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**PART 1**

**SHORT TITLE; EFFECTIVE DATE, DECLARATION OF LEGISLATIVE  
INTENT; INTERPRETATION AND CONFLICT**

**§27-101. Short Title.**

This Chapter shall be known and may be cited as “the 1996 Zoning Ordinance of Ambler.”

(Ord. 922, 9/17/1996, Art. I, §100)

**§27-102. Declaration of Legislative Intent.**

This Chapter, enacted for the purpose of promoting health, safety, morals and the general welfare of the inhabitants of the Borough of Ambler, is in accordance with a Comprehensive Plan and is designed to lessen congestion on the roads, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue congestion of population, to facilitate the adequate provision of transportation, vehicular parking space, water, sewerage, schools, parks and other public services, to preserve natural scenic and historical areas, to conserve the value of buildings, to coordinate practical community development, and to encourage the most appropriate use of land throughout the Borough.

(Ord. 922, 9/17/1996, Art. I, §101)

**§27-103. Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulations impose greater restrictions than this Chapter, the provision of such statute, other ordinance or regulations shall be controlling.

(Ord. 922, 9/17/1996, Art. I, §102)

**§27-104. Statement of Community Objectives.**

The Borough of Ambler, which adopted a Comprehensive Plan in 1968, to guide the orderly growth and development of the Borough, intends this Chapter to implement the following community development objectives, which have been approved by the Plan-

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ning Commission and the Ambler Borough Council, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

- A. Growth. Ambler is a developed community with an established identity and character that should be preserved; no drastic changes in the present development pattern should occur.
  - (1) All future growth, whether by infilling of remaining vacant land or by redevelopment of existing developed parcels, should occur in an orderly and controlled manner that is consistent with the scale, density and character of the Borough and the neighborhood within which it occurs.
  - (2) The Borough's population should remain stabilized within a range of 6,500 to 7,500 persons.
- B. Land Use. Ambler should remain a multifaceted community which functions as an urban core serving the surrounding suburban areas.
  - (1) The integrity of established residential neighborhoods in the Borough should be protected and enhanced; nonresidential development should be located in a manner which complements, rather than downgrades, residential areas.
  - (2) Existing land use conflicts between residential and nonresidential uses and inappropriate land uses should be discouraged. Future land use decisions should avoid the creation of additional land use conflicts.
- C. Housing. Ambler should be preserved as a pleasant residential area with a varied and balanced supply of housing types.
  - (1) The existing good housing stock should be maintained along with the necessary facilities (streets, community facilities, utilities) which are part of a good housing environment.
  - (2) Any deteriorated housing areas should be upgraded.
- D. Commerce. Sufficient space and good access should be provided for commercial activity, which contributes to the economic vitality of Ambler. Commercial activity, must, however, also be compatible with other functions of the community and satisfactory transitions from one land use to another should be provided to avoid land use conflicts.
  - (1) Traffic-intensive, highway-oriented commercial uses should be discouraged in order to lessen the traffic burden on already heavily traveled Butler Avenue.
  - (2) Adequate support facilities for the business district, sufficient parking areas, street access, utilities and public services should be provided.

- (3) The unique character of Ambler's central business district should be promoted through advertising, good design and appearance, a safe, efficient and pleasant pedestrian movement system and through encouraging a wide variety of retail and service establishments.
  - (4) Low intensity business and professional office uses should be permitted in residential areas bordering the Borough's central business district where such development would constitute an appropriate alternative use for converted dwellings and, at the same time, serve to maintain the residential character of these neighborhoods.
  - (5) Mixed-use development, i.e., residential uses plus commercial and/or office uses, should be permitted where appropriate.
- E. Industry. The diversification and revitalization of industry should be encouraged as a means of strengthening the Borough's economic base.
- (1) New heavy industrial development should be restricted to non-floodplain and environmentally stable areas between the railroad tracks and the Wissahickon Creek. (The spoils piles of asbestos wastes shall be left covered with vegetation and otherwise undisturbed according to the Pennsylvania Department of Environmental Protection.)
  - (2) Nonconforming industrial uses located in residential areas of the Borough should be appropriately controlled and buffered to achieve compatibility with the surrounding neighborhood.
  - (3) Structural rehabilitation and improved access should be encouraged as a means of enhancing the appearance and functioning of existing industrial establishments.
- F. Transportation. A mutually beneficial relationship between traffic circulation and land use should be established.
- (1) Vehicular circulation should be designed to separate regional traffic from local residential traffic wherever possible.
  - (2) Adequate off-street parking and loading areas should be required for all new development in the Borough and should be improved in existing areas where needed.
  - (3) Use of public transportation services by Borough residents should be encouraged through the programming of necessary rail station improvements and by the concentration of high intensity land uses in areas accessible to rail services. The Borough's rail station and central

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business district should be connected through good urban design and pedestrian circulation to mutually benefit both areas.

- G. Community Facilities and Services. Continued improvements of the level and quality of community facilities and services in the Borough should be fostered.
- (1) Existing institutional and educational uses should be identified and protected by appropriate regulatory tools and the provision of additional off-street parking areas to serve these uses should be encouraged where needed.
  - (2) The development of additional areas for active and passive recreation should be encouraged wherever possible.
  - (3) Adequate open space and other amenities should be required in conjunction with all new development in the Borough.
- H. Environment. Borough regulations should encourage the maintenance of a high standard of air and water quality and the protection of the Borough's natural resources, including woodlands, floodplains and steep slopes. Historical, educational and cultural resources should be identified and preserved and the overall aesthetic qualities of the Borough should be improved through sign regulations, landscaping requirements and similar controls.
- I. Intergovernmental Cooperation and Implementation. Cooperation with surrounding communities in dealing with social and physical problems which transcend municipal boundaries and the adoption of a strong planning program with active citizen involvement by Borough residents should be encouraged.

(Ord. 922, 9/17/1996, Art. I, §103; as amended by Ord. 991, 8/15/2005)

### **§27-105. Conflict.**

It is not intended by this Chapter to repeal or abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Chapter; provided, that where this Chapter imposes greater restriction upon the use of buildings or land, or upon the height and bulk of buildings or prescribes larger open spaces than are required by the provisions of such ordinance, enactment, rule, regulation or permit, then the provisions of this Chapter shall control.

(Ord. 922, 9/17/1996, Art. I, §104)

## PART 2

### DEFINITIONS

#### §27-201. Interpretation.

Unless otherwise expressly stated, the following words or phrases shall have the meaning herein indicated. The present tense includes the future, the singular number includes the plural and the plural the singular, the word “building” includes the word “structure” and shall be construed as if followed by the words “or part thereof”, the word “occupy” includes the words “designed or intended to be occupied,” the word “use” includes the words “arranged, designed or intended to be used,” the word “shall” is always mandatory; the word “person” includes any natural persons, partnership, firm, association or corporation and the masculine includes the feminine.

(Ord. 922, 9/17/1996, Art. II, §200)

#### §27-202. Definition of Terms.

**ACCESS STRIP** — a piece of land at least 25 feet wide which provides access from a public street to a rear lot, but which does not meet the minimum requirements of this Chapter with respect to lot width at the building line.

**ACCESSORY BUILDING** — a building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.

**ACCESSORY DWELLING UNIT** — a suite, either detached from or attached to the primary dwelling unit on the lot, for occupation by the following members of the lot owner’s family:

- A. A parent, grandparent, or a spouse, partner or sibling of one of the those relatives;
- B. A family relative, by blood, marriage, or adoption who requires continuous care due to injury, illness or a serious physical or mental disability that substantially impairs or restricts one or more of such activities as walking, seeing, hearing, speaking, working, or learning.

A detached ADU may take the form of a cottage or similar dwelling, or may be constructed over a detached accessory building such as a garage. An attached ADU is attached to the principal dwelling unit on the lot, but must have its own, permanent provisions for living, sleeping, eating, cooking, and full bath, which are not shared with the residents of the principal dwelling unit on the lot.

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**ACCESSORY USE** — a use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.

**ADULT DAY CARE CENTER** — a facility operated for profit or not for profit in which adult daily living services are provided for four or more clients not related to the operator.

**ALL WEATHER** — when used in connection with parking or driveway requirements, the term refers to areas surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

**ALLEY** — a service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATION** — as applied to building or structure, a change or re-arrangement in the structural parts or mechanical equipment, or an enlargement, whether by extending on a side or by increasing in height; including work, other than repairs, that would affect safety or a vital element of an elevator, plumbing, gas piping, wiring, ventilation or heating installation. The term “alter,” in its various moods and tenses and its participle forms, refers to the making of an alteration.

**AMUSEMENT** — place of indoor amusement or recreation. A place with four or more of any combination of automatic, mechanical, electric or electronic machines or devices used or designed to be operated as a game, or for entertainment or amusement, by the insertion of a coin, token, money or other article, or by payment of money to have it activated or to be admitted including, but not limited to, the following: billiard rooms, bowling alleys, jukeboxes, merchandise machines, pool rooms, photographic machines, pinball machines, rides, slot car races, video machines and devices.

**APARTMENT HOUSE** — any residential structure in which there are two or more apartment units. This definition includes structures that have been converted to such use as well as buildings originally designed as such.

**BALCONY** — an open air platform projecting from a building, enclosed by a railing or parapet, usually supported by brackets.

**BASEMENT** — any area of the building having its floor below ground level on all sides.

**BED AND BREAKFAST HOMESTAY** — an owner-occupied residence built prior to 1917 and/or of historic significance, which offers up to four guest rooms for overnight sleeping accommodations and which may provide breakfast, but no other meals for the temporary guests.

**BED AND BREAKFAST INN** — lodging facility operated primarily as a business, even though the owner may live on the premises. Bed and breakfast inns have four to 20 guest rooms and must obtain a commercial license to operate.

**BLOCK** — a portion of land usually in a rectangular space, ordinarily enclosed by streets but sometimes by other bounds such as streams or railroads and occupied by or intended to be occupied by buildings.

**BOARDING HOUSE** — an essentially private residence that provides a private room and bathroom access and meals cooked on the premises and/or kitchen access to boarders for a comprehensive (meals included) weekly or monthly charge provided that rooms are limited to one boarder per room and the total rooms available to boarders does not exceed four. (Note – If the rooms are available on a nightly charge basis or if there is a separate charge for meals served on the premises, the facility is a motel or hotel or bed and breakfast homestay.

**BUILDING** — a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

**BUILDING AREA** — the horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot. Porches, decks, and patios, as defined herein, are also included in the building area. Also referred to as building coverage.

**BUILDING ENVELOPE** — the area on a lot where principal building(s) are permitted to be erected. This area is defined by the limits of the required front, side and rear yard areas, as delineated by the respective building setback line.

**BUILDING LINE** — the line which serves as the rear boundary of the minimum required front yard and creates the front line of the building envelope. Also referred to as front building setback line.

**BUILDING, PRINCIPAL** — a building in which is conducted the principal use of the lot on which it is situated.

**BUILDING SETBACK LINES** — lines parallel to the lot lines measured at distances equal to the depths of the minimum required front, side and rear yards. The building setback lines create the boundary of the building envelope.

**CLUB OR LODGE** — a voluntary, non-profit, incorporated or unincorporated association for a purpose of social, literary or political nature.

**COMMERCIAL PARKING** — where used in this Chapter, the term commercial parking shall refer to the business of renting or leasing space for the parking of vehicles owned by persons other than the owner of the lot in question. The storage or recurrent parking of more than five passenger vehicles or more than two trucks or other commercial vehicles, shall be presumed to be commercial parking.

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**COMPLETELY DRY SPACE** — a space which will remain totally dry during flooding, the structure is designed and constructed to prevent the passage of water and water vapor.

**COMPREHENSIVE PLAN** — maps, charts, descriptive matter officially adopted by the Borough Council showing among other things recommendations for the most appropriate use of land; for the most desirable density of population; for a system of thoroughfares, parkways, and recreation areas; for the general location and extent of facilities for water, sewer, lights and power; for the general location, character and extent of community facilities.

**CONDITIONAL USE** — a form of permitted use, authorized by this Chapter, under the jurisdiction of the Borough Council. The Borough Council is empowered to grant permission for conditional uses, consistent with the public interest, in compliance with the standards and procedures established in this Chapter, following thorough examination of the proposal and under any reasonable safeguards necessary to implement the purposes and intent of this Chapter and to protect the general welfare.

**CONDOMINIUM** — a system of separate ownership of individual units in a multi-unit building or buildings, with each owner having a proportionate interest in the common areas. Each unit is real property with recordable and transferable deed assessed and taxed as a parcel of real estate.

**CONSTRUCTION** — the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile or manufactured homes.

**DAY CAMP** — a camp for minor children conducted between 10:00 a.m. and 5:00 p.m., excluding Saturdays and Sundays.

**DAY CARE CENTER** — a facility in which care is provided for seven or more children at any one time, where the child care areas are being used as a family residence.

**DAY CARE FACILITY** — any dwelling or building that provides child or adult care services. Child day care facilities shall be further differentiated by the following three classifications.

**DECK** — an unroofed structure elevated 18 inches or more above ground level, usually attached to one part of and with direct access to or from a building.

**DECISION** — final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Montgomery County.

**DENSITY** — the number of dwelling units per acre.



**DETERMINATION** — final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Borough Council.
- B. The Zoning Hearing Board.
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance [Chapter 22] or planned residential development provisions.

Determinations shall be appealable only to the Boards designated as having jurisdiction for such appeal.

**DEVELOPMENT** — any manmade change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading and excavation, mining, dredging, drilling operation, storage of equipment or materials and the subdivision of land.

**DRIVEWAY** — a passageway for vehicular ingress and egress to a garage, carport or other permissible parking area. Driveways shall not be less than eight feet in width and must be paved with a hard surface from the street line to the front building setback line. Driveway space shall not be counted as part of the required parking area.

**DWELLING** — a structure or portion thereof which is used exclusively for human habitation.

- A. Single-Family Detached Dwelling. A dwelling designed for and occupied exclusively by one family and having no party wall in common with an adjoining building.
- B. Two-Family Dwelling. A dwelling designed for and occupied by two families.
  - (1) Duplex. A two-family dwelling with one dwelling unit located over the other and separated by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units.
  - (2) Twin. A two-family dwelling with one dwelling unit on each side of the vertical party wall.

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- C. Single-Family Attached Dwelling. A dwelling designed for and occupied exclusively by one family and having no more than two party walls in common with any other dwelling.
- (1) Quadruplex. Four single-family attached dwellings in one structure in which each dwelling has two open space exposures and shares one or more party walls with adjoining units.
  - (2) Townhouse. A single-family attached dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is separated from.
- D. Multifamily Dwelling. A dwelling designated for and occupied exclusively by more than two families.
- (1) Garden Apartment. A multifamily dwelling of three stories or less in height, excluding residential conversions.
  - (2) Mid-Rise Apartment. A multifamily dwelling of four full stories or more in height, excluding residential conversions.

DWELLING UNIT — two or more rooms used exclusively for occupancy by one person or family, containing living, sleeping, cooking and bath facilities for the use of and under the control of the occupants.

DWELLING UNIT, TEMPORARY — a dwelling unit providing complete or partial housekeeping facilities for one family for seasonal use.

ESSENTIALLY DRY SPACE — a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage. The structure is substantially impermeable to the passage of water.

FAMILY — one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household guests. Foster children shall be considered as adopted for the purpose of this definition. A number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage, may be deemed to constitute the functional equivalent of a family.

FAMILY DAY CARE HOME — any residence other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five or six children who are not relatives of the resident caregiver.

FLOODPLAIN –

- A. Flood. A temporary condition of partial or complete inundation of normally dry land areas.

- B. Base Flood Elevation. The one-hundred-year flood elevation as referenced in the Flood Insurance Study, Borough of Ambler, prepared by the Federal Insurance Administration, Federal Emergency Management Agency. Within the approximated floodplain, alluvial soils, floodplain or areas to be determined as floodplain as documented by the Borough Engineer, the one-hundred-year flood elevation shall be established as a point of the boundary of the approximated floodplain nearest to the construction site in question.
- C. Flood Boundary. A map prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development designating the boundaries of the floodplain areas in the Borough of Ambler.
- D. Regulatory Flood Elevation. The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.
- E. Floodplain. See “flood-prone area.”
- F. Flood-Prone Area. A relatively flat or low land area adjoining a stream, river or watercourse which is subject to partial or complete inundation or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. For the purpose of this Chapter, the one-hundred-year floodplain shall be that delineated by HUD/FIA in the flood boundary for the Borough of Ambler.
- G. Floodproofing. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in Floodproofing Regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2314 (June, 1972 and as subsequently amended). Floodproofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations.

In said publication where reference is made to “below” (or above) the “RFD” (regulatory flood datum) it shall be interpreted as meaning below (or above) the regulatory flood level. Said regulations are contained in the Building Code [Chapter 5] of Ambler, as amended.

- H. One-Hundred-Year-Flood. A flood that has one chance in 100 or a 1% chance of being equaled or exceeded in any one year. For the purposes of this Chapter, the one-hundred-year flood (base flood) is as defined by the Federal Insurance Administration, Federal Emergency Management Agency, in the Flood Insurance Study, Borough of Ambler.

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**FLOODWAY** — the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

**FLOOR AREA, GROSS** — the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls or from the centerline of a wall separating two buildings, but not including interior vehicular parking or loading or any space where the floor-to-ceiling height is less than six feet.

**FLOOR AREA, NET** — the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking and loading and all floor area below the first or ground floor except when used or intended to be used for human habitation or service to the public.

**FLOOR AREA RATIO** — the gross floor area of all buildings on a lot divided by the gross lot area.

**FORESTRY** — the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FRONTAGE** — the length of the lot line abutting a street right-of-way.

**GARAGE, PRIVATE** — an accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises and for the storage of not more than two motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than two commercial vehicles may be stored in a private garage.

**GARAGE, PUBLIC** — a building other than a private or storage garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.

**GARAGE, STORAGE** — a building not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks), but not for the sale, service or repair thereof, nor for the sale of fuel, accessories or supplies.

**GASOLINE SERVICE STATION** — any area of land, including structures thereon, or any building or part thereof that is used for the sales of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

**GROSS LEASABLE AREA** — the total floor area designed for owner or tenant occupancy and exclusive use, including basements, mezzanines and upper floors,

expressed in square feet and measured from the center line of partitions and from outside wall faces; not including public or common areas, such as public toilets, corridors, stairwells, elevator lobbies or enclosed mall spaces.

**GROUP DAY CARE HOME** — a facility in which care is provided by a resident caregiver for more than six but less than 12 children at any one time, where the child care areas are being used as a family residence.

**GROUP HOME** — a residential facility used as living quarters by any number of unrelated persons requiring special care and their attendant adult supervisors, specifically designed to create a residential setting for the following types of individuals, juvenile delinquents, the mentally and physically impaired and other similar uses as a special exception. The individuals may be either transient or permanent residents.

**HEALTH CARE FACILITY** — a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including a general hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, chronic disease hospital, maternity hospital, dispensary, home health care agency, personal care boarding home.

**HEALTH SERVICES** — establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

**HEARING** — an administrative proceeding conducted by a board pursuant to §909.1 of the Pennsylvania Municipalities Planning Code.

**HEIGHT OF BUILDING** — the vertical distance measured from the average elevation of the existing grade at the location of the building to the highest point of a flat or multi-level roof. For gable, hip or gambrel roofs, measured to the mean height between the eaves and ridge. Residential chimneys, mechanical penthouses and similar projections not intended for human occupancy shall be excluded.

**HOME OCCUPATION** — the accessory use of a residence involving the conduct of one of the following: doctor, lawyer, dentist, psychologist, psychiatrist, engineer, architect, accountant or a rabbi, priest or minister or other religious leader affiliated with a local religious institution. The use is incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part.

**HOSPITAL, SANITARIUM, SANITORIUM** — any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include

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general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose, and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. The term “hospital” shall also include sanitariums and sanitoriums.

**HOTEL** — an establishment providing transient accommodations, containing five or more rental rooms or suites, where access to rooms is provided through a lobby and internal hallways and the building height is more than two stories. Meeting rooms, banquet facilities and ancillary commercial shops are often provided within the building, with internal hallway access.

**IDENTIFIED FLOODPLAIN** — the floodplain area specifically identified in this Chapter as being inundated by the one-hundred-year flood. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

**IMPERVIOUS COVERAGE** — coverage of the site by materials which cannot be penetrated by water and which therefore results in a stormwater runoff of 100%. Included are all buildings and all forms of paving used for roads, driveways, parking and loading areas, walks, courts, patios, etc.

**IMPROVEMENTS** — the physical additions, installations and changes required to render land suitable for the use proposed, including streets, curbs, sidewalks, utilities and drainage facilities.

**INDUSTRY** — those fields of economic activity, including forestry, fishing, hunting and trapping, mining, construction, manufacturing, transportation, communication, utility services and wholesale trade. (See “industry,” “light” and “industry, heavy”)

**INDUSTRY, LIGHT** — industrial activities which are carried out entirely within an enclosed building, and involve no outdoor processes or outdoor storage of primary raw materials.

**INDUSTRY, HEAVY** — industrial activities which do not meet the definition of light industry.

**JUNKYARD** — any outdoor establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling junk, including junked motor vehicles and their parts.

**KENNEL, ANIMAL** — any structure or premises in which more than six dogs or other domesticated small animals more than one year old are housed, groomed, bred, boarded, trained or sold.

**LAND DEVELOPMENT** –

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Except that the following activities shall not be considered land development:
- (1) The conversion of an existing single family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
  - (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**LANDOWNER** — the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**LAND USE ORDINANCE** — any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code.

**LOADING SPACE** — a space, accessible from a street, in a building or on a lot, for the temporary use of vehicles while loading or unloading materials or merchandise.

**LOT** — a designed parcel, tract, or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

**LOT AREA, GROSS** — calculated land area contained within the deeded boundaries of a lot.

**LOT AREA, NET** — gross lot area minus areas of public and private rights-of-way or access easements.

**LOT AREA, BUILDABLE** — net lot area contained by the building line, minus the area of any land in a floodplain conservation district, in a steep slope conservation district or in a wetlands area.

## ZONING

**LOT, FLAG** — a lot which conforms in all respects to the dimensional requirements of the zoning district in which it is located, except that the only road frontage and access is limited to an access strip. This definition does not include the commonly used wedge-shaped lots located on a cul-de-sac turnaround. Also known as rear or interior lot.

**LOT FRONTAGE** — the length of the front lot line measured at the legal right-of-way line.

**LOT LINE** — any property boundary line of a lot, further defined as follows:

- A. Front lot line is the line identical with the legal right-of-way line.
- B. Rear lot line is the line or lines most nearly parallel or concentric to the front lot line.
- C. Side lot lines are the lines most nearly perpendicular or radial to the front lot line. On a corner lot, the side lot line shall be the line or lines most nearly perpendicular or radial to the higher classification of street, where applicable. The remaining line shall be considered the rear lot line.
- D. A lot which fronts on more than one street shall have a front lot line on each street frontage.

**LOT WIDTH** — the horizontal distance between side lot lines, measured at the building line, parallel or concentric to the ultimate right-of-way line. For a corner lot, lot width shall be measured parallel or concentric to the ultimate right-of-way line of the higher classification of street, where applicable.

**LOWEST FLOOR** — the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building; provided, that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this Chapter.

**MANUFACTURING** — the process or operation of making wares or products from raw materials by hand or by the use of machine(s).

**MEDICAL OR DENTAL CLINIC** — any building or group of buildings occupied by medical practitioners and related services for the purpose or providing health services to people on an out-patient basis.

**MEDIATION** — a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.



**MINOR REPAIR** — the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including, the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting the public health or general safety.

**MOBILE HOME** — a transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. May not meet local building codes but does meet the standards of the U.S. Department of Housing and Urban Development, as indicated by the Structural Engineering Bulletin(s) provided to Borough Council by the applicant. Specifically excluded motor homes, travel trailers and recreational vehicles.

**MOBILE HOME LOT** — a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots of the placement thereon of mobile homes.

**MODULAR HOME** — a single-family dwelling unit for permanent occupancy, made by assembling one or more factory-produced, three-dimensional sections into one integral building, not capable of easily being separated for repeated towing, whose construction materials must conform to those of conventionally-built units, as required by the Borough's Building Code [Chapter 5] and must be placed on a permanent foundation. A copy of the Structural Engineering Bulletin(s) must be provided to the Borough, indicating approval of the dwelling or its components by the U.S. Department of Housing and Urban Development.

**MOTEL** — an establishment providing transient accommodations, containing more than five rental rooms or suites, where access to rooms is from directly outside the building. Building height is typically only one or two stories, and the facility is generally served by a central office rather than a lobby.

**MOTOR VEHICLE SALES AGENCY** — a commercial use for the sale and repair of motor vehicles, including new and used cars, trucks, recreational vehicles and/or farm equipment; having both indoor and outdoor display areas and providing maintenance and repair services for vehicle owners.

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**NEW CONSTRUCTION** — structures for which the start of construction commenced on or after the effective date of this Chapter and includes any subsequent improvements thereto.

**NO-IMPACT HOME-BASED BUSINESS** — a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

**NONCONFORMING LOT** — a lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**NONCONFORMING STRUCTURE** — a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its loca-

tion by reason of annexation. Such nonconforming structures include nonconforming signs.

**NONCONFORMING USE** — a use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**OPEN SPACE** — public or private lands designated for the use and enjoyment of Borough residents and/or the general public, incorporating natural features such as woodland, stream, or meadows, and including Borough parks, trails, and other recreational facilities. Also includes common open space as defined below and other private lands which are available for the use of Borough residents (i.e., through access easements).

**OPEN SPACE, COMMON** — a parcel or parcels of land within a development site designed and intended for the use or enjoyment of the residents of the development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such recreational facilities for residents as are shown in the approved development plan.

**PARK** — any area which is predominately open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.

**PARKING FACILITIES** — outdoor areas or specially designed buildings or garages used for the storage of vehicles.

**PARKING SPACE** — an open or covered area with a dust-free, all-weather surface for the storage of one automobile, accessible via a driveway.

**PATIO OR TERRACE** — a level, landscaped and/or surfaced area directly adjacent to a principal building at or within 18 inches of ground level and not covered by a permanent roof.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE** — the Municipalities Planning Code, originally enacted as Act 247 of 1968, which establishes the basic authority for the exercise of municipal land use controls in Pennsylvania. All subsequent amendments are included. Abbreviated as “MPC” or “Act 247.”

**PERMIT** — a document issued by the proper authority authorizing the applicant to undertake specified activities. See Part 22 of this Chapter for specific requirements regarding the following permits:

- A. **Building Permit.** A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with construction pro-

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visions of the Building Code [Chapter 5] and which authorizes an applicant to commence with said construction, alteration or reconstruction.

- B. Use and Occupancy Permit. Generally, a permit issued upon completion of the construction of any structure, indicating that the premises comply with the provisions of the this Chapter or issued in approval of re-occupancy, a new use, or a change in use of buildings or land, indicating compliance with this Chapter.

**PERSON** — an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**PERSONAL CARE FACILITY** — a premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator and who do not require the services of a skilled nursing or intermediate care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet or medication prescribed for self-administration. Sometimes known as “assisted living.”

**PERSONAL SERVICES** — a business which provides a service oriented to personal needs and not primarily involving retail sales of goods or professional advisory services. Includes barber, beauty salon, bakery, tailor, dressmaker, shoe repair, photographer, travel agent, jewelry and watch repair or similar service uses.

**PLAN** — a graphic representation of a proposal for subdivision and/or land development, including necessary written notes.

**PLANNING COMMISSION** — the Ambler Borough Planning Commission.

**PORCH** — a roofed open area that may be enclosed with glass or screening and usually attached to or part of and with direct access to or from, a building.

**PRINCIPAL BUILDING** — a building in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE** — the single dominant use or single main use on a lot.

**PROFESSIONAL OFFICE** — a building in which services are conducted by a member of a profession and wherein the services is the salable commodity offered to clients. This may include, but is not limited to, office of an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer.

**PROPERTY LINE** — a recorded boundary of a lot. Any property line which abuts a street or other public way shall be measured from the right-of-way.

**PUBLIC GROUNDS** — includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** — a formal meeting held pursuant to public notice by the governing body, planning commission or other municipal agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

**PUBLIC MEETING** — a forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.” (“ . . .any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency, held for the purpose of deliberating agency business or taking official action.”)

**PUBLIC NOTICE** — notice published once a week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**PUBLIC STREET** — a street that has been dedicated to Ambler Borough.

