

**FOREST CITY BOROUGH
“SPECIAL MEETING” MINUTES
ZONING ORDINANCE AMENDMENT
MONDAY, MARCH 6, 2017**

CALL TO ORDER:

President Orasin called the meeting to order at 6:45 p.m. All present participated in the Pledge of Allegiance.

ROLL CALL:

The following council members were present: President Bill Orasin, Vice President Bernie Scalzo, Joann Matarese, Robert Lesjack, Nick Cost, Mayor Wilcox and Secretary/Treasurer S. Vannan. Solicitor Paul Smith, Council members DeGonzague and Pearsall were unavailable.

PURPOSE OF SPECIAL MEETING:

**FOREST CITY BOROUGH
ORDINANCE #507 of 2017**

AN ORDINANCE AMENDING ZONING ORDINANCE # 427 OF THE BOROUGH OF FOREST CITY ADOPTED ON DECEMBER 6, 1993.

PREAMBLE: in consideration of the Community Developments Objectives as set forth In Zoning Ordinance Article Section 103 “Purpose”:

BE IT ORDAINED by the Council of Forest City Borough, and it is hereby ordained by authority of the same, and in accordance with the Borough of Forest City’s Zoning Ordinance, adopted on December 6, 1993, and further pursuant to the authority granted to Boroughs in the Commonwealth of Pennsylvania by the Pennsylvania Municipalities Planning Code (53 P.S. Section 10101, et. Sec.) and the Borough Code (Act 37 of 2014).

IT IS HEREBY Enacted and Ordained as Follows:

Add to Article 3, Section 302:

Definition of a Medical Marijuana Dispensary as set forth in Title 28 – Health and Safety- (28 PA. CODE CHAPTER 1161) Medical Marijuana; Dispensaries.

Definition of a Clinic or other Establishment which administers or dispenses of opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs) as set forth in the Federal Guidelines for Opioid Treatment Programs. HHS Publication No. (SMA) PEP15-FEDGUIDEOTP: Substance Abuse and Mental Health Services Administration, 2015; including Methadone Clinics.

Add to Article 5, Section 505 # 5 (Allows this use in a C-2 Zone):

Add Medical Marijuana Dispensary as a Conditional Use.

Add Clinic or other Establishment for the administration and dispensing of opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs), including Methadone Treatment Facilities, as a Conditional Use.

Add to Article 7, Section 703, a new #1 A & 1 B as follows:

1 A. Medical Marijuana Dispensary Facility.

a. Purpose: The purpose of this use is to provide for establishments which have the purpose of dispensing marijuana for medical uses in an appropriate environment which prevents the downgrading effects which a concentration of such uses or the inappropriate placement of such uses may have upon surrounding neighborhoods.

b. Use Regulations: The conditional uses shall be establishments dispensing marijuana for medical as designated herein under subsection (f) "Uses Designated and Regulated".

c. Dimensional Regulations: The dimensional regulations shall be the same as those applicable to the C-2 Commercial District.

d. Development Regulations: Medical marijuana establishments (as defined herein) shall be subject to the following development regulations:

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(1) Comprehensive Plan - Proposed Medical Marijuana establishments shall be consistent with the Comprehensive Plan of the Borough of Forest City if one has been adopted.

(2) Site Location - Medical Marijuana Dispensaries shall only be in the C-2 Commercial District and the proposed location of such an establishment within such district shall be at least five hundred (500) feet distant from another such medical marijuana use and property lines of churches and related religious institutions, playgrounds, parks and community buildings; and one thousand (1,000) feet distant from any property lines of schools and daycare centers.

e. Supplementary Regulations (See Article 8)

f. Uses Designated and Regulated: Medical Marijuana Dispensaries or any and all such other establishments in which marijuana is dispensed or used.

1 B. Clinics or other Establishments for the purpose of administering or dispensing of opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs), including Methadone Treatment Facilities.

a. Purpose: The purpose of this use is to provide for establishments which have the purpose of administering or dispensing of opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs) in an appropriate environment which prevents the downgrading effects which a concentration of such uses or the inappropriate placement of such uses may have upon surrounding neighborhoods.

b. Use Regulations: The conditional uses shall be establishments which administer and dispense opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs) as designated herein under subsection (f) "Uses Designated and Regulated".

c. Dimensional Regulations: The dimensional regulations shall be the same as those applicable to the C-2 Commercial District.

d. Development Regulations: establishments which administer and dispense of opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs) (as defined herein) shall be subject to the following development regulations:

(1) Comprehensive Plan - Proposed establishments for the administration or dispensing of opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs) shall be consistent with the Comprehensive Plan of the Borough of Forest City if one has been adopted.

(2) Site Location - Proposed establishments for the administration or dispensing of opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs) shall only be in the C-2 Commercial District and the proposed location of such an establishment within such district shall be at least five hundred (500) feet distant from another such use and property lines of churches and related religious institutions, playgrounds, parks and community buildings; and one thousand (1,000) feet distant from any property lines of schools and daycare centers.

e. Supplementary Regulations (See Article 8)

f. Uses Designated and Regulated: Establishments for the administration or dispensing of opioid drugs for the treatment of opioid addiction (Opioid Treatment Programs) or any and all such other similar establishments including Methadone Treatment Facilities.

REPEALER: This Ordinance supersedes and repeals all former and prior ordinances or parts thereof which conflict with or are inconsistent with the provisions of this ordinance.

These amendments to the Zoning Ordinance shall take effect immediately upon the adoption hereof.

Adopted this _____ day of _____, 2017.

PUBLIC COMMENT:

President Orasin thanked everyone for coming and asked if anyone had any comments or questions specific to the agenda regarding the Zoning Ordinance #507_2017. Tony Wilcox commented that he was interested in seeing how these facilities are run and happy to hear that

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they are governed by many regulations. Councilman Scalzo added that this is “something new and time will tell whatever happens down the road”.

President Orasin added, ““We really don't know what's involved, but something to consider could be that right now it is a medical use, but could this open the door for expansion of uses by the state in the future? We really want to make sure we have this in a location we deem appropriate in the Borough”

Kevin Kane added his concerns, “we need to maintain as much perspective as we can, we have to protect ourselves, not sure this is what we’re looking for.” President Orasin assured him that the purpose of the Ordinance was to try to be able to direct this type of business into certain specific areas. Mr. Kane asked if this was to prevent a dispensary and President Orasin responded, “No, this was not in response to a formal request, but rather a proactive approach to zoning in order to direct where such a business can be located. The distances included in the ordinance were added to match existing requirements for an adult entertainment establishment in order to ensure that a dispensary was not near already pre-determined key locations.”

President Orasin asked everyone to review Ordinance #507_2017 and he paraphrased it by saying, “it is subject to conditional use and Council still has to sign off on it even if they’re in the correct zone.” The Ordinance has been advertised and has gotten approval from the County and the Planning Commission.”

Councilman Scalzo offered a motion to approve Ordinance #507_2017, amending Zoning Ordinance #427. Councilman Cost seconded the motion. Roll call vote – the five members present all voted yes and the motion carried with no opposition.

ANNOUNCEMENTS:

President Orasin announced that the regularly scheduled monthly meeting will follow a brief recess after adjournment of this Special Meeting.

ADJOURNMENT:

Councilman Cost offered a motion to adjourn. Councilman Scalzo seconded the motion. All voted “aye” and the meeting ended at 7:05 p.m.