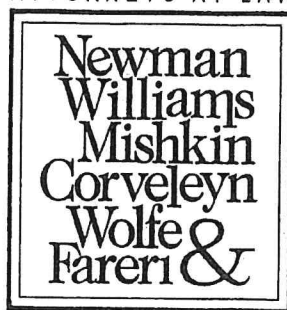
Daniel M. Corveleyn
Marc R. Wolfe
James V. Fareri
Gerard J. Geiger
Vincent Rubino
David L. Horvath

Aaron M. DeAngelo
J. Zac Christman*
Robert J. Kidwell

Of Counsel:
Samuel W. Newman
Todd R. Williams
Ronald J. Mishkin

**Member of NJ and PA Bar*

ATTORNEYS AT LAW



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June 4, 2018

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Pocono Township Board of Commissioners
P.O. Box 197
Tannersville, PA 18372

RE: Ertle Enterprises, Inc.
Property: 3453 Route 611, Bartonsville, PA 18321
Tax Code No.: 12/9/1/73
PIN: 12638100153379
Our File No. 52816

Ladies and Gentlemen:

Ertle Enterprises, Inc. hereby extends the time the Township has to act upon the above-referenced matters until August 27, 2018. The Developer hereby waives any applicable requirement in the Pennsylvania Municipalities Planning Code or the Township Zoning Ordinance that would require the Township to act earlier than the date hereinabove set forth.

Thank you for your attention to these matters.

Very truly yours,

Marc R. Wolfe

MRW/aml

cc: Lisa A. Pereira, Esq.
James P. Ertle

**POCONO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
MAY 29th 2018 - 7:00 p.m.**

The Pocono Township Planning Commission Regular meeting was held on May 29, 2018 at the Pocono Township Municipal Building, Tannersville, PA and opened by Chairman Ron Swink at 7:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL: Ron Swink, present; Scott Gilliland, present; Dennis Purcell, present; Bob DeYoung, absent; Marie Guidry, present; Jeremy Sawicki, absent; and Chad Kilby, present.

Leo DeVito, Twp. Solicitor; Jon Tresslar, Twp. Engineer; DonnaASURE, Twp. Manager; and Pamela Tripus, Twp. Secretary/Recording Secretary were present.

PUBLIC COMMENT:

CORRESPONDENCE:

1. GTRP Grant Application, request for letter of support - Ron Swink questioned the cost of the repair and the status of the PennDOT realignment of Rt. 715. Jon Tresslar, Twp. Engineer, explained the quote included prevailing wage and extensive controls to protect the stream during repairs. He noted the Township is only required to match it by 15% of the total cost. J. Tresslar noted the latest information from PennDOT's realignment will not impact the foot bridge. Discussion followed on the PennDOT project. C. Kilby made a motion, seconded by S. Gilliland, to authorize the Chairman to execute a letter of support for the GTRP Grant Application for the repair of the TLC Bridge. All in favor. Motion carried. S. Gilliland expressed his appreciation for the Township applying for the grant.
2. A time extension until 12/31/2018 was received for Kopelson - Commercial Development (Lot 3).
3. A time extension until 07/31/2018 was received for Pocono Logistics LDP.

R. Swink questioned the status of the Quaker Ridge Preliminary LDP extension. P. Tripus explained the plan was an older plan that did not move forward due to economic reasons. Discussion followed. L. DeVito will review the plan history.

MINUTES: M. Guidry made a motion, seconded by D. Purcell, to approve the minutes of the 05/14/2018 PC meeting. All in favor. Motion carried.

NEW PLANS AND SUBMISSIONS FOR PLANNING COMMISSION REVIEW: None

FINAL PLANS UNDER CONSIDERATION: None

PRELIMINARY PLANS UNDER CONSIDERATION:

Sheldon Kopelson, Commercial Development (Lot 3) - Plans were administratively accepted at the 8/13/2013 P.C. Mtg. The configuration of the minor subdivision is dependent on the Rt. 715 realignment. Tabled at the 05/14/2018 P.C. Mtg. A resubmission has not occurred. Deadline for P.C. consideration extended to 12/10/2018. C. Kilby made a motion, seconded by D. Purcell, to table the Sheldon Kopelson, Commercial Development (Lot 3). All in favor. Motion carried.

