

ORDINANCE NO. 07142020-A  
 BUTLER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

**AN ORDINANCE OF BUTLER TOWNSHIP AMENDING THE BUTLER TOWNSHIP ZONING ORDINANCE OF 2014 TO REGULATE THE GROWING, PROCESSING AND PRODUCTION OF HEMP**

The Butler Township Board of Supervisors do hereby amend the Butler Township Zoning Ordinance of 2014 as follows:

**Section 202. Definition of Terms.** The following additional words, terms and phrases shall have the meaning indicated herein:

**“Hemp”**- means the plant cannabis sativa L. and any part of the plant, (whether growing or not) with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry-weight basis. The term includes industrial hemp.

**“Industrial Hemp Production”**- means the making or manufacturing of hemp into a product, including food (such as oil, supplement, birdseed, protein flour etc.), fibers (such as textiles, clothes, shoes), fuel, industrial textiles and products (such as rope, nets, carpet, tarps, paper, building materials etc.), and personal care products (such as soap, beauty products etc.). The term also includes the grinding of hemp into flour; the pressing of hemp into seed oil for the manufacturing of products such as personal care products; the taking of the fiber strings running the length of the hemp stalk for the manufacturing of such things as clothing, paper, and other applications; and the taking of the core of the stalk, the inner hurd, a soft cellulose vein running the length of the plant to manufacture such things as insulation and paper. This term does not include the growing, harvesting and processing (cutting, drying, shredding, or packaging) of the hemp plant, as those uses shall be considered Hemp Growing and Processing.

**Section 310. Table of Land Uses.** The following additional uses are included in the Table of Land Uses below:

Type of Land Uses	SR	UR	RC	RA/RAR	MRB	NC	GC	I	MI	BP	WTO/SEO	SPI
<b>Agricultural/ Conservation Uses</b>												
Growing and Processing of Hemp	N	N	N	P	N	N	N	N	N	N	N	N
<b>Industrial Uses</b>												
Industrial Hemp Production	N	N	N	N	N	N	N	P	P	N	N	N

**Section 602. Specific Uses.** The following additional specific uses are added:

(50) Growing and Processing of Hemp.

A. A field or planting site for hemp may not be located within 1,000 feet of a School, daycare, and playground or park; 200 feet of a structure used for residential purposes; and three miles from another medical marijuana grower or processor facility.

B. A field or planting site for hemp must be physically separated from other crops.

C. Any growing of hemp located within 1,000 feet of a residentially-zoned property or a residential use shall be conducted inside an enclosed building.

D. Growing and processing of hemp shall comply with the requirements of the general permit issued or approved by the Pennsylvania Department of Agricultural. The landowner shall keep on file with the Township a copy of the permit with all accompanying documents.

E. The use may not generate odors that are offensive to persons of average sensitivities beyond the boundaries of the lot where the growing or processing is to occur.

F. The use may not emit odorous matter in such quantities as to be readily detectable at any point behind the boundaries of the lot where it is generated. Malodorous matter may not be permitted to be emitted from a lot which is so objectionable as to damage property interest on any other lot or the public.

G. Industrial hemp production may not occur on the same property where the growing and processing of hemp occurs.

(51) Industrial Hemp Production.

A. The zoning application shall include a detailed description of:

1. The nature of the on-site processing operations, the materials used in the process, the products produced, the generation and methods for disposal of any wastes and by-products, and the manner and method of storage and disposal of materials.

B. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative

impacts.

D. The use shall be operated completely within a building. Overhead and man doors shall be directed away from adjoining properties whenever possible and must be closed while the use is in operation.

E. A buffer yard of at least 75 feet shall be provided from any lot used or zoned as residential. When the lot adjoins a lot used for residential purposes or zoned for residential use, the lot shall be screened with both a planting strip and fence under Section 419.

F. The use may not generate odors that are offensive to persons of average sensitivities beyond the boundaries of the lot where the growing or processing is to occur.

G. The use may not emit odorous matter in such quantities as to be readily detectable at any point behind the boundaries of the lot where it is generated. Malodorous matter may not be permitted to be emitted from a lot which is so objectionable as to damage property interest on any other lot or the public.

This Ordinance shall be effective immediately following its adoption. The Butler Township Zoning Ordinance is hereby amended to include the above amendments, this \_\_\_ day of \_\_\_\_\_, 2020, by the Butler Township Board of Supervisors.

ATTEST:

\_\_\_\_\_  
Manager

BOARD OF SUPERVISORS:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson

\_\_\_\_\_  
Secretary/Treasurer