

BOROUGH OF MOUNT POCONO
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 3 OF 2017

AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 215 OF THE CODE OF THE BOROUGH OF MOUNT POCONO, MONROE COUNTY, PENNSYLVANIA, TO INCLUDE MEDICAL MARIJUANA AND AMENDMENTS TO THE CONDITIONAL USE AND SPECIAL EXCEPTION SECTIONS

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, by the authority of and pursuant to the provisions of the Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*; that the Borough of Mount Pocono's Zoning Ordinance, Chapter 215 of the Code of the Borough of Mount Pocono, is hereby amended as follows:

ITEM 1

Add the following definitions to §215-12, Definitions:

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 Commonwealth to dispense medical marijuana.

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 Commonwealth to grow and process medical marijuana.

ITEM 2

Include *medical marijuana dispensary* and *medical marijuana grower/processor* in the following Schedule of Uses in 215 Attachment 1 and update the Table of Uses Permitted by District in 215 Attachment 3 to be consistent with the amended Schedule of Uses:

- C-2 Commercial, Medical Marijuana Dispensary as a conditional use
- M Industrial, Medical Marijuana Grower/Processor as a conditional use
- RLM Commercial, Medical Marijuana Grower/Processor as a conditional use

ITEM 3

Amend submission procedures

Amend §215-109. Zoning Hearing Board hearings and decision; notice

B. Notice

- 1) In addition to the notice and posting requirements of the MPC, notice of all conditional use hearings shall be mailed by the Applicant to the owners of all properties contiguous to, and across the street from, the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing. Such notice shall be by certified mail to the last known address of the contiguous owners and owners across the street as listed in Monroe County tax assessment records and the Applicant shall provide proof of the certified mailing to the Borough.
- 2) Failure of the Applicant to complete and provide proof of the required certified mailing to the Borough shall result in the suspension of the hearing and toll the sixty (60) day period for the commencement of the required hearing before the Borough Council. Notice of any rescheduled hearing shall comply with all applicable requirements.

Amend §215-111 Conditional uses and special exceptions. Applications.

A. Applications

- 1) At time of submission of all conditional use and special exception hearings, the Applicant shall notify by certified mail all property owners contiguous to and across the street from the parcel which is subject to the Planning Commission meeting not less than fourteen (14) calendar days prior to the Planning Commission meeting. Such notice shall be by certified mail to the last known address of the contiguous owners and owners across the street as listed in Monroe County tax assessment records and the Applicant shall provide proof of the certified mailing to the Borough.

B. Conditional uses.

- 2) Procedures
(f) Notice

[1] In addition to the notice and posting requirements of the MPC, notice of all conditional use hearings shall be mailed by the Applicant to the owners of all properties contiguous to, and across the street from, the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing. Such notice shall be by certified mail to the last known address of the contiguous owners and owners across the street as listed in Monroe County tax assessment records and the Applicant shall provide proof of the certified mailing to the Borough.

[2] Failure of the Applicant to complete and provide proof of the required certified mailing to the Borough shall result in the suspension of the hearing and toll the sixty (60) day period for the commencement of the required hearing before the Borough Council. Notice of any rescheduled hearing shall comply with all applicable requirements.

C. Special exceptions.

2) Procedures

(f) Notice

[1] In addition to the notice and posting requirements of the MPC, notice of all special exception hearings shall be mailed by the Applicant to the owners of all properties contiguous to, and across the street from, the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing. Such notice shall be by certified mail to the last known address of the contiguous owners and owners across the street as listed in Monroe County tax assessment records and the Applicant shall provide proof of the certified mailing to the Borough.

[2] Failure of the Applicant to complete and provide proof of the required certified mailing to the Borough shall result in the suspension of the hearing and toll the sixty (60) day period for the commencement of the required hearing before the Borough Council. Notice of any rescheduled hearing shall comply with all applicable requirements.

Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Severability.

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 of this Ordinance. It is hereby declared as the intent of the 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.

Interpretation.

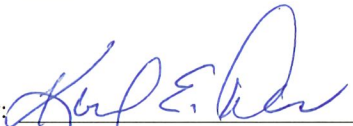
The object of interpretation and construction of this Ordinance and/or the provisions there of shall be, if possible, to give effect to all of its provisions. Whenever a provision in this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

Effective Date.

This Ordinance shall become effective immediately upon adoption.

ADOPTION

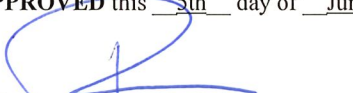
ORDINANCE ORDAINED AND ENACTED this 5th day of June, 2017, by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania.

By: 
Karl E. Davis, Council President

ATTEST:


Lori Noonan, Secretary

APPROVED this 5th day of June, 2017

By: 
Frederick T. Courtright, Mayor