Legislation Details (With Text)

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Title:	Resolution calling on the Director of City Planning and the Zoning Administrator to add and incorporate “Medical Marijuana Growing / Processing Facility” to the City Code and Zoning Code and to restrict these sites to existing General Industrial and Urban Industrial Districts		
Sponsors:	Corey O'Connor		
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Date	Ver.	Action By	Action	Result
12/13/2016	1	Mayor	Signed by the Mayor	
11/29/2016	1	City Council	Passed Finally	Pass
11/21/2016	1	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
11/14/2016	1	Standing Committees	Held in Committee	Pass
11/7/2016	1	City Council	Read and referred	

Resolution calling on the Director of City Planning and the Zoning Administrator to add and incorporate “Medical Marijuana Growing / Processing Facility” to the City Code and Zoning Code and to restrict these sites to existing General Industrial and Urban Industrial Districts

WHEREAS, the Pennsylvania state legislature passed legislation that would allow for the growing, processing, and dispensation of medical marijuana within the State; and

WHEREAS, said legislation approved the use of medical marijuana for the treatment of the following conditions: cancer, positive status for human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS), amyotrophic lateral sclerosis, Parkinson’s disease, multiple sclerosis, epilepsy, inflammatory bowel disease, neuropathies, Huntington’s disease, Crohn’s disease, post-traumatic stress disorder, intractable seizures, glaucoma, sickle cell anemia, autism, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective, or terminal illness, wherein an individual has a medical prognosis of life expectancy of approximately one year or less if the illness runs its normal course; and

WHEREAS, to receive a permit from the state to grow, process, or dispense medical marijuana, an applicant must submit the following information to the Pennsylvania Department of Health: verification of all principals,

operators, financial backers or employees of a medical marijuana grower/processor or dispensary; a description of responsibilities as a principal, operator, financial backer or employee; any release necessary to obtain information from governmental agencies, employers and other organizations; a criminal history record check; details relating to a similar license, permit or other authorization obtained in another jurisdiction, including any suspensions, revocations or discipline in that jurisdiction; a description of the business activities in which it intends to engage as a medical marijuana organization; a statement that the applicant: is of good moral character; information on each financial backer, operator, employee and principal of the medical marijuana organization; documentation attesting to the ability of the applicant to obtain in an expeditious manner the right to use sufficient land, buildings and other premises and equipment to properly carry on the activity described in the application and any proposed location for a facility; evidence that the applicant is able to maintain effective security and control to prevent diversion, abuse and other illegal conduct relating to medical marijuana; documented intent and ability to comply with all applicable state laws and regulations relating to the activities in which it intends to engage under the authorizing legislation; the name, residential address, and title of each financial backer and principal of the applicant; and any other information the Pennsylvania Department of Health may choose to require; and

WHEREAS, the state legislature is currently considering further, clarifying regulatory measures related to growing, processing, and dispensation processes; and

WHEREAS, although the City Zoning Code currently defines **"**Controlled Substance Dispensation Facility," no such definition presently exists for growing and / or processing facilities; and

WHEREAS, provided that the state legislature has passed legislation allowing the growing, processing, and dispensation of medical marijuana, the City of Pittsburgh's Department of City Planning must create reasonable and appropriate zoning regulations that encourage the robust, yet responsible incorporation of newly legal and previously unregulated facilities.

The Council of the City of Pittsburgh hereby resolves:

Section 1. The Director of City Planning and the Zoning Administrator shall incorporate the following definitions of "Dispensary" and "Medical Marijuana Growing / Processing Facility", which according to the State use the same definition, to the appropriate and relevant Sections of the City Code and Zoning Code:

A. Dispensary: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the department under this act to grow and process medical marijuana.

B. Medical Marijuana Growing/Processing Facility: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the department under this act to grow and process medical marijuana.

Section 3. The Director of City Planning and the Zoning Administrator shall restrict the operation of a Medical Marijuana Dispensary, as defined in this resolution, to areas zoned Commercial Districts at the effective date of this resolution.

Section 4. The Director of City Planning and the Zoning Administrator shall restrict the operation of a Medical Marijuana Growing / Processing Facility, as defined in this resolution, to areas zoned General Industrial and Urban Industrial Districts at the effective date of this resolution.

Section 5. The effective date of this resolution shall be considered to be immediately upon being signed by the Mayor, after being finally passed by City Council.