**PUBLIC UTILITIES FACILITIES** — a building or structure and its equipment, used for the transmission and exchange of telephone, radio telephone, gas power, sewer and water facilities. Provided, however, that in a residential district these shall not include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

**RECREATIONAL VEHICLE** — a vehicle which is:

- A. Built on a single chassis.
- B. Not more than 400 square feet, measured at the largest horizontal projections.
- C. Designed to be self-propelled or permanently towable by a light-duty truck.
- D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REGULATORY FLOOD ELEVATION** — the one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

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**RESIDENTIAL CONVERSION** — the remodeling or alteration of a structure so as to provide more dwelling units than was originally intended.

**RESTAURANT, DRIVE-IN** — a commercial use that dispenses food and drink ready for consumption to customers who place and receive their orders without leaving their cars or other motor vehicles. Also included are restaurants in which a drive-in facility provides only a portion of the sales.

**RESTAURANT, FAST-FOOD** — any restaurant that is characterized by one or more of the following features:

- A. Orders are placed and received at a central counter.
- B. Orders are frequently packaged for take-out.
- C. Orders may be consumed at tables or booths within the facility, which must be cleared by customers.
- D. Waiter/waitress service is not provided.
- E. Menu selections are limited.
- F. Disposable containers and utensils are used rather than reusable dishes and table service.

**ROOMING HOUSE** — dwelling, not a single-family or two-family dwelling, apartment house or hotel, providing lodging with or without meals, for fewer than 10 guests.

**SATELLITE DISH ANTENNA** — a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only) and microwave antennas.

**SCHOOL** — any public, parochial or private place of instruction, not including institutions of higher learning, having regular sessions, with regularly employed instructors, which teaches those academic subjects that are fundamental and essential in general education and which provide kindergarten, elementary, secondary stages of education or a vocational school, under the supervision of a State or lawfully constituted ecclesiastical governing body and with standards of instructions meeting the requirements of the Commonwealth of Pennsylvania, but excluding any privately operated schools of trade, business, vocations or avocations.

**SHOPPING CENTER** — a group of commercial establishments, planned and developed as an integrated architectural and functional unit, providing convenient on-site parking and controlled, common vehicular and pedestrian access.

**SIGN** — any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Sign types and sign-related terms are further defined in Part 20 of this Chapter.

**SINGLE AND SEPARATE OWNERSHIP** — the ownership of a contiguous land area as one or more lots by one owner, whether a person, partnership, corporation or other legal entity, irrespective of the fact that parts of the land may have been acquired at different times or that the area may have been divided into parts on any plan or plat.

**SKILLED NURSING CARE FACILITY OR NURSING HOME** — a premises in which nursing care and related medical or other health services are provided, for a period exceeding 24 hours, for two or more individuals, who are not relatives of the operator, who are not acutely ill or in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care.

**SOIL SURVEY** — the Montgomery County Soil Survey of 1967, prepared by the Soil Conservation Service of the United States Department of Agriculture.

**SPECIAL EXCEPTION** — a form of permitted use, authorized by this Chapter, under the jurisdiction of the Zoning Hearing Board. The Zoning Hearing Board is empowered to grant permission for special exceptions, consistent with the public interest, in compliance with standards and procedures established in this Chapter.

**START OF CONSTRUCTION** — construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

**STEEP SLOPE** — a grade of 15% or greater as determined by the soil survey or accurate contour mapping.

**STORY** — that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it and including those basements used for the principle use.

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**STREET** — includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STREET LINE** — a line identical with the ultimate right-of-way line.

### **STREET RIGHTS-OF-WAY –**

- A. **Legal Right-of-Way.** The street right-of-way legally in the public domain at the time a plan is submitted.
- B. **Ultimate Right-of-Way.** The street right-of-way projected to be necessary for adequate handling of anticipated maximum traffic volumes, as defined by the Borough Subdivision and Land Development Ordinance [Chapter 22].
- C. **Equivalent Right-of-Way.** A street right-of-way required to be reserved where private streets are permitted. The width shall be determined by the street's function, in accordance with the street classifications contained in the Borough's Subdivision and Land Development Ordinance [Chapter 22].

**STRUCTURE** — any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground.

**STRUCTURAL ALTERATION** — any change in or addition to the supporting or structural members of a building, such as the bearing walls, partitions, columns, beams, girders or enclosing porches or any change which would convert an existing building into a different structure, or adapt it to a different use, or which in the case of a nonconforming use, would prolong the life of such use.

**SUBDIVISION** — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

**SUBSTANTIAL DAMAGE** — damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- A. Before the improvement or repair is started.



- B. If the structure has been damaged and is being restored, before the damage occurred.

For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- C. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to ensure safe living conditions.
- D. Any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places.

**SWIMMING POOL** — a body of water or receptacle for water having a depth at any point greater than 30 inches that is primarily used or intended to be used for swimming or bathing.

**UTILITY FACILITIES** — above-ground structures or facilities (other than buildings, unless such buildings are used for storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by the Pennsylvania Public Utilities Commission and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or communication signals. Excepted are utility transmission lines and supporting structures.

**VARIANCE** — The granting of permission by the Zoning Hearing Board to use or alter land or structures which requires a variation from the strict application of a requirement of this Chapter. Variances are granted only if specific requirements are met, in accordance with the provisions of this Chapter.

**VEGETATIVE COVER** — the land area devoted to vegetative coverage, including lawns, trees, shrubs, flowers and gardens.

**VEHICLE DISPLAY AREA** — an open area, other than a street or parking area, used for display, sale or rental of new or used motor vehicles, recreational vehicles or boats in operable condition and where no major repairs are done.

**VISUAL SCREEN** — a barrier whose purpose is to obscure a view; generally comprised of plant materials suitable for the purpose.

**WAREHOUSE** — a building or group of buildings primarily used for the commercial storage, transfer and distribution of products and materials.

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**WATERCOURSE** — a place intended or used for the directed surface flow of water, including permanent and intermittent streams, brooks, creeks, channels, ditches, swales and rivers.

**WETLANDS** — those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support (and that under normal circumstances do support) a prevalence of vegetation typically adapted for life in saturated soil conditions, includes swamps, marshes, bogs and similar areas. Development in wetlands is regulated by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. Identification of wetlands should be based upon the “Federal Manual for Identifying and Delineating Wetlands,” an inter-agency publication of the Corps of Engineers, Environmental Protection Agency, Fish and Wildlife Service and Soil Conservation Service, dated January 1989.

**WHOLESALE BUSINESS** — places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

**YARD** — the area(s) of a lot which must remain free of buildings or other structures and may be used as lawn or planted area, parking or driveway space, in compliance with the provisions of this Chapter. A yard is measured at right angles from the right-of-way or lot line to the nearest building wall. Architectural elements such as cornices, entrance hoods, overhangs, or eaves may extend no more than three feet into the required yard area. Yard is further defined as follows:

- A. **Front Yard.** A yard which extends across the full width of a lot, for a depth equal to the minimum front yard setback distance required by the specific regulations of this Chapter, measured from the ultimate right-of-way line.
- B. **Rear Yard.** A yard which extends across the full width of a lot, for a depth equal to the minimum rear yard setback distance required by the specific regulations of this Chapter, measured from the rear lot line.
- C. **Side Yard.** A yard which extends along a side lot line from the required front yard to the required rear yard, the minimum width of which shall be the minimum specified by the regulations of this Chapter, measured from the side lot line.

**YARD LINE** — a line which locates and delineates the minimum yard setback requirements, measured from the front, rear and side lot lines.

**ZONING OFFICER** — the administrative officer charged by the Borough with the duty of enforcing the provisions of this Chapter.

(Ord. 922, 9/17/1996, Art. II, §201; as amended by Ord. 925, 1/21/1997, §1; by Ord. 991, 8/15/2005; by Ord. 987, 8/16/2004; and by Ord. 1021, 9/16/2008)

**PART 3**  
**ZONING DISTRICTS**

**§27-301. Districts.**

For purposes of this Chapter the Borough is hereby divided into the following districts:

- R-1 Residential District
- R-1-A Residential District
- R-2 Residential District
- R-3 Residential District
- MR Mixed Dwelling Residential District
- GA Garden Apartment District
- HE Housing for the Elderly District
- C Commercial District
- O Office District
- I Industrial District
- Office Campus District
- IN Institutional District
- OS Open Space District
- FP Floodplain Conservation District
- RO Redevelopment Overlay District
- DC Downtown Commercial District
- DC-2 Downtown Commercial-2
- RSC Retail and Service Commercial District

(Ord. 922, 9/17/1996, Art. III, §300; as amended by Ord. 941, 2/15/1999, §2; by Ord. 951, 12/18/2000; by Ord. 972, 3/18/2003; by Ord. 973, 3/18/2003; by Ord. 974, 3/18/2003; by Ord. 1015-1, 1/22/2008; and by Ord. 1018, 7/21/2008)

**§27-302. Zoning Map.**

The boundaries of the districts shall be as shown upon the map attached to and made part of this Chapter, which shall be designated the Zoning Map. The map and all notations, references and other data shown thereon shall be made a part of this ordinance, as if the matters and data shown on the map were fully described herein. To aid in the reading and interpretation of the Official Zoning Map and to avoid any confusion over

## ZONING

certain zoning district boundary lines, the following boundaries are specifically described and where a zoning district is not specifically described herein, its boundaries shall be determined directly from the zoning map as in the usual course.

(Ord. 922, 9/17/1996, Art. III, §301; as amended by Ord 963, 8/19/2002, §1; and by Ord. 977, 3/18/2003)

### **§27-303. District Boundaries.**

The boundaries between districts are, unless otherwise indicated, either the centerline of streets, lanes, watercourses and rights-of-way of power lines and other public utilities or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse or rights-of-way of a power line or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right-of-way of such power line, railroad or other public utility, lying within such portion of its length. Where uncertainty exists as to the location of any said boundaries as shown on the Zoning Map, the following rules shall apply:

- A. Where a district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse or right-of-way of a power line or other public utility, such centerline shall be construed to be such boundary.
- B. Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be construed to be such boundary.
- C. Where a district boundary divides a lot or runs through individual property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on said map.
- D. Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. Where scale distances do not agree with such figures, the figures shall control.

(Ord. 922, 9/17/1996, Art. III, §302)

### **§27-304. Lot Division by Boundary Line.**

When a district boundary line divides a lot held in single or separate ownership at the time of the adoption of this Chapter, the regulations as to the use in the more restricted

district shall extend over the portion of the lot in the less restricted district, for a distance of not more than 50 feet beyond the district boundary lines.

(Ord. 922, 9/17/1996, Art. III, §303)



**PART 4**

**GENERAL PROVISIONS**

**§27-401. General.**

For the purposes of this Chapter, the following regulations shall govern each district.

(Ord. 922, 9/17/1996, Art. IV, §400)

**§27-402. Permanent Open Space Preservation.**

1. The location, extent and purpose of common land proposed to be set aside for open space or for recreational use within any subdivision must be reviewed and approved by Borough Council. A private recreational use, such as a swimming pool, whose use is limited to the owners of occupants of lots located within the subdivision, may be approved as common land. Other uses or sites which may qualify as common land include historic buildings or sites, natural parks and parkway areas, landscaped parks, extensive areas with tree cover and low land along streams or areas of steep terrain where such areas are extensive and have natural features worthy of preservation.
2. If a subdivision includes the proposal to dedicate land to the Borough for park and open space use, the subdivision must include by dedication, or by other reasonable means, the total park area, at the time of filing of final map on all, or any portion, of the tract or tracts.
3. If the open land is reserved for private use, it shall be held in corporate ownership by the owners of lots within the development and such other nearby landowners who may wish to become members of the corporation (in which case the open land may be restricted to members of said corporation if so chosen by the corporation). In the case of a corporation, the developer shall include in the deed to the owners of the building lots a beneficial right in the use of the open land. If held in corporate ownership, the open land shall be subject to taxation, assessed in equal shares upon the building lots comprising the corporation.
4. The maintenance of common land for private open space or recreational use shall be guaranteed by trust indenture approved by the Borough and shall be filed with the County Recorder of Deeds simultaneously with the recording of the final plat of the subdivision.
5. The area to be permanently preserved as open space (either publicly or by corporate ownership) shall be located in harmony with the objectives of the Comprehensive Plan and the Borough Open Space Plan, including lands with natural features like floodplain, steep slopes or woodlands.

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(Ord. 922, 9/17/1996, Art. IV, §401)

### **§27-403. Obstruction of Vision at Intersections.**

On any corner lot, between the curb of the street and paved area of the street (where street curbs are not present) and the building line facing either street, no wall, fence, sign or other structure shall be erected, altered or maintained higher than three feet, and no hedge, tree, shrub or other growth shall be planted or maintained between the height of three feet and nine feet above street curb level.

(Ord. 922, 9/17/1996, Art. IV, §402)

### **§27-404. Fences and Walls.**

Fences or walls of heights not exceeding six feet are permitted within any of the open spaces required by this Chapter, except front yards, wherein they shall not exceed four feet. Provided also, that fences or walls exceeding six feet in height shall be permitted, apart from front yards, so long as they contain openings equal to 50% or more of the area of the fence or wall which exceeds four feet in height.

(Ord. 922, 9/17/1996, Art. IV, §403)

### **§27-405. Access to a Public Street.**

No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot at least 25 feet wide extending from the dwelling to the public street or highway.

(Ord. 922, 9/17/1996, Art. IV, §404)

### **§27-406. Modification of Front Yard Requirements.**

Where an unimproved lot of record is situated on the same street frontage with two improved lots or one unimproved lot, the front yard requirement for that district shall be modified so that the front yard shall be an average of the existing and required front yard.

(Ord. 922, 9/17/1996, Art. IV, §405)

### **§27-407. Accessory Uses.**

Accessory uses shall include, but are not limited to, the following:



- A. Uses accessory to a dwelling:
  - (1) Private garage; private parking space, shelter for pets.
  - (2) Swimming pool for use of family and guests only.
  - (3) Private greenhouse.
  - (4) Living quarters for household employee or caretaker.
  - (5) The renting of rooms within the dwelling in which the lessor resides, or in an accessory building, for not more than two nontransient persons.
  - (6) Home occupations that meet all applicable standards of this Chapter.
  - (7) No-impact home-based business.
  - (8) Accessory dwelling units, or ADUs.
    - (a) Detached ADUs — detached from the principal dwelling on the lot.
    - (b) Attached ADUs — attached to the principal dwelling on the lot.
- B. Location Requirements. Accessory uses are permitted in the rear yard provided they:
  - (1) Are separated from the principal building (with the exception of attached accessory dwelling units).
  - (2) Are separated by at least 10 feet, measured back from the street line, from the rearmost portion of the principal building (with the exception of attached accessory dwelling units).
  - (3) Are not nearer than four feet to any side or rear property line.
  - (4) If such side or rear property line is a party wall:
    - (a) Exterior wall of such accessory use building shall be of permanent construction.
    - (b) Provision shall be made for disposal of roof waste onto the subject property or to the nearest storm sewer.
- C. Additional Requirements for Accessory Dwelling Units.
  - (1) Intent. The intent of these provisions is to:

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- (a) Provide more affordable housing and increased companionship for the elderly and those family members or close relations requiring continuous care due to a disability, illness, or injury.
  - (b) Prohibit the creation of rental units in accessory dwelling units (both detached from or attached to the principal dwelling on the lot).
  - (c) Ensure accessory dwelling units fit unobtrusively into the Borough's residential neighborhoods.
- (2) Accessory dwelling units are subject to the following conditions:
- (a) No more than one accessory dwelling unit will be permitted on any property.
  - (b) Occupancy –
    - 1) An accessory dwelling unit may be occupied only when the lot owner's family is living in the principal dwelling on the lot.
    - 2) An accessory dwelling unit must be occupied by at least one of the following relatives of the lot owner's family:
      - a) A parent, grandparent, or a spouse, partner or sibling of one of the those relatives;
      - b) A family relative, by blood, marriage, or adoption who requires continuous care due to injury, illness or a serious physical or mental disability that substantially impairs or restricts one or more of such activities as walking, seeing, hearing, speaking, working, or learning.
  - (c) A covenant shall be recorded to run with the land restricting use of the accessory dwelling unit so it shall not be rented, and it shall meet the provisions of §27-407C(2)(b), Occupancy, above.
- (3) An accessory dwelling unit may not be a mobile home, motor home, or trailer.
- (4) Parking – One off-street parking space is required per accessory dwelling unit in addition to parking required for the principal building on the lot. The Zoning Administrator may revise the requirement upwards or downwards based on the use of the accessory dwelling unit (e.g., if two drivers will live in the accessory dwelling unit with two

cars, two-off street parking spaces may be required; if one person who does not drive will live in the accessory dwelling unit, no additional off-street spaces may be required). The applicant may reduce the off-street spaces required for the accessory dwelling unit by demonstrating adequate street parking exists. If changes in vehicle ownership or other changes occur that affect the number of parking spaces required by resident(s) of the ADU, the Zoning Officer must be notified.

(5) Physical/Dimensional Requirements:

- (a) Floor space must have at least 400 square feet of living space, and may not exceed the lesser of 800 square feet of living space or 1/3 of the gross living area above grade of the principal house on the lot.
- (b) The height of a newly constructed, detached accessory dwelling unit may not exceed the height of the principal building on the lot. The total height of a detached structure with a garage on the first story and an accessory dwelling unit on the second story must not exceed the height of the principal dwelling on the lot.
- (c) Each accessory dwelling unit must have a kitchen and full bath.
- (d) For sewage disposal, water supply, and all other utilities, accessory dwelling units shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used, and all connections must meet the applicable utility system standards.
- (e) The accessory dwelling unit must not have a separate address or mailbox from the principal dwelling.
- (f) Any connection between a detached accessory dwelling unit and the principal dwelling may have an overhead shelter, but must not be fully enclosed.
- (g) The screening of ADUs with adequate living landscaping is encouraged.

(6) Permits (monitoring) –

- (a) Permits for accessory dwelling units shall be issued for a period not longer than one year and must be renewed at the end of the first term of issuance and every such period thereafter.
- (b) Renewal of permits requires inspection of the accessory dwelling unit by the Zoning Officer.

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- (c) If a permit for an accessory dwelling unit is not renewed, all rights granted to the landowner under such permit expire, and the landowner must re-apply for the issuance of a new permit under the then current standards for the issuance of such permit.
- (d) Permits for accessory dwelling units expire when a change of occupancy occurs.

### D. Additional Requirements for Home Occupations.

- (1) The profession will be conducted primarily by a resident of the dwelling. There can only be one home occupation on or in a property.
- (2) No more than three persons shall work or assist in the office and no more than one of them may be a nonresident of the dwelling.
- (3) A home occupation may not be initiated within 250 feet of any already-existing home occupation, measured from the points at which the parcels are closest to one another.
- (4) The office may be attached to the dwelling or may stand separately but may not exceed 600 square feet or 25% of the structure's total floor space, whichever is less.
- (5) Notwithstanding any other signage provisions in this Chapter, there may be only one sign, 6 x 18 inches in size, not illuminated, and bearing only the name and occupation, in words only, of the practitioner. Other than the sign, no products, merchandise or equipment may be displayed on the outside of the property.
- (6) The appearance of the property shall remain residential in character and shall not call undue attention to the home occupation. The business may not generate trash in excess of residential output in an average building of the same size.
- (7) In addition to any parking provided for the residential use, there shall be two additional parking spaces, off street, improved as required elsewhere in the this Chapter. These spaces shall not be in any portion of the front yard but rather shall be provided in the side or rear yard only. Further, the parking area and approaches to it shall be no closer to an adjacent property line than as permitted for accessory buildings in the same zoning district. The lot must at all times comply with any impervious coverage limitations then in effect for the zoning district. Any additional water runoff caused by the addition of parking spaces or driveways must be captured and recharged on site.

- (8) All driveways shall be sufficient to allow vehicles to turn around so as not to be required to back into the street.
- (9) Landscaping shall be provided to shield the parking area from neighboring lots, in conformity with §100.4.4, Subsections E through H, of the Borough Subdivision and Land Development Ordinance [Chapter 22].
- (10) Hours of operation for the home occupation shall be between the hours of 8:00 a.m. and 9:00 p.m.
- (11) A permit must be obtained from the Borough prior to conducting a home occupation.
- (12) This section does not apply to no-impact home-based businesses, which must be in conformity with the definition of no-impact home-based businesses as set forth in the Pennsylvania Municipalities Planning Code.<sup>1</sup>

(Ord. 922, 9/17/1996, Art. IV, §406; as amended by Ord. 991, 8/15/2005; and by Ord. 987, 8/16/2004; and by Ord. 1021, 9/16/2008)

#### **§27-408. Conversions of Residential Structures.**

The conversion of a residential structure (not located in a floodplain area FE, FF or FA) into a dwelling for two or more families is permitted by special exception in accordance with the following requirements:

- A. Each dwelling unit shall have not less than 700 square feet of floor area, plus an additional 100 square feet of floor area for each additional bedroom in excess of one.
- B. The minimum lot size per dwelling unit after conversion shall be 75% of the minimum lot size of the zoning district in which the residence is located.
- C. Fire escape and outside stairways shall, when practicable, be located to the rear of the building. Outside stairways other than metal fire escapes shall be enclosed. A metal fire escape of design and construction approved under the Fire and Building Codes [Chapter 5] shall be provided for each floor above the second, leading to the ground. Each dwelling unit shall have two means of safe egress at ground level.
- D. The Zoning Hearing Board shall specify the maximum number of families permitted to occupy such buildings and may prescribe such further conditions and restrictions as the Board may find appropriate.

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<sup>1</sup> Editor's Note: See also § 27-414 of this Chapter.

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- E. The off-street parking requirements of this Chapter shall be met.
- F. The residential structure shall be located within the R-2 or R-3 districts.

(Ord. 922, 9/17/1996, Art. IV, §407; as amended by Ord. 925, 1/21/1997, §10)

### **§27-409. Modular Homes.**

Modular construction may be used to create detached modular (one dwelling unit per structure) or attached modular homes (two or more dwelling units per structure). Detached modular homes are considered single-family detached dwellings and accordingly are allowed in any zoning district in which similar conventionally-built dwellings are a permitted use. All requirements of the this Chapter, Subdivision and Land Development Ordinance [Chapter 22] and/or other regulations applicable to single-family detached or attached dwellings are applicable to modular homes.

(Ord. 922, 9/17/1996, Art. IV, §408)

### **§27-410. Bed and Breakfast Homestay Use.**

1. Intent.
  - A. To provide an incentive for owners of Ambler's older and larger homes to continue home occupancy and maintenance, thereby permitting such residential dwelling units built prior to 1917, and/or those with historic significance to conduct bed and breakfast operations.
  - B. To protect the residential character of neighborhoods through the provision of standards designed to prevent nuisance and other detrimental impacts potentially imposed by bed and breakfast operations.
  - C. To provide an alternative type of lodging for visitors to the greater Ambler area and, through such a measure, to enhance the identity and visibility of the Borough.
2. Use Regulations.
  - A. Conditional Use. A Bed and Breakfast Homestay shall be permitted by conditional use in the R-1, R-1A, R-2 and R-3 zoning districts, in compliance with the conditions outlined below.
  - B. The location, size and operating characteristics of the proposed bed and breakfast use will be compatible with and not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures or natural resources, with consideration given to:

- (1) Harmony in scale, bulk, coverage and density.
  - (2) The availability of public facilities, services, and utilities.
  - (3) The harmful effect, if any, on desirable neighborhood character.
  - (4) The generation of traffic and the capacity and physical character of surrounding streets.
  - (5) The suitability of the site for the type and intensity of the proposed use or development.
  - (6) Any other relevant impact of the proposed use.
- C. In general, no more than one bed and breakfast facility shall be permitted on each block face unless the size of the property is found to be a deterrent to its use as a single-family residence or if a majority of the owners within 300 feet who reply to the public hearing notices are in favor of the proposed use. Block face shall mean that portion of a block with frontage on a street; there are generally two block faces with frontage on a street.
- D. The potential impacts as described above and the location of the proposed use will be compatible with the goals of the Ambler Comprehensive Plan.
- E. The conditional use permit for a bed and breakfast use shall expire once the applicant ceases to occupy the premises. Any subsequent occupant must apply for and be granted a new conditional use permit prior to continuing to use the premises as a bed and breakfast.
3. Development Regulations.
- A. Structure. The bed and breakfast use shall be operated within the principal structure and not in any accessory structure. The structure to be used shall have been constructed prior to 1917, or be of historic significance. It is the applicant's responsibility to show that the property meets county, state or federal criteria for historical significance.
- B. Location. Bed and breakfast uses shall be a conditional use in the R-1, R-1A, R-2 and R-3 Districts.
- C. Parking. The use shall meet the requirements of Part 21. The front yard shall not be used for off-street parking unless the parking area is screened and found compatible with the neighborhood. To avoid underutilized paved areas in residential areas, the following parking arrangements may satisfy the bed and breakfast requirement, upon recommendation by the Planning Commission and Borough Council approval:

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- (1) Tandem parking.
  - (2) Garage spaces.
  - (3) Off-site parking areas; provided, that they are not more than 200 feet from the bed and breakfast residence and that satisfactory legal evidence is presented in the form of deeds, leases, easements or other contracts securing full access to such parking spaces for the use.
- D. Number of Guest Rooms. A maximum number of four guest bedrooms is allowed.
- E. Additions and Alterations. No exterior additions or alterations shall be made for the express purpose of maintaining or adding to a bed and breakfast facility, other than those required to meet health, safety and sanitation requirements. Minimal outward modification of the structure or grounds may be made if such changes are deemed compatible with the character of the area or neighborhood. Such alterations or additions must meet all zoning standards and Building Code [Chapter 5] requirements.
- F. Length of Stay. Maximum length of stay is limited to a cumulative total of 21 days in any 90 day period of time. The resident owner shall keep an up to date guest register covering a 90 day period, including names, addresses and dates of occupancy of all guests.
- G. Management. The facility shall be owner occupied and managed with the resident owner/manager having at least a 50% ownership interest.
- H. Signage. One sign shall be permitted in association with a bed and breakfast use. Any such sign shall comply with the standards for home occupation signs contained in this Chapter. The nameplate shall be compatible with the style and detailing of the house.
- I. Other Uses. The sale and/or display of merchandise or services to non-guests is prohibited. Only sales of homemade crafts and homemade take-out food to guests are permitted. Social functions in which the owner receives payment for the use of the facility are prohibited.
- J. Meals. Meals shall consist of breakfast only and only for guests of the establishment. Owners shall comply with all Federal, State and local requirements for the preparation, handling and serving of food. No cooking facilities shall be provided in guest rooms.
- K. Fire Safety. Each bed and breakfast facility shall meet all applicable Federal, State, and local fire safety codes. Guests shall be provided information regarding the floor plan of the dwelling and the location of emergency exits.



- L. Sanitation Facilities. At least one full bathroom (toilet, wash basin, bath and/or shower) shall be provided for each three guest rooms. If a fourth guest room is offered, the proprietor may share their bathroom to meet this requirement, provided access is through a common area.

(Ord. 922, 9/17/1996, Art. IV, §409)

**§27-411. Sexually Oriented Businesses.**

1. Purpose and Findings.

- A. Purpose. It is the purpose of this Section to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the Borough and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Borough. The provisions of this Section have neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene materials.
- B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community and on findings incorporated in the cases of *Borough of Renton v. Playtime Theaters, Inc.*, 757 U.S. 47 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976) and *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991) and on studies in other communities including, but not limited to Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma Borough, Oklahoma; Cleveland, Ohio and Beaumont, Texas and also on findings from the report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989) the Council finds:
  - (1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities.
  - (2) Certain employees of sexually oriented businesses defined in this Section as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

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- (3) Sexual acts, including masturbation and oral and anal sex occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows.
- (4) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (5) Persons frequent certain adult theaters, adult arcades and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (7) Since 1981, and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States, 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December 31, 1992.
- (8) As of December 31, 1997, there have been 1,740 reported cases of AIDS in the Commonwealth of Pennsylvania.
- (9) Since 1981, and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Pennsylvania.
- (10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.
- (11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over 1/2 million cases being reported in 1990.
- (12) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components and from an infected mother to her newborn.
- (13) According to the best scientific evidence AIDS and HIV infection, as well as syphilis and gonorrhea are principally transmitted by sexual acts.

- (14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view “adult” oriented films.
- (16) The findings noted in Subsections (1) through (15) raise substantial governmental concerns.
- (17) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the Borough. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
- (19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.
- (20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- (21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
- (22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain em-

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ployees who may engage in the conduct which this Section is designed to prevent or who are likely to be witnesses to such activity.