Spa Castle Land Development - Land Development on Birchwood Road. The plans were administratively accepted at the 12/14/2015 P.C. Mtg. Tabled at the 05/14/2018 P.C. Mtg. Time extension requested until 10/20/2018. Deadline for P.C. consideration is 10/08/2018. D. Purcell made a motion, seconded by M. Guidry, to table the Spa Castle Land Development Plan. All in favor. Motion carried.

Running Lane Land Development Plan and Minor Subdivision/Lot Combination Plan - The plans were administratively accepted at the 08/14/2017 P.C. Mtg. Plans were tabled at the 05/14/2018 P.C. Mtg. Time extension requested until 07/30/2018. Deadline for P.C. consideration is extended to 07/09/2018. C. Kilby noted he spoke to the Fire Chief and the Fire Company recommends the spaces by the rear retaining wall be parallel to the wall. S. Gilliland made a motion, seconded by M. Guidry, to table the Running Lane Land Development Plan and Minor Subdivision/Lot Combination. All in favor. Motion carried.

Pocono Logistics LDP - Plan fees paid. Plans were accepted at the 03/26/2018 P.C. Mtg. Plan was tabled at the 05/14/2018 P.C. Mtg. Deadline for P.C. consideration is 07/09/2018. Twp. Engineer's review letter dated 04/19/2018 was received. D. Purcell made a motion, seconded by M. Guidry, to table the Pocono Logistics LDP. All in favor. Motion carried.

SKETCH PLANS: None

PRESENTATION OF SPECIAL EXCEPTIONS, CONDITIONAL USE, ET AL, APPLICATIONS:

ORDINANCES:

Medical Marijuana - L. DeVito, Twp. Solicitor, explained the Ordinance provides for the various medical marijuana uses and zones, the uses are allowed. L. DeVito noted it includes supplemental requirements for each of the various use. R. Swink referred to a property, previously inquired about for medical marijuana. M. Tripus, Twp. ZO, commented on a people that have contacted his office. L. DeVito explained the draft was sent to MCPC for review. Discussion followed.

MEDICAL MARIJUANA ORDINANCE CONT:

S. Gilliland noted the Ordinance included the required state requirements. S. Gilliland questioned the limit of industrial zones in the Township. Discussion followed.

S. Gilliland made a motion, seconded by C. Kilby, to recommend the Medical Marijuana Ordinance to the Board of Commissioners for approval. All in favor. Motion carried.

UNFINISHED BUSINESS:

Wagner Millwork - Forestry Permit - J. Tresslar, Twp. Engineer, in his letter dated 04/12/2018 recommended a \$100,000 bond for roadway repairs along Back Mountain Road and videotaping of roads prior to hauling activities. D. Purcell made a motion, seconded by M. Guidry, to authorize the Twp. Zoning Officer to require a \$100,000 bond for the Wagner Millwork, LLC/Brookdale Enterprises Forestry Permit. All in favor. Motion carried.

NEW BUSINESS:

For Discussion:

Regional Comprehensive Plan - C. Kilby suggested the Board consider updating the Township's Comprehensive plan, noting the increase in commercial development. Discussion followed.

C. Kilby made a motion, seconded by S. Gilliland, to send a request to the Board of Commissioners to review the Regional Comprehensive Plan and determine if it should be updated as a Pocono Township Comprehensive Plan or update the Regional Comprehensive Plan. All in favor. Motion carried.

Yard Sales Ordinance - M. Tripus, ZO Officer, explained he is working with Lisa Pereira, Twp. Solicitor, to complete the changes to the draft.

