

TOWNSHIP OF ABINGTON
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2131

**AN ORDINANCE AMENDING CHAPTER 162 – “ZONING,” AT ARTICLE II –
“DEFINITIONS,” AT SECTION 201 - “SPECIFIC DEFINITIONS,”
ARTICLE IV – “COMMERCIAL ZONING DISTRICTS,” AT SECTIONS 400.2.A -
“USES BY RIGHT” IN THE TOWN COMMERCIAL DISTRICTS, 401.2.A – “USES BY
RIGHT” IN THE SPECIAL COMMERCIAL DISTRICTS, 402.2.A – “USES BY RIGHT”
IN THE PLANNED BUSINESS DISTRICTS;
ARTICLE V – “SPECIAL ZONING DISTRICTS,” AT SECTIONS 501.2.A – “USES BY
RIGHT” IN THE MIXED USE DISTRICTS AND 502.2.B – “USES BY CONDITIONAL
APPROVAL” IN THE SUBURBAN INDUSTRIAL DISTRICTS;
ARTICLE VII – “USE REGULATIONS,” AT SECTION 706 – “CATEGORIES OF
PERMITTED USES,” AT SUBSECTIONS C – “COMMERCIAL USES,” AND D –
“INDUSTRIAL USES;”
AND ARTICLE IX – “PARKING AND TRANSPORTATION STANDARDS,” AT
SECTIONS 901.3 – “COMMERCIAL LAND USE,” AND 901.4 – “INDUSTRIAL USES,”
RELATED TO THE MEDICAL MARIJUANA ACT**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that Chapter 162 – “Zoning” should be amended at Article II – “Definitions,” Section 201 – “Specific Definitions”; Article IV – “Commercial Zoning Districts,” Sections 400.2.A – “Uses

by Right” in the Town Commercial Districts, 401.2.A – “Uses by Right” in the Special Commercial Districts, 402.2.A – “Uses by Right” in the Planned Business Districts; Article V – “Special Zoning Districts,” at Sections 501.2.A – “Uses by Right” in the Mixed Use Districts and 502.2.B – “Uses by Conditional Approval” in the Suburban Industrial Districts; and Article VII – “Use Regulations,” at Section 706 – “Categories of Permitted Uses,” Subsection C – “Commercial Uses,” and D – “Industrial Uses,” and Article IX – “Parking and Transportation Standards,” at Sections 901.3 – “Commercial Land Use,” and 901.4 – “Industrial Uses,” for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

SECTION 1. Chapter 162, “Zoning,” Section 201, Specific Definitions, is hereby amended to add the following definitions:

Department of Health – The Department of Health of the Commonwealth of Pennsylvania.

Medical Marijuana Act – Act 16 of 2016, 35 P.S. § 10231.101 *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.

SECTION 2. Chapter 162, Article IV, Town Commercial Districts, Section 400.2.A, Special Commercial Districts, Section 401.2.A, Planned Business Districts, Section 402.2.A, and Article V, Mixed Use Districts, Section 501.2.A, are each hereby amended to add the following permitted use:

C-37 Medical Marijuana Dispensary

SECTION 3. Chapter 162, Article V, Suburban Industrial District, Section 502.2.B, is hereby amended to add the following conditional use:

h. D-18 Medical Marijuana Grower/Processor

SECTION 4. Chapter 162, Article VII, Use Regulations, Section 706.C, is amended to add the following use:

Use C-37 Medical Marijuana Dispensary, subject to the specific criteria listed below:

- (a) 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 Township approval shall immediately become void. A Medical Marijuana Dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.
- (b) A Medical Marijuana Dispensary shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- (c) 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 object, from the nearest point on the property line of a parcel containing a public, private or parochial school, or child day-care center, as defined and regulated by the Pennsylvania Department of Health
- (d) 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-thru services shall be permitted. The use cannot be advertised on radio or television.

- (e) A Medical Marijuana Dispensary shall be limited to the hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- (f) A Medical Marijuana Dispensary shall submit a disposal plan to be reviewed and approved by the Township. Medical marijuana remnants and by-products shall be disposed of according to an approved plan and shall not be placed within an exterior refuse container.
- (g) 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 located.
- (h) 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.
- (i) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Dispensary.
- (j) A Medical Marijuana Dispensary shall submit a security plan to the Township, which plan shall be subject to the review and approval of the Township Police Department and 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.

SECTION 5. Chapter 162, Article VII, Use Regulations, Section 706.D, is hereby amended to add the following:

Use D-18 Medical Marijuana Grower/Processor, subject to the specific criteria listed below:

- (a) 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 Township approval shall immediately become void.

- (b) A Medical Marijuana Grower/Processor shall at all times operate in compliance with all Department of Health regulations pertaining to such facilities.
- (c) A Medical Marijuana Grower/Processor must be located on a lot containing not less than two (2) acres.
- (d) 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 object, from the nearest point on the property line of a parcel containing a public, private or parochial school, or child day-care center, as defined and regulated by the Pennsylvania Department of Health.
- (e) A Medical Marijuana Grower/Processor must operate entirely within an indoor, enclosed, and secure facility. No exterior sales and no sidewalk displays shall be permitted. No drive-thru services shall be permitted. The use cannot be advertised on radio or television.
- (f) A Medical Marijuana Grower/Processor shall be limited to the hours of operation not earlier than 9:00 a.m. and not later than 9:00 p.m.
- (g) A Medical Marijuana Grower/Processor shall submit a disposal plan to be reviewed and approved by the Township. Medical marijuana remnants and by-products shall be disposed of according to an approved plan and shall not be placed within an exterior refuse container.
- (h) 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 located.
- (i) No one under the age of eighteen (18) shall be permitted in a Medical Marijuana Grower/Processor, unless accompanied by a caregiver as required under Section 506 of the Medical Marijuana Act.
- (j) No use of medical marijuana shall be permitted on the premises of a Medical Marijuana Grower/Processor.
- (k) A Medical Marijuana Grower/Processor shall submit a security plan to the Township, which plan shall be subject to the review and approval of the Township Police Department and 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.

- (1) Fencing. Each Medical Marijuana Grower/Processor use shall be completely enclosed by a fence having a minimum height of six (6) feet. The Board of Commissioners may, by Conditional Use approval, require a greater fence height when deemed by the Board to be necessary for the protection of public health and safety .

SECTION 6. Chapter 162, Article IX, Parking and Transportation Standards, is hereby amended to add the following parking requirements:

Section 901.3, Commercial Land Uses, is amended to add the following:

Use C-37: Medical Marijuana Dispensary: One (1) off-street parking space per 200 square feet of gross leasable floor area.

Section 901.4, Industrial Land Uses, is amended to add the following:

Use D-18: Medical Marijuana Grower/Processor: One (1) off-street parking space per 500 square feet of gross floor area devoted to the manufacturing area, storage area and utility area, plus one (1) off-street parking space for every 300 square feet of gross floor area devoted to sales or office area.

SECTION 7. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 8. REPEALER.

All ordinance or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistency or conflicts, are hereby specifically repealed.

SECTION 9. EFFECTIVE DATE.

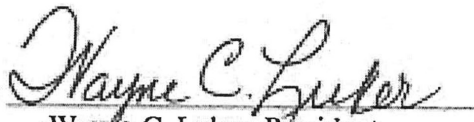
This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED this 4th day of May, 2017.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:


Richard J. Manfredi, Secretary

By: 
Wayne C. Luker, President