

**LEHIGH TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-5**

AN ORDINANCE ENACTED BY THE BOARD OF SUPERVISORS OF LEHIGH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING ORDINANCE TO AMEND CHAPTER 180-85.1 ENTITLED MEDICAL MARIJUANA FACILITIES TO REMOVE MEDICAL MARIJUANA FACILITIES FROM OFFICE BUSINESS (OB), GENERAL COMMERCIAL (GC), NEIGHBORHOOD COMMERCIAL (NC) AND PLANNED RESORT RESIDENTIAL COMMERCIAL (PRRC) ZONING DISTRICTS.

THE BOARD OF SUPERVISORS OF LEHIGH TOWNSHIP, County of Northampton, Commonwealth of Pennsylvania, hereby enacts and ordains the following amendments to Lehigh Township Zoning Ordinance as set forth in the Code of the Lehigh Township Zoning Ordinance Chapter 180 and as subsequently amended; and

WHEREAS, the Township adopted Ordinance No. 2017-03 which was incorporated into the Township Code of ordinances as Chapter 180-85.1 and which provided for the lawful adult use of cannabis and provided for the locations of the cannabis business establishments for the production of and distributing the sale of marijuana for medicinal purposes within the Township; and

WHEREAS, after investigation and application of Ordinance 2017-03 Lehigh Township believes the most appropriate zoning district to permit Medical Marijuana Facility uses as set forth in Section 180-85.1(B) and (D) are in the Industrial (I) Zoning District.

WHEREAS, the Township believes this amendment to Ordinance 2017-03 is necessary as the Office Business (OB), General Commercial (GC), Neighborhood Commercial (NC) and Planned Resort Residential Commercial (PRRC) Districts are not appropriate zoning districts for said medical marijuana facilities as set forth in 180-85.1(B) and (D).

WHEREAS, the Township believes this amendment to Ordinance 2017-03 will better guide and regulate the orderly growth, development and redevelopment of the Township in accordance with the goals, objectives and plans of the Township's Comprehensive Plan. These goals, objectives in plans are hereby incorporated as objectives of this Ordinance; and

WHEREAS, to protect the established character and social and economic well-being of private and public property and to ensure proper development and uses of property and to ensure all uses are accounted for and developed in accordance with the characteristics of the surrounding neighborhood; and

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, and the same is hereby ordained and enacted as follows:

1. **SECTION 1:** Section 180-85.1 entitled “Medical marijuana facilities” is hereby amended by deleting portions of Section 180-85.1(B) entitled “District regulations” as follows:

(1) Academic clinical research centers are permitted by special exception in the Industrial (I), ~~Office Business (OB) and General Commercial (GC)~~ Zoning Districts with consideration for the applicable performance standards found in Subsection D(1) of this section.

(2) Medical marijuana, grower/processors are permitted by special exception in ~~the General Commercial (GC) and the Industrial (I)~~ Zoning Districts with consideration for the applicable performance standards found in Subsection D(2) of the section. ~~It shall be a conditional use in the Neighborhood Commercial.~~

(3) Medical marijuana transport vehicle offices are special exceptions within ~~the General Commercial (GC) and the Industrial (I)~~ Zoning Districts, with consideration for the applicable performance standards found in Subsection D(3) of the section.

(4) Medical marijuana dispensaries are permitted by special exceptions within the ~~General Commercial (GC), Neighborhood Commercial (NC) and Planned Resort Residential Commercial (PRRC)~~ Zoning Districts and the Industrial Zoning (I) District with consideration for the applicable performance standards found in Subsection D(4) of the section.

2. **SECTION 2:** Section 180-18.1 entitled Planned Resort Residential Commercial (PRRC) Section D is hereby amended by deleting subsection D.(1).

~~(1) Medical marijuana dispensaries with consideration for the applicable performance standards in §180-85.1D(4).~~

3. **SECTION 3:** Section 180-19 entitled Neighborhood Commercial Zone is hereby amended by deleting subsection 19C.(9) as a special exception use.

~~Section 180-19C (9) Medical marijuana, dispensaries, with consideration for the operable performance standards in § 180-85.1 D(4).~~

4. **SECTION 4:** Section 180-20 entitled General Commercial Uses is hereby amended by deleting subsections C.(16), (17), (18) and (19) as special exceptions.

~~(16) Academic clinical research centers, with consideration for the applicable performance standards in §180-85.1D(1).~~

~~(17) Medical marijuana, grower/processors, with consideration for the applicable performance standards in § 180-85.1 D (2).~~

~~(18) Medical marijuana, transport vehicle offices, with consideration for the applicable performance standards in § 180-85.1 D (3).~~

~~(19) Medical marijuana dispensaries, with consideration for the applicable performance standards in § 180-85.1 D (4).~~

5. **SECTION 5.** Section 180-21 entitled Office Business (OB) Zoning District Section E special exception uses is hereby amended by deleting subsection E.(6).

~~(6) Academic clinical research centers, with consideration for the applicable performance standards in §180-85.1D(1).~~

6. **SECTION 6.** Section 180-22 subsection C entitled special exceptions shall be modified as follows by adding subsection C.(25) to the below to the Industrial Zoning District.

(25) Medical Marijuana dispensaries, with consideration for the applicable performance standards in §180-85.1D(4).

7. **SECTION 7. SEVERABILITY.**

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

8. **SECTION 8. REPEALER.**

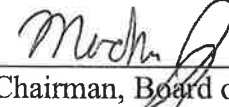
All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED as an ordinance as a regular meeting of Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, this 10th day of October 2023.

ATTEST:

LEHIGH TOWNSHIP


Secretary


Chairman, Board of Supervisors