

Agenda
New Britain Borough
Planning Commission
October 17, 2017

- 1. Pledge of Allegiance**
- 2. Minutes of September 19, 2017**
- 3. New Business**
 - A. Appointment of New Vice Chair**
 - B. Introduction of Kent Baird as Planning Consultant**
- 4. Old Business**
 - A. Comprehensive Plan Update**
 - B. Review of Omnibus Zoning Ordinance Update**
- 5. Adjournment**

Planning Commission
Meeting Minutes
September 19, 2017

The monthly meeting of the New Britain Planning Commission was called to order by Chairman Michael Stanislaw at 7:30 PM. Planning Commission members present were Dr. Michael Parke, Ms. Loren Frasco, Mr. Robert Binkley, Mr. Richard Moxey, Mr. David Holewinski and Ms. Margaret Remmey. Also present was Mr. Sam Bryant. Not present were Mr. Karl Dieterichs and Mr. Richard Eggleston.

Minutes of June 20, 2017: Dr. Parke asked his neighbors about sidewalk in front of their properties, located from Gilmore and Associates to Keeley Avenue. They were all in support of extending the sidewalk to that point, and installing a mid-block crossing to the Baptist Church. Mr. Holewinski concerns about safety. Mr. Bryant noted he would discuss this with the Borough Engineer. Mr. Holewinski made a motion to approve the minutes of June 20, 2017. The motion was seconded by Ms. Remmey and was unanimously approved.

New Business:

Review of Presentations & Recommendations for Planning Consultant:

The Planning Commission held 30 minute sessions of presentations, followed by questions with the following individuals:

1. Boucher & James, Ms. Judy Stern Goldstein
2. Ms. Tracey Tackett, Tackett Planning
3. Mr. Matt Walters, Bucks County Planning Commission
4. Mr. Kent Baird - Gilmore & Associates

Executive Session: The Commission went into Executive Session at 9:47 pm to discuss the Planning Consultant position.

The Commission returned to the regular session of the meeting at 9:53 pm.

Mr. Stanislaw asked for a motion to recommend Mr. Kent Baird as Planning Consultant for New Britain Borough. Mr. Binkley made a motion to recommend Mr. Baird. The motion was seconded by Mr. Holewinski and was unanimously approved.

Mr. Bryant stated the Borough will hold a Town Hall meeting at Delaware Valley University in November.

Ms. Frasco made a motion to adjourn the meeting. The motion was seconded by Ms. Remmey and the meeting adjourned at 10:30 pm.

Respectfully submitted,

Mr. Sam Bryant

**NEW BRITAIN BOROUGH
BUCKS COUNTY, PENNSYLVANIA
ORDINANCE NO. _____**

AN ORDINANCE OF THE BOROUGH OF NEW BRITAIN, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE NEW BRITAIN ZONING ORDINANCE OF 1994, AS AMENDED; ADDING THE MEDICAL MARIJUANA GROWER/PROCESSOR, MEDICAL MARIJUANA DISPENSARY, AND SOBER LIVING FACILITY USES AND REGULATIONS RELATING THERETO; EFFECTING VARIOUS AMENDMENTS OF THE ZONING ORDINANCE IDENTIFIED DURING IMPLEMENTATION OF SAME; REPEALING ALL PRIOR INCONSISTENT ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2016 the Pennsylvania General Assembly enacted the Medical Marijuana Act, XX P.S. § XXX *et seq.*, which provides a program of access to medical marijuana for patients suffering from certain medical conditions,

WHEREAS, Borough Council believes it to be in the best interest of the Borough and its residents to regulate the location and nature of licensed organizations growing, acquiring, possessing, manufacturing, selling, delivering, transporting, and/or distributing/dispensing medical marijuana within the Borough;

WHEREAS, the Medical Marijuana Act provides for two distinct land uses: a Medical Marijuana Grower/Processor and a Medical Marijuana Dispensary; and

WHEREAS, the Medical Marijuana Act requires that a Medical Marijuana Grower/Processor “shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district;” and

