

**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2347-17

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF CHELTENHAM TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA AMENDING CHAPTER 295,
ZONING OF THE CHELTENHAM TOWNSHIP CODE OF
ORDINANCES TO AMEND §295-2, DEFINITIONS,
ARTICLE XIX, G-MANUFACTURING AND INDUSTRIAL
DISTRICTS, AND §295-122.H., PARKING
REQUIREMENTS BY LAND USE, TO ESTABLISH
SPECIAL EXCEPTION CRITERIA TO PERMIT
TOBACCO STORES**

WHEREAS, the City of Philadelphia adopted a cigarette tax effective in October 2014;
and

WHEREAS, as a result of the Cigarette Tax, a number of tobacco stores have rapidly
opened in close proximity, in the Township of Cheltenham; and

WHEREAS, there are currently no specialized regulations pertaining to the location of
tobacco stores in the Township nor are there regulations mandating off-street parking
requirements for tobacco stores within the Township.

NOW, THEREFORE, the Board of Commissioners of Cheltenham Township, in
session duly assembled, hereby amend the Zoning Ordinance of Cheltenham Township as
follows:

SECTION I. - Amendment to the Code

The Cheltenham Township Zoning Code, Chapter 295, Article I, Section 295-2, entitled
“Definitions and Word Usage”, is amended to add the following:

STORE – a retail or wholesale establishment primarily engaged in selling merchandise,
excluding tobacco stores.

TOBACCO STORE – a retail or wholesale establishment primarily engaged in selling
tobacco and/or tobacco products. A retail or wholesale establishment which engages, or
will engage, in sales of tobacco and/or tobacco products of 20% or more of its total
merchandise shall be considered a tobacco store for purposes of this Chapter.

SECTION II. - Amendment to the Code

The Cheltenham Township Zoning Code, Chapter 295, Article XIX, entitled “G-Manufacturing Industrial Districts” is hereby amended to add a new Section 295-135.A entitled Use Regulations – Special Exception” as follows:

A building may be erected, altered or used and a lot or premises may be used as a tobacco store when authorized as a special exception, provided that:

- (1) each tobacco store shall be located no closer than five hundred (500) feet from any other tobacco store; and
- (2) there shall be one (1) off-street parking space required for each one hundred fifty (150) square feet of gross floor area or fraction thereof.

SECTION III. - Amendment to the Code

The Cheltenham Township Zoning Code, Chapter 295, Article XXIX entitled “General Regulations”, Section 295-221 entitled “Parking and Loading”, Subsection H. entitled “Parking Requirements by Land Use” is hereby amended to add under “Retail Uses:” the following:

Land Use Type	Spaces Required
Tobacco Store	1 per 150 square feet of gross floor area or fraction thereof

SECTION IV. - Disclaimer

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of Cheltenham Township, Montgomery County or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION V. - Severability

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION VI. - Repealer

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION VII. - Failure to Enforce Not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION VIII. - Effective Date

This Ordinance shall take effect and be in force as soon after adoption as is permitted by law.

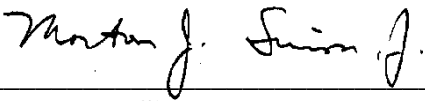
DULY ORDAINED AND ENACTED this 21st day of **June 2017**, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**



Bryan T. Havir
Township Manager and Secretary

By: 

Morton J. Simon, Jr., President