M. Guidry commented on the parking lot of Weis Markets. She noted people are parking in the fire lane and buses have difficulty making the turns. M. Tripus, Zoning Officer, explained the Police do have the ability to cite cars parked in the fire lane but it is a constant problem. Discussion followed on the traffic problems in the Township.

R. Swink questioned if Turkey Hill has submitted. M. Tripus, ZO, noted no submission has been made. Discussion followed.

COMMENTS BY AUDIENCE:

Ellen Gndt, Twp. resident, questioned the time limit for two Land Development Plans. P. Tripus noted the time extensions were received and listed under correspondence.

Ellen Gndt, Twp. resident, questioned the procedure for sending the Medical Marijuana ordinance to MCPC.

ADJOURNMENT: C. Kilby made a motion, seconded by M. Guidry, to adjourn the meeting at 7:55 p.m., until June 11th, 2018, at the Pocono Township Municipal Building, Tannersville, PA. All in favor. Motion carried.

**POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018 -

**AN ORDINANCE OF THE TOWNSHIP OF POCONO, MONROE
COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 77, THE
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

WHEREAS, the Board of Commissioners of the Township of Pocono has deemed it necessary to amend Ordinance No. 77, the Subdivision and Land Development Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Pocono, Monroe County, Pennsylvania, as follows:

SECTION I. Article IV of Ordinance No. 77, Section 408.9 is hereby added and shall read as follows:

“408.9 Master Sign Plan.

All commercial and industrial developments shall comply with the Master Sign Plan Requirements set forth in the Pocono Township Zoning Ordinance, Article VII, Section 707.”

SECTION II. REPEALER

Any existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION III. SEVERABILITY

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Ordinance.

SECTION IV. ENACTMENT

This Ordinance shall be effective within five (5) days and shall remain in force until modified, amended or rescinded by Pocono Township, Monroe County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Commissioners this ____ day of _____,
2018.

ATTEST:

**POCONO TOWNSHIP BOARD OF
COMMISSIONERS**

PAMELA TRIPUS
Township Secretary

GERALD LASTOWSKI
President, Board of Commissioners

**POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018 -

**AN ORDINANCE OF THE TOWNSHIP OF POCONO, MONROE
COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 110, THE
ZONING ORDINANCE**

WHEREAS, the Board of Commissioners of the Township of Pocono has deemed it necessary to amend Ordinance No. 110, the Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Pocono, Monroe County, Pennsylvania, as follows:

SECTION I.

A. Article VII of Ordinance No. 110, Section 701.A.6 is hereby amended by deleting the last sentence.

B. Article VII of Ordinance No. 110, Section 704.C.2 is hereby deleted and replaced as follows:

“Billboards shall have a maximum height of 30 feet measured from the roadway surface.”

C. Article VII of Ordinance No. 110, Section 704.C.3 is hereby deleted and replaced as follows:

“The minimum spacing between Billboards shall be 300 feet.”

D. Article VII of Ordinance No. 110, Section 704.E.1 is hereby deleted and replaced as follows:

“One (1) Monument Sign identifying each main entrance location, displayed toward a street to which it has permitted access.”

E. Article VII of Ordinance No. 110, Section 704.I of hereby amended to include the following:

“Temporary signs located on properties within the C, RD and I Zoning Districts must be removed from the property after a period of one (1) week, and shall only be placed on the property once every twenty-one (21) days.”

F. Ordinance No. 110, “Use Schedule” is hereby amended to add “Billboards” as a conditional use in the R-D, C, and I zoning districts.

G. Article IX of Ordinance No. 110, Section 902.C is hereby deleted in its entirety and the subsequent subsections shall be renumbered accordingly.

SECTION II. REPEALER

Any existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION III. SEVERABILITY

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Ordinance.

SECTION IV. ENACTMENT

This Ordinance shall be effective within five (5) days and shall remain in force until modified, amended or rescinded by Pocono Township, Monroe County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Commissioners this ____ day of _____, 2018.