WHEREAS, the Medical Marijuana Act requires that a Medical Marijuana Dispensary “shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district;” and

WHEREAS, Borough Council has determined that it is in the best interest of the Borough and its residents to amend the New Britain Borough Zoning Ordinance to establish the Medical Marijuana Grower/Processor and Medical Marijuana Dispensary uses;

WHEREAS, the New Britain Borough Zoning Ordinance does not permit Sober Living Facilities, wherein individuals reside together for purposes of recovering from drug, alcohol, and/or substance abuse;

WHEREAS, Borough Council has determined that it is in the best interest of the Borough to establish the Sober Living Facility use and provide regulations for the use;

WHEREAS, Borough staff has identified, during implementation of the Zoning Ordinance, that certain zoning provisions require amendment; and

WHEREAS, Borough Council wishes to amend the Zoning Ordinance to reflect the recommendations of Borough staff.

NOW THEREFORE, be it **ORDAINED** and **ENACTED**, by the Borough Council of the Borough of New Britain as follows:

SECTION 1. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article II *Terminology*, § 450-6 *Definitions* is hereby amended by adding the following new definitions:

MEDICAL MARIJUANA ACT

Act 16 of 2016, 35 P.S. § 1023.101 *et seq.*

MEDICAL MARIJUANA DISPENSARY

A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to dispense medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

MEDICAL MARIJUANA GROWER/PROCESSOR

A person, including a natural person, corporation, partnership, association, trust, or other entity, or any combination thereof, which is registered by the Department of Health under the Medical Marijuana Act to grow and process medical marijuana. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

SOBER LIVING FACILITY

Facilities where six (6) or more individuals reside together - either voluntarily or by court order - for the purpose of recovering from drug, alcohol, and/or substance abuse, and which serves as an interim environment between rehabilitation facilities/hospitalization and reintegration to independent living. The term shall include recovery houses and halfway houses.

SECTION 2. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.A(1) in its entirety and replacing it with the following language:

- (1) Single-family detached dwelling. Single-family detached dwelling on individual lot with no required public or community open space and with private yards on all sides of the dwelling. Detached dwellings may included dwellings constructed on the lot, prefabricated dwellings, manufactured

dwellings, and modular dwellings. The following area and dimensional requirements shall apply unless other area and dimensions are otherwise stated for a specific district:

[area and dimensional requirements unchanged]

SECTION 3. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by adding new subsections, § 450-14.B(26.A), § 450-14.B(26.B), AND § 450-14.B(43A) as follows:

- (26A) Medical Marijuana Dispensary**
 - (a) Conditional use criteria
 - (i) A Medical Marijuana Dispensary shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date registration with the Department of Health. Should registration be denied or revoked at any time, any special exception shall immediately become void.
 - (ii) A Medical Marijuana Dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
 - (iii) A Medical Marijuana Dispensary must be located on a lot containing not less one (1) acre.
 - (iv) A Medical Marijuana Dispensary shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a residentially zoned property or a parcel containing a public, private or parochial school, day-care center, place of worship, public park, or community center. Nor shall a Medical Marijuana Dispensary be located closer than 2,500 feet from another Medical Marijuana Dispensary or from a Medical Marijuana Grower/Processor.
 - (v) A Medical Marijuana Dispensary must operate entirely within an indoor, enclosed, and secure facility. No exterior sales, and no sidewalk displays, shall be permitted. No drive-through, drop-off, or pick-up services shall be permitted.
 - (vi) A Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower/Processor.
 - (vii) A Medical Marijuana Facility shall be limited to hours of operation not earlier than 9:00 A.M. and not later than 9:00 P.M.
 - (viii) A Medical Marijuana Dispensary shall submit a disposal plan to, and obtain approval from the Police Chief. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
 - (ix) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Dispensary is operating.