- (23) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this Section.
- (24) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to the transmission of sexually transmitted diseases.
- (25) The general welfare, health, morals and safety of the citizens of the Borough will be promoted by the enactment of this Section.

### 2. Definitions.

**ADULT ARCADE** — any place to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration or electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

**ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE** — a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (2) Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**ADULT CABARET** — a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1) Person who appear in a state of nudity or seminude.
- (2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

ADULT MOTEL — a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.
- (2) Offers sleeping room for rent for a period of time that is less than 10 hours.
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

ADULT MOTION PICTURE THEATER — a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

ADULT THEATER — a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or seminude or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

EMPLOYEE — a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

ESCORT — a person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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**ESCORT AGENCY** — a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

**ESTABLISHMENT** — any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business.
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
- (3) The additions of any sexually oriented business to any other existing sexually oriented business.
- (4) The relocation of any sexually oriented business.

**LICENSEE** — a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

**NUDE MODEL STUDIO** — any place where a person who appears seminude, in a state of nudity or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. A nude model studio shall not include a proprietary school licensed by the Commonwealth of Pennsylvania or a college, junior college or university supported entirely, or in part, by public taxation, a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college or university entirely or partly by taxation or in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing.
- (2) Where in order to participate in a class a student must enroll at least three days in advance of the class.
- (3) Where no more than one nude or seminude model is on the premises at any one time.

**NUDITY OR A STATE OF NUDITY** — the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

PERSON — an individual, proprietorship, partnership, corporation, association or other legal entity.

SEMINUDE OR IN A SEMINUDE CONDITION — the showing of the female breast below a horizontal line across the tope of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel; provided, that the areola is not exposed in whole or in part.

SEXUAL ENCOUNTER CENTER — a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

SEXUALLY ORIENTED BUSINESS — an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS –

- A. The human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- B. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

SPECIFIED CRIMINAL ACTIVITY — any of the following offenses:

- A. Prostitution or promotion of prostitution, dissemination of obscenity, sale, distribution or display of harmful material to a minor, sexual performance by a child, possession or distribution of child pornography, public lewdness, indecent exposure, indecency with a child, engaging in organized criminal activity, sexual assault, molestation of a child, gambling or distribution of a controlled substance or any similar offenses to those described above under the criminal or penal code of other States or countries.
- B. For which:

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- (1) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.
  - (2) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
  - (3) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 month period.
- C. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

### SPECIFIED SEXUAL ACTIVITIES — any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy.
- C. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through B above.

**SUBSTANTIAL ENLARGEMENT** — of a sexually oriented business means the increase in floor areas occupied by the business by more than 25%, as the floor area exist on that date this Section takes effect.

**TRANSFER OF OWNERSHIP OR CONTROL** — of a sexually oriented business means and includes any of the following:

- A. The sale, lease or sublease of the business.
  - B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
  - C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
3. Classification. Sexually oriented businesses are classified as follows:
- A. Adult arcades.



- B. Adult bookstores, adult novelty stores or adult video stores.
  - C. Adult cabarets.
  - D. Adult motels.
  - E. Adult motion picture theaters.
  - F. Adult theaters.
  - G. Escort agencies.
  - H. Nude model studios.
  - I. Sexual encounter centers.
4. License Required.
- A. It is unlawful:
    - (1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the Borough pursuant to this Section.
    - (2) For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the Borough pursuant to the Section.
    - (3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this Section.
  - B. An application for a license must be made on a form provided by the Borough.
  - C. All applicants must be qualified according to the provisions of this Section. The application may request and the applicant shall provide such information (including fingerprints) as to enable the Borough to determine whether the applicant meets the qualifications established in this Section.
  - D. If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be

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qualified under the following subsection and each applicant shall be considered a licensee if a license is granted.

- E. The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
- (1) If the applicant is:
    - (a) An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age.
    - (b) A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited and a copy of the partnership agreement.
    - (c) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its State of incorporation, the names and titles of all officers, directors and principal stockholders and the name of the registered corporate agent and the address of the registered office for service of process.
  - (2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he or she must state the sexually oriented business's fictitious name and submit the required registration documents.
  - (3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this Section and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.
  - (4) Whether the applicant, or a person residing with the applicant, has had a previous license under this Section or other similar sexually oriented business ordinance from another municipality or County denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation and whether the applicant, or a person residing with the applicant, has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this Section whose license has been previously denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

- (5) Whether the applicant, or a person residing with the applicant, holds any other licenses under this Section or other similar sexually oriented business ordinance from another municipality or County and, if so, the names and locations of such other licensed businesses.
- (6) The single classification of license for which the applicant is filing.
- (7) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
- (8) The applicant's mailing address and residential address.
- (9) A recent photograph of the applicant(s).
- (10) The applicant's driver's license number, Social Security number and/or his/her State or Federally issued tax identification number.
- (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (12) A current certificate and straight-line drawing prepared within 30 days prior to the application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented business within 300 feet of the property to be certified, the property lines of any established religious institution/synagogue, school or public park or recreation area within 300 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (13) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or both of less than 150 square feet of floor space, films, video cassettes, other video reproductions or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Subsection (14).

F. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the Borough the following information:

- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual.

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- (2) Age, date and place of birth.
  - (3) Height, weight, hair and eye color.
  - (4) Present residence address and telephone number.
  - (5) Present business address and telephone number.
  - (6) Date, issuing State and number of driver's permit or other identification card information.
  - (7) Social Security number.
  - (8) Proof that the individual is at least 18 years of age.
- G. Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:
- (1) A color photograph of the applicant clearly showing the applicant's face and the applicant's fingerprints on a form provided by the Police Department. Any fees for the photographs and fingerprints shall be paid by the applicant.
  - (2) A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated, or is seeking to operate, in this or any other County, Borough, State or country has ever had a license, permit or authorization to do business denied, revoked or suspended or has any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name, the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
  - (3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this Section and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.
5. Issuance of License.
- A. Upon the filing of said application for a sexually oriented business employee license, the Borough shall issue a temporary license to said applicant. The application shall then be referred to the appropriate Borough departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within 30 days from the date the completed application is filed. After the investigation, the Bor-

ough shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
- (2) The applicant is under the age of 18 years.
- (3) The applicant has been convicted of a “specified criminal activity” as defined in this Section.
- (4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or State law, statute, rule or regulations or prohibited by a particular provision of this Section.
- (5) The applicant has had a sexually oriented business employee license revoked by the Borough within two years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Subsection (10).

B. A license granted pursuant to this subsection shall be subject to annual renewal upon the written application of the applicant and a finding by the Borough that the applicant has not been convicted of any specified criminal activity as defined in this Section or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of a fee as set forth in Subsection (6).

C. Within 30 days after receipt of a completed sexually oriented business application, the Borough shall approve or deny the issuance of a license to an applicant. The Borough shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the findings is true:

- (1) An applicant is under 18 years of age.
- (2) An applicant or a person with whom applicant is residing is overdue in payment to the Borough of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

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- (4) An applicant or a person with whom the applicant is residing has been denied a license by the Borough to operate a sexually oriented business within the preceding 12 months or whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
  - (5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this Section.
  - (6) The premises to be used for the sexually oriented business have not been approved by the Health Department, Fire Department and the building official as being in compliance with applicable laws and ordinances.
  - (7) The license fee required by this Section has not been paid.
  - (8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provision of this Section.
- D. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Subsection (3). All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
- E. The Health Department, Fire Department and the building official shall complete their certification that the premises is in compliance or not in compliance within 20 days of receipt of the application by the Borough.
- F. A sexually oriented business license shall issue for only one classification as found in Subsection (3).
- G. In the event of a denial, the unsuccessful applicant shall have the right to present his application and pertinent information in support thereof to Borough Council, which shall render a decision within 60 days from the date of initial denial. In the event of a denial by Council, the matter shall be considered appealable to the Court of Common Pleas of Montgomery County in accordance with the Local Agency Law.
6. Fees.
- A. Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a nonrefundable application and investigation fee in an amount to be established, from time to time, by resolution of Borough Council.

- B. In addition to the application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the Borough an annual nonrefundable license fee in an amount to be established, from time to time, by resolution of Borough Council within 30 days of license issuance or renewal.
  - C. Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual nonrefundable application, investigation and license fee in an amount to be established, from time to time, by resolution of Borough Council.
  - D. All license applications and fees shall be submitted to the Manager of the Borough.
  - E. These provisions apply only to establishments which make first application after the effective date of this Section.
7. Inspection. An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department Zoning Department or other Borough departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, during reasonable non-business hours. As referred to herein, such inspections are separate and apart from any right to enter granted by warrant or court order.
8. Expiration of License.
- A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Subsection (5). Application for renewal shall be made at least 30 days before the expiration date and when made less than 30 days before the expiration date, the expiration of the license will not be affected.
  - B. When the Borough denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Borough finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.
9. Suspension. The Borough shall suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:
- A. Violated or is not in compliance with any subsection of this Section.
  - B. Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.
10. Revocation.

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- A. The Borough shall revoke a license if a cause of suspension in Subsection (9) occurs and the license has been suspended within the preceding 12 months.
  - B. The Borough shall revoke a license if it determines that:
    - (1) A licensee gave false or misleading information in the material submitted during the application process.
    - (2) A licensee has knowingly allowed possession, use or sale of controlled substances on the premises.
    - (3) A licensee has knowingly allowed prostitution on the premises.
    - (4) A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended.
    - (5) Except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises.
    - (6) A licensee is delinquent in payment to the Borough, County or State for any taxes or fees past due.
  - C. When the Borough revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the Borough finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.
  - D. After denial of an application or denial of a renewal of an application or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.
11. Transfer of License. A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.
12. Location of Sexually Oriented Businesses.
- A. Sexually oriented businesses are a conditional use permissible in any district in which the specific location criteria, as set forth in this subsection, are met, along with the criteria for conditional uses generally. The application for conditional use approval shall be made as in the usual course for all conditional use applications and the criteria for conditional uses as set forth



in the Borough Zoning and Land Development Ordinances [Chapter 22] shall apply, along with the specific requirements of Subsection (C) herein.

- B. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business which violates any one or combination of the specific location requirements set forth herein.
- C. A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business within 300 feet of:
  - (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
  - (2) A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities, school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
  - (3) A boundary of a residential district as defined in this Chapter.
  - (4) A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land within the Borough which is under the control, operation or management of the Borough park and recreation authorities.
  - (5) The property line of a lot devoted to a residential use as defined in this Chapter.
  - (6) An entertainment business which is oriented primarily towards children or family entertainment.
  - (7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.
- D. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 300 feet of another sexually oriented business.
- E. A person commits a misdemeanor if that person causes or permits the operation, establishment or maintenance of more than one sexually oriented

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business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof, containing another sexually oriented business.

- F. For the purpose of Subsection (B) hereof, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection (B). Presence of a Borough, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this subsection.
  - G. For purposes of Subsection (C), the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
  - H. Any sexually oriented business lawfully operating on the date of enactment of this Section shall be deemed a nonconforming use. Such nonconformity shall not be the basis for expansion of any such use or establishment. There shall be no expansion of any such use or establishment, as defined herein. No existing business may be modified to include any enumerated adult use as set forth herein, beyond the use that existed on the date this Section was enacted. Any cessation of business for more than 30 days shall end such nonconforming use, as will any transfer of ownership.
13. Additional Regulations for Adult Motels.
- A. Evidence that a sleeping room in a hotel, motel or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Section.
  - B. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, he rents or subrents the same sleeping room again.
  - C. For purposes of this subsection, the term “rent” or “subrent” means the act of permitting a room to be occupied for any form of consideration.
14. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms.
- A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room

of less than 150 square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Borough may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Borough.
- (4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (6) It shall be the duty of the licensee to ensure that the view area specified in Subsection (5) above remains unobstructed by any doors, curtains, partitions, wall, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which

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patron will not be permitted in the application filed pursuant to Subsection (1) above.

- (7) No viewing room may be occupied by more than one person at any time.
  - (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level.
  - (9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
  - (10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.
  - (11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
  - (12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
  - (13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
  - (14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.
- B. A person having a duty under Subsections (A)(1) through (A)(14) above commits a misdemeanor if he knowingly fails to fulfill that duty.
15. Additional Regulations for Escort Agencies.
- A. An escort agency shall not employ any person under the age of 18 years.
  - B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.
16. Additional Regulations for Nude Model Studios.
- A. A nude model studio shall not employ any person under the age of 18 years.

- B. A person under the age of 18 years commits an offense if the person appears seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to the public view or visible to any other person.
  - C. A person commits an offense if the person appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
  - D. A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.
17. Additional Regulations Concerning Public Nudity.
- A. It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.
  - B. It shall be a misdemeanor for a person who knowingly or intentionally, in a sexually oriented business, appears in a seminude condition unless the person is an employee, while seminude, shall be at least 10 feet from any patron or customer and on a stage at least two feet from the floor.
  - C. It shall be a misdemeanor for an employee, while seminude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is seminude in a sexually oriented business.
  - D. It shall be a misdemeanor for an employee, while seminude, to touch a customer or the clothing of a customer.
18. Prohibition Against Children in a Sexually Oriented Business. A person commits a misdemeanor if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.
19. Hours of Operation. No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekdays and Saturdays and 1:00 a.m. and 12:00 p.m. on Sundays.
20. Exemptions.

It is a defense to prosecution under Subsection 17 that a person appearing in a state of nudity did so in a modeling class operated:

- A. By proprietary school, licensed by the Commonwealth of Pennsylvania, a college, junior college or university supported entirely or partly by taxation.

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- B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.
  - C. In a structure:
    - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.
    - (2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
    - (3) Where no more than one nude model is on the premises at any one time.
21. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Subsection (12) of this Section is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$200 or 30 days imprisonment. Each day a sexually oriented business so operates is a separate offense or violation.

(Ord. 922, 9/17/1996, Art. IV, §410; as added by Ord. 951, 12/18/2000)

### **§27-412. Lighting Criteria Applicable to All Zoning Districts.**

- 1. Purpose and Intent. The purpose of this Section is to regulate the placement, orientation, distribution patterns, and fixture types of exterior lighting. Furthermore it is the intent of this Section to:
  - A. Provide for and control lighting in outdoor public spaces where public health, safety, and welfare are potential concerns.
  - B. Protect drivers and pedestrians from the glare of nonvehicular light sources that shine into their eyes and thereby impair safe traverse.
  - C. Protect neighbors from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.
  - D. Protect and retain the intended character of Ambler Borough.
  - E. Minimize or eliminate wasted and excessive outdoor lighting to promote energy efficiency and protect the environment.
- 2. Applicability.

- A. This Section applies to all uses where there is interior or exterior lighting that creates a nuisance or hazard, including, but not limited to, residential, commercial, office, industrial, institutional, recreational, and institutional uses, and sign, architectural and landscape lighting.
  - B. Temporary seasonal decorative lighting is exempt from all but the glare-control and lighting intensity requirements of this Section.
  - C. Emergency lighting, as may be required by any public agency while engaged in the performance of its duties, is exempt from the requirements of this Section.
  - D. Exterior lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is a public assembly and traverse, including but not limited to the following uses: multifamily residential, commercial, office, industrial, public-recreational, and institutional.
  - E. Borough Council may require that lighting be incorporated for other uses or locations, as it deems necessary.
  - F. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape, and residential lighting.
3. Definitions. The following terms, when used in this Section, shall be defined as follows:

**AUTOMATIC DAYLIGHT SHUTOFF** — a photocell device that automatically prevents operation of a fixture during daylight hours.

**DIRECT LIGHT** — light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the reflector or diffuser lens, of a luminaire.

**ENERGY-STAR QUALIFIED LIGHTING** — lighting which uses 1/3 the energy of traditional lighting, with bulbs lasting at least 10,000 hours. Energy-star-qualified lighting is labeled as such by the federal government (U.S. EPA and Department of Energy).

**EXTERIOR (OUTDOOR) LIGHTING** — the nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**FIXTURE** — the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

**FLOOD LIGHT** — a bright, wide-angled light source.

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**FOOTCANDLE** — a unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.

**FULL CUTOFF** — attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture.

**FULLY SHIELDED** — attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

**GLARE** — the sensation produced by lighting that causes an annoyance, discomfort, or loss in visual performance and visibility to the eye.

**HEIGHT OF LUMINAIRE** — the height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

**ILLUMINANCE** — quantity of light on an area, measured in footcandles (1 footcandle = 1 lumen per square foot).

**INDIRECT LIGHT** — direct light that has been reflected or has scattered off of other surfaces.

**LAMP** — the component of a luminaire that produces the actual light.

**LIGHT TRESPASS** — the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**LUMEN** — a unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Section, the lumen-output values shall be the initial lumen output ratings of a lamp.

**LUMINAIRE** — a complete lighting system, including a lamp or lamps and a fixture.

**MOUNTING HEIGHT** — the height of a lighting fixture, measured from mean grade to the highest point of the fixture emitting light.

**SECURITY LIGHTING** — lighting intended to enhance the security of the premises. Security lighting is permitted to remain on between the hours of 11:00 p.m. and 6:00 a.m. even if on-site activities do not occur during that period.

**SPOTLIGHT** — any light fixture or lamp that incorporates a reflector or a refractor to concentrate light output into a directed beam in a particular direction.



**STREETLIGHT** — a lighting fixture, mounted on a pole, which provides light along a street. It shall consist of a pole, head, arm, lamp, photocell, mounting bracket and fixture.

**TEMPORARY OUTDOOR LIGHTING** — the specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven days, with at least 180 days passing before being used again.

**UNIFORMITY RATIO** — the variation of illuminance over an area. For the purposes of this Section, the "uniformity ratio" will be calculated by comparing the average illuminance to the minimum illuminance.

4. Criteria.

A. Illumination Levels.

- (1) Lighting, where required by this Section, shall have intensities and uniformity ratios that comply with the table below. [These are in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook (most recent publication).]

<b>Area or Land Use</b>	<b>Illuminance (footcandle)</b>	<b>Uniformity Ratio (average/min)</b>
Arterial road	2 maximum, 1.6 average	3/1
Collector road	1.5 maximum, 1.1 average	4/1
Residential road	1 maximum, 0.8 average	6/1
High density commercial (community shopping center)	3 maximum, 2.5 average	4/1
Low density commercial (village style)	1.5 maximum, 1 average	4/1
Residential	0.75 max., 0.5 average	6/1

- (2) Future amendments to said recommended practices shall become a part of this Section without further action of the Borough.

B. Lighting Fixture Design and Placement.

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- (1) Fixtures shall be of a type and design appropriate to the lighting application, and aesthetically acceptable to Borough Council based on the recommendation of the Planning Commission and Borough Engineer.
- (2) For lighting predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, culs-de-sac, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria (attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture, and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture, not more than 2.5% of their light output emitted above 90° at any lateral angle around the fixture). Except for those containing directional lamps, fixtures with an aggregate rated lamp output not exceeding 500 lumens, (e.g., the rated output of a standard nondirectional forty-watt incandescent lamp) are exempt from the requirements of this paragraph [Marlborough].
- (3) For the lighting of predominantly nonhorizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding 500 lumens (e.g., the rated output of a standard nondirectional forty-watt incandescent lamp) are exempt from the requirements of this paragraph.
- (4) Fixtures shall be equipped with or be capable of being back-fitted with light-directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.
- (5) Streetlights in residential developments, when provided by a developer, shall conform with the specifications for luminaire, pole, connection, etc., as specified by §27-412.5. The developer shall also warrant all parts and associated labor for a period of 18 months.
- (6) Fixtures shall not exceed a mounting height of 20 feet.
- (7) Illuminance Under Outdoor Canopies. All fixtures utilized beneath canopies shall be flush-mounted fixtures, recessed into the canopy it-

self. All lighting shall be accomplished utilizing flat-lens full cutoff style fixtures, aimed straight down. Canopies themselves shall not be illuminated. Outdoor canopies include, but are not limited to, fueling stations associated with convenience stores and service stations, financial establishments where a drive-through kiosk is proposed, and exterior canopies above store fronts in shopping centers.

C. Control of Nuisance and Disabling Glare.

- (1) All outdoor lighting, whether or not required by this Section, on private, residential, commercial, industrial, municipal, recreational, or institutional property, shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to present a nuisance glare concern to neighboring properties.
- (2) Directional fixtures such as floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway.
- (3) Unless otherwise permitted by Borough Council, e.g., for safety or security, lighting shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit extinguishing offending sources between 11:00 p.m. and dawn to mitigate nuisance glare.
- (4) Where all-night safety or security lighting is to be provided, the lighting intensity levels shall not exceed 25% of the levels normally permitted by this Section for the use. All fixtures designated as nonsecurity fixtures shall be extinguished between the hours of 11:00 p.m. and 6:00 a.m., unless on-site activities persist during those hours.
- (5) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- (6) Projection onto adjacent properties. Intensity of illumination projected onto any property line shall not exceed 0.1 vertical footcandle, except where a drive intersects with a street; intensities shall not exceed 0.5 footcandle, measured at grade at the common property line.
- (7) Except as permitted for certain recreational lighting, fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of 16 feet above finished grade. Fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of 20 feet above finished grade. For

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recreational lighting maximum mounting height requirements, refer to the Subdivision and Land Development Ordinance Section under "Recreational Uses."

- (8) Only the United States and the state flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be adequately shielded.

### D. Installation.

- (1) All electrical feed wiring and conduit shall be run below finished grade, as required by code.
- (2) Lighting standards in parking areas shall be placed a minimum of five feet outside of curb, or mounted on a thirty-inch-high pedestal. Fixtures located in central areas of parking facilities shall be mounted on a thirty-inch-high concrete pedestal.

### E. Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to comply with this Section.

### F. Energy-Efficient Lighting. The Borough encourages energy conservation, cost savings, and environmental preservation through use of the following external lighting tools:

- (1) Energy-Star qualified lamps.
- (2) Automatic daylight shutoff switches to extinguish or dim lighting when there is ample natural (solar) lighting
- (3) Motion-activated lighting which shuts off automatically.

## 5. Fixture Placement in Residential Developments.

### A. Streetlighting fixtures in residential developments shall be placed at the following locations:

- (1) At the intersection of public roads with entrance roads to the proposed development.
- (2) Intersections involving proposed public or nonpublic primary distributor streets within the proposed development.

- (3) At the apex of the curve of any primary distributor street, public or nonpublic, within the proposed development, having less than a three-hundred-foot minimum centerline radius.
  - (4) Cul-de-sac bulb radii.
  - (5) Terminal ends of center median islands having concrete-structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 miles per hour or greater.
6. Post-Installation Inspection. The Borough reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Section, and if appropriate, to require remedial action at no expense to the Borough.
7. Compliance Monitoring.
  - A. Safety Hazards.
    - (1) If the Borough judges that a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.
    - (2) If appropriate corrective action has not been effected within 30 days of notification, the Borough may levy a fine for as long as the hazard continues to exist.
  - B. Nuisance Glare and Inadequate Illumination Levels.
    - (1) When the Borough judges that an installation produces unacceptable levels of nuisance glare, excessive or insufficient illumination levels or otherwise varies from this Section, the Borough may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.
    - (2) If the infraction so warrants, the Borough may act to have the problem corrected as in §27-412.7A(2) above.
  - C. Nonconforming Lighting. Any lighting fixture or lighting installation existing on the effective date of this Section that does not conform with the requirements of this Section shall be considered as a lawful nonconformance. A nonconforming lighting fixture or lighting installation shall be made to conform with the requirements of this Section when:
    - (1) The nonconformance is deemed to create a safety hazard.
    - (2) It is replaced by another fixture or fixtures or abandoned or relocated.

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- (3) There is a change in use.

(Ord. 1022, 9/16/2008)

### §27-413. Conditional Uses.

1. A conditional use is a use permitted by this Chapter with the approval of Borough Council.
  - A. Conditional Use Application. An application shall be submitted in writing to the Borough. It shall include as a minimum a tentative sketch plan indicating basically how the applicant intends to develop the property and sufficient data to document compliance with applicable standards of this Chapter. The Borough Council shall schedule a public hearing on said application within 60 days unless the time limit is waived in writing by the applicant.
  - B. Borough Council has the sole responsibility for determining whether an applicant has satisfied the conditional use criteria set forth in these ordinances, and shall hold hearings on conditional use applications during which the application shall be considered in light of the general conditional use criteria set forth in this section, in addition to any more specific criteria set forth in other parts of the zoning ordinance that are relevant to the application. A conditional use application shall be forwarded to the Borough and Montgomery County planning commissions within fourteen days of receipt by the Borough, and the recommendations of those agencies shall be made a part of the record at the conditional use hearing. In addition to the express criteria set forth in the zoning ordinances, Council may attach such reasonable conditions and safeguards as are necessary to implement the purposes of this Chapter.
  - C. Notice. A notice of the proposed conditional use shall be posted on the subject premises at least seven days before the hearing.
  - D. Criteria. In addition to meeting the specific standards for the conditional use, the following criteria shall apply to all proposed conditional uses. The Borough Council may impose related conditions and safeguards deemed necessary to ensure compliance with the purpose and intent of this Chapter.
    - (1) The use shall not be detrimental to or endanger the public health, safety or welfare.
    - (2) The use shall not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
    - (3) Adequate utilities, access roads, drainage facilities and/or other necessary infrastructure is present or will be provided.

- (4) Adequate measures have been or will be taken to provide ingress and egress, designed to minimize congestion on public streets. A traffic impact study may be required by the Borough.

E. Burden of Proof.

- (1) Specific Code Requirements. The applicant has the burden of persuasion and the duty to go forward with evidence with respect to the specific requirements of the Borough Code including:
  - (a) The requirement that the use be one permitted by conditional use.
  - (b) Specific requirements applicable to the conditional use.
  - (c) General requirements of the Borough Code including, but not limited to, lot areas and parking requirements.
  - (d) Specific public interest criteria of the Borough Code.

If the applicant meets this burden, a presumption will arise that the proposed use is consistent with the health, safety and welfare of the community.

- (2) General Effect of the Proposed Use. Protestants, if they choose to participate, have the burden to present evidence to persuade the Board that the proposed use has a generally detrimental effect on the health, safety and welfare of the neighborhood or that it conflicts with the general policies outlined in this Chapter. Protestants must raise specific issues and establish a high degree of probability that the proposed use will have a substantially detrimental effect on the health, safety and welfare of the neighborhood. If protestants meet this burden, then the applicant must go forward and meet the burden of persuasion with regard to criteria relating to the general detrimental effect of the proposed use raised by the protestants.
- (3) General Policy Concerns. With regard to general policy concerns outlined in this Chapter including, but not limited to, whether the application is in harmony with the spirit, intent and purpose of the ordinance, the burden of persuasion and duty to go forward fall on the protestants, if any.

- F. Expiration of Conditional Use. Conditional use approvals shall expire 12 months after being granted unless the applicant obtains a use and occupancy permit or a building permit from the Borough Code Enforcement Officer relative to the conditional use, or unless the applicant obtains an extension of the grant of the conditional use by resolution of the Borough Council.

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- G. All hearings of Borough Council on a conditional use shall be stenographically recorded.
- H. All adjudication on conditional use applications shall be in writing and contain findings and the reasons for the adjudication and shall be served upon all parties or their counsel of record personally or by mail.
- I. Appeals from decisions of Borough Council shall not be to the Zoning Hearing Board but shall be to the Montgomery County Court of Common Pleas.

(Ord. 922, 9/17/1996, Art. IV, §412; as amended by Ord. 991, 8/15/2005)

### **§27-414. No-Impact Home-Based Business.**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use including, but not limited to, parking, signs or lights.
- E. The business activity must not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.



(Ord. 922, 9/17/1996; as added by Ord. 991, 8/15/2005)

**§27-415. Flag Lots Prohibited.**

1. Flag lots, as defined in §27-202 of this Chapter, are prohibited throughout the Borough in all zoning districts.
2. This Section shall be applicable to any subdivision application received by the Borough on or after the date on which this Section<sup>2</sup> is published in a newspaper of general circulation for adoption.
3. The prohibition against flag lot development shall not be circumvented by situating the rear or interior lot to face any alley or other undedicated thoroughfare. All lots must have frontage on a Borough public street.