ATTEST:

**POCONO TOWNSHIP BOARD OF
COMMISSIONERS**

PAMELA TRIPUS
Township Secretary

GERALD LASTOWSKI
President, Board of Commissioners

**POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018 -

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF POCONO, COUNTY OF MONROE, COMMONWEALTH
OF PENNSYLVANIA AMENDING ORDINANCE NO. 110, THE ZONING
ORDINANCE, TO PROVIDE FOR THE ESTABLISHMENT AND
REGULATION OF MEDICAL MARIJUANA FACILITIES AND
REPEALING ALL ORDINANCES INCONSISTENT HERewith**

WHEREAS, the Commissioners of Pocono Township, Monroe County, Pennsylvania, under the powers vested in them by the “First Class Township Code” of Pennsylvania and the authority and procedures of the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania including the Pennsylvania Medical Marijuana Act (Act 16 of 2016), do hereby enact and ordain the following amendment to the text of the Pocono Township Zoning Ordinance; and

WHEREAS, the Board of Commissioners of Pocono Township desire to amend its Zoning Ordinance by providing for the establishment of Medical Marijuana Facility uses in certain Zoning Districts of the Township of Pocono and providing for the regulation of same.

NOW, THEREFORE, be it enacted and ordained by the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, and the same is hereby ordained and enacted as follows, to wit:

SECTION 1: The Commissioners of Pocono Township, Monroe County, Pennsylvania, under the powers vested in them by the “First Class Township Code” and the “Pennsylvania Municipalities Planning Code”, as amended, as well as other laws of the Commonwealth of Pennsylvania, including the Pennsylvania Medical Marijuana Act (Act 16 of 2016) do hereby

ordain and enact the following amendment to the text of Ordinance No. 110, the Pocono Township Zoning Ordinance, as amended.

SECTION 2: PURPOSE. The Purpose of this Zoning Ordinance amendment is 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) (the “Act”) and to allow for the integration of an allowed industry while providing for the protection for the public’s health, safety, morals, and general welfare.

SECTION 3: Article II, DEFINITIONS; Section 202, Definitions is hereby amended by adding the following definitions to read as follows:

- “A. ACADEMIC CLINICAL RESEARCH CENTER – An accredited medical school within this Commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth pursuant to the Act.
- B. CAREGIVER – The individual designated by a patient to deliver Medical Marijuana.
- C. CERTIFIED MEDICAL 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 pursuant to the Act.
- D. CLINICAL REGISTRANT – An entity that:
 - 1. Holds a permit both as a Grower/Processor and a Dispensary pursuant to the Act; and
 - 2. Has a contractual relationship with an Academic Clinical Research Center under which the Academic Clinical Research Center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

- E. COMMONWEALTH – shall mean the Commonwealth of Pennsylvania.
- F. DISPENSARY – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health (“DOH”) of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act.
- G. DISPENSARY FACILITY – any building or structure used to dispense Medical Marijuana by a licensed Dispensary.
- H. 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, variant and quantity or percentage of Medical Marijuana or particular active ingredient.
- I. GROWER/PROCESSOR – A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit from the DOH to grow and process Medical Marijuana in the Commonwealth, pursuant to the provisions of the Act.
- J. GROWER/PROCESSOR FACILITY – Any building or structure used to grow Medical Marijuana by a licensed Grower/Processor that has a current and valid license from the DOH pursuant to the Act.
- K. MEDICAL MARIJUANA – Marijuana for certified medical use as legally permitted by the Commonwealth and the provisions of the Act.
- L. MEDICAL MARIJUANA FACILITY – A Dispensary Facility or a Grower/Processor Facility.
- M. MEDICAL MARIJUANA DELIVERY VEHICLE OFFICE – Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more Grower/Processor Facilities and/or Dispensary Facilities.

- N. REGISTRY – The registry established by the DOH for all Medical Marijuana organizations and practitioners in the Commonwealth pursuant to the provisions of the Act.”