- (x) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Dispensary, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- (xi) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Dispensary.
- (xii) The minimum size of a Medical Marijuana Dispensary facility shall be two thousand (2,000) gross square feet in total floor area.
- (xiii) A Medical Marijuana Dispensary shall submit a security plan to, and obtain approval from, the Borough Engineer, the Borough Planner, and the Police Chief. The Medical Marijuana Grower/Processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- (xiv) A Medical Marijuana Dispensary shall provide proof of a contract with a private security company, and shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week.
- (xv) A Medical Marijuana Dispensary shall submit a site plan for approval by the Borough Engineer and a Floor Plan for approval by the Borough Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

(26B) Medical Marijuana Grower/Processor

- (a) Conditional use criteria
 - (i) A Medical Marijuana Grower/Processor shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and shall at all times maintain a valid, accurate, and up to date registration with the Department of Health. Should registration be denied or revoked at any time, any conditional use approval shall immediately become void.
 - (ii) A Medical Marijuana Grower/Processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
 - (iii) A Medical Marijuana Dispensary must be located on a lot containing not less two (2) acres.
 - (iv) A Medical Marijuana Grower/Processor shall not be operated or maintained on a parcel within 1,000 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a public, private or parochial school or a day-care center. Nor shall a Medical Marijuana Grower/Processor be located closer than 2,500 feet from another Medical Marijuana Grower/Processor or Medical Marijuana Dispensary.
 - (v) A Medical Marijuana Grower/Processor must operate entirely within an indoor, enclosed, and secure facility.
 - (vi) A Medical Marijuana Grower/Processor may not operate on the same site as a Medical Marijuana Dispensary.

- (vii) A Medical Marijuana Grower/Processor shall be limited to hours of operation not earlier than 9:00 A.M. and not later than 9:00 P.M.
- (viii) A Medical Marijuana Grower/Processor shall submit a disposal plan to, and obtain approval from the Police Chief. Medical marijuana remnants and bi-products shall be disposed of according to an approved plan, and shall not be placed within an exterior refuse container.
- (ix) There shall be no emission of dust, fumes, vapors or odors which can be seen, smelled, or otherwise perceived from beyond the lot line for the property where the Medical Marijuana Grower/Processor is operating.
- (x) No one under the age of twenty-one (21) shall be permitted in a Medical Marijuana Grower/Processor.
- (xi) No retail sales of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (xii) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (xiii) A Medical Marijuana Grower/Processor shall submit a security plan to, and obtain approval from the Police Chief. The Medical Marijuana Grower/Processor shall demonstrate how it will maintain effective security and control. The security plan shall specify the type and manner of 24-hour security, tracking, recordkeeping, record retention, and surveillance system to be utilized in the facility as required by Section 1102 of the Medical Marijuana Act and as supplemented by regulations promulgated by the Department of Health pursuant to the Medical Marijuana Act.
- (xiv) A Medical Marijuana Grower/Processor shall contract with a private security company, and the Grower/Processor shall be staffed with/monitored by security personnel twenty-four (24) hours a day and seven (7) days a week.
- (xv) A Medical Marijuana Grower/Processor shall submit a site plan for approval by the Borough Engineer and a Floor Plan for approval by the Borough Building Code Official. The floor plan shall identify internal security measures. All medical marijuana product, byproduct, and waste shall be stored in an interior secure vault or receptacle in such a manner as to protect against improper dissemination.

(43A) A facility wherein individuals reside together for purposes of recovering from drug, alcohol, and/or substance abuse.

SECTION 4. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.B(45)(g)[9] in its entirety and replacing it with the following language:

- [9] As part of the land development agreement for the construction or installation of any telecommunications facility, provisions shall be made for the removal of the structure by the applicant should the facility not be used for a period of six consecutive months. A bond satisfactory to the Borough shall be established to guarantee the facility

removal. Provision shall be made for annual inspection reports, to be prepared at the sole expense of the owner/operator of the facility and provided to the Borough.

SECTION 5. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.B(48) in its entirety and replacing it with the following language:

- (48) Truck sales: truck and heavy equipment repair and/or sales
[criteria associated with this use remain unchanged)

SECTION 6. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.C(3)(h) and (i) in their entirety and replacing them with the following language:

- (h) The maximum uninterrupted length of stay at a bed-and-breakfast shall be 14 days.
- (i) The use of any amenities provided by the bed-and-breakfast such as swimming pool or tennis courts shall be restricted in use to guests of the establishment.