(Ord. 1005, 6/16/2007)

**§27-416. Design Standards for Nonresidential Buildings.**

No building shall be constructed or renovated in the likeness of any product, merchandise, or other inanimate object associated with business to be conducted therein. As examples, a building may not be constructed to resemble a coffee cup, doughnut, tire, milk bottle, animal, shoe, vehicle, person, or railroad car. Further, all buildings erected in any nonresidential zoning district shall comply with the following criteria, except that in the industrial district, any building erected for an industrial use does not need to comply with the following criteria although it must comply with the specific criteria for that district; and, excepting further, buildings in the Downtown Commercial-2 Zoning District are not required to meet the following criteria but must meet the specific criteria previously established for that district. Further, where a building is constructed in connection with the grant of a conditional use or special exception, Council or the Zoning Hearing Board, as applicable, may impose additional criteria not inconsistent with law.

A. Building Orientation and Entrances.

- (1) The front facade of buildings shall be oriented towards a principle arterial as defined by the Borough's Subdivision and Land Development Ordinance [Chapter 22] or as determined by Borough Council, with an everyday public entrance in this front facade.
- (2) All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.

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<sup>2</sup> Editor's Note: Ordinance No. 1005.

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- (3) When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. Front facades shall front on a principle arterial as defined by the Borough's Subdivision and Land Development Ordinance, unless Borough Council allows the front facade to face an existing side street, when the facade extends the existing commercial district along this existing side street.

### B. Walls and Windows.

- (1) Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front facade, including materials, colors, and details.
- (2) The number of architectural treatments listed below shall be provided as followed: at least two for blank walls with a width of 30 feet or less, at least three for blank walls with a width of 30 to 50 feet, and at least four for blank walls with a width of 50 feet or more:
  - (a) Masonry (but not flat concrete block).
  - (b) Concrete or masonry plinth at the base of the wall.
  - (c) Belt courses of a different texture or color.
  - (d) Projecting cornice.
  - (e) Projecting metal canopy.
  - (f) Decorative tile work.
  - (g) Trellis containing planting.
  - (h) Medallions.
  - (i) Opaque or translucent glass.
  - (j) Artwork.
  - (k) Vertical/horizontal articulation.
  - (l) Lighting fixtures.
  - (m) An architectural element not listed above, as approved by Am-  
bler Borough Council, that meets the intent.

(2) Windows.

- (a) The ground floor front facades of buildings fronting a street shall consist of a minimum of 35% window area and a maximum of 75%, with views provided through these windows into the business. Ground floor windows shall be a minimum of 24 inches above the sidewalk.
- (b) Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35% window area in the facade above the ground floor and a maximum of 75%.

C. Roofs. Roofs shall be in keeping with the character of adjacent buildings.

D. Building Character. New infill development shall generally employ building types that are compatible to the architecture of the area in their massing and external treatment.

E. Architectural Rhythm.

- (1) New infill development shall also retain the architectural rhythm of building openings (including windows and entries) of the same block.
- (2) New infill development shall also attempt to maintain the horizontal rhythm of main street facades by using a similar alignment of windows, floor spacing, cornices, awnings as well as other elements. This rhythm shall be achieved by aligning the top, middle, and base floors. Buildings shall have a distinct base at ground level using articulation or materials such as stone, masonry, or decorative concrete. The top level should be treated with a distinct outline with elements such as projecting parapet, cornice, or other projection.

F. Massing.

- (1) Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
- (2) The massing of any facade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further. Massing variations every 30 feet or less is preferred. In the Office Campus District, this requirement only applies to frontages of 200 feet or more.
- (3) Nonresidential buildings must have at least a three-to-five-foot break in depth in all street facades for every 50 feet of continuous facade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other ar-

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chitectural treatments. In the Office Campus District, this requirement only applies to frontages of 200 feet or more.

(Ord. 1053, 1/18/2011)

**PART 5**

**R-1 RESIDENTIAL DISTRICT**

**§27-501. Statement of Intent.**

It is the intent of this district to promote the maintenance, stability and continued viability of the Borough's low density residential neighborhoods.

(Ord. 922, 9/17/1996, Art. V, §500)

**§27-502. Use Regulations.**

1. Permitted Uses.
  - A. Single-family detached dwelling.
  - B. Accessory uses, in compliance with §27-407.
  - C. No-impact home-based business.
2. Special Exception Uses.
  - A. Institutional Uses. The Zoning Hearing Board shall refer to the provisions of this Part when considering an application for any of the following:
    - (1) Borough building and Borough use.
    - (2) Public utility facility.
    - (3) Recreational and community center building operated by a non-profit agency.
    - (4) Church or other religious institution.
    - (5) Public, parochial or private educational institution.
  - B. Public park, playground and outdoor recreational area not operated commercially for profit.

(Ord. 922, 9/17/1996, Art. V, §501; as amended by Ord. 991, 8/15/2005)

**§27-503. Dimensional Requirements.**

1. Minimum lot area, 6,000 square feet.

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2. Minimum lot width, 50 feet.
3. Minimum Yards.
  - A. Front, 30 feet.
  - B. Side, eight feet / 17 feet total.
  - C. Rear, 25 feet.
4. Maximum building coverage, 30%.
5. Maximum impervious coverage, 45%.
6. Maximum height, 40 feet.

(Ord. 922, 9/17/1996, Art. V, §502; as amended by Ord. 988, 8/16/2004)

### **§27-504. Parking Requirements.**

All parking shall meet the applicable provisions of Part 21.

(Ord. 922, 9/17/1996, Art. V, §503)

### **§27-505. Signs.**

All signs shall meet the applicable provisions of Part 20.

(Ord. 922, 9/17/1996, Art. V, §504)

**PART 6**

**R-1-A RESIDENTIAL DISTRICT**

**§27-601. Statement of Intent.**

It is the intent of this District to:

- A. Promote neighborhood conservation of certain areas of the Borough with distinctive architectural character or environmentally sensitive amenities.
- B. Protect the integrity of these areas by stabilizing them and improving property values.
- C. Encourage development that will be harmonious with the existing architectural or environmental character of the district.

(Ord. 922, 9/17/1996, Art. VI, §600)

**§27-602. Use Regulations.**

1. Permitted Uses:

- A. Single-family detached dwelling.
- B. Accessory uses, in compliance with §27-407, establishing definitions for and restrictions upon accessory uses.
- C. No-impact home-based business.

2. Special Exception Uses:

- A. The following institutional uses, which shall be governed by the provisions of Part 18 of this Chapter when considering an application for a special exception:
  - (1) Borough building and Borough use.
  - (2) Recreational and community center building operated by a non-profit agency.
  - (3) Religious or philanthropic use, but excluding sanitarium, convalescent home and correctional or penal institution.
  - (4) Public, parochial or private non-profit educational institution.

## ZONING

- B. Public park, playground and outdoor recreational area not operated commercially for profit.

(Ord. 922, 9/17/1996, Art. VI, §601; as amended by Ord. 991, 8/15/2005)

### **§27-603. Dimensional Requirements.**

1. Minimum lot area, 7,500 square feet.
2. Minimum lot width, 50 feet.
3. Minimum Yards:
  - A. Front, 30 feet.
  - B. Side, eight feet / 17 feet total.
  - C. Rear, 25 feet.
4. Maximum building area, 30%.
5. Maximum impervious coverage, 45%.
6. Height Regulations. Forty feet, provided that if a variance is granted to permit the construction of a building in excess of 40 feet in height or in the case of an expansion at the same height of a building already exceeding 40 feet in height, all yard dimensions specified in §27-503A shall be increased by one foot for each three feet in height, or any portion thereof, by which the building or addition exceeds 40 feet in height.

(Ord. 922, 9/17/1996, Art. VI, §602; as amended by Ord. 988, 8/16/2004)

### **§27-604. (Reserved)<sup>3</sup>**

### **§27-605. Parking Requirements.**

In accordance with the provisions of Part 21.

(Ord. 922, 9/17/1996, Art. VI, §604)

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<sup>3</sup> Editor's Note: Former §27-604, Private Garage, was repealed 8/16/2004 by Ord. 987.



**§27-606. Signs.**

Subject to provisions of Part 20.

(Ord. 922, 9/17/1996, Art. VI, §605)



**PART 7**

**R-2 RESIDENTIAL DISTRICT**

**§27-701. Statement of Intent.**

It is the intent of this district to maintain the character of the Borough's medium-density residential neighborhoods by permitting a mix of single-family detached and two-family dwellings.

(Ord. 922, 9/17/1996, Art. VII, §700)

**§27-702. Use Regulations.**

1. Permitted Uses.
  - A. Any use permitted in the R-1 Residential District.
  - B. Two-family dwelling, provided both units are constructed at the same time.
  - C. Accessory uses, in compliance with §27-407.
  - D. No-impact home-based business.
2. Special Exception Uses.
  - A. Club or lodge, as defined in §27-202 and provided the principal activity is not one which is customarily conducted as a business and the services of which are provided for members and guests only.
  - B. Residential conversions, in accordance with §27-408.

(Ord. 922, 9/17/1996, Art. VII, §701; as amended by Ord. 991, 8/15/2005)

**§27-703. Dimensional Requirements.**

1. Minimum lot area (square feet).
  - A. Single-family detached unit, 5,000.
  - B. Twin (per unit) and duplex, 3,500.
2. Minimum lot width (feet), 45.
3. Minimum Yards (feet).

## ZONING

- A. Front, 25 feet.
- B. Side.
  - (1) Single-family detached and duplex, side eight feet / 17 feet total.
  - (2) Twin – 12 (one side).
  - (3) Rear, 25 feet
- 4. Maximum building coverage, 40%.
- 5. Maximum impervious coverage, 60%.
- 6. Maximum height, 40 feet.

(Ord. 922, 9/17/1996, Art. VII, §702; as amended by Ord. 988, 8/16/2004)

### **§27-704. Parking Requirements.**

In accordance with the provisions of Part 21.

(Ord. 922, 9/17/1996, Art. VII, §703)

### **§27-705. Signs.**

In accordance with the provisions of Part 20.

(Ord. 922, 9/17/1996, Art. VII, §704)

**PART 8**

**R-3 RESIDENTIAL DISTRICT**

**§27-801. Statement of Intent.**

It is the intent of this district to:

- A. Provide adequate legal recognition of existing development in portions of the Borough by establishing standards and guidelines for the subsequent modification and improvement which may be undertaken in such areas.
- B. Encourage the logical and timely development of land for residential purposes in accordance with the objectives, policies and proposals of the Comprehensive Plan.
- C. Permit a variety of housing on the landscape.

(Ord. 922, 9/17/1996, Art. VIII, §800)

**§27-802. Use Regulations.**

- 1. Permitted Uses.
  - A. Any use permitted in the R-2 Residential District.
  - B. Single-family attached dwellings.
  - C. Playgrounds, parks and open spaces.
  - D. Accessory buildings and uses, in accordance with §27-407.
  - E. No-impact home-based business.
- 2. Special Exception Uses. Clubs or lodges, as defined in §27-202.
- 3. Conditional Uses.
  - A. Low-intensity offices for educational, fraternal, professional, religious, or philanthropic institutions, subject to the following:
    - (1) The procedures and standards relating generally to conditional use hearings as set forth elsewhere in this chapter are incorporated by reference.

ZONING

- (2) The proposed use must be of a low intensity, defined here as having a number of occupants, anticipated daily trip generation and overall impact on the neighborhood not inconsistent with the overall nature and character of the neighborhood. The building will be occupied almost exclusively by organizational employees with visits by the public, customers or clients being occasional and sporadic.
- (3) The property must be one that is in the R-3 District and which also abuts any nonresidential zoning district.
- (4) If the number of parking spaces required by this chapter for office use cannot be accommodated on site, there shall be a lease of at least ten years' duration for off-street parking at a location within 300 feet of the property.
- (5) Notwithstanding any other provisions of this chapter to the contrary, signage shall be limited to a single sign of not greater than two feet in one direction and three feet in the other.

(Ord. 922, 9/17/1996, Art. VIII, §801; as amended by Ord. 991, 8/15/2005; and by Ord. 1011, 11/5/2007)

**§27-803. Dimensional Requirements.**

All dimensions are minimums, unless otherwise noted.

	<b>Dwelling Type (B)</b>			
	<b>Single-Family Detached</b>	<b>Twin (Per Unit)</b>	<b>Duplex</b>	<b>Single-Family Attached</b>
Lot Area (sq. ft.)	5,000	2,500	5,000	2,500
Lot Width (ft.)	45	20	40	20
Yards (ft.)				
Front	25	25	25	25
Side	8/17 total	6 (1 side)	8/17 total	(A)
Rear	25	25	25	25
Max. Building Coverage	40%	40%	40%	40%
Min. Landscape Area (% of lot)	0	0	0	0
Max. Height (ft.)	40	40	40	40

**Notes:**

- A. The minimum side yard for single-family attached units shall be governed by §27-807(2) and (3), as applicable.
- B. Maximum Impervious Coverage. For each of the dwelling types set forth in the chart in this Section, there shall be a maximum impervious coverage of 75%.

(Ord. 922, 9/17/1996, Art. VIII, §802; as amended by Ord. 944, 10/18/1999; and by Ord. 988, 8/16/2004)

**§27-804. Utilities.**

All development within this district shall be served by a public sanitary sewerage disposal system and by public water supply facilities. All new or extended utility lines serving new or expanded developments shall be placed underground whenever possible.

(Ord. 922, 9/17/1996, Art. VIII, §803)

**§27-805. Signs.**

As provided for and regulated in Part 20.

(Ord. 922, 9/17/1996, Art. VIII, §804)

**§27-806. Landscaping.**

1. Shade Trees. Landscaped planting areas shall be provided along all street frontages, in accordance with the street tree standards of the Subdivision and Land Development Ordinance [Chapter 22].
2. Buffer Area. Property line buffers shall be provided for single-family attached developments where they abut single-family detached uses or districts and where all residential developments will abut nonresidential uses or districts. The planted area shall be at least 10 feet in depth and conform with the buffer standards of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996, Art. VIII, §805)

**§27-807. Additional Development Regulations for Single-Family Attached Developments.**

1. Building Size. For all single-family attached units there shall be no more than six dwelling units in a continuous row for each building.
2. Distance Between Buildings. For developments where the individual lot requirements are not applicable under §27-803 and in the case of two or more buildings, the horizontal distance between any two buildings shall not be less than:

## ZONING

- A. For any two exterior facing walls, the buildings of which are oriented front to front, front to rear, or rear to rear, the minimum distance apart shall be equal to 1 1/2 times the height of the taller building.
- B. For any combination of exterior facing walls not qualifying under Subsection (A) above, the minimum distance apart shall be 1/2 the height of the taller building.
3. Setbacks. For developments where the individual lot requirements are not applicable under §27-803, the following minimum setbacks shall be provided:
  - A. From the district boundary line, 50 feet.
  - B. From a road legal right-of-way, 20 feet.
  - C. From any parking area, 20 feet.
4. Lighting Facilities. Lighting facilities shall be provided as needed and arranged in a manner which will protect roads and adjoining properties from direct glare or hazardous interferences of any kind. Lighting facilities are required for the safety and convenience of the residents of the development and shall be installed by the developer at his expense. Before installation is permitted, Borough Council shall have reviewed and given its approval of all specifications (size, type, arrangement) relating to all such outdoor lighting.
5. Parking.
  - A. All parking shall meet the applicable provisions of Part 21.
  - B. For parking areas of three or more spaces, the following setbacks shall be provided:
    - (1) From a district boundary line, 15 feet.
    - (2) From a road ultimate right-of-way line, 25 feet
  - C. For parking areas of 10 or more cars, at least 10% of the area shall consist of landscaping, in accordance with the parking lot landscaping standards of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996, Art. VIII, §806)



**PART 9**

**MR – MIXED DWELLING RESIDENTIAL DISTRICT**

**§27-901. Statement of Intent.**

It is the intent of this district to:

- A. Encourage the development of compatible housing in conjunction with the preservation of land for park and recreational purposes, adjoining or near single family neighborhoods in the Borough.
- B. To provide reasonable controls and standards of performance for single-family development and mixed dwelling developments, including townhouses, which provide the opportunity to preserve significant amounts of open space in order to maximize the future use of such sites for community use.

(Ord. 922, 9/17/1996, Art. IX, §900)

**§27-902. Use Regulations.**

1. Permitted Uses.
  - A. Single-family detached dwelling.
  - B. Townhouse, only as part of a mixed dwelling development in which the townhouses consist of no more than 45% of the total dwelling units.
  - C. Mixed dwelling type developments, including single-family detached dwellings, two-family dwellings, and townhouses.
  - D. Parks, playgrounds, and open spaces.
  - E. Accessory buildings and uses, in accordance with §27-407.
  - F. No-impact home-based business.

(Ord. 922, 9/17/1996, Art. IX, §901; as amended by Ord. 991, 8/15/2005)

**§27-903. Development Regulations.**

1. Ownership. The tract of land or the undeveloped portion thereof to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract or the undeveloped portion thereof. It shall be

## ZONING

agreed that the tract or the undeveloped portion thereof will be developed under single direction in accordance with an approved plan.

2. **Minimum Tract Size.** In the MR district, a minimum tract size of 10 acres is required.
3. **Maximum Density.** A maximum density of four units per gross acre is permitted.
4. **Development Mix.**
  - A. Only single-family detached dwellings shall be permitted abutting single-family detached dwellings existing at the start of the project.
  - B. Single-family detached dwellings shall constitute a minimum of 55% of all new dwelling units.
  - C. In a development mix, townhouses shall constitute a minimum of 20% of the permitted density.
5. **Sewer and Water Facilities.** The tract shall be served by public water and sewer facilities.
6. **Utilities.** All utility service lines shall be installed underground throughout the development.
7. **Parking:**
  - A. All parking shall meet the applicable provisions of Part 21
  - B. The required spaces, when they are not an integral part of the building design, shall be arranged within a court or separate parking area(s), as deemed suitable by the Borough.
  - C. For parking areas of three or more spaces, the following setbacks shall be provided:
    - (1) From a district boundary line, 15 feet.
    - (2) From a road ultimate right-of-way line, 25 feet.
  - D. For parking areas of 10 or more cars, at least 10% of the area shall consist of landscaping, in accordance with the parking lot landscaping standards of the Subdivision and Land Development Ordinance [Chapter 22].
8. **Signs.** All signs shall meet the applicable provisions of Part 20.
9. **Landscaping.**

- A. Shade Trees. Landscaped planting areas shall be provided along all street frontages, in accordance with the street tree standards of the Subdivision and Land Development Ordinance [Chapter 22].
  - B. Buffer Screens. Property line buffers shall be provided for single-family attached developments and mixed dwelling type developments where they abut single-family detached uses or districts and where all residential developments will abut nonresidential uses or districts. The planted area shall be at least 10 feet in depth and conform with the buffer standards of the Subdivision and Land Development Ordinance [Chapter 22].
10. Open Space Requirements.
- A. A minimum of 35% of the gross acreage shall be set aside as open space land.
  - B. The land area to be permanently preserved as open space shall be located and shaped to be suitable for the purposes intended in the location. Consideration shall be given to contiguous portions of existing and potential open space lands in adjacent tracts.
11. Impervious Coverage. Maximum impervious building lot coverage is 45% for lots with single-family dwellings and 65% for single-family attached (townhouse) lots.

(Ord. 922, 9/17/1996, Art. IX, §902; as amended by Ord. 1054, 1/18/2011)

**§27-904. Additional Development Regulations for Townhouse Developments.**

- 1. Building Size. There shall be no more than six units in a continuous row and no more than three contiguous units and such units shall have a uniform setback from a right-of-way line or parking area. Such setback variation shall be a minimum of four feet.
- 2. Architectural Variety. There shall be within any contiguous group of townhouses varying architectural treatment having differences in design and uses of building materials.
- 3. Distance Between Buildings. The minimum horizontal distance between any two buildings shall be 25 feet.
- 4. Setbacks. Where individual yard requirements are not applicable, the following minimum building setbacks shall be used:
  - A. From the legal right-of-way line of any road, 25 feet.
  - B. From any parking area, 20 feet.

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(Ord. 922, 9/17/1996, Art. IX, §903)

**§27-905. Dimensional Requirements.**

All dimensions are minimums, unless otherwise noted.

	<b>Dwelling Type</b>			
	<b>Single-Family Detached</b>	<b>Two (Per Unit)</b>	<b>Duplex</b>	<b>Single-Family Attached</b>
Lot Area (square feet)	6,000	2,500	4,000	2,500
Lot Width (feet)	50	20	40	20
Yard (feet)				
Front	30	20	20	5
Side	8/17 total	10 (1 side)	8/17 total	(A)
Rear	25	25	25	25
Max. Building Coverage	30%	40%	40%	50%
Max. Height (feet)	40	40	40	40

- A. The minimum side yard for single-family attached units shall be governed by §27-904(3) and (4), as applicable.

(Ord. 922, 9/17/1996, Art. IX, §904)

**PART 10**  
**(RESERVED)<sup>4</sup>**

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<sup>4</sup> Editor's Note: Former Part 10, MA – Mid-Rise Apartment District, adopted as Article X of Ord. 922, was repealed by Ord. 1015-1, 1/22/2008.



**PART 11**

**GA – GARDEN APARTMENT DISTRICT**

**§27-1101. Statement of Intent.**

It is the intent of this district to:

- A. Encourage the logical and timely development of land for garden apartment purposes in accordance with the objectives, policies and proposals of the Comprehensive Plan.
- B. Permit a variety of housing which conforms to the intent of the Comprehensive Plan and this Chapter.
- C. Ensure the suitable design of garden apartments in order to protect the surrounding environment of adjacent and nearby neighborhoods.
- D. Ensure that the proposed development will constitute a residential environment of sustained desirability and stability and not produce a volume of traffic in excess of the capacity for which access streets are designed.

(Ord. 922, 9/17/1996, Art. XI, §1100)

**§27-1102. Use Regulations.**

- 1. Permitted Uses.
  - A. Apartment house or group of apartment houses.
  - B. Playgrounds, parks and open spaces.
  - C. Accessory uses, in compliance with §27-407.
- 2. Special Exception Uses. Shopping facility, provided that no trade or business is noxious or hazardous. If the shopping facility is located in a building within the center which contains apartments, the apartment units shall be adequately buffered from noise, vibration and any condition which is detrimental to the proper use of the apartment. If the shopping facility is located in the center in a separate building, it shall be buffered from the other buildings by a permanent landscaped planting area designed to screen it from the view of the apartment building. Parking provisions in addition to those specified below shall be required for each commercial use in accordance with Part 21.

(Ord. 922, 9/17/1996, Art. XI, §1101)

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### §27-1103. Development Regulations.

1. Area of Tract. A minimum of four acres shall be provided for every area to be used in whole or in part as a garden apartment district.
2. Density. A maximum of 15 units per developable acre is permitted.
3. Open Space. The developer shall be required where possible to preserve or incorporate natural features such as woods, streams and open space areas, which add to the overall cohesive development of the garden apartment and overall community development. However, all conditions deemed hazardous by the borough, including natural features hazards, are to be eliminated, or all precautions deemed appropriate by the Borough to reduce the hazard, are to be taken by the developer.
4. Building Coverage. Not more than 25% of the area used for a garden apartment may be occupied by buildings.
5. Setbacks.
  - A. From the legal right-of-way of all streets, 50 feet.
  - B. From property lines, 75 feet.
6. Distance Between Buildings. The horizontal distance measured in feet between parallel elements of buildings forming courts and courtyards shall not be less than twice the height of the taller building.
7. Parking. Two off-street parking spaces shall be provided for each apartment unit. Parking areas shall be a minimum of 25 feet from legal rights-of-way, property lines and from the nearest building.
8. Building Height. No building shall exceed 40 feet in height or three stories (excluding basements), whichever is greater. Any buildings in excess of 35 feet in height shall provide an additional one foot of setback for each additional one foot of height.
9. Utilities. All buildings shall be served by a public sanitary sewage disposal system and public water supply or available public utilities. All utility lines shall be placed underground.
10. Lighting Facilities. Lighting facilities shall be provided where deemed necessary for the safety and convenience of apartment residents. Lighting facilities provided shall be arranged in a manner which protects abutting roads and properties from unreasonable glare or hazardous interference of any kind.



11. Planting Buffer. All development shall provide a permanent landscaped planting area of at least 10 feet in depth along all property lines. The property line buffer shall be designed in accordance with the applicable requirements of the Subdivision and Land Development Ordinance [Chapter 22].
12. Signs. All signs shall meet the applicable provisions of Part 20.
13. Impervious Coverage. Maximum impervious building lot coverage is 40%.

(Ord. 922, 9/17/1996, Art. XI, §1102; as amended by Ord. 1054, 1/18/2011)



**PART 12**

**HE – HOUSING FOR THE ELDERLY DISTRICT**

**§27-1201. Statement of Intent.**

It is the intent of this district to:

- A. Establish reasonable standards and promote the desirable benefits which will follow the development of safe and adequate housing for the elderly.
- B. Set forth a variety of standards which will be appropriate for the various zoning districts in which housing for the elderly is proposed and which will ensure that such development will provide appropriate safety features pertinent to the needs of prospective residents, as well as access to community facilities and services that can enhance the quality of the development.

(Ord. 922, 9/17/1996, Art. XII, §1200)

**§27-1202. Use Regulations.**

Permitted Uses. When authorized as a conditional use by Borough Council in the GA, Commercial, Institutional, Office or MA districts.

- A. Apartments intended for occupancy solely by elderly residents as defined in this Part.
- B. A commissary or food store and other personal service shops or facilities when located within a principal residential building and provided such facilities are solely for the use of the tenants of the development.
- C. Meeting rooms and indoor recreational and service areas for the use of the residents of the development.
- D. Parks and open space.
- E. Accessory buildings and uses, in accordance with §27-407.

(Ord. 922, 9/17/1996, Art. XII, §1201)

**§27-1203. Development Regulations.**

- 1. General Regulations.

ZONING

- A. Ownership. The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed jointly by the owners of the entire tract.
  - B. Unit Occupancy. The developer shall file with the Borough a covenant, running with the land and endorsed by the Borough Solicitor, in which the owner shall covenant on behalf of himself, his heirs, executors and assigns not to use the development for any other use than housing for the elderly and in ancillary facilities. Housing for the elderly is defined as housing for persons 62 years of age or older or married couples one of whom has reached the age of 62.
2. Dimensional Requirements. All dimensions are minimums, unless otherwise noted.

	District		
	GA/MA Institutional	Commercial	Office
Tract Size (acres)	2	1	1
Max. Density	24	50	24
Max. Building Coverage	20%	25%	20%
Building Setbacks (feet)			
Road Legal Right-of-Way	50	30	50
Rear Property Line	50	25	30
Side Property Line	50	25	25
Parking Setbacks (feet)			
Road Legal Right-of-Way	25	25	25
Side/Rear Property Lines	25	15	15
Max. Height (feet)	55	65	55
Required Open Space	20%	15%	20%

- 3. Parking. A minimum of one off-street parking spaces must be provided for each dwelling unit. In the case of a community sponsored citizens' service organization which will attract members who are not residents of the development, one additional space shall be provided for each 800 square feet of floor area devoted to the use.
- 4. Utilities. All utility lines serving the proposed development shall be placed underground.
- 5. Distance Between Buildings. In the case of two or more buildings, the horizontal distance measured in feet between the buildings shall not be less than the following:

- A. For any two exterior facing walls, neither of which has any glassed window area from living or bedrooms, the minimum distance apart shall be 1/2 the height of the taller building.
  - B. For any two exterior facing walls, the buildings of which are oriented side to side, minimum distance apart shall be 1/2 the height of the taller building.
  - C. For any two exterior facing walls, the buildings of which are oriented front to front, front to rear, rear to rear (and not qualifying under Subsection A above, minimum distance apart shall be equal to one and 1/2 times the height of the taller building.
  - D. For any two exterior facing walls, the buildings of which are oriented front to side or rear to side, the minimum distance apart shall be equal to the height of the taller building.
  - E. For the purposes of this district, all rectilinear buildings will be designated with not less than one front wall and one rear wall. Circular buildings shall have a front side only. Distances shall be measured from the closest points of each building.
6. Minimum Dwelling Unit Requirements. Not more than 20% of the units may contain a maximum of two bedrooms for 12 units. Each unit having one bedroom shall contain a minimum of 600 square feet of floor area and each efficiency unit shall contain a minimum of 450 square feet of floor area.
7. Safety Features. A proposed development in this district shall comply with the safety standards for housing for the elderly as contained in the Minimum Property Standards, Volume II, 1973, or as amended, issued by the Department of Housing and Urban Development.
8. Signs. All signs shall comply with the requirements for the applicable district in which the use is proposed.

(Ord. 922, 9/17/1996, Art. 12, §1202; as amended by Ord. 941, 2/15/1999, §4)



**PART 13**

**C – COMMERCIAL DISTRICT**

**§27-1301. Statement of Intent.**

It is the intent of this district to:

- A. Provide for the orderly development of a major business and commerce area of the Borough, consistent with the Comprehensive Plan.
- B. Reestablish South Ambler as a focal point for employment opportunities.
- C. Encourage a uniformity of design to ensure the orderly arrangement of land uses and buildings.