SECTION 4: Article IV, BASIC DISTRICT REGULATIONS; Section 405, C

Commercial District Regulations, Subsection B.3 Conditional Uses is hereby amended to add the following additional Conditional Uses and to renumber the subsequent uses:

- “j. Dispensary Facility.
k. Medical Marijuana Delivery Vehicle Office.”

SECTION 5: Article IV, BASIC DISTRICT REGULATIONS; Section 406, I Industrial

District Regulations; Subsection B.3 Conditional Uses is hereby amended to add the following additional Conditional Uses and to renumber the subsequent uses:

- “c. Grower/Processor Facility.
d. Medical Marijuana Delivery Vehicle Office.
e. Academic Clinical Research Center.
f. Dispensary Facility.”

SECTION 6: Article V, SUPPLEMENTARY REGULATIONS is hereby amended by

adding Section 566, Section 567, Section 568 and Section 569 as follows:

“ Section 566. Academic Clinical Research Centers.

- A. Parking requirements will follow the parking regulations found in Section 512 of the Township of Pocono Zoning Ordinance. Off-Street Parking Regulations shall utilize those listed for Educational institutions (colleges, universities, technical schools, and trade schools), as appropriate.
- B. An Academic Clinical Research Center 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 DOH. The portions of the Academic Clinical Research Center where the Medical Marijuana is grown or processed shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

- C. All external lighting serving an Academic Clinical Research Center must be shielded in such a manner not to allow light to be emitted skyward or onto adjoining properties.
- D. A buffer planting is required where an Academic Clinical Research Center adjoins a residential use or district, pursuant to the Township of Pocono Subdivision and Land Development Ordinance.
- E. Any and all other provisions contained in the Act affecting the construction, use and operation of an Academic Clinical Research Center.
- F. The Academic Clinical Research Center shall require a site plan review and approval if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized.

Section 567. Grower/Processor Facility.

- A. Grower Processor Facility which grows Medical Marijuana must be owned or leased and operated by a Grower/Processor legally registered with the Commonwealth and possess a current and valid Medical Marijuana Permit from DOH pursuant to the Act.
- B. Grower/Processor Facility which grows Medical Marijuana can only do so in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH. 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.
- C. The maximum floor area of Grower/Processor Facility 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.
- D. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any Grower/Processor Facility where Medical Marijuana growing, processing or testing occurs.

- E. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the DOH policy or policies and shall not be placed within any unsecured exterior refuse containers.
- F. The Grower/Processor Facility shall provide only wholesale products to other Medical Marijuana Facilities. Retail sales and dispensing of Medical Marijuana and related products is specifically prohibited at Grower/Processor Facility.
- G. Grower/Processor Facility may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.
- H. All external lighting serving a Grower/Processor Facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- I. Parking requirements will follow the parking regulations found in Section 512 of the Township of Pocono Zoning Ordinance.
- J. A buffer planting is required where Grower/Processor Facility adjoins a residential use or district in accordance with the Township of Pocono Subdivision and Land Development Ordinance.
- K. Entrances and driveways to a Grower/Processor Facility must be designed to accommodate the anticipated vehicles used to service the facility.
- L. The Grower/Processor Facility shall require a site plan review and approval if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized pursuant to the provisions of the Township of Pocono Ordinances.
- M. Any and all other provisions contained in the Act affecting the construction, use and operation of a Grower/processor Facility.

- N. Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be considered in violation of these provisions by the subsequent location of a public, private or parochial school or day care center.