SECTION 7. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.C(6)(a)[8] in its entirety and replacing it with the following language:

- [8] Village historic district requirements. In addition to the requirements in Subsection C(6)(a)[1] through [7] all permit applications for dish antennas within the Village Historic District shall demonstrate to the satisfaction of Borough Council, upon recommendation by the Planning Commission, that the antenna will not be visible from any public street in the VH District and that its size, location, and type of screening will not be designed or located in such a way as to impinge on or diminish the historic values of the

district, homes, businesses, or other historic structures within the Village Historic District.

SECTION 8. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.C(9)(b) and (c) in their entirety and replacing them with the following language:

- (b) The deck or patio shall be fully enclosed by the rear wall of the housing unit, and the common walls of adjoining units or a wall or fence along the rear and side of the deck or patio. The height of the walls or fences shall not be less than four feet. The spa or hot tub shall be located anywhere within the enclosed patio, either below ground, at grade, or above ground, provided that level of the water surface is at least two feet below the height of the shortest wall or fence enclosing the patio.
- (c) The spa or hot tub shall be required to have a cover capable of being locked, for the purposes of safety and to cover the water surfaces during the off season or such other periods of nonuse. The cover shall be locked when not in use.

SECTION 9. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.C(9)(b) and (c) in their entirety and replacing them with the following language:

- (b) The deck or patio shall be fully enclosed by the rear wall of the housing unit and the common walls of adjoining units or a wall or fence along the rear and side of the deck or patio. The height of the walls or fences shall not be less than four feet. The spa shall be located anywhere within the enclosed patio, either below ground, at grade, or above ground, provided that level of the water surface is at least two feet below the height of the shortest wall or fence enclosing the patio.
- ...
- (c) The spa or hot tub shall be required to have a cover capable of being locked, for the purposes of safety and to cover the water surfaces

during the off season or such other periods of nonuse. The cover shall be locked when not in use.

SECTION 10. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.C(10)(i) and (l) and replacing them with the following language:

- (i) All electrical work connected with the pool and all equipment incidental thereto shall comply with all regulations and must be inspected and certified by an approved inspection agency prior to the issuance of a certificate of occupancy. In no event may said pool be used prior to such approval.
- (l) The water in the pool or pool area shall not emit an offensive odor or create any unhealthful condition. It shall be a violation of this chapter to cause or allow drainage onto adjoining land, public or private.

SECTION 11. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article IV *Use Regulations*, § 450-14 *Use Regulations*, is hereby amended by repealing subsection 450-14.D(3) in their entirety and (4) and replacing them with the following language:

- (3) Nonresidential accessory building. Accessory building or structure or uses are permitted which are customarily incidental to the uses permitted in nonresidential districts in connection with such uses, except outside storage. Any use accessory to a use permitted only under a special exception shall be established only and as provided in such special exception. Nonresidential accessory buildings shall meet the minimum setbacks for the principal nonresidential use.
- (4) Outside storage or display. Outside storage or display, other than storage as a primary use of the land (which shall not be permitted), necessary but incidental to the normal operation of a primary use, is subject to the following additional regulations:

[additional regulations to remain unchanged]

SECTION 12. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-15 *R-1 Residential District*, is hereby amended by repealing subsection 450-15.B in its entirety and replacing it with the following language:

- B. General. A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any one of the following uses, and no other, provided that such use, buildings, or structures shall comply with such regulations as yard, lot size, lot width, building area, height, impervious surface coverage, easement, buffer yard, off-street parking and other requirements as specified in this chapter.

SECTION 13. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-16 *R-2 Residential District*, is hereby amended by repealing subsection 450-16.B in its entirety and replacing it with the following language:

- B. General. A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any one of the following uses, and no other, provided that such use, buildings, or structures shall comply with such regulations as yard, lot size, lot width, building area, height, impervious surface coverage, easement, buffer yard, off-street parking and other requirements as specified in this chapter.