(Ord. 922, 9/17/1996, Art. XIII, §1300; as amended by Ord. 975, 3/18/2003, §1)

**§27-1302. Use Regulations.**

1. Permitted Uses.

- A. Retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, plants, furnishings or other household supplies, sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.
- B. Business or professional office or studio, bank or other financial institution, Borough use, excluding dump, telephone central office, telegraph or other public utility office, passenger station for public transportation.
- C. Office buildings.
- D. Restaurant, bar, tearoom, retail baker, confectionary or ice cream shop or places serving food or beverages.
- E. Personal service shop, including tailor, barber, beauty salon, shoe repair, dressmaking or other similar service.
- F. Indoor theater or bowling alley.
- G. Newspaper publishing, job printing.
- H. Hotel or motel.
- I. Parking lot in accordance with §27-1305.

## ZONING

- J. Accessory uses, in accordance with §27-407 of this Chapter and provided that the presence of more than three of any combination of devices and machines permitted as a special exception under this Section shall not be considered an accessory use. Accessory use as customarily incidental to the permitted use by special exception.
- 2. Special Exception Uses.
    - A. Laundry or dry cleaning establishment.
    - B. Other places of indoor amusement or recreation.
    - C. Outdoor storage facilities.
    - D. Any use of the same general character as any of the uses specifically permitted in this Section without requirement of a special exception.
  - 3. Conditional Uses. In accordance with the regulations of §27-1304 and §27-413 (Conditional Uses), the following may be permitted as a conditional use.
    - A. Gasoline station with or without automobile servicing and/or mini-market.
    - B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.
    - C. Live or recorded entertainment, such as a performing arts facility.

(Ord. 922, 9/17/1996, Art. XIII, §1301; as amended by Ord. 941, 2/15/1999, §3; as amended by Ord. 975, 3/18/2003, §§3,4)

### **§27-1303. Dimensional Requirements.**

- 1. Minimum lot area (permitted and special exception uses), 1,500 square feet.
- 2. Maximum building area, 80%.
- 3. Height regulations, 40 feet, except that the Zoning Hearing Board may approve an increase to a maximum of 70 feet, provided the Board determines that any excess height over 40 feet will not be detrimental to the light, air, privacy or architectural scheme of any other structure or use currently existing or anticipated and that for every foot of height in excess of 40 feet an additional one foot shall be added to each yard setback.

(Ord. 922, 9/17/1996, Art. XIII, §1302)



**§27-1304. Conditional Use Standards.**

The following requirements shall be met for the applicable use permitted by §27-1302(3):

- A. Gasoline stations with or without automobile servicing and/or mini-market.
  - (1) Minimum lot area, 1/2 acre.
  - (2) All servicing and parts storage shall take place in an enclosed building.
  - (3) All required parking shall be provided on the premises.
  - (4) No unregistered or unlicensed vehicles are permitted on the premises.
  - (5) No vehicle sales or rentals are permitted.
  - (6) Vehicles awaiting repair shall not be stored outdoors for more than one week.
  
- B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.
  - (1) Minimum lot area, 10,000 square feet.
  - (2) The requirements of §27-1504 (Development Regulations) and §27-1505 (Performance Standards) shall be met.
  - (3) All assembly/repair work shall take place within an enclosed building.
  - (4) No outdoor storage is permitted.
  
- C. Live or Recorded Entertainment.
  - (1) Shall not be less than 500 feet from another live or recorded musical entertainment use.
  - (2) All activities shall take place indoors.
  - (3) Hours of operation, 9:00 a.m. to 2:00 a.m.
  - (4) A maximum of four coin-operated entertainment devices or machines are permitted (such as a video game or pinball machine).

(Ord. 922, 9/17/1996, Art. XIII, §1304)

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### **§27-1305. Parking Requirements.**

All parking facilities may be provided in accordance with the general provisions of Part 21 of this Chapter. In addition, the following regulations shall apply to commercial uses:

- A. Off-street parking facilities may be provided on the periphery of the Commercial District.
- B. Off-street parking facilities are subject to the following provisions:
  - (1) Off-street parking spaces may be grouped in facilities serving more than one lot or establishment.
  - (2) Parking garages may be above or below ground. Above ground garages shall be in the rear yard and architecturally compatible with other improvements developed on the site and immediate area.

(Ord. 922, 9/17/1996; as added by Ord. 975, 3/18/2003, §5)

**PART 14**

**O – OFFICE DISTRICT**

**§27-1401. Statement of Intent.**

It is the intent of this district to:

- A. Provide for the orderly development of an office area of the Borough in accordance with the goals, policies and proposals of the Comprehensive Plan.
- B. Ensure the suitable design of office buildings, parking areas and all related construction hereafter proposed for the district.

(Ord. 922, 9/17/1996, Art. XIV, §1400)

**§27-1402. Use Regulations.**

- 1. Permitted Uses. Any of the following uses, the normal attributes of which do not involve the warehousing, exchange or transfer of merchandise on the premises, except as specifically provided for accessory uses:
  - A. On lots of the minimum area specified in §27-1403(1).
    - (1) Offices for the following uses:
      - (a) Administrative.
      - (b) Professional.
      - (c) Service.
      - (d) Sales and commercial.
    - (2) Studio for instruction of music and other arts.
    - (3) Accessory uses, in compliance with §27-407 of this Chapter. In addition, a newsstand, snack bar or similar establishment permitted as an accessory use shall not provide tables or chairs or other seating facilities for the general public and shall be within the interior of the principal building but not exceed 5% of the ground floor area.
  - B. On lots of the minimum area specified in Subsection (2).
    - (1) A use permitted in Subsection (1) above.

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- (2) Banking and other financial institutions.
  - (3) Medical office or clinic.
  - (4) Public and private educational institution.
  - (5) Civic uses, including a library or museum.
  - (6) Laboratory for scientific, agricultural or industrial research and development.
  - (7) Religious and philanthropic uses, excluding correctional or penal institution.
  - (8) Borough use, excluding dump or storage garage.
  - (9) Retail establishment for the sale of stationery, gifts, confectionary, clothing, drugs, sale and repair of jewelry, clocks, optical goods or musical instruments; provided, that the use(s) occupies no more than 10% of the total building floor area.
  - (10) Personal service shop, including barber, beauty salon, shoe repair, tailor, dressmaking, dry cleaning and laundry service; provided, that the use(s) occupies no more than 10% of the total building floor area.
2. Conditional Uses. The following may be permitted as a conditional use, in accordance with the provisions of §§27-1406 and 27-413 (Conditional Uses).
- A. Gasoline station with or without automobile servicing and/or mini-market.
  - B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.

(Ord. 922, 9/17/1996, Art. XIV, §1401)

### **§27-1403. Dimensional Requirements.**

1. For uses in §27-1402(1)(A):
  - A. Minimum lot size, 5,000 square feet.
  - B. Minimum lot width at the building setback line, 50 feet.
2. For uses permitted in §27-1402(1)(B):
  - A. Minimum lot size, 10,000 square feet.

- B. Minimum lot width at the building setback line, 100 feet.
- 3. Minimum Yards.
  - A. Front, 15 feet.
  - B. Side, eight feet/20 feet total.
  - C. Rear, 15 feet.
  - D. From abutting use or district, 30 feet.
- 4. Maximum building coverage, 60%.
- 5. Floor area ratio, 60%.
- 6. All uses district maximum impervious surface, 80%.

(Ord. 922, 9/17/1996, Art. XIV, §1402; as amended by Ord. 988, 8/16/2004)

**§27-1404. Parking.**

All parking shall meet the applicable provisions of Part 21.

(Ord. 922, 9/17/1996, Art. XIV, §1403)

**§27-1405. Trash and Refuse Facilities.**

All uses in this district shall provide for the safe and sanitary storage of trash, refuse and garbage either inside the building or outdoors. Outdoor storage areas shall be screened through the use of an opaque wall, at least six feet in height but in no case higher than 10 feet, surrounding the storage area.

(Ord. 922, 9/17/1996, Art. XIV, §1404)

**§27-1406. Conditional Use Standards.**

The following requirements shall be met for the applicable use permitted by §27-1402(2):

- A. Gasoline stations with or without automobile servicing and/or mini-market.
  - (1) Minimum lot area, 1/2 acre.

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- (2) Maximum building area, 80%.
  - (3) Height regulations, see §27-1303(3).
  - (4) All servicing and parts storage shall take place in an enclosed building.
  - (5) All required parking shall be provided on the premises.
  - (6) No unregistered or unlicensed vehicles are permitted on the premises.
  - (7) No vehicle sales or rentals are permitted.
  - (8) Vehicles awaiting repair shall not be stored outdoors for more than one week.
- B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.
- (1) Minimum lot area, 10,000 square feet.
  - (2) The requirements of §27-1504 (Development Regulations) and §27-1505 (Performance Standards) shall be met.
  - (3) All assembly/repair work shall take place within an enclosed building.
  - (4) No outdoor storage is permitted.

(Ord. 922, 9/17/1996, Art. XIV, §1405)

**PART 15**

**I – INDUSTRIAL DISTRICT**

**§27-1501. Statement of Intent.**

It is the intent of this Part to:

- A. Recognize that residences and light industrial uses coexist in an area zoned light industrial and to therefore provide performance standards, setback regulations and buffering requirements to ensure that the type and scale of industrial development will be compatible with the neighboring residential development.
- B. Provide for the orderly development and redevelopment of a variety of non-polluting, small-scale industries and offices and prohibit the development of noxious, offensive and nuisance industries.

(Ord. 922, 9/17/1996, Art. XV, §1500)

**§27-1502. Use Regulations.**

1. Permitted Uses.

- A. Any use permitted in the C – Commercial District except hotel or motel, rooming house, tourist home or dwelling unit or gasoline service station.
- B. Wholesaling, warehousing, distributing, storage and sale of lumber, plumbing, other building materials and supplies (excluded heated tar), ice, monuments, cold storage plant, frozen food locker, research and development facility, except those involving animals.
- C. Light manufacturing of beverages, confections, food products (exclusive of meat, poultry and fish packing and the rendering or refining of fats and oils), cosmetic and pharmaceuticals.
- D. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.
- E. Accessory uses, in accordance with §27-407 of this Chapter.

2. Special Exception Uses.

- A. Any use of the same general character as any of the uses hereinabove specifically permitted, provided they meet the intent of this district.

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- B. Manufacturing, processing or assembly of textiles, lumber and wood products, paper and allied products, rubber and miscellaneous plastic products, stone, clay and glass products, sporting goods and signs. Under no circumstance shall the manufacture or assembly of stone products include the crushing of stone.
  - C. Printing, publishing, lithographing and similar processes.
3. Prohibited Uses.
- A. Abattoir.
  - B. Acetylene gas manufacture and/or storage.
  - C. Acid manufacture (hydrochloric, nitric, picric, sulfanilic, carbolic).
  - D. Ammonia.
  - E. Ammunition manufacture and/or storage.
  - F. Arsenal.
  - G. Asphalt manufacture or refining.
  - H. Blast furnace.
  - I. Bone distillation.
  - J. Celluloid manufacture.
  - K. Cement, lime gypsum or plaster of Paris manufacture.
  - L. Coal distillation.
  - M. Coke ovens.
  - N. Creosote treatment or manufacture.
  - O. Dead animals and offal reduction.
  - P. Distillation of bones, coal, petroleum, refuse, grain or wood.
  - Q. Distillation of gas.
  - R. Explosives, fireworks or gunpowder manufacture or storage.
  - S. Fat rendering.



- T. Fertilizer manufacturer.
- U. Forge plant.
- V. Hog farm.
- W. Incineration, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals, offal.
- X. Oil cloth and linoleum manufacture.
- Y. Ore reduction.
- Z. Petroleum or kerosene refining, distillation or derivation of by-products and/or storage.
- AA. Potash works.
- BB. Power force (riveting, hammering, punching, chipping, drawing, rolling or tumbling) of iron, steel, brass or copper, except as a necessary incident of manufacture which these processes form a minor part and which are carried on without objectionable noise outside the plant.
- CC. Rolling mill.
- DD. Steel furnace, blooming or rolling mill.
- EE. Stockyards.
- FF. Tar distilling or manufacture.
- GG. Truck terminal.
- HH. Automobile salvage or junkyard.
- II. Recyclable materials, recycling operation. The recovery of any road materials from a roadway, including rocks, asphalt, concrete, and the stone bed thereof, and bringing them back to a property in the industrial district for subsequent disposition elsewhere, constitutes recycling and is prohibited.
- JJ. Salvage.
- KK. Solid waste disposal facility, scrap processor.
- LL. Any use determined by the Borough to be of similar character as any of the above excluded uses.

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MM. Stone crushing. For purposes of this Section, "stone crushing" means the breaking of any rock, stone, mineral, or recovered road surface into smaller pieces either manually or mechanically, and the definition also includes the use of any vibrator, vibrating conveyor belt, or other machine that aids in the process of stone crushing.

(Ord. 922, 9/17/1996, Art. XV, §1501; as amended by Ord. 961, 4/15/2002; by Ord. 964, 9/16/2002, §1; by Ord. 976, 3/18/2003, §§1,2; by Ord. 991, 8/15/2005; and by Ord. 1025, 10/21/2008)

### **§27-1503. Dimensional Regulations.**

1. Minimum Lot Area and Width. For uses permitted in §27-1502(1) there shall be a minimum lot area of 2,500 square feet with a minimum lot width of 25 feet. For all other uses permitted in §27-1502, there shall be a minimum lot size of 5,000 square feet with a minimum lot width of 50 feet.
2. Building Area.
  - A. Maximum impervious coverage, 60%.
  - B. Maximum floor area ratio (FAR), 40%.
3. Minimum Yards.
  - A. Front, 20 feet.
  - B. Side, 10 feet/25 feet total.
  - C. Rear, 20 feet.
4. Lots Abutting Residential Uses and Districts. No building or structure shall be erected closer than 25 feet to any residential district or 10 feet to an existing residence. At least 10 feet of that setback must be a planted buffer (except the area needed for vehicular or pedestrian passage), in accordance with the applicable landscaping standards of the Subdivision and Land Development Ordinance [Chapter 22].
5. Height Regulations. The maximum height of buildings and other principal structures erected or enlarged in this district shall be 40 feet. Ancillary structures may be increased up to 70 feet; provided, that for every foot of height above 40 feet there shall be added to each yard requirement one corresponding foot of width or depth.

(Ord. 922, 9/17/1996, Art. XV, §1502)

**§27-1504. Development Regulations.**

1. Public Utilities. All uses shall be capable of being served by public sewer and water facilities.
2. Access. A planned system of efficient ingress, egress and internal circulation of traffic shall be required. Loading and unloading areas shall be provided off-street and arranged so that they may be used without blocking or interfering with the use of driveways or parking areas. No loading and unloading area shall be permitted closer than 25 feet to any residential use or district.
3. Signs. All signs shall meet the applicable requirements of Part 20.
4. Lighting. Lighting shall be arranged in a manner which will protect adjacent roads and neighboring properties from direct glare.
5. Service. Areas for refuse collection and recycling shall be provided. All solid waste material shall be stored in covered containers, no closer than 10 feet from any property line. Refuse collection areas shall be screened from direct view of any adjacent property by walls a minimum of six feet in height.
6. Parking. Parking shall be provided for all industrial district uses in accordance with the requirements of Part 21. No parking shall be permitted closer than 15 feet to any front lot line nor closer than 25 feet to any residential use or district.
7. Landscaping. All areas delineated as 15 and 25 foot parking setbacks for industrial uses, except those necessary for vehicular and pedestrian passage, shall be maintained as green areas, in accordance with the applicable landscaping standards of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996, Art. XV, §1503)

**§27-1505. Performance Standards.**

All permitted uses within the industrial district shall comply with the following standards wherever applicable.

- A. Air Pollution Control. All uses shall comply with the standards of the Air Pollution Control Act, 35 P.S. §§4001-4015, as amended, and the following standards:
  - (1) Visible Emissions. Visible air contaminants shall not be emitted in such a manner that the capacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour or equal to or greater than 60% at any time and shall comply with 25 Pa, Code 25, Chapter 127.A(7), or its most recent update.

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- (2) Particulate, Vaporous and Gaseous Emissions. No person shall cause, suffer or permit the emission of fugitive particulate, vaporous or gaseous matter from any source in such a manner that the emission is visible or detectable outside the property of the person where the source is being generated.
- (3) Hazardous Air Emission. All emissions shall comply with National Emission Standards for Hazardous Air Pollutants promulgated by the U.S. Environmental Protection Agency under the Federal Clean Air Act (42 USCA, §7412) as promulgated in 40 CFR Part 61, or its most recent update.
- (4) Odor.
  - (a) No person shall cause, suffer or permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person where the source is being generated.
  - (b) Any process which causes an odor emission shall be operated in a manner such that escaping odors are eliminated. Backup odor reduction equipment shall be maintained to support primary odor reduction equipment.

B. Noise Control. At no point on the boundary of any nonindustrial property shall the sound level of any operation exceeded the described levels of the designated octave bands shown below for the districts indicated. Objectionable noises, due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

Octave Band in Cycles per Second	Along Residential District Boundaries- Maximum Permitted Sound Level in Decibels	At Any Other Point on the Lot Boundary-Maximum Permitted Sound Level in Decibels
0 to 75		72-79
75 to 150	67	74
150 to 300	59	66
300 to 600	59	62
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

- C. Vibration Control. No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.
- D. Glare or Heat Control. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines.
- E. Control of Radioactivity or Electrical Disturbance. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property boundary of the creator of such disturbance. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of radioactive materials, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223; and 225 Title 25, Article V, Pennsylvania Department of Environmental Protection. Rules and Regulations, as amended.
- F. Fire and Explosive Hazards. Flammable and explosive materials shall be stored, used and transported in accordance with the applicable State and Federal Regulations regarding such materials and associated storage vessels.
- G. Outdoor Storage.
  - (1) All outdoor storage facilities for fuel, flammable or explosive materials and raw materials shall be enclosed by a fence adequate to prevent the access of children and other members of the general public.
  - (2) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
  - (3) All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, sealed containers.
  - (4) No materials or wastes of any form may be stored in a floodplain area.
- H. Waste Disposal. Industrial wastes shall not be stored, discharged, incinerated or otherwise disposed of except in conformance with the applicable State and Federal regulations regarding solid and hazardous wastes.

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(Ord. 922, 9/17/1996, Art. XV, §1504; as amended by Ord. 941, 2/15/1999, §2; and by Ord. 991, 8/15/2005)

### **§27-1506. Application and Review by the Planning Commission; Approval or Disapproval by the Borough Council.**

1. Plans for any industrial use shall be submitted to the Planning Commission prior to the issuance of any zoning permit or certificate of occupancy. Such plan shall include the following:
  - A. A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, waste disposal area and other constructed features on the lot, all buildings, streets, alleys, streams, floodplains, wetlands, hazardous waste sites identified by the Environmental Protection Agency and other topographical features of the lot and within 200 feet of any lot line.
  - B. Architectural plans for any proposed buildings.
  - C. A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, industrial waste hazards and other safety hazards. This should include engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air or water pollution, vibration, fire hazards, industrial wastes and other safety hazards, all of which must comply with the performance standards listed in §27-1505 above.
  - D. Engineering and architectural plans for the treatment and disposal of sewage.
  - E. Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke.
  - F. The proposed number of shifts to be worked and the maximum number of employees on each shift.
  - G. Any other pertinent data or evidence that the Planning Commission may require.
2. The Planning Commission shall review all plans for industrial uses submitted to them and shall submit these plans, with recommendations thereupon, to the Borough Council for final action.
3. Upon receipt of plans for any industrial use and recommendations thereupon by the Borough Planning Commission, the Borough Council shall have the power of approval or disapproval of these plans. The Borough Council shall notify the Zon-

ing Officer, in writing, of the Council's final decision and any special conditions agreed upon regarding the proposed industrial use.

(Ord. 922, 9/17/1996, Art. XV, §1505)





**PART 16**

**OFFICE CAMPUS DISTRICT**

**§27-1601. Statement of Intent.**

It is the intent of this district to:

- A. Encourage new development and uses that can stimulate economic revitalization, in accordance with the Ambler Borough Comprehensive Plan
- B. Reestablish South Ambler as a focal point for employment opportunities.
- C. Provide for office and directly related uses in close proximity to public transportation and a major road.
- D. Allow for uses that best meet the needs of those persons who wish to take advantage of the district's proximity to the rail line and major road.
- E. Provide for development that compliments the established Borough character and minimizes adverse impacts.

(Ord. 922, 9/17/1996, Art. XVI, §1600; as amended by Ord. 951, 12/18/2000, §1600).

**§27-1602. Use Regulations.**

A lot may be used for any one or combination of uses in the Use Chart.

(Ord. 922, 9/17/1996, Art. XVI, §1601; as amended by Ord. 951, 12/18/2000, §1601)

**§27-1603. Dimensional Requirements.**

Development standards for the uses identified on the Use Chart, unless otherwise noted below, shall be as follows:

- A. All commercial uses must comply with the development standards of Part 13, C – Commercial District.
- B. All industrial uses must comply with the development standards of Part 14, O – Office District.
- C. Any more restrictive provision stated herein shall control.
  - (1) Minimum lot area, one acre.

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- (2) Minimum lot width, 200 feet.
- (3) Maximum building coverage, 50% except where a development bonus is granted in accordance with §27-1605(18).
- (4) Maximum impervious coverage, 75% except where a development bonus is granted in accordance with §27-1605(18).
- (5) Maximum building height, 50 feet.
- (6) Minimum Yards.
  - (a) Front, 20 feet.
  - (b) Side, 10 feet/25 feet total.
  - (c) Rear, 20 feet.

(Ord. 922, 9/17/1996, Art. XVI, §1602; as amended by Ord. 951, 12/18/2000, §1602)

### **§27-1604. Development Regulations.**

1. Ownership. The property to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the tract and it shall be agreed that the tract will be developed under single direction in accordance with an approved plan.
2. Development Mix.
  - A. The primary use of a floor area shall encompass 90% of the floor area, with conditional or accessory uses constituting not more than 10% of the total floor area.
  - B. As an incentive to provide commercial use, the bonus provisions of Subsection (18) may be used; provided, that the use(s) shall occupy at least a portion of ground floor space and, wherever possible, be along the side of the building(s) with street frontage, subject to the 10% limitation stated in the preceding subsection.
3. Land Development. All office campus use proposals (new land development or reuse of an existing building) shall show in sufficient detail the proposed distribution of use(s), both for the site generally and for each building.
4. Phasing. An office campus development may be completed in phases according to a phasing plan approved by Borough Council and executed in accordance with a development agreement.

5. Sewer and Water Facilities. All buildings shall be served by public sewer and water systems.
6. Traffic Impact Analysis. A traffic impact analysis shall be completed for all proposed developments. If a change in use(s) is proposed at any point during development of the office campus project, a new traffic impact analysis may be required. The analysis shall be prepared by a professional traffic engineer and, at a minimum, address the following items:
  - A. Traffic impact on adjacent and nearby roads and intersections.
  - B. Description of traffic characteristics of the proposed development.
  - C. Traffic volumes for average daily traffic at peak hours (pre and post development).
  - D. Source of trip generation rates used.
  - E. Documentation of onsite and offsite improvements needed and proposed to mitigate impacts.
7. Access. Each development shall have physical access to a public street. Developers are encouraged to share access points and/or driveways, where this is proposed, the bonus provisions of Subsection (18) may be used. However, to qualify for a bonus, the lots must share a primary access point and/or driveway. Additional, secondary access points and driveways shall not be eligible.
8. Parking and Loading. Required parking and loading shall be in accordance with Part 21, including the use of common and/or offsite parking facilities. Where common or offsite parking is proposed, the bonus provisions of Subsection (18) may be used. In the event that some or all required parking is proposed for the ground floor of a building, no more than 50% of the space along the front side may be used. The remaining area, extending to a minimum depth of 25 feet, shall be reserved for other purposes.
9. Pedestrian Circulation. A convenient, safe and coordinated system of pedestrian access shall be provided through the extension of sidewalk or similar walkways. This system shall link buildings, parking areas, open space, public transportation and other nearby destination points.
10. Outdoor Display/Sales. Outdoor display and sales shall be limited to the following commercial uses; provided, pedestrian circulation and building access is not impaired, produce shop or market, florist shop. Any area used shall be counted as floor space for the purposes of computing parking needs.
11. Outdoor Seating. A restaurant or similar food service operation may provide outdoor seating; provided, pedestrian circulation and building access is not impaired and the following standards are met:

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- A. Removable enclosures, such as planters, shall be used to define the area.
  - B. Tables, chairs and related furniture must be removable and indoor storage provided for extended period of non-use (e.g., winter months).
  - C. Extended awnings, canopies or umbrellas may be used to provide cover and shade.
  - D. Additional trash receptacles shall be provided and maintained.
  - E. No additional signage beyond what is allowed for the use is permitted.
12. Solid Waste. All solid waste facilities shall be located no closer than 10 feet from any property line and a site element screen provided in accordance with the landscape planting requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].
13. Signs. All signs shall meet the requirements of §§27-2003, 27-2006, 27-2007 and 27-2008 of this Chapter.
14. Lighting. All lighting facilities shall be arranged to minimize disturbance to adjacent properties and vehicle and pedestrian traffic, by either location or glare. The applicant shall demonstrate that the least intrusive type and amount of lighting is being used.
15. Landscaping. Landscape planting shall be provided in accordance with the requirements and standards of the Subdivision and Land Development Ordinance [Chapter 22].
16. Public Amenities. To encourage the provision of the public amenities such as parkland, central plazas or courtyards and public parking, the provisions of Subsection (18) may be used. To be eligible, the amenity must have a clear public purpose or benefit, as determined by the Borough.
17. Building Design Standards and Guidelines. For all projects involving new construction or renovation of an existing building, the use of exterior architectural design features and details is encouraged, provided they are applied consistently. However, any new building with a length exceeding 200 feet shall be designed to incorporate a front facade and/or roof variation. For the facade, a minimum three foot (depth) off-set shall be created for every 50 feet of continuous facade and extend from grade to the top of the facade. In the case of roof variation, the variation may involve the roof plane, ridge line or both. The variation used shall be designed as an integral part of the roof, not an incidental feature such as a utility pipe or vent. Where the ridge line is affected, the vertical variation shall not be less than one foot.

18. Development Bonus. As provided for in Subsections (2),(7),(8) and (16) above, a development bonus will be granted, in accordance with the following:
  - A. Application of any one of the qualifying provisions, an increase in the maximum building coverage of 5% and an increase in the maximum impervious coverage of 5%.
  - B. Application of any combination of qualifying provisions, an increase in the maximum building coverage of 5%, a reduction in the minimum required lot width of 15% and an increase in the maximum impervious coverage of 5%.
  - C. A single, one-time bonus shall be granted for each qualifying proposal.

(Ord. 922, 9/17/1996, Art. XVI, §1604; as amended by Ord. 951, 12/18/2000, §1604)

**§27-1605. Conditional Use Standards.**

1. Accessory food and retail sales as allowed elsewhere herein:
  - A. Hours of operation, 8:00 a.m. – 12:00 a.m.
  - B. Food and retail sales may be provided as accessory uses in accordance with the following regulations in addition to the nonprimary use limitations elsewhere set forth:
    - (1) The food and/or retail sales area shall be located indoors and within the same structure as the principal use. The area used for food or retail sales shall not exceed 10% of the gross floor area.
    - (2) Food service or retail sales shall be conducted by the same ownership and under the same lease as the principal use.
    - (3) Retail sales and food service shall have the same hours of operation as the principal use, unless the primary hours of operation are longer than those set forth above, in which case the hours set forth herein shall control.
  - C. The performance standards of §27-1505 shall be met.
2. Educational Use.
  - A. The performance standards of §27-1505 shall be met.
  - B. All operations shall be conducted indoors.
  - C. Retail sales and food service are permitted only as an accessory use.

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**OC – OFFICE CAMPUS DISTRICT (As Per §27-1602)**

	<b>USE</b>		
	<b>By Right</b>	<b>Conditional Use</b>	<b>Accessory Use Only</b>
Professional/Administrative Office	X		
Office Building	X		
Financial Institution	X		
Day Care			X
Personal/Professional Service		X	
Training Center		X	
Printing/Publishing		X	
Private Parking Lot and Garage			X
Cafe, Deli, Snack Bar		X	
Light Manufacturing and Assembly			X

All conditional and accessory uses have a limit of 10% floor area as relates to the 90% Office Campus Use which is primary. No accessory or conditional use can be a free-standing venture.

