

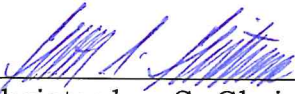
ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2225

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF ABINGTON AT PART II [GENERAL LEGISLATION], CHAPTER 162 [ZONING], BY AMENDING ARTICLE XXI [USE REGULATIONS], SECTION 2103 [CATEGORIES OF PERMITTED USES], ARTICLE XXIII [PARKING AND TRANSPORTATION], SECTION 2304 [PARKING USE REQUIREMENTS], AND THE COMPREHENSIVE USE MATRIX APPENDIX TO ADD PROVISIONS FOR USE C-40, TOBACCO STORE, SMOKE SHOP AND VAPE SHOP

CERTIFICATION

I, CHRISTOPHER S. CHRISTMAN, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN ABINGTON TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 2225.



Christopher S. Christman, Township Manager
February 13, 2025

ENACTED

2/13/2025

ABINGTON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

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WHEREAS, The Board of Commissioners of Abington Township is duly empowered by the First Class Township Code, 53 P.S. § 55101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Abington Township;

WHEREAS, The Board of Commissioners of Abington Township has adopted a comprehensive zoning ordinance, known as The Revised Abington Township Zoning Ordinance, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Abington Township;

WHEREAS, the First Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Commissioners to make, amend and adopt amendments to The Revised Abington Township Zoning Ordinance, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, the Board of Commissioners of Abington Township has determined that certain amendments to The Revised Abington Township Zoning Ordinance, as amended, are required for the orderly administration of the laws of Abington Township; and

WHEREAS, the Board of Commissioners has determined that the Code of the Township of Abington should be amended at Section 2103 [Categories of Permitted Uses] to add a definition of Use C-40 – Tobacco Store, Smoke Shop and Vape Shop, Section 2304 [Parking Use Requirements] and to amend the

Comprehensive Use Matrix Appendix to account for the newly added use, for the maintenance of peace, good government, health and welfare of the Township and its residents.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Board of Commissioners of Abington Township that the Township's Code is amended as follows:

SECTION 1. Amendment to Chapter 162 [Zoning], Article XXI [Use Regulations], Section 2103 [Categories of Permitted Uses] to add provisions for Use C-40 – Tobacco, Smoke and Vape Shop

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Article XXI [Use Regulations], Section 2103 [Categories of Permitted Uses] is hereby amended to add provisions for Use C-40 – Tobacco, Smoke and Vape Shop, as follows:

Section 2103 – Categories of Permitted Uses:

[...]

Use C-40: Tobacco Store, Smoke Shop or Vape Shop.

1. A business establishment whose principal purpose is selling tobacco and/or tobacco products and/or vaping products. A retail sales or wholesale establishment which maintains 20% or more of its total merchandise as tobacco and/or tobacco products and/or vaping products shall be considered a tobacco store/smoke shop for the purposes of this Chapter. For the purposes of this Chapter, a retail or wholesale establishment which holds itself out as a "tobacco store", a "smoke shop", a "vape shop" or a similar establishment, shall also be considered a tobacco store, smoke shop or vape shop for the purposes of this Chapter. Examples of vaping products referred to in this Chapter include, without limitation, vaporizers, vape pens, vapor products, hookah pens, electronic cigarettes, e-cigarettes, e-cigs, e-pipes and any other electronic nicotine delivery system ("ENDS"). ENDS shall be deemed noncombustible tobacco products. Tobacco products as referred to in this Chapter shall include, without limitation, matches, lighters, hookahs, pipes, chewing tobacco, cigarette rolling machines, ashtrays, pipe tools, pipe supplies and pipe

accessories. For the purposes of this Chapter, cannabidiol products, also known as “CBD” topical or non-smoke/non-vapor products, shall be excluded when counting the total merchandise of such a retail sales or wholesale establishment.

2. This definition shall not include medical marijuana dispensaries, as that term is defined and regulated by the provisions of this Chapter 162.
3. All Tobacco, Smoke or Vape Shops shall conform to the following standards:
 - a. Each tobacco store, smoke shop or vape shop shall be located no closer than 1,000 feet from any other tobacco store, smoke shop or vape shop.
 - b. There shall be one (1) off-street parking space required for each 150 feet of gross floor area or fraction thereof.
 - c. Hours of operation shall be limited to 10:00 AM until 8:00 PM.

[...]

SECTION 2. Amendment to Article XXIII [Parking and Transportation], Section 2304 [Parking Use Requirements]

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Article XXIII [Parking and Transportation], Section 2304 [Parking Use Requirements], is hereby amended at Subsection C [Commercial Land Uses] to add subsection 38, as follows:

2304.C.38 Use C-40: Tobacco Store, Smoke Shop or Vape Shop: (1) off-street parking space required for each 150 feet of gross floor area or fraction thereof.

SECTION 3. Amendment to Chapter 162 [Zoning], Comprehensive Use Matrix Appendix.

The Code of the Township of Abington, Part II [General Legislation], Chapter 162 [Zoning], Comprehensive Use Matrix Appendix is hereby amended, as follows:

1. Use C-40 – Tobacco Store, Smoke Shop or Vape Shop, shall be marked with an “N”, corresponding to “Not Permitted”, in the following Zoning Districts: CS, LP Overlay, R1, R2, R3, R4, RC, SNR MS-H, MS-L, MS-VC, SI-G (but reference Note 13), SI-W (but reference Note 13).

2. Use C-40 – Tobacco Store, Smoke Shop or Vape Shop, shall be marked with a “Y”, corresponding to “Permitted”, in the following Zoning Districts: BC: Lots<1 Acre, BC: Abington Towne Center, BC: Foxcroft, BC: Huntingdon Valley, BC: Noble, BC: Willow Grove Park.
3. Use C-40 – Tobacco Store, Smoke Shop or Vape Shop, shall be marked “A” (but reference Note 17), in the AO District.

SECTION 4. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township’s Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 5. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 6. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 13th day of February 2025, by the Board of Commissioners of the Township of Abington.


**TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS**



THOMAS HECKER
President

[Seal]

Attested by:



Christopher S. Christman
Township Manager & Secretary