SECTION 14. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-17 *VH Village Historic District*, is hereby amended by repealing subsection 450-17.B in its entirety and replacing it with the following language:

- B. General. A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any one of the following uses, and no other, provided that such use, buildings, or structures shall comply with such regulations as yard, lot size, lot width, building area, height, impervious surface coverage, easement, buffer yard, off-street parking and other requirements as specified in this chapter.

SECTION 15. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-18 *MHP Mobile Home Park District*, is hereby amended by repealing subsection 450-18.B in its entirety and replacing it with the following language:

- B. General. A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any one of the following uses, and no other, provided that such use, buildings, or structures shall comply with such regulations as yard, lot size, lot width, building area, height, impervious surface coverage, easement, buffer yard, off-street parking and other requirements as specified in this chapter.

SECTION 16. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-19 *C-1 Commercial District*, is hereby amended by repealing subsection 450-19.B in its entirety and replacing it with the following language:

- B. General. A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any one of the following uses, and no other, provided that such use, buildings, or structures shall comply with such regulations as yard, lot size, lot width, building area, height, impervious surface coverage, easement, buffer yard, off-street parking and other requirements as specified in this chapter.

SECTION 17. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-19 *C-1 Commercial District*, subsection 450-19.C(1) *Uses permitted by right* is hereby amended by adding “Sober Living Facility” as a permitted use directly after “Retail trade and services”.

SECTION 18. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-19 *C-1 Commercial District*, subsection 450-19.C *Permitted uses* is hereby amended by adding a new subsection 450-19.C(3) *Uses permitted by conditional use* with the following language:

- (3) Uses permitted by conditional use.

Medical Marijuana Dispensary

SECTION 19. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-20 *C-2 Commercial District*, is hereby amended by repealing subsections 450-20.B and D(5)(b) in their entirety and replacing them with the following language:

B. General. A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any one of the following uses, and no other, provided that such use, buildings, or structures shall comply with such regulations as yard, lot size, lot width, building area, height, impervious surface coverage, easement, buffer yard, off-street parking and other requirements as specified in this chapter.

...

D. [no change]

(5) [no change]

...

(b) Side (each): 15 feet

SECTION 20. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-20 *C-2 Commercial District*, subsection 450-20.C *Permitted uses* is hereby amended by adding a new subsection 450-20.C(3) *Uses permitted by conditional use* with the following language:

(3) Uses permitted by conditional use.

Medical Marijuana Dispensary

SECTION 21. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-21 *C-3 Commercial District*, is hereby amended by repealing subsections 450-21.B and D(5)(b) in their entirety and replacing them with the following language:

B. General. A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any one of the following uses, and no other, provided that such use, buildings, or structures shall comply with such regulations as yard, lot size, lot width, building area, height, impervious

surface coverage, easement, buffer yard, off-street parking and other requirements as specified in this chapter.

...

D. [no change]

(5) [no change]

...

(b) Side (each): 15 feet

SECTION 22. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-21 *C-3 Commercial District*, subsection 450-21.C *Permitted uses* is hereby amended by adding a new subsection 450-21.C(3) *Uses permitted by conditional use* with the following language:

(3) Uses permitted by conditional use.

Medical Marijuana Dispensary

SECTION 23. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-22 *HC Historic Commercial District*, is hereby amended by repealing subsection 450-22.A in its entirety and replacing it with the following language:

A. The Historic Commercial District is intended to promote and preserve the historic and limited craft/commercial character of the area around the historic Godshalk’s Mill.

SECTION 24. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-23 *SC Shopping Center District*, subsection 450-23.C *Permitted uses* is hereby amended by adding the “Medical Marijuana Dispensary” use as a permitted conditional use under subsection 450-23.C(3) *Uses permitted by conditional use*

SECTION 25. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-24 *LI Light Industrial District*, is hereby amended by repealing subsections 450-24.A, B, C, D(5)(b), and E(4) in their entirety and replacing them with the following language:

- A. Purpose. The purposes and intent of the LI Light Industrial District is to permit light industrial development located along the railroad line, to ensure that development has sufficient setbacks, buffers, and limits on intensity of development to preserve the overall residential character of the Borough, to protect environmental features, including woodlands, slopes, wetlands and floodplains, and to ensure that industrial development, along Butler Avenue is consistent with the Borough's corridor planning and streetscape standards.