(Ord. 922, 9/17/1996, Art. XVI, §1604; as amended by Ord. 951, 12/18/2000, §1604)

**PART 17**

**IN – INSTITUTIONAL DISTRICT**

**§27-1701. Statement of Intent.**

It is the intent of this Part to:

- A. Provide suitable areas within the Borough to accommodate medical, educational, religious or similar institutional uses.
- B. Provide development standards which ensure the compatibility of adjacent land uses and which will minimize any adverse traffic or environmental impacts.

(Ord. 922, 9/17/1996, Art. XVII, §1700)

**§27-1702. Use Regulations.**

1. Permitted Uses.

- A. Churches, chapels, convents, monasteries or other religious institutions and their adjunct residential dwellings.
- B. Public and private elementary and secondary schools, colleges, universities and theological schools.
- C. Offices for educational, fraternal, professional, religious and nonprofit institutions or organizations.
- D. Hospitals, sanitarium and other medical facilities.
- E. Child day care facility.
- F. Adult day care facility.
- G. Adult/elderly nursing care facility.
- H. Government offices and facilities.
- I. Accessory uses, in accordance with §§27-407 and 27-409 of this Chapter.

2. Conditional Use.

- A. Professional offices which are low intensity in nature, defined here as having a number of occupants, anticipated daily trip generation and overall im-

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pact on the neighborhood not inconsistent with expressly permitted uses, shall be permitted in the Institutional District as a conditional use where the location, size and operating characteristics of the proposed professional office will be compatible with and not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures or natural resources, with consideration given to:

- (1) Harmony in scale, bulk, coverage and density.
  - (2) The availability of public facilities, services and utilities.
  - (3) The harmful effect, if any, on desirable neighborhood character.
  - (4) The generation of traffic and the capacity and physical character of surrounding streets.
  - (5) The suitability of the site for the type and intensity of the proposed use or development.
  - (6) Any other relevant impact of the proposed use.
- B. In order to effectuate the above criteria, Council may require any or all of the following, as applicable:
- (1) Preservation of the front facade of any existing building.
  - (2) Location of any building additions in the rear and consistent in size and scope with the existing building.
  - (3) Preservation of any existing front yard as landscaped open space.
  - (4) No front yard impervious surface, except for sidewalks and pedestrian walkways.
- C. The potential impacts as described above and the location of the proposed use will be compatible with the goals of the Borough's Comprehensive Plan.
- D. When the applicant ceases to occupy the premises, the conditional use permit shall expire and a subsequent occupant must apply for and be granted a new conditional use, subject to the criteria herein.

(Ord. 922, 9/17/1996, Art. XVII, §1701; as amended by Ord. 978, 6/16/2003, §§1,2)

### **§27-1703. Dimensional Regulations.**

For dwelling units which are part of a religious institution, but are separately lotted, the zoning regulations of the nearest residential district shall apply.



- A. Minimum lot area, one acre.
- B. Minimum lot width, 125 feet.
- C. Minimum Yards.
  - (1) Front, 50 feet.
  - (2) Side, 20 feet each.
  - (3) Rear, 20 feet.
- D. Maximum building coverage, 20%.
- E. Maximum floor area ration (FAR), 50%.
- F. Maximum impervious coverage, 60%.
- G. Height Regulations. The maximum height of any building shall be 55 feet, except that the height may be increased when authorized by the Zoning Hearing Board for ancillary structures such as towers, chimneys, radio antenna; provided, that for every foot of height in excess of 55 feet there shall be added to each yard requirement one corresponding foot of width or depth.

(Ord. 922, 9/17/1996, Art. XVII, §1702)

**§27-1704. Parking Requirements.**

All parking for uses permitted in this district shall be provided off-street.

- A. Church, public auditorium, assembly or meeting room or other similar place of public or private assembly, one space for every five seats or one space for 50 square feet of total floor area, whichever is greater.
- B. Elementary or intermediate school, two spaces per classroom.
- C. High school, five spaces per classroom.
- D. Adult day care facility, one space per 10 occupants, plus one per employee on the largest shift. A minimum of one safe drop-off space shall be provided for every 20 occupants
- E. Child day care facility, one space per 10 occupants, plus one per employee on the largest shift. A minimum of one safe drop-off space shall be provided for every 20 occupants.

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- F. Adult/elderly nursing care facility, one space per two beds, plus one per employee on the largest shift.
- G. Hospitals and other medical facilities, one space per two beds, plus one per employee on the largest shift.
- H. Offices for institutions, one space per 200 square feet of gross floor area.
- I. Low intensity professional offices, one space per 250 square feet of gross floor area.

(Ord. 922, 9/17/1996, Art. XVII, §1703; as amended by Ord. 978, 6/16/2003, §3)

### **§27-1705. Landscaping.**

Buffers and screens shall be provided where required by the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996, Art. XVII, §1704)

### **§27-1706. Lighting.**

Lighting shall be arranged in a manner which protects adjacent roads and properties from direct glare.

(Ord. 922, 9/17/1996, Art. XVII, §17050)

### **§27-1707. Application and Review by the Planning Commission; Approval or Disapproval by the Borough Council.**

The provisions of §27-1506 shall apply.

(Ord. 922, 9/17/1996, Art. XVII, §1706)

**PART 18**

**OS – OPEN SPACE DISTRICT**

**§27-1801. Statement of Intent.**

It is the intent of this Part to:

- A. Promote the preservation of land which because of location or natural features have a unique character for open space and recreation purposes and to facilitate and provide for the conservation of significant natural resources.
- B. Permit and encourage the retention of existing and potential open space and recreation areas and significant natural resources.
- C. Establish reasonable standards of performance in order to maintain the desirable benefits of open space, recreation and conservation areas.
- D. Ensure that the uses in this district will not have any adverse effect on natural amenities or in abutting residential areas.
- E. Relate open space, recreation and conservation areas to existing residential areas and to existing or potential open space areas on adjacent tracts to assure consistency of use and lack of conflict between areas.

(Ord. 922, 9/17/1996, Art. XVIII, §1800)

**§27-1802. Use Regulations.**

Publicly owned land may be used or occupied and buildings and structures, as accessory thereto, may be erected or used for any of the following purposes:

- A. Natural open space uses primarily of a passive nature and conducted outdoors. such as wildlife sanctuary, woodland preserve, outdoor education and similar uses.
- B. Parks and recreation areas providing facilities of a passive or nonintensive nature, including hiking, bicycling, swimming, ice skating, picnic areas, playing fields and similar uses.
- C. Historic sites or buildings, which are open for public viewing and inspection and provided that they meet the development regulations contained in §27-1803.

(Ord. 922, 9/17/1996, Art. XVIII, §1801)

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### **§27-1803. Development Standards.**

1. **Open Space Character.** The buildings and/or uses shall preserve to the maximum extent possible all floodplain, stream valleys, wooded areas and similar environmentally sensitive areas and shall be planned to minimize the intensity of the development. After development, the site shall basically retain an open character.
2. **Commercial Activity.** No commercial activity shall be permitted except for charging of admission, the sale of refreshments or other such purposes as are clearly incidental to the permitted outdoor activity. Each permitted commercial activity shall be located or screened to minimize visibility from a public street.
3. **Off-Street Parking.** The provisions of Part 21 shall apply to all uses in this district. In the event that the use contemplated is not specifically covered by the terms of Part 21, adequate off-street parking must be shown on the development plan to accommodate the maximum number of persons expected to be using the facilities on a day to day basis.
4. **Signs.** No billboards, signs or permanent external advertising displays of any kind shall be erected, altered or used in this district except for those advertising, informing of service, business, occupation or profession carried in or about the property on which the advertisement appears. All requirements of Part 20 must be met.
5. **Public Convenience Facilities.** In any facility or recreation area that is open to the public, toilet facilities, drinking fountains, seating accommodations and similar facilities shall be provided for the satisfactory accommodation of all persons customarily using the proposed facilities or recreation area.
6. **Maximum building coverage, 5%.**
7. **Maximum building height, 20 feet.**

(Ord. 922, 9/17/1996, Art. XVIII, §1802)

### **§27-1804. Plan Submission.**

Plans for any open space use shall be submitted to the Planning Commission, which shall make recommendations to the Borough Council. Such plans shall be drawn to a uniform scale and shall show:

- A. The boundaries of the area, the nature of the recreational facility and outline of existing and proposed buildings or structures, the parking area, means of ingress and egress, sanitary arrangements and the provision for drainage.

- B. The shape and dimensions of all buildings and structures together with plans and specifications.
- C. The appearance of the buildings or structures on conversion or completion as well as any signs to be attached thereto or to be located on the premises.
- D. The landscaping of the premises.

(Ord. 922, 9/17/1996, Art. XVIII, §1803)



**PART 19**

**FLOODPLAIN CONSERVATION DISTRICT**

**§27-1901. Statement of Intent.**

It is the intent of this Part to:

- A. Conserve and protect floodplain areas, as defined herein, subject to and necessary for the containment of flood waters.
- B. Permit and encourage the use of floodplain areas for open space purposes so as to constitute a harmonious and appropriate aspect of the continuing physical development of the Borough of Ambler.
- C. Combine with other zoning requirements, as an overlay, certain restrictions for flood prone areas to promote the general health, safety and welfare of the Borough.
- D. Prevent inappropriate development in flood prone areas made unfit for human usage by reason of danger from flooding.
- E. Minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood prone areas and promoting safe and sanitary drainage.
- F. Permit only those uses that are compatible with development of flood prone areas, as herein defined, and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at, above or below their locations along the floodplains.
- G. Protect those individuals who choose, despite the cited flood dangers, to develop or occupy land on a floodplain.
- H. Provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.
- I. Protect individuals and adjacent landowners in the Borough and/or other municipalities both upriver and downriver from damages resulting from inappropriate floodplain development and the resultant obstruction or increase in flow of flood waters.
- J. Protect the entire Borough from uses of land which could increase the necessity for expenditures for public works and disaster relief and adversely affect the economic well-being of the Borough.

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- K. Promote the ecological balance among those natural systems elements, such as wildlife, vegetation and aquatic life, which are dependent upon water-courses and water areas.
- L. Protect other municipalities within the same watershed from the impact of improper development and the resultant increased potential for flooding.
- M. Provide retention areas for the temporary storage of floodwaters.
- N. Require that uses vulnerable to floods, including public facilities, be constructed so as to be protected from flood damage in accordance with the requirements of the Federal Flood Insurance Program, P.L. 90-448, and Pennsylvania Floodplain Management Act. P.L. 851, No. 166 of 1978, and as either is amended.

(Ord. 922, 9/17/1996, Art. XIX, §1900)

### **§27-1902. Boundary Definition of Floodplain Conservation District.**

The FP – Flood Plain Conservation District – is defined and established as follows:

- A. The low are adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as subject to inundation by the one-hundred-year flood. The source of this delineation shall be the Flood Insurance Study for Ambler Borough, Montgomery County, Pennsylvania, prepared by the Federal Emergency Management Agency, Federal Insurance Administration.
- B. Copies of the Flood Insurance Study and Flood Insurance Rate Map shall be available to the public in Borough Hall.
- C. Whenever there is a difference between the zoning map and the Flood Insurance Rate Map, the data contained in the Flood Insurance Rate Map shall determine the boundary of the Floodplain Conservation District.
- D. The identified floodplain area shall be those areas of Ambler Borough which are subject to the one-hundred-year flood, as identified in the Flood Insurance Study (FIS) dated August 18, 1992, and the accompanying maps prepared for the Borough by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof.
- E. The identified floodplain area shall consist of the following specific areas:
  - (1) FW (Floodway Area). The areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other



available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

- (2) FF (Flood Fringe Area). The remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
  - (3) FE (Special Floodplain Area). The areas identified as Zone AE in the Flood Insurance Study, where one-hundred-year flood elevations have been provided, but no floodway has been delineated.
- F. FA (General Floodplain Area). The areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided. When available, information from other Federal, State and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- G. Within Any AO Area. Special floodplain area of shallow flooding, the following provisions apply:
- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
  - (2) All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified) or be completely floodproofed to that level and is required in Subsection (1) above.
- H. The identified floodplain areas may be revised or modified by the Borough where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
- I. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Borough. The burden of proof shall be on the appellant.

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(Ord. 922, 9/17/1996, Art. XIX, §1901; as amended by Ord. 925, 1/21/1997, §5)

### **§27-1903. Floodplain Conservation District Overlay.**

- A. The floodplain conservation district shall be deemed to be an overlay on any zoning districts(s) now or hereafter enacted to regulate the use of land in the Borough.
- B. The floodplain conservation district shall have no effect on the permitted uses in the underlying zoning district, except where the uses are intended to be located within the boundaries of the floodplain conservation district, as defined herein, and the uses are in conflict with the permitted uses set forth in this Part.
- C. In those areas of the Borough where the floodplain conservation district applies, the requirements of the floodplain conservation shall supersede the requirements of the underlying zoning district(s).
- D. Should the floodplain conservation district boundaries be revised as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall be revert to the requirements of the underlying zoning district(s) without consideration of this Part.
- E. Should the zoning classification(s) of any parcel or any part thereof on which the floodplain conservation district is an overlay be changed, as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the floodplain conservation district, unless an amendment to the boundaries was included as part of the proceedings from which the subsequent change(s) originated.

(Ord. 922, 9/17/1996, Art. XIX, §1902)

### **§27-1904. Boundary Interpretation and Appeals Procedure.**

- 1. An initial determination as to whether or not the floodplain conservation district applies to a given parcel shall be made by the zoning officer.
- 2. Any party aggrieved by the decision of the Zoning Officer, either because of an interpretation of the exact location of the floodplain conservation boundary or because the criteria used in delineating the boundary, as set forth in §27-1902, is or has become incorrect because of changes due to natural or other causes, may appeal the decision to the Zoning Hearing Board as provided for in Part 23 of this Chapter.

3. The burden of proving the incorrectness of the Zoning Officer's decision shall be on the appellant.

(Ord. 922, 9/17/1996, Art. XIX, §1903)

**§27-1905. Permitted Uses.**

1. Wildlife sanctuary, woodland preserve, arboretum and passive recreational areas, including parks but excluding enclosed structures.
2. Forestry and reforestation in accordance with recognized soil conservation practices.
3. Pasture and controlled grazing of animals in accordance with recognized soil conservation practices. Provided, however, that animals deemed by Borough Council to be dangerous or offensive may be excluded with the concurrence of the game warden having jurisdiction over the given area.
4. Recreational uses, including hiking, bicycling, bridle trials, camps and picnic areas, but excluding enclosed structures.
5. Outdoor plan nursery or orchard in accordance with recognized soil conservation practices.
6. Cultivation and harvesting of crops in accordance with recognized soil conservation practices.
7. Non-structural accessory uses (except swimming pools) necessary for the operation and maintenance of the above uses.
8. Front, side and rear yards and required lot area in the underlying zoning district(s), provided such yards are not to be used for an onsite sewage disposal system. The minimum setback of any structures from the edge of any watercourses shall be determined by the front, side or rear yard requirements in the underlying zoning district(s). Should this unduly restrict the development of the land in questions, the minimum setback requirement may be modified upon a determination by the Borough Engineer. In no case, however, shall the modification encroach upon the floodplain as defined in §27-1902.
9. Uses similar to the above which are in accordance with the intent of this Part.

(Ord. 922, 9/17/1996, Art. XIX, §1904)

**§27-1906. Uses Permitted by Special Exception.**

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The following uses may be permitted by a special exception from the Zoning Hearing Board, upon the condition that no use permitted by special exception shall increase the elevation of the 50 year frequency recurrent interval flood or the established flood level by more than one foot at any point.

- A. Recreational use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas, golf courses, fishing areas, sport or boating clubs, not to include enclosed structures except bathroom facilities, but permitting piers, docks, floats, or unenclosed shelters usually found in developed outdoor recreational areas.
- B. Sewage treatment plant, outlet installations for sewage treatment plants and sewage pumping stations, upon review by the Borough Engineer and approval by the appropriate sewer authorities and the Pennsylvania Department of Environmental Protection, when accompanied by proof the necessity for locating within the boundaries of the floodplain conservation district.
- C. Sealed public water supply wells, upon review of the Borough Engineer and the Pennsylvania Department of Environmental Protection.
- D. Dams, culverts and bridges with the approval of appropriate authorities with jurisdiction such as the Pennsylvania Department of Environmental Protection.
- E. Sanitary or storm sewers and impoundment basins, upon review of the Borough Engineer and the Pennsylvania Department of Environmental Protection.
- F. Roads, driveways and parking facilities, subject to the following:
  - (1) Roads and driveways shall not be permitted if there is a reasonable alternative alignment. In any case, use of pervious rather than impervious materials is encouraged, although the Zoning Hearing Board shall review each proposal to determine the appropriate materials to use.
  - (2) Parking facilities shall not be permitted unless satisfactory evidence is submitted that the parking will not be utilized during periods of flood flow and thus will pose no threat to the safety of the vehicles, their users, or downstream properties. Temporary parking for periods not to exceed one hour or parking for recreational uses are examples of potential exceptions. In any case, use of pervious rather than impervious materials is encouraged, although the Zoning Hearing Board shall review each proposal to determine the appropriate materials to use.

- G. Grading or regrading of lands, including the deposit of topsoils and the grading thereof. The application for a special exception for such a use shall be accompanied by the following:
  - (1) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question, including the data needed in order to determine whether the boundaries of the floodplain conservation district would be affected.
  - (2) An application for amending the boundaries of the floodplain conservation district if the boundaries are affected by the grading or regrading of land.
  - (3) A plan indicating the disposition of any fill or materials proposed to be deposited by the grading or regrading of land. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulk-heading.
- H. Utility Transmission Lines.
- I. Fences, made of material which will not impede the flow of floodwaters and debris.
- J. Uses similar to the above which are in compliance with the intent of this Part.

(Ord. 922, 9/17/1996, Art. XIX, §1905; as amended by Ord. 991, 8/15/2005)

**§27-1907. Prohibited Uses.**

- 1. Freestanding structures, buildings and retaining walls except as approved by special exception under the provisions of §27-1908(2). Flood retention dams, culverts and bridges except as approved by the Pennsylvania Department of Environmental Protection and Borough Council following review and recommendation of the Borough Planning Commission and the Soil Conservation Service, U.S. Department of Agriculture.
- 2. The filling of or removal of topsoil from floodplain lands as defined in §27-1902, except as approved by special exception under the provisions of §27-1906(G).
- 3. The relocation of any watercourse without the approval by the Pennsylvania Department of Environmental Protection and Borough Council following review and recommendations by the Borough Planning Commission and the Soil Conservation Service, U.S. Department of Agriculture.
- 4. Onsite sewage disposal systems.

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5. Private water supply wells.
6. The following uses shall be specifically prohibited in a floodplain conservation district:
  - A. Sanitary landfills, dumps, junkyards, outdoor storage improved structure which will be used for the production, storage or maintenance of a supply of toxic chemicals, including but not limited to:
    - (1) Acetone.
    - (2) Ammonia.
    - (3) Benzene.
    - (4) Calcium carbide.
    - (5) Carbon disulfide.
    - (6) Carbon dioxide.
    - (7) Celluloid.
    - (8) Chlorine.
    - (9) Hydrochloric acid.
    - (10) Hydrocyanic acid.
    - (11) Magnesium.
    - (12) Nitric acid and oxides of nitrogen.
    - (13) Petroleum products (gasoline, fuel oil, etc.).
    - (14) Phosphorous.
    - (15) Potassium.
    - (16) Sodium.
    - (17) Sulphur and sulphur products.
    - (18) Pesticides (including insecticides, fungicides and rodenticides).
    - (19) Radioactive substances.

- B. Construction, enlargement or expansion of allo mobile home parks and mobile home subdivisions, hospital, nursing homes, jails, prisons or manufactured homes.
- C. Stripping of topsoil, ground cover, vegetation or removal of trees within 20 feet of a stream bank if this distance falls within the floodway.

(Ord. 922, 9/17/1996, Art. XIX, §1906; as amended by Ord. 925, 1/21/1997, §§8,9; and by Ord. 991, 8/15/2005)

**§27-1908. Application Procedure.**

1. For any use of land in the floodplain conservation district, except uses existing as of the date of the enactment of this Chapter, an application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application.
2. For a use other than those permitted in §27-1905, an application for approval by special exception shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
3. Any application involving the use of fill, construction of structures or storage of materials shall comply with the specific standards in both the Building Code [Chapter 5] and Subdivision and Land Development Ordinance [Chapter 22]. A general list of plan requirements follows:
  - A. A plan certified by a registered professional engineer which accurately locates the proposed use with respect to the floodplain district limits, channel or stream and existing development in the floodplain within 200 feet of the proposed development site, together with all pertinent information such as the nature of the proposal, legal description of the property fill limits and elevations and floodproofing measures including those required by the Borough Building Code [Chapter 5], as amended, and the provision of this Part.
  - B. The following additional information as deemed necessary by either the Zoning Officer or Borough Engineer for the evaluation of effects of the proposal on flood flows and floodwater storage.
    - (1) A typical valley cross-section showing the channel of the river or stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development and high water information.
    - (2) Plan surface view showing elevation or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location

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and elevations of streets, water supply, sanitary facilities, soil types and other pertinent information.

- (3) Profile showing the slope of the bottom of the channel of flow line of the stream.
- (4) Specifications for building construction and materials, "floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities."
- (5) Any structure permitted by special exception or variance shall include floodproofing measures according to the following criteria. All structures shall be:
  - (a) Firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
  - (b) Constructed so as to prevent the entrance of floodwaters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from the systems into the floodwaters. All floodproofing shall be accordance with regulations of the U.S. Army Corps of Engineers.

(Ord. 922, 9/17/1996, Art. XIX, §1907)

### **§27-1909. Standards for Approval of Uses by the Zoning Hearing Board.**

In considering a use as a special exception or variance, the Zoning Hearing Board shall consider the following:

- A. The effect of the use shall not substantially alter the cross sectional profile of the river, streams or other floodplains at the location of the proposed use.
- B. Lands abutting the waterway, both upriver and downriver, shall not be unreasonably affected by the proposed use.
- C. The general welfare or public interest of the Borough or of other municipalities in the same watershed shall not be adversely affected.
- D. Any structure permitted by special exception shall include flood proofing measures, as set forth in §27-1908(3)(B)(5).
- E. The possible danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels during the one-hundred-year flood.



- F. The danger that materials may be swept on to the other lands or downstream to the injury of others.
- G. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- H. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- I. The importance of the services provided by the proposed facility to the community.
- J. The requirements of the facility for a waterfront location.
- K. The availability of alternative locations not subject to flooding for the proposed use.
- L. The compatibility of the proposed use with existing and anticipated development
- M. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
- N. The safety of access to the property in times of flooding.
- O. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters at the site.
- P. Such other factors which are relevant to the purposes of this Chapter.
- Q. Further, the following additional standards shall be considered for approval of uses by variances:
  - (1) The Zoning Hearing Board, after deciding upon the merits of the application, may permit the application to make some reasonable use of the property in question, while ensuring that such use will not violate the basic objectives of this Part.
  - (2) Any uses permitted by variance shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water. The first floor elevation of all structures shall be not less than the regulatory flood elevation.
  - (3) Any nonresidential structures or additions to residential structures which are not elevated shall include flood proofing measures.

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- (4) Any structure permitted by variance shall include flood proofing measures.

(Ord. 922, 9/17/1996, Art. XIX, §1908)

### **§27-1910. Nonconforming Uses or Structures.**

Following adoption of this Chapter, any use of structure which is situated within the boundaries of the FP-Flood Plain Conservation District and which does not conform to the permitted uses on §27-1905, shall be deemed a nonconforming use or structure, regardless of its conformance to the district in which it is located. The continuance or expansion of a nonconforming use or structure shall be governed by the requirements of Part 26 of this Chapter. However, the Zoning Hearing Board shall also ensure that the standards contained in §27-1909 are applied to the continuance or expansion of the nonconforming use or structure.

(Ord. 922, 9/17/1996, Art. XIX, §1909)

### **§27-1911. Certificate of Occupancy.**

No vacant land shall be occupied or used and no building hereafter erected, altered or moved with the floodplain conservation district shall be occupied, until a certificate of occupancy shall have been issued by the Zoning Officer. The Zoning Officer shall request the applicant submit a certification by a registered professional engineer or land surveyor that the finished fill and building floor elevations, floodproofing measures or other flood protection factors were accomplished in compliance with the provisions of this Chapter. The Zoning Officer shall within 10 days after receipt of such certification from the applicant issue a certification of occupancy only if the building or premises and the proposed use conform with all the requirements of this Chapter.

(Ord. 922, 9/17/1996, Art. XIX, §1910)

### **§27-1912. Borough Liability.**

1. The granting of a zoning permit or approval of a subdivision or land development plan in or near the floodplain conservation district shall not constitute a representation, guarantee, or warranty of any kind by the Borough or its officials or employees, of the practicability or safety of the proposed use and shall create no liability upon the Borough or its officials or employees. The degree of flood protection intended to be provided by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study.
2. This Chapter does not imply that areas outside the floodplain conservation district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages.

(Ord. 922, 9/17/1996, Art. XIX, §1911)

**§27-1913. Technical Provisions.**

1. General. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development. Bureau of Community Planning shall be notified prior to any alteration or relocation of any watercourse. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances and regulations.
2. Special Requirements for FW, FE and FA Areas.
  - A. Within any FW (Floodway Area) the following provisions apply:
    - (1) Any new construction, development, use, activity or encroachment that would cause any increase in flood heights shall be prohibited.
    - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection.
  - B. Within any FE (Special Floodplain Area) no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one-hundred-year flood more than one foot at any point.
  - C. Within any FE (Special Floodplain Area) or FA (General Floodplain Area) the following provisions apply:
    - (1) No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection.
3. Space below the Lowest Floor.
  - A. Fully enclosed space below the lowest floor (including basement) is prohibited.

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- B. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (1) A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 922, 9/17/1996; as added by Ord. 925, 1/21/1997, §6; and by Ord. 991, 8/15/2005)

### **§27-1914. Accessory Structures and Design and Construction Standards.**

1. Accessory Structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
  - A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles or to the storage of tools, material and equipment related to the principal use or activity.
  - B. Floor area shall not exceed 600 square feet.
  - C. The structure will have a low damage potential.
  - D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
  - E. Power lines, wiring and outlets will be at least 1 1/2 feet above the one-hundred-year flood elevation.
  - F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
  - G. Sanitary facilities are prohibited.

- H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (1) A minimum of two openings having a net total of not less than one square inch for every square foot of enclosed space.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) Openings may be equipped with screens, louvers, etc., or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.
  
- 2. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:
  - A. Fill. If fill is used, it shall:
    - (1) Extend laterally at least 15 feet beyond the building line from all points.
    - (2) Consist of soil or small rock material only. Sanitary landfills shall not be permitted.
    - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
    - (4) Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to and approved by the Building Permit Officer.
    - (5) Be used to the extent to which it does not adversely affect adjacent properties.
  
  - B. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
  
  - C. Water and Sanitary Sewer Facilities and Systems.

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- (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
  - (3) No part of any onsite sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a flood.
- D. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- E. Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- F. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life and not listed in §27-1907, Prohibited Uses, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- G. Placement of Buildings and Structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring.
- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
  - (2) All air ducts, large pipes, storage tanks and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- I. Floors, Walls and Ceilings.
- (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.

- (2) Plywood used at or below the regulatory flood elevation shall be of a “marine or “water-resistant” variety.
- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.
- (4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other “water-resistant” material.

J. Paints and Adhesives.

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of “marine” or “water-resistant” quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a “marine” or “water-resistant” paint or other finishing material.
- (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.

K. Electrical Components.

- (1) Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment. Water heaters, furnaces, air conditioning and ventilating units and other electrical mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

M. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.

(Ord. 922, 9/17/1996; as added by Ord. 925, 1/21/1997, §7)





## PART 20

### SIGNS

#### §27-2001. Intent.

It is the intent of this Part to regulate all signs within the Borough to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals and general welfare. In addition, the intent of this Section is to:

- A. Encourage good design in the context of the overall image and visual environment of the Borough.
- B. Enhance the appearance of the business community, taking into account the nature of the use and thus stimulate as well as protect the economic vitality of the Borough.
- C. Provide for signage which is adequate but not excessive and which displays a message through use of pictures, symbols and logos for rapid comprehension by the public.
- D. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create a hazard to pedestrians and motorists.
- E. Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.
- F. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes that the Borough is supporting.
- G. Promote signs which are designed utilizing clear, crisp lettering and bold, uncomplicated symbols which will identify a business or activity efficiently and also enhance the area where they are located as well as the general appearance of the street or town.
- H. Prevent sign overload and excessively large signs which create a visually chaotic and competitive situation within the business community.