Section 568. Medical Marijuana Delivery Vehicle Office

- A. A traffic impact study is required where the office is to be located and operated.
- B. Parking requirements will follow the parking schedule found in Section 512 of the Township of Pocono Zoning Ordinance.
- C. All external lighting serving a Medical Marijuana Delivery Vehicle Office must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- D. A buffer planting is required where Medical Marijuana Delivery Vehicle Office adjoins a residential use or district pursuant to the Township of Pocono Subdivision and Land Development Ordinance.
- E. Entrances and driveways to a Medical Marijuana Delivery Vehicle Office must be designed to accommodate the anticipated vehicles used to enter and exit the premises.
- F. The Medical Marijuana Delivery Vehicle Office shall require a site plan review and approval if it is utilizing an existing facility and land development review and approval if a new facility is being built and utilized pursuant to the Township of Pocono Ordinances.
- G. If for some reason a Medical Marijuana product is to be temporarily stored at a Medical Marijuana Delivery Vehicle Office, the office must be secured to the same level as a Grower/Producer Facility and Dispensary Facility.
- H. Any and all other provisions contained in the Act affecting the construction, use and operation of a Medical Marijuana Delivery Vehicle Office.

Section 569. Dispensary Facility.

- A. A Dispensary Facility must be owned or leased and operated by a legally registered Dispensary in the Commonwealth and possess a current and valid Medical Marijuana permit from the DOH pursuant to the Act.
- B. A Dispensary Facility 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.
- C. Dispensary Facility may not operate on the same site that a Grower/Processor Facility is located.
- D. Dispensary Facility 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, all of which shall be in accordance with the Act.
- E. Permitted hours of operation of a Dispensary Facility shall be 8AM to 8PM [of the same calendar day].
- F. A Dispensary Facility shall be a maximum of 5,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of Medical Marijuana, and shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area of the Dispensary Facility.
- G. Dispensary Facility shall:
 - (1) Not have a drive-through service;
 - (2) Not have outdoor seating areas;
 - (3) Not have outdoor vending machines;
 - (4) Prohibit the administering of, or the consumption of Medical Marijuana on the premises; and
 - (5) Not offer direct or home delivery service.
- H. A Dispensary Facility may dispense only Medical Marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of DOH.

- I. A Dispensary Facility may not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- J. Dispensary Facility shall be a minimum distance of 1,000 feet from the next nearest Medical Marijuana Facility. This does not include complimenting or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of municipality in which it is located. This separation distance does not apply to the distance between the Grower/Processor Facility or Academic Clinical Research Centers and the specific Dispensary Facility they serve, or with which they partner.
- K. Any Medical Marijuana Facility lawfully operating pursuant to the Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.
- L. All external lighting serving Dispensary Facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- M. Parking requirements will follow the parking schedule found in Section 512 of the Township of Pocono Zoning Ordinance. Off-Street Parking Regulations shall utilize those listed for medical and dental offices including outpatient clinics.
- N. A buffer planting is required where a Dispensary Facility adjoins a residential use or district pursuant to the Township of Pocono Subdivision and Land Development Ordinance.
- O. Entrances and driveways to a Dispensary Facility must be designed to accommodate the anticipated vehicles used to service the facility.

- P. The Dispensary Facility shall require a site plan review and approval if it is utilizing an existing facility and a land development review and approval if a new facility is being built and utilized pursuant to the Township of Pocono Ordinances.
- Q. Any and all other provisions contained in the Act affecting the construction, use and operation of a Dispensary Facility.”

SECTION 7: Ordinance No. 110, “Use Schedule” is hereby amended to add the following uses:

“Academic Clinical Research Center” as a conditional use in the I zoning district;

“Dispensary Facility” as a conditional use in the C and I zoning districts;

“Grower/Processor Facility” as a conditional use in the I zoning district; and

“Medical Marijuana Delivery Vehicle Office” as conditional use in the C and I zoning districts.”

SECTION 8: SEVERABILITY. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of the Zoning Ordinance shall continue to be separately and fully effective.

SECTION 9: REPEALER. All provisions of Township ordinances and resolutions or parts thereof that are in conflict with the provisions of this Ordinance, are hereby repealed.

SECTION 10: ENACTMENT. This Ordinance shall be effective five (5) days after the date of passage.

ENACTED AND ADOPTED by the Board of Commissioners this ____ day of _____, 2018.

ATTEST: POCONO TOWNSHIP BOARD OF COMMISSIONERS

PAMELA TRIPUS
Township Secretary

GERALD LASTOWSKI
President, Board of Commissioners