- B. General. A building or structure may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any one of the following uses, and no other, provided that such use, buildings, or structures shall comply with such regulations as yard, lot size, lot width, building area, height, impervious surface coverage, easement, buffer yard, off-street parking and other requirements as specified in this chapter.

- C. Permitted uses.
 - (1) Uses permitted by right.
 - Contractor service
 - Forestry/timber harvesting
 - Microwave or satellite dish antennas
 - Motel/hotel
 - Nonresidential accessory building
 - Nonresidential accessory structure
 - Nursery/greenhouse/garden center
 - Office, business or professional
 - Office, governmental
 - Public recreation facility
 - Research

Sober Living Facility

Temporary use or structure

Utilities

Veterinary office

- (2) Uses permitted by special exception. The following uses may be permitted by special exception. However, the following uses shall not be permitted on lots which front or which take access from Butler Avenue/Route 202.

Adult commercial

Automobile body repair or paint shop

Fuel storage and distribution

Light manufacturing

Telecommunications facility

Truck sales

Warehousing and distribution

Wholesale trade

- (3) Uses permitted by conditional use.

Lawful use not otherwise permitted

Medical Marijuana Dispensary

Medical Marijuana Grower/Processor

D. [no change]

...

(5) [no change]

...

(b) Side (each): 15 feet

...

E. [no change]

...

- (4) Lots or properties which front on or take direct access to Butler Avenue (Route 202-Business) shall meet the following additional requirements:

[no change to requirements]

SECTION 26. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article V *District Requirements*, § 450-25 *C-U College/University District*, subsection 450-5.D(1)(e) is hereby amended by deleting the words “(as measured from perimeter of property)”.

SECTION 27. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article VI *General Regulations Application to All Districts*, section 450-32 *Height* is hereby amended by repealing its introductory paragraph in its entirety and replacing it with the following language:

No building shall exceed a height of thirty-five (35) feet, except as provided in the following and except as provided in other provisions of this Zoning Ordinance.

[enumerated exceptions remain unchanged]

SECTION 28. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article VI *General Regulations Application to All Districts*, section 450-35 *Lighting* is hereby amended by repealing subsection 450-35.D in its entirety and replacing it with the following language:

- D. Light at the property line. Illumination from light originating on the site shall not exceed 0.3 footcandle at the lot line. Overhead light pollution caused by unshielded or bright lights shall not be permitted. No light shall shine directly into windows or onto streets and driveways in such a manner as to interfere with or distract driver’s vision or be a nuisance to property owners or residents.

SECTION 29. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article VI *General Regulations Application to All Districts*, section 450-40 *Protection standards; nuisances* is hereby amended by repealing subsections 450-40.B(4), 450-40.B(5), and 450-40.B(6) in their entirety and replacing them with the following language:

- (4) General sound standard. All sound sources, including nonconforming uses, shall comply with the general sound standard for the district in which it is located unless covered specifically by another section herein.

Land Use Category	dB A Rating Limit	
	DAY (7:00 am-7:00 pm)	NIGHT (7:00 pm-7:00 am)
All residential districts, education/institutional districts, park/open space districts and college/university districts	60	50
Shopping Center	75	65
C-1, C-2, C-3 Districts	75	65
Light industrial	75	65
Mobile home park	60	50

All measurements shall be taken at the property boundary of the sound source.