(Ord. 922, 9/17/1996, Art. XX, §2000; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009))

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### **§27-2002. Conformance Required.**

Any sign hereafter erected or maintained shall conform to the provisions of this Part and any other ordinance or regulations of the Borough of Ambler relating thereto.

(Ord. 922, 9/17/1996, Art. XX, §2001; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

### **§27-2003. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless otherwise expressly stated:

**ACCESSORY USE SIGN** — a sign which designates home occupations as permitted by §27-407.

**ANIMATED SIGN** — a sign with action or motion, flashing, color changes requiring electrical energy or electronic manufactured sources of supply, but not including wind actuated elements such as flags, banners or specialty items.

**ARCHITECTURAL ELEMENT SIGN** — flush wall sign or projecting wall sign that appears as an architectural element of the building and has a design appropriate to/compatible with the architectural character of the building. Architectural element signs are encouraged.

**ARTISAN SIGN** — a temporary sign of workmen performing services at or alterations to a building.

**AWNING SIGN** — any nonilluminated sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

**BANNER** — a sign consisting of light weight, flexible material which is supported by frame, rope, wires or other anchoring devices, which may or may not include copy, logo or graphic symbols.

**BEACON LIGHT** — any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure or other object.

**BILLBOARD** — a freestanding, off-premises sign.

**BULLETIN BOARD** — a sign of permanent character, including a freestanding sign, but with movable letters, words, logo or numerals indicating the names of

persons associated with or events, products or services offered upon the same premises on which the sign is located.

**BUSINESS SIGN** — a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

**CENTRAL BUSINESS CORE** — for the purposes of the sign ordinance, this shall be defined as the area on Butler Avenue between Park Avenue and Chestnut Street.

**CHANGEABLE COPY** — copy containing or displaying letters, numbers or graphics which is designated to be readily changed, as for a theater marquee, gas station or similar use.

**CIVIC EVENT SIGN** — a sign, other than a commercial sign, posted to promote and advertise an activity sponsored by the Township, school district, church, public agency, civic or charitable association or other similar noncommercial organization.

**DEVELOPMENT SIGN** — a sign indicating that the premises are in the process of subdivision or land development for residential and nonresidential uses.

**DIRECTIONAL SIGN** — a sign designating points of ingress and egress to a property, normally located at such points of ingress and egress.

**DIRECTORY SIGN** — a sign listing the names and/or logos of various businesses, professional or other nonresidential establishments within a shopping center or multitenanted lot. The sign may also display the name and address of the shopping center or multitenanted lot.

**DOUBLE-FACED SIGN** — a freestanding sign with two identical faces of equal sign area which are back to back and not more than two feet apart. In the case of gateway message signs, the faces may not be more than six feet apart.

**ELECTRONIC CHANGEABLE MESSAGE SIGN** — a freestanding or monument LED sign which displays electronic messages. The display may be in the form of alphanumeric messages, animation, or images. The electronic display on such signs typically changes at a frequent rate.

**ERECT** — to build, construct, attach, hand, place, suspend or affix, which shall also include the painting of wall signs or other graphics.

**FACADE** — the exterior surface of a building up to the roof line.

**FESTOON LIGHTING** — an electrically lighted sign comprised of either:

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- A. A group of incandescent light bulbs hung or strung overhead or on a building or other structure(s).
- B. Light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

**FLAG** — a piece of fabric or other material of distinctive design that is used as a symbol of a nation, state, city, agency or corporation and which is usually displayed hanging free from a staff or halyard.

**FLASHING SIGN** — a sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Illuminated signs which indicate the date, time and temperature and gateway message signs will not be considered flashing signs.

**FREESTANDING SIGN** — a sign and supporting structure which is secured in the ground and independent of any building, fence or other support. For the purpose of this definition. “freestanding signs” may consist of the following:

- A. **Ground Sign.** A sign designed to be viewed at eye level or below within the immediate vicinity and which is intended to be designed and viewed as an architecturally unified and proportional element. Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four feet.
- B. **Pole Signs.** A sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.

**GATEWAY MESSAGE SIGN** — a sign located at the edge of the central business core (as defined herein), part of which contains a conventional freestanding or monument sign, and part of which contains an LED electronic changeable message sign. The sequence of messages and rate of change can be electronically programmed and modified by electronic processes. The sign must include a “Welcome to Ambler” message on the conventional freestanding or monument portion of the sign. The intent is to (a) advertise the business which occupies the lot where the sign lies; and (b) display civic event or information messages.

**GOVERNMENTAL SIGNS** — any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.

**IDENTIFICATION SIGN** — a wall sign indicating the name or address of a building or the name of the management thereof.

**ILLUMINATED SIGN** — a nonflashing or nontwinkling sign which has letters, figures, designs or outlines illuminated by a lighting source as a part of the sign. An externally illuminated sign having a surface illuminated from an external source of light intentionally directed upon it (also known as an indirectly illuminated sign). An internally illuminated sign has an artificial light source internally incorporated and includes LED, luminous tube lighting, or any sign projecting artificial light through transparent or translucent material.

**INSTRUCTIONAL SIGN** — a sign located within the interior of a lot, generally not visible from the street or adjoining properties, which provides information as to the location, interior operation and/or use of buildings or facilities.

**INTERIOR SIGNS** — any sign located fully within the interior of any building or stadium, which is intended solely for information relating to the operation of such building or stadium.

**LANDMARK SIGN** — an older sign of artistic or historic merit, uniqueness or extraordinary significance to the Borough as identified by the Borough Council.

**LETTER HEIGHT** — the height of a letter from its bottom to its top, including any shadow lines and other forms of outlining.

**LUMINOUS TUBE LIGHTING** — gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

**MARQUEE** — a permanent, roof-like structure, supported by a wall of a building, but having no relationship to the roof structure, generally designed and constructed for protection against weather.

**MARQUEE SIGN** — any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment.

**MEMORIAL SIGN** — a memorial plaque or tablet, to include grave markers or other remembrances of persons or events, which is not for commercial or advertising purposes.

**MONUMENT SIGN** — a sign with a supporting wall or base comprised of brick, stone, masonry, fiberglass, metal, or similar material, with no gap between the base of the sign and the ground (i.e., with no supporting posts). The supporting structure is not counted in the sign area, but is counted toward the height. If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), the base of the sign must be surrounded by a small landscaped area (with live, year-round vegetation) extending at least one foot outward from the sign in each direction.

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**MULTITENANTED BUILDING SIGN** — a sign for a building with at least two nonresidential tenants, which lists the names and addresses of the tenants of that building and/or the name and address of the building itself.

**MURAL** — artwork applied to the wall of a building which covers all or most of the wall and depicts a scene or event of natural, social, cultural or historic significance.

**NAMEPLATE SIGN** — a wall sign which designates the name and address of an occupant or group of occupants within any one building.

**NONCONFORMING SIGN** — any sign which has a valid permit, was erected prior to the effective date of this Chapter or any subsequent amendment hereto and which does not otherwise conform to the provisions of this Part.

**OFF-PREMISES COMMERCIAL SIGN** — a commercial sign, to include billboards, which is not located on the premises or entity indicated or advertised by said sign or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

**PAVEMENT** — the sidewalk. Where no sidewalk exists, the legal right-of-way.

**POLITICAL SIGN** — a temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the general public.

**PORTABLE SIGN** — any sign designed to be transported or moved including, but not limited to, signs designed to be transported by wheels, signs converted to A-frames or menu and sandwich boards.

**PREMISES** — any lot, building, business establishment or combination thereof held under single lease or ownership.

**PROJECTING SIGN** — a sign which is attached directly to any building wall and which extends more than 12 inches from the face of the wall.

**REGULATORY SIGN** — any sign which is erected for any period of time to satisfy requirements or regulations promulgated by any Federal, State or local governmental agency.

**REAL ESTATE SIGN** — a temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.

**RESTAURANT MENU SIGN** — a flush wall sign which shows a listing of food products and corresponding prices offered by a restaurant, café or similar establishment.

**REVOLVING SIGN** — a sign which revolves in a circular motion rather than remaining stationary on its supporting structure.

**SANDWICH BOARD SIGN** — a portable sign consisting of two faces, located in front of the business it advertises, but taken down by the close of business. Sandwich boards signs are typically used to advertise dining specials or entertainment.

**SIGN** — any writing, figure representation, logo, emblem, flag, lighting, banner, device, letter, work or street clock and temperature announcement, which shall include any announcement, declaration, display, illustration, name identification, description or insignia, which is used to advertise or promote the interest of any person or firm, which such representation is placed in the general view of the public.

**SIGN AREA** — the area of all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, but excluding any supporting framework and bracing which are solely incidental to the display itself (except for luminous tube lighting, which does include supporting framework and trim in the calculation of sign area), provided that the same do not contain any such lettering, wording, designs or symbols. For the purpose of this Chapter, “sign area” shall be computed as a square or rectangle drawn at the outer limits of the sign face.

- A. Where the sign consists of a double face, only one side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the interior angle formed by the faces of a sign is greater than 45°, all faces shall be considered in calculating total sign area.
- B. Any spacing between signs designating different or separate occupants or uses of a building shall not be included in the computed area(s) of regulated signs.

**SIGN FACE** — the part of a sign that is or can be used to identify, advertise and communicate information for visual representation which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

**SIGN HEIGHT** — the distance from the highest portion of the sign, including all structural elements to mean grade.

**SIGN PROGRAM** — plan for sign design, including color, lettering style/font, and sign size, materials, and location. Sign programs that have signs with coordinated themes and that are not dramatically out of character with Borough signage are encouraged.

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**SIGN STRUCTURE** — a supporting structure erected and used for the purpose of identification or attracting attention, with or without a sign thereon, situated upon any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.

**SMALL ADDITIONAL PROJECTING WALL SIGN** — projecting wall signs which are limited to a smaller size and projection distance than other projecting signs. These signs are required to include a logo or image and be part of a sign program.

**TEMPORARY SIGN** — any sign erected for a period of time not to exceed 30 days in any one calendar year.

**TIME AND TEMPERATURE SIGN** — a display containing illuminated numerals flashing alternately to show the time and the temperature.

**VEHICULAR SIGN** — any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs is used primarily as stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

**WALL SIGN** — any sign erected against the wall of a building or display on windows or doors or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than 12 inches.

**WINDOW SIGN** — any sign placed upon a window or inside the window and within 12 inches of the surface of the window facing the outside which is to be used for advertising purposes. "Show window displays" are not included within this definition.

(Ord. 922, 9/17/1996, Art. XX, §2002; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; by Ord. 1040, 8/4/2009; and by Ord. 1055, 1/18/2011)

### **§27-2004. Prohibited Signs.**

Except as may be hereinafter specifically permitted, it shall be unlawful, after the effective date of this Part or any amendment thereto, for any person, firm or corporation to erect any of the following signs within the Borough of Ambler:

- A. Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
- B. Signs attached to a utility pole, parking meter, traffic signpost, traffic signal or control device, street sign, historical marker, tree or rock.



- C. Any sign which advertises or publicizes an activity or business not conducted on the premises where the business is located, except civic event or gateway message signs as defined in this Part.
- D. Signs erected without the permission of the property owner or authorized agent.
- E. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
- F. Signs painted on any wall surface, excluding murals.
- G. Animated signs, except time and temperature signs and gateway message signs.
- H. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit-way.
- I. Banners, pennants or balloons, except as may be otherwise provided for within this Part.
- J. Vehicular signs.
- K. Abandoned or dilapidated signs.
- L. Signs that exhibit statements, words or pictures of obscene or pornographic subjects.
- M. Flashing signs, except that time and temperature signs and gateway message signs will not be considered flashing signs.
- N. Revolving signs.
- O. Festoon signs.
- P. Beacon lights.
- Q. Roof signs.
- R. Signs that cover architectural detail.
- S. Any sign inconsistent with provisions of this Part.

(Ord. 922, 9/17/1996, Art. XX, §2003; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

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### §27-2005. Exempt Signs.

The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, colors or area of permanent signs allowed within a zoning district:

- A. Governmental signs as herein defined.
- B. Real estate and development signs, subject to height, area and number requirements as set forth in this Part.
- C. Political signs; provided, that no sign shall be displayed more than 30 calendar days prior to an election or for more than 10 days following the election for which it is erected.
- D. Directional signs as herein defined. Signs may be illuminated, but shall not blink, flash or be animated. Trade names and logos are permitted to the minimum extent necessary.
- E. Civic event signs and banners on public and private property which shall be removed within 72 hours after the event and which shall not be erected more than 30 calendar days prior to the event.
- F. "No trespassing" signs and signs indicating private ownership of roadways or other property, on the same premises therewith; provided, that the total area on any one side of such sign shall not exceed one square foot and shall be spaced at intervals of not less than 100 feet of street frontage.
- G. Memorial and landmark signs erected within the definition of this Part.
- H. Changeable copy, repainting, cleaning and other normal maintenance and repair of a sign, unless the sign structure, design, color or lighting is altered.
- I. Temporary signs, to include the following:
  - (1) Artisans signs; provided, that such signs shall not exceed six square feet for each sign face and are erected on the premises where the work is being performed. Signs shall be removed upon completion of active work.
  - (2) Signs advertising garage or yard sales; provided, that no sign shall exceed nine square feet in sign area. Signs shall be permitted only on the premises where the sale is to be conducted and limited to one for each street frontage. Signs shall be removed at the close of the garage or yard sale.
  - (3) Advertising signs, including banners or displays on private property within nonresidential zoning districts constructed of cloth, light fabric

or similar materials, when approved by the Zoning Officer for a period of not more than 30 cumulative days in any 12 month period. Such signs, when added to the sign area of any other signs on the premises, shall not accumulate in size to exceed the sign area permitted for permanent signs within the district where located or be in a position or of a color that presents a hazard to pedestrians or motorists.

- (4) Regulatory signs as required.
- (5) Address Signs. All buildings in all zoning districts shall be required to display the address of the property in such a fashion as is clearly visible from the street and which is in accord with the provisions of this Part. The area of an address sign shall be exempt from the computation of the total permitted sign area; provided, that the sign does not contain any advertising, trade names or logos.
- J. Instructional signs not to exceed 10 square feet in sign area or a height of six feet above existing grade. Signs may be illuminated, but shall not blink, flash or be animated.
- K. Interior signs not distinctly visible from the street or sidewalk.
- L. Logo and operating instructions for an automatic teller or money access center when located on the machine.
- M. Barber poles, at barbershops, with a limit of one barber pole per barbershop.
- N. Any other sign as may be provided for within this Part.

(Ord. 922, 9/17/1996, Art. XX, §2004; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

**§27-2006. Signs in Residential Districts.**

The following types of signs and no others shall be permitted within all residential zoning districts, except as provided for otherwise within this Part:

- A. Professional accessory use or nameplate signs, provided that:
  - (1) Signs shall be nonilluminated and not exceed two square feet in sign area.
  - (2) Not more than one sign shall be erected for each permitted use.
- B. Signage for estates, churches, recreation areas and other permitted nonresidential uses; provided, that:

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- (1) The total sign area shall not exceed 15 square feet and the sign height of any freestanding sign shall not exceed eight feet above mean grade.
  - (2) No more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one sign may be located along each street frontage; provided, that a minimum street frontage of 100 feet is maintained between signs.
- C. Signage for multifamily dwellings and residential developments; provided, that:
- (1) The sign area shall not exceed 15 square feet and if freestanding, shall not exceed a sign height of six feet above mean grade.
  - (2) No more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one sign may be erected along each street frontage; provided, that a minimum street frontage of 100 feet is maintained between signs.
  - (3) In any multiple-family development in which a rental office is located, one flush wall sign not to exceed six square feet in sign area shall be permitted. The sign shall be nonilluminated and shall indicate on the name of the development, the presence of a vacancy, business hours, address and telephone number of the office.
- D. Real estate signs; provided, that:
- (1) Signs shall be removed within 72 hours of settlement.
  - (2) No more than one sign shall be erected for each 250 feet of street frontage. Signs must be placed at least 100 feet apart.
  - (3) Signs shall be nonilluminated and exempt from permit requirements.
  - (4) A maximum of two off-premises directional signs, not to exceed a sign area of three square feet, designating an open house shall be permitted. Signs shall contain only directional information and the name of the real estate agent or individual holding the open house. Signs shall be erected and removed on the day of the open house and shall not be located so as to obstruct pedestrian or vehicular traffic or be attached to a utility pole, off-site building, tree or other natural feature.
  - (5) The sign area shall not exceed six square feet for each exposed face and, if freestanding, shall not exceed a sign height of four feet from mean grade. Signs shall be removed within 15 days from the date of sale.

- E. Development signs; provided, that:
- (1) The sign area shall not exceed six square feet and a sign height of eight feet above mean grade.
  - (2) No more than one sign shall be erected for each 100 feet of street frontage.
  - (3) Signs shall be nonilluminated and exempt from permit requirements.
  - (4) No sign shall be erected until final approval of the development has been granted by the Borough Council and shall be removed upon completion of active work.
- F. Sign regulations for residential districts shall also apply to residential uses in nonresidential districts.

(Ord. 922, 9/17/1996, Art. XX, §2005; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

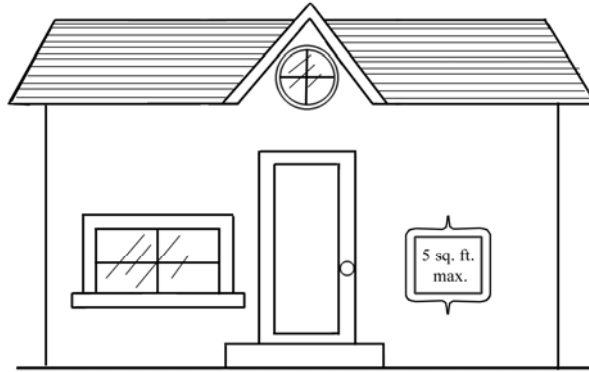
**§27-2007. Signs in the Nonresidential Zoning Districts DC, C, O, OC, RSC and IN.**

The following types of signs shall be permitted within the zoning districts DC, C, O, OC, RSC, and IN Districts:

- A. Any sign permitted in residential districts which relates to a use permitted in the district.
- B. Real estate and development signs advertising the sale, rental or development of premises, provided that:
- (1) The sign area shall not exceed eight square feet, and, if freestanding, shall not exceed a sign height of eight feet above mean grade.
  - (2) Signs shall be nonilluminated and exempt from permit requirements.
  - (3) Off-premises signs advertising the sale, rental or development of premises shall be prohibited within these districts.
- C. Business or related signs in accordance with the following regulations:
- (1) For all permitted uses in the DC, C, O, OC, RSC and IN Districts, a sign or signs may be erected in accordance with the following:
    - (a) For building frontage from zero to 49 feet: two signs.

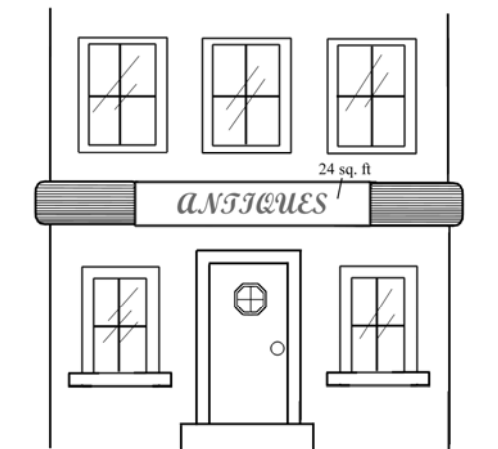
# ZONING

- (b) For building frontage 50 or more: three signs.
- (c) One flush wall sign up to five square feet in area.



**Flush Wall Sign**

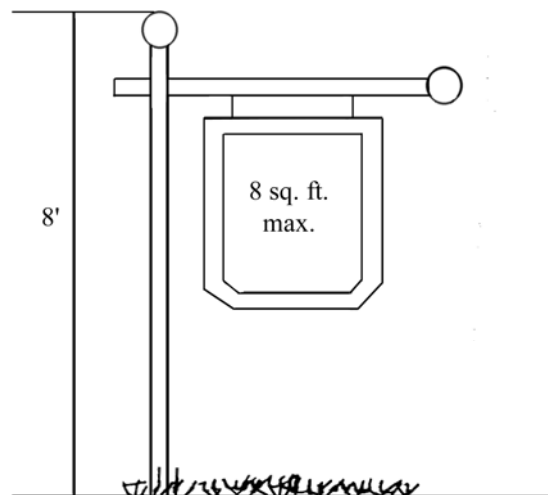
- (d) One flush wall sign which is part of the architectural design of the building, including windows and doors, not to exceed 15% of the wall area or 50 square feet total, whichever is smaller. Such signs shall not protrude outside the architectural element or structural wall of which it is a part. No wall sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade. When a lot's gross area exceeds two acres and the setback to the wall on which the sign is affixed is 70 feet or greater, flush wall signs may not exceed 20% of the wall area or 60 square feet, whichever is smaller, and shall not exceed 24 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade.



**Part of Cornice**

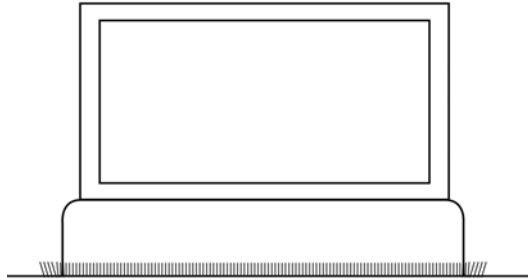
(e) One freestanding sign. Freestanding signs shall only be permitted on properties with at least 100 feet of frontage. Only signs that relate to the business on the property on which it stands shall be permitted. The maximum area for freestanding signs is 8 square feet. Freestanding signs shall not exceed a height of six feet from the mean grade to the top of the signs, and shall not exceed a height of eight feet to the top of the sign support. Freestanding signs shall not be located within the right-of-way and shall be set back a minimum distance of 15 feet from the edge of pavement. No sign shall be so located as to present a hazard to motorists or pedestrians. Freestanding signs shall be designed in the following manner:

- 1) Posts at either end of sign face. The sign may be designed so there is one post at either end of the sign face. There may be a total of two posts, unless the sign is comprised of two angled, vertical sign faces (in compliance with the regulations for a double-faced sign), in which case there are a total of three posts permitted.
- 2) Post supporting horizontal bar (see illustration below). One post is permitted to support freestanding signs where the sign face hangs from a horizontal bar.
- 3) If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), a landscaped area with year-round vegetation should be established to extend at least one foot in a horizontal direction from all points directly below the sign, around the support post(s).
- 4) The support post(s) should be comprised of brick, stone, masonry, fiberglass, metal, or similar material.



**Freestanding Sign**

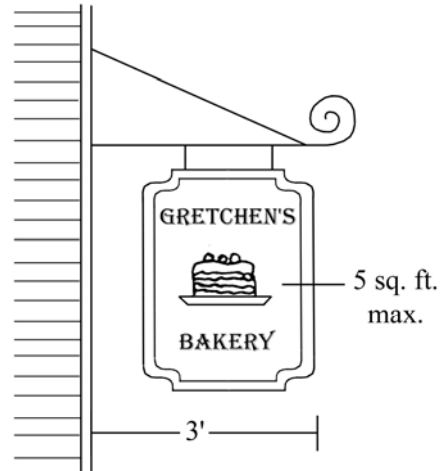
- (f) One monument sign (see illustration). Monument signs have a supporting wall or base comprised of brick, stone, masonry, fiberglass, metal, or similar material, with no gap between the base of the sign and the ground (i.e., with no supporting posts). The supporting structure is not counted in the sign area, but is counted toward the height. The maximum area of the sign face shall be six square feet, and the maximum height shall be four feet. Monument signs shall be set back 15 feet from the edge of pavement. If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), the base of the sign must be surrounded by a small landscaped area (with live, year-round vegetation) extending at least one foot outward from the base of the sign in each direction.



**Monument Sign**

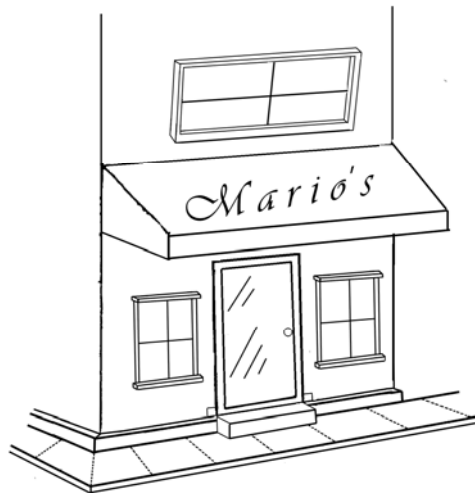
- (g) One projecting sign. The maximum area for projecting flush wall signs is five square feet. Signs cannot project more than three feet from the building wall. A minimum clearance of seven feet is required between the bottom of the sign and the sidewalk. No projecting sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade.





**Projecting Sign**

- (h) One awning sign. The awning must fit within the frame of the building; it must not overlap any of the masonry. The slope of the awning should be sufficient to let water run off. A minimum clearance of seven feet between the vertical face and any walkway is required. Awning signs shall be permitted only on the first floor of any building. The area of signs on awnings is limited to the size of the fringe or the main area of the awning.

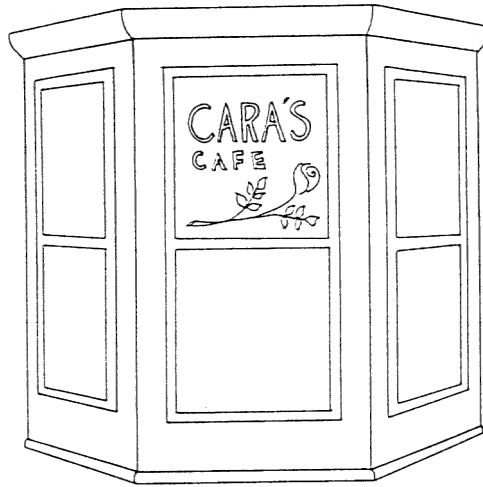


**Awning Sign**

- (i) One window sign consisting of either a painted, hanging, or temporary paper sign.
- 1) Painted. Signs painted on storefront windows shall consist of individual letters and symbols only. Permanent window signs shall be limited to 20% of the total glass area of an individual window. The height of individual letters shall not exceed 12 inches.

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- 2) Hanging. Signs hanging in storefront windows shall not exceed three square feet in area. The content of the sign shall include store names or symbols only.
- 3) Paper/Temporary. The maximum area of paper or temporary window signs shall be two square feet. Under no circumstance may the entire window be covered by a temporary sign.



**Window Sign**

- (2) If a building fronts upon more than one street, one additional sign in conformity with either Subsection C(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) above may be permitted.
- (3) Sandwich Board Signs. Sandwich board signs containing changeable copy shall be permitted in addition to the otherwise permitted sign area for the use according to the following regulations:
  - (a) The maximum height of sandwich board signs shall be four feet and the width shall not exceed two feet six inches.
  - (b) Plastic lettering, movable type, and dry-erase message boards shall not be permitted. Sandwich boards shall be located either adjacent to the building, or adjacent to the curb. In either location, at least three feet of sidewalk shall be left unobstructed.
  - (c) A sandwich board sign will only be permitted immediately in front of the business it advertises.
  - (d) Only one sandwich board sign is permitted for each property or public shop entrance.