- (5) Specific prohibitions. The following acts and the causes thereof, are declared to be in violation of this chapter.
- (a) Operating, playing, or permitting the operation or playing of any radio, television, phonograph, sound amplifier, musical instrument, or other such device between the hours of 7:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance across a real property line or within a noise-sensitive zone.
 - (b) Owning, possessing, or harboring any animal which frequently or for any continued duration howls, barks, crows, or makes any other sound so as to create a noise disturbance across any real property boundary or within a noise-sensitive zone.
 - (c) Performing any construction operation or operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7:00 p.m. and 7:00 a.m. if such operation creates a noise disturbance across a real property boundary line or within a noise-sensitive zone. This section does not apply to domestic

power tools or to vehicles which are designed for transportation use on public highways.

- (d) Repairing, rebuilding, modifying, testing, or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause a noise disturbance across a real property boundary or within a noise-sensitive zone. This section shall not apply to operation on public highways of any vehicle in a normal manner.
 - (e) Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device (used outdoors) between the hours of 9:00 p.m. and 7:00 a.m. so as to cause a noise disturbance across any nonindustrial real property boundary or within a noise-sensitive zone.
- (6) Exceptions.
- (a) The provisions of this chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, the emission of sound in the performance of emergency work, or the performance of municipal service operations or activities.
 - (b) A temporary permit for exceeding the above limits may be issued by the Borough Manager upon due cause shown, in consultation with the Borough Zoning Officer and Borough Engineer.

SECTION 30. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article VI *General Regulations Applicable to All Districts*, § 450-42 *Parking standards*, subsection 450-42.G *Parking requirements for uses*, is hereby amended by adding the following minimum parking requirements to § 450-42.G(2) *Nonresidential uses*:

Use	Number of Required Parking Spaces
Medical Marijuana Dispensary	1 off-street parking space for every 250 square feet of gross floor area
Medical Marijuana Grower/Processor	1 off-street parking space for every employee on the largest shift, plus 1 space for each company vehicle normally stored on the premises, plus 5 additional spaces for visitor parking.

Sober Living Facility

A minimum of three (3) spaces per facility. Garage spaces do not count as required parking spaces. One (1) additional off-street parking space shall be provided for each non-resident staff person. One additional off-street parking space shall be provided for each additional two (2) residents over five (5), unless demonstrated that such individuals are incapable or not permitted to operate a motor vehicle during the period of residency.

SECTION 31. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Article VIII *Administration*, section 450-52 *Application requirements for zoning permits* is hereby amended by repealing subsection D in its entirety and replacing it with the following language:

- D. Whenever the topography and vegetation is disturbed, a plan for the control of erosion and sediment and grading is required. A zoning permit is required for any fill or change in the existing grade of any land; and it shall be unlawful to disturb, modify, block, divert, or otherwise affect the overland or subsurface flow of a stream or creek or stormwater without first obtaining a zoning permit and any other applicable permits. No permits shall be required for normal agriculture or horticultural operations or where the area to be altered does not exceed 1,000 square feet (or less if required by the Bucks County Conservation District) and where the grade change does not exceed six inches in any one area and where all bare earth is properly seeded, sodded, or otherwise protected from erosion. Zoning permits for activities which also require review and approval from the Bucks County Soil Conservation District shall be issued only after approval by the Conservation District.

SECTION 32. The Code of Ordinances of the Borough of New Britain, Chapter 450 *Zoning*, Attachment 1 is hereby amended by adding the following Nonresidential Uses:

Use	District												
	R-1	R-2	VH	MHP	C-1	C-2	C-3	HC	SC	LI	C-U	E-I	P-OS
Medical Marijuana Dispensary	N	N	N	N	C	C	C	N	C	C	N	N	N
Medical Marijuana Grower/Processor	N	N	N	N	N	N	N	N	N	C	N	N	N
Sober Living Facility	N	N	N	N	N	N	N	N	N	Y	N	N	N

SECTION 33. Repealer. Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 34. Severability. The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, enforceable or unconstitutional, the Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, enforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 35. Effective date. This Ordinance shall become effective immediately.

ORDAINED and **ENACTED** an ordinance of the Borough of New Britain this ____ day of _____, 2017.

NEW BRITAIN BOROUGH COUNCIL

By:

Robyne Kelemen, Council President

Approved:

David Holewinski, Mayor

Attest:

Carrie Gamble, Borough Secretary