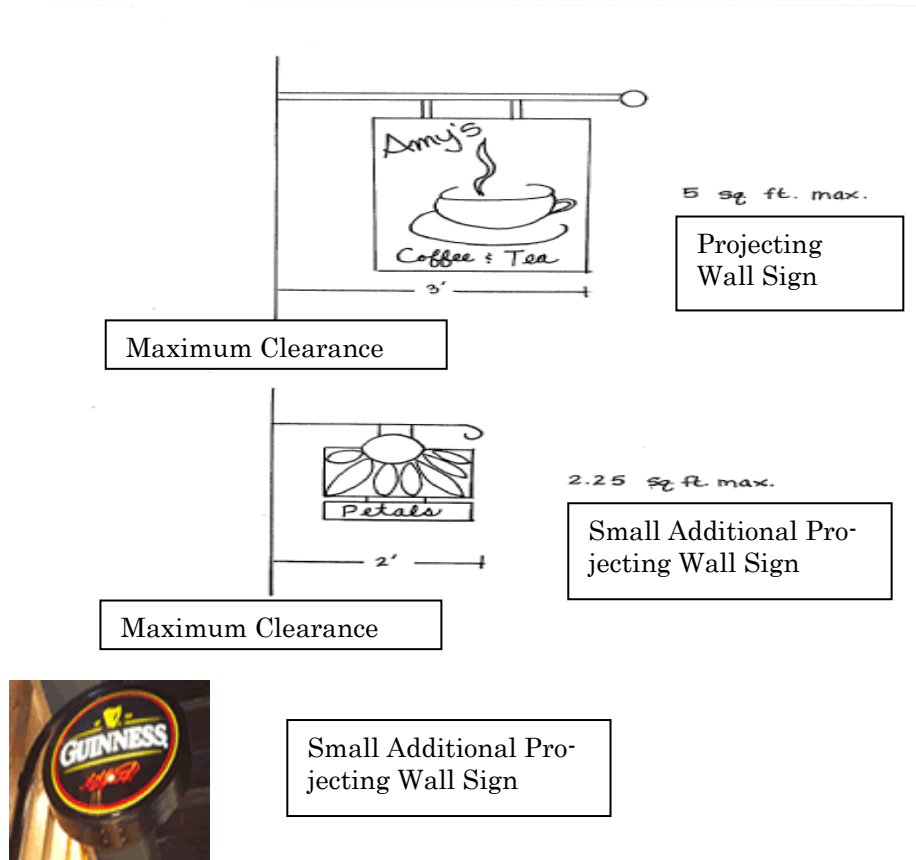
- (e) Sandwich boards for businesses located on corner lots shall not interfere with the minimum sight distance of the intersection as defined in §22-202 of the Subdivision and Land Development Ordinance.
- (f) Sandwich board signs shall be weighted at the base so that the sign cannot be moved by strong winds; however no sign shall be chained, tied, or otherwise affixed to any structure or object.
- (g) Sandwich boards shall be removed from the sidewalk at the close of business hours.



**Sandwich Board Sign**

- (4) Marquee Signs. Marquee signs containing changeable copy shall be permitted in addition to the otherwise permitted sign area for the use, exclusively for theaters and movie houses, and provided that the total sign area shall not exceed 200 square feet. Such signs shall be required at all times to maintain a minimum vertical clearance of 10 feet. Marquee signs shall be exempt from the lighting requirements as set forth in §27-2010D.
- (5) Small additional projecting wall signs shall be permitted. Applicants for a permit for this sign shall submit a sign program for review and comment by the Borough Planning Commission. Additional Regulations:

# ZONING



- (a) Logo or Image. In the interest of increasing the variety and quality of commercial signs, small additional projecting wall signs shall include a logo or image as a design element (the sign shall not be comprised exclusively of words on a plain background).
  - (b) Size. Small additional projecting wall signs shall be limited to 2.25 square feet (for example, 18 inches by 18 inches).
  - (c) Sign Projection. Small additional projecting wall signs may not project more than two feet from the building wall.
  - (d) Sign Clearance. A minimum clearance of seven feet required between the bottom of the sign and the sidewalk.
  - (e) No projecting wall sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade.
- (6) Gateway Message Signs.

- (a) Gateway message signs shall comply with the regulations of §27-2008.3C(1) pertaining to freestanding signs in the DC, C, O, OC, RSC, and IN Zoning Districts, unless otherwise regulated herein.
- (b) One gateway message sign shall be permitted at either end of the Central Business Core. The “Central Business Core” shall be defined as the area on Butler Avenue, located between Park Avenue and Chestnut Street. (The “Central Business Core” is only defined in this manner for the purpose of regulating gateway message signs.)
- (c) No more than one gateway message sign may be erected within 1,000 feet of either end of the Central Business Core [as defined in Subsection C(6)(b)], for a total of two signs in the Borough. A gateway message sign must be located on a nonresidential land use on Butler Avenue.
- (d) Posts at either end of sign face. The sign may be designed so there is one post at either end of the sign face. There may be a total of two posts, unless the sign is comprised of two angled, vertical sign faces (in compliance with the regulations for a double-faced sign), in which case there are a total of three posts permitted. Each support post must be at least eight inches thick and have some architectural treatment.
- (e) At least 12 square feet of the gateway message sign must be constructed as a conventional freestanding sign and include the message “Welcome to Ambler.” Letters comprising the word “Ambler” must be at least eight inches tall and occupy an eight-square-foot minimum area. Letters comprising the words "Welcome" and "to" must be at least six inches tall. No letter on the conventional freestanding portion of the sign shall exceed 10 inches in height.
- (f) Maximum size: 84 square feet per side.
- (g) Maximum electronic changeable message center size: 32 square feet per side.
- (h) Maximum height: 19 feet to top of sign structure; bottom of sign must be at least eight feet off the ground to provide a clear sight triangle.
- (i) Lighting.

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- 1) Intensity. Lighting from the sign must not exceed an intensity of 0.5 footcandle at the property line, as measured with a portable hand-held light sensor.
  - 2) The portion of the sign saying “Welcome to Ambler” must be illuminated so it is visible throughout the night.
  - 3) The non-LED portion of the sign may be internally illuminated, provided that portion of the sign is comprised of light writing on a dark background.
- (j) Purpose and Content. The owner of the gateway message sign shall determine the sign’s message content. However, gateway message signs must display notices of community events or community messages for at least 50% of the time the sign is illuminated. (This requirement may be tested by the Code Enforcement Officer by monitoring the time allocated to community messages within any five-minute time period.) Community messages shall consist of announcements affecting the public health, safety, and welfare or announcements by the Borough, County, or other government entity, civic institutions or charitable, cultural, athletic, social, fraternal, or religious organizations. Ambler-based events and Ambler-related information should receive priority over announcements regarding events or organizations based outside the Borough.
- (k) Borough Council shall have final authority in determining whether the community message requirement is being met.
- (l) Message Display.
- 1) The fade-in/fade-out mode, where the message appears on the sign, dissolves, and another message takes its place, is required.
  - 2) Messages may not be changed more than once every five seconds, and the screen must completely fade-out before a new message appears.
  - 3) Other modes of displaying messages are prohibited. Modes which cause the message to flash are prohibited.
  - 4) Where text is displayed on a background, the text shall be brighter than the background (i.e., dark text shall not be displayed on a bright background).
  - 5) Each complete message must fit on one screen (i.e., no scrolling or incomplete messages permitted)

- 6) The letter height in electronic messages must be no greater than 12 inches.
- (m) Property must have at least 150 feet of frontage on Butler Avenue (and at least 100 feet of the property's Butler frontage must be within 1,000 feet of either end of the Central Business Core for a gateway message sign.
- (n) The gateway message sign may not be used for off-site advertising.
- (o) Where a gateway message sign is established, the applicant may not establish:
  - 1) Any other freestanding sign.
  - 2) A monument sign.
  - 3) Temporary advertising signs, including banners or displays.
  - 4) Civic event signs.
  - 5) A sandwich board sign.
  - 6) A small additional projecting wall sign.
  - 7) An additional sign or signs permitted by virtue of a building fronting on more than one street.
  - 8) An additional sign permitted by virtue of a building having at least 50 feet of street frontage (maximum number of signs = 2).
- (p) If the sign base is constructed on an impervious surface (i.e., asphalt, concrete, brick, etc.), a landscaped area with year-round vegetation should be established to extend at least two feet in a horizontal direction from all points directly below the sign, around the support post(s).
- (q) Setback: A gateway message sign shall be set back at least 10 feet from the curb side of the pavement.

(Ord. 922, 9/17/1996, Art. XX, §2006; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; by Ord. 1040, 8/4/2009; and by Ord. 1055, 1/18/2011)

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### §27-2008. Signs in All Other Nonresidential Zoning Districts.

1. Any sign permitted in residential districts which relates to a use permitted in the district.
2. Real estate and development signs advertising the sale, rental or development of premises; provided, that:
  - A. The sign area shall not exceed eight square feet and, if freestanding, shall not exceed a sign height of eight feet above mean grade.
  - B. No more than one sign shall be erected for each 250 feet of street frontage.
  - C. Signs shall not be illuminated and exempt from permit requirements.
  - D. Off-premises signs advertising the sale, rental or development of premises shall be prohibited within these districts.
3. Any sign permitted in the CBD Commercial Zoning District. Business or related signs in accordance with the following regulations:
  - A. Sign Area. The total sign area of all signs placed on a lot or facing any one street frontage of any one premises shall not exceed two square feet for each linear foot of building frontage. Nontemporary window signs shall be included in the computation of total permitted sign area. The total area of all window signs, including both temporary and non-temporary window signs, shall be limited to 20% of the total glass area.
  - B. Wall Signs. The total sign area of all wall signs placed on any one premises shall not exceed two square feet for the first 15 linear feet of building frontage, plus one square foot of sign area for each additional foot of building frontage, up to a maximum sign area of 50 square feet. No wall sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade. When a building has frontage on more than one street, the sign area of all wall signs along each street shall be limited by the amount of frontage along that street. When a lot's gross area exceeds two acres and the setback to the wall on which the sign is affixed is 70 feet or greater, wall signs otherwise limited in this paragraph to 50 square feet may be 60 square feet in maximum sign area, and shall not exceed 24 feet above the existing grade or project above any cornice, parapet wall, roof line or building facade.
  - C. Freestanding Signs. For each commercial building, shopping center, office building, mixed use development or group of contiguous buildings under one ownership or control, one freestanding sign shall be permitted for each street frontage and/or major point of ingress and egress; provided, that a minimum street frontage of 100 feet shall be required between each sign.



- (1) Area and Height Regulations.
  - (a) Pole Signs. Pole signs shall not exceed a sign area of 25 square feet on each side. The maximum height of pole signs shall be 10 feet measured from the mean level of the ground surrounding the base of the sign to a point midway between the highest and lowest points at the top of the structure.
  - (b) Ground Signs. Ground signs shall not exceed a sign area of 25 square feet on each side. The maximum height of ground signs shall be six feet measured from the mean level of the ground surrounding the base of the sign to a point midway between the highest and lowest points of the top of the sign structure.
- (2) Sign Contents. A freestanding sign shall contain only the name, address, logo and/or telephone number of the permitted use.
- (3) Location. Freestanding signs shall not be located within the right-of-way and shall be set back a minimum distance of 15 feet from the edge of pavement. No sign shall be so located as to present a hazard to motorists or pedestrians.

(Ord. 922, 9/17/1996, Art. XX, §2007; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; by Ord. 1040, 8/4/2009; and by Ord. 1055, 1/18/2011)

#### **§27-2009. Signs on Nonconforming Use Premises.**

Signs located on nonconforming use premises shall be limited to the sign regulations of the district where the use is first permitted and shall be subject to all other requirements of this Chapter; provided, that any freestanding sign located on the premises shall be limited to a ground sign.

(Ord. 922, 9/17/1996, Art. XX, §2008; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

#### **§27-2010. General Regulations.**

The following restrictions and regulations shall be applicable to all permanent signs as permitted by this Part, unless otherwise specified:

##### **A. Materials.**

- (1) All signs, excluding awning and window signs, shall be constructed only from wood, metal, stone or other appropriate material which have the general appearance of structures composed primarily of wood, metal or stone with painted, engraved or raised messages. Sign

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materials should be consistent with and compliment the original construction materials and architectural style of the building facade on which they are to be displayed. For this reason, natural materials such as wood, stone and metal are most appropriate. If plywood is used, medium density overlay (MDO) shall be used as a minimum grade.

- (2) Window Signs. Luminous tube lighting is permitted in windows only to the extent that the total signage does not exceed 20% of the building's total window area on the side of building where the signs are displayed.
- B. Lettering. Lettering styles should compliment the style and architecture of the building on which they appear. Traditional block and curvilinear styles that are easy to read are preferred.
- C. Color. Each sign so erected shall contain a maximum of four colors, including black and white. In selecting the principal colors for a sign, colors that compliment the general tone of the building should be used. Business logos shall not be included in determining the maximum number of colors.
- D. Illumination. Where permitted, signs shall be illuminated only in accordance with the following regulations as authorized in an appropriate sign permit:
- (1) External light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists, or to shine onto adjacent properties.
  - (2) With the exception of marquee signs, signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of the sign are visible. No light shall emanate through the background, the borders, sides or any other surface of the sign or its supporting structure. Individual, solid letters with internal lighting tubes which backlight a wall in a halo effect shall be permitted. Internally illuminated signs shall not be luminous tube lighting, except for the allowance of window signs as set forth in this Part and further excepting that a luminous tube lighting sign of less than three square feet displaying the words "open" or "closed" shall be permitted when affixed to a wall or building. No framework, bracing, or decorative trim, including trim around a window that has a permissible luminous tube light affixed thereto, may be luminous tube lighting.
  - (3) Illuminated strings of light which outline rooflines, doors, windows, signs or wall edges shall be permitted year-round; provided, the lighting consists of single string, white bulbs and stationary illumination. Lights must be constantly maintained, i.e., burned out bulbs must be

replaced immediately. Luminous tube lighting may not be used to outline buildings, walls, or objects.

- E. Electrical Connections. The applicant shall hire and pay for an electrical inspection by a competent and licensed third party underwriter. The Borough shall be notified by the applicant of the decision of the underwriter and the date on which it was rendered.
- F. Nuisance. No sign shall create a public nuisance by emitting smoke, sound, vapor, particle emission or odors.
- G. Sign Removal. Any sign which no longer advertises an existing business conducted on the premises shall be removed by the owner of the sign. The Zoning Officer, upon determining that such business operations have ceased while a sign remains, shall notify the owner of the premises, in writing, to remove said sign within 30 days from the date of such notice. Upon failure to comply with such notice within the prescribed period, the Zoning Officer is hereby authorized to remove or cause removal of such sign and to collect the cost of such removal, together with any penalties, from the owner in a manner provided by law.

(Ord. 922, 9/17/1996, Art. XX, §2009; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; by Ord. 1040, 8/4/2009; and by Ord. 1055, 1/18/2011)

**§27-2011. Nonconforming Signs.**

- 1. A nonconforming sign may continue in its current use and location, provided it is maintained in safe and good repair.
- 2. If and when the sign is replaced, the new sign shall comply with the requirements of this Chapter. Replacement of the sign shall not include simply revising the text or color of the sign, but shall include structural replacement and/or relocation of the sign.

(Ord. 922, 9/17/1996, Art. XX, §2010; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

**§27-2012. Permits.**

- 1. Permit Required. It shall be unlawful for any person, firm or corporation to erect, alter, repair or relocate any sign within the Borough of Ambler without first obtaining a sign permit, unless such sign is specifically except from the permit requirements.

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2. Application for Permit. Application for sign permits shall be made upon forms provided by the Zoning Officer and shall contain and/or have attached the following information, where relevant:
  - A. Name, address, telephone number and signature of the owner or duly authorized agent for the property owner.
  - B. Name, address, telephone number and signature of the owner of the sign.
  - C. Name, address and telephone number of the sign contractor.
  - D. Two copies of a plan drawn to scale depicting:
    - (1) Lot dimensions, building frontage and existing cartways, rights-of-way and driveways.
    - (2) Design of each sign face and sign structure with dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
    - (3) Building elevations, existing and proposed facades, parapet walls, cornices and the location and size of all proposed and existing permanent signage, including wall signs, window signs, projecting signs and freestanding signs.
    - (4) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
  - E. A security deposit in an amount as established, from time to time, by resolution of Borough Council shall be submitted at the time of permit application. Said deposit will be returned to the applicant once the sign(s) has been constructed, inspected by the Zoning Officer and found to be in compliance with all regulations.
  - F. Such other information which may be required by the Zoning Officer to show full compliance with this and all other ordinances of the Borough.
3. Design Review. Upon submission of an application for a sign permit, such application may be referred by the Zoning Officer to the Borough Planning Commission. The Borough Planning Commission shall review the application to ensure compliance with the provisions and intent of this Part.

(Ord. 922, 9/17/1996, Art. XX, §2012; as amended by Ord. 951, 12/18/2000; by Ord. 991, 8/15/2005; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

**§27-2013. Structural Requirements, Maintenance and Illumination.**

1. No sign or sign structure shall be erected unless it complies with all applicable requirements of the Building Code [Chapter 5].
2. Permits for illuminated signs shall not be submitted for review unless an application is filed concurrently for an electrical permit. All work shall be completed in full compliance with the Electrical Code as set forth in the 1990 BOCA Electrical Code [Chapter 5].
3. All signs and sign structures shall be kept in good repair and in a presentable condition, such that all sign information is clearly legible. Any sign found to show deterioration, including rust, faded colors, discoloration, holes and missing parts or information items, shall constitute a violation of this Part.

(Ord. 922, 9/17/1996, Art. XX, §2013; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)

**§27-2014. Violations and Penalties.**

Any person who fails to comply with any or all of the requirements of this Part or who fails to or refuses to comply with any notice, order or direction of the Zoning Officer, Code Enforcement Officer or other law enforcement offices duly authorized by the Borough to enforce its ordinances, made hereunder shall be guilty of an offense and, upon conviction thereof, shall pay a fine to the Borough of Ambler of not less than \$300 nor more than \$1,000 plus costs of prosecution. Each day during which any violation of this Part continues shall constitute a separate offense and shall be punishable as such.

(Ord. 922, 9/17/1996, Art. XX, §2013; as amended by Ord. 951, 12/18/2000; by Ord. 1007, 5/21/2007; and by Ord. 1040, 8/4/2009)



**PART 21**

**OFF-STREET PARKING AND LOADING**

**§27-2101. General Provisions.**

1. A motor vehicle garage space or an outdoor parking space shall be not less than nine feet wide by 18 feet long, exclusive of adequate interior driveways and exclusive of driveways connecting the garage parking space with a street or alley.
2. When a bumper stop is incorporated in the plan in an outdoor parking space, the final two feet of length may extend beyond the bumper stop over an area of non-impervious material.
3. Outdoor parking space and the approaches thereto shall be covered with a dust-free, paved surface, with the exception of the overhang. Such outdoor parking space shall be deemed to be part of the open space on the lot on which it is located.
4. Parking lots shall not be used for the sale, repair or dismantling of vehicles, equipment, materials or supplies.
5. Parking lots shall be properly graded for drainage and surfaced in accordance with Borough Engineering standards.
6. No parking shall be permitted on any lot except within an improved parking space.

(Ord. 922, 9//17/1996, Art. XXI, §2100)

**§27-2102. Required Spaces.**

Where a use is not specifically listed below, the requirement(s) of the most similar use shall be applied.

<b>Use</b>	<b>Requirement</b>
Single-family detached two-family, single-family attached dwelling, garden apartment	2 space per dwelling unit
Mid-rise apartment	1.5 spaces per unit
Retirement community, elderly housing	1 space per dwelling unit
Tourist home, boarding or rooming house, bed and breakfast	2 spaces plus 1 space per rental unit or guest room
Institution	As specified in Part 17
Indoor Recreation:	
Theater	1 space per 4 seats

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<b>Use</b>	<b>Requirement</b>
Bowling Alley	5 spaces per lane
Court for racquet sports	2 spaces per court
Sports club/health spa, billiard room, etc.	1 space per 250 square feet of gross floor area
Other indoor recreation	1 space per 250 square feet of gross floor area
Outdoor recreation: (ballfield or other outdoor court)	1 space per 4 person of total designed capacity
Supermarket	1 space per 250 square feet of gross floor area
Convenience store	1 space per 250 square feet of gross sales floor area plus 1 space per employee on the largest shift
Retail store	1 space per 250 square feet of gross sales floor area plus 1 space per employee on the largest shift
Personal service shop	1 space per 250 square feet of gross floor area devoted to customer sales and/or service, plus 1 space per employee on the largest shift
Bank, financial institution without drive-up teller(s)	6 spaces per teller window
with drive-up teller(s)	4 spaces per inside teller window plus 3 spaces per drive-up tell window (queuing spaces)
with walk-up automated teller machine (ATM)	As required above, plus 2 spaces per ATM
Restaurant fast food:	1 space per 50 square feet of patron floor area, plus 1 per employee on the largest shift
other:	1 space per 100 square feet of patron floor area, plus 1 per employee on the largest shift
Bar or tavern	1 space per 100 square feet of patron floor, plus 1 per employee on the largest shift
Vehicle sales	1 space per 500 square feet of indoor gross floor area, plus 1 space per 5,000 square feet of outdoor sales area
Motor vehicle service/repair	3 spaces per service bay
Gasoline station fuel only:	2 spaces per fuel pump plus 1 space per employee on the largest shift
with vehicle service/repair	As required above, plus 3 spaces per service bay
with mini-market	As required above, plus 1 space per 250 square feet of gross sales floor area
Undertaking or funeral establishment	1 space per 4 seats or per 50 square feet of public floor area, whichever is greater
Hotel, motel	1 space per room plus 1 per 200 square feet of additional public floor area. Any restaurant, bar, etc., shall be treated as a separate use.
Medical/dental office	4 spaces per practitioner plus 1 space per employee on largest shift



<b>Use</b>	<b>Requirement</b>
other office:	1 space per 250 square feet of gross floor area
Wholesale or warehouse without retail sales	1 space per 500 square feet of gross floor area or per employee on the largest shift, whichever is greater; plus 1 unloading area/dock for each building complex
with retail sales	As required above, plus 1 space per 250 square feet floor area devoted to retail sales
Storage or distribution facility	1 space per 500 square feet of gross floor area or per employee on the largest shift, whichever is greater; plus 1 unloading area/dock for each building complex
Manufacturing, industrial	1 space per 500 square feet of gross floor area or per employee on the largest shift, whichever is greater; plus 1 unloading area/dock for each building complex
Research and development facility	1 space per 250 square feet of gross floor area
Veterinarian, animal hospital or kennel	1 space per 250 square feet of gross floor area

(Ord. 922, 9/17/1996, Art. XXI, §2101)

### **§27-2103. Reserve Parking.**

If the number of spaces required by §27-2102 above is substantially larger than the number anticipated by the applicant, reserve parking may be used in accordance with the following requirements:

- A. The applicant shall provide evidence of reduced parking needs to the Borough for review and recommendation by the Borough Planning Commission and Engineer.
- B. The total number of spaces required may be reduced up to 25% by Borough Council.
- C. Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by §27-2102 if and when they are deemed necessary by Borough Council, upon review and recommendation by the Borough Planning Commission and Engineer. All stormwater engineering shall be designed based on the total parking requirements, including the reserve. Wherever possible, the reserved area shall be maintained as open green space, but shall not be counted toward any permanent open space that may be required by the applicable zoning district.
- D. In addition, a re-evaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of employees).

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Following re-evaluation, Borough Council may require installation of additional parking spaces, upon review and recommendation by the Borough Planning Commission and Engineer.

- E. The applicant shall provide a financial guaranty to cover the costs of engineering and construction of the reserve parking spaces for a period of 18 months following construction of the initial spaces.

(Ord. 922, 9/17/1996, Art. XXI, §2102)

### **§27-2104. Common Parking and Off-Site Facilities.**

The parking spaces required in §27-2102 for nonresidential uses may be located elsewhere than on the same lot and shared when authorized as a special exception, subject to the following conditions:

- A. The owner(s) of the establishment(s) shall submit with the application for special exception a site plan showing parking location and, in the case of shared parking, of the proposed distribution of spaces among the establishments.
- B. In the case of shared parking, the Zoning Hearing Board may, in its discretion, reduce the total required amount of parking space upon determination that greater efficiency is achieved through joint use of a common parking area, provided the ratio of total off-street parking space area to total sales floor area is not reduced by more than 25%.
- C. An application for shared common parking shall include information concerning any easement, lease, or other arrangement which assures shared use and shall be recorded on the land development plan.
- D. Where shared parking is proposed, some portion of the common parking area shall be within 200 feet of a patron entrance used for one of the businesses involved in the proposal.

(Ord. 922, 9/17/1996, Art. XXI, §2103)

### **§27-2105. Handicapped Parking.**

1. Multifamily residential and all nonresidential uses shall provide parking spaces for the physically disabled.
2. For parking lots of 10 spaces or less, one oversized space and ramp shall be provided, as per subsections three and four below. The oversized space need not be marked as a handicapped space and may be used by the general public. For lots of

over 10 spaces, a ratio of one handicapped space per 25 standard spaces, or portion thereof, shall be used.

3. Required handicapped spaces shall be a minimum of 12 feet wide by 20 feet long and shall be paved like standard spaces.
4. Handicapped spaces should generally be located on the shortest possible route to an accessible entrance to the building. Ramps shall be provided for convenient access from parking spaces to accessible entrances and sidewalks. Such spaces should be placed to permit unloading of wheelchairs from either side of the vehicle.
5. The pavement shall be marked with the international symbol of accessibility. An above-ground sign shall be clearly visible from the driveway to designate each handicapped space.

(Ord. 922, 9/17/1996, Art. XXI, §2104)

**§27-2106. Off-Street Loading.**

In addition to required off-street parking, off-street loading spaces shall be required for all commercial and industrial uses requiring regular delivery or shipping of goods, merchandise or equipment by semi-trailer truck. Off-street loading areas shall comply with the following:

- A. Required loading areas shall not be used for storage of vehicles or materials or as off-street parking.
- B. The location and size of loading areas shall be adequate for the safe parking of trucks and maneuvering space shall be provided so that ingress and egress can occur on the lot without backing out onto a public street.
- C. Two or more establishments may use a common loading area if it meets the requirements of Subsection (B) above.

(Ord. 922, 9/17/1996, Art. XXI, §2105)



**PART 22**  
**ADMINISTRATION**

**§27-2201. General.**

The provisions of this Chapter shall be administered by the Borough Zoning Officer.

(Ord. 922, 9/17/1996, Art. XXII, §2200)

**§27-2202. Appointment and Powers of Zoning Officer.**

1. The Zoning Officer shall be appointed by Borough Council and shall not hold any elective office in the Borough of Ambler.
2. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.
3. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.
4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

(Ord. 922, 9/17/1996, Art. XXII, §2201)

**§27-2203. Duties and Powers.**

1. It shall be the duty of the Zoning Officer and he shall have power to:
  - A. Keep a record of all plans and applications for permits and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection.
  - B. Review applications for zoning permits for erections or alterations of structures or changes of use, determine whether such construction or use is in accordance with the general requirements of this Chapter, all other applicable ordinances and with the laws and regulations of the Commonwealth and the United States. The Zoning Officer shall issue no permit unless it conforms with all applicable ordinances, statutes and regulations.

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- C. Conduct inspection and surveys to determine compliance or noncompliance with the terms of this Chapter. In carrying out such surveys, the Zoning Officer or his representative may enter upon any land or buildings.
  - D. Make written orders requiring compliance with the provisions of this Chapter to be served personally or by registered mail.
  - E. Institute proceedings in courts of proper jurisdiction for the enforcement of provisions of this Chapter.
  - F. Maintain a map showing the current zoning classification of all land.
  - G. Maintain a map and register showing the registration, identity, location and type of all nonconforming uses.
2. The Zoning Officer shall issue no permit for the construction or use of any land or building unless it also conforms to the requirements of all other ordinances of Ambler Borough and with the laws of the Commonwealth and the United States.

(Ord. 922, 9/17/1996, Art. XXII, §2202; as amended by Ord. 925, 1/21/1997, §§2,3)

### **§27-2204. Permits.**

1. No building shall be constructed or altered in the Borough or the use of any building and/or land changed, until a permit has been secured from the Zoning Officer. Work on proposed construction and/or development shall begin within six months after the date of issuance of a building permit or the permit shall expire, unless a time extension is granted, in writing, by the Building Inspector. A time extension shall be requested, in writing, and set forth sufficient and reasonable cause for it. Upon completion of the work authorized by any permit, the applicant for the permit shall notify the Zoning Officer of such completion. No permit shall be considered as complete or permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provisions of this Chapter.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
  - A. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances.
  - B. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.

- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
3. All applications for zoning permits shall be made in writing by the owner, tenant or authorized agent and shall be filed with the Zoning Officer on forms prescribed by him. The application:
- A. Shall include a statement as to the proposed use of the building and/or land.
  - B. Shall be accompanied by working plans drawn to scale, showing the location of the building in relation to property and road lines.
  - C. Shall include a statement that the side lines of all roads shown on the plan have been located and staked on the premises by a surveyor or other person competent to give such location.
  - D. Shall give the name and address of the person who has so located and staked the road lines.

(Ord. 922, 9/17/1996, Art. XXII, §2203; as amended by Ord. 925, 1/21/1997, §4)

**§27-2205. Applications for Permits.**

All applications for zoning permits shall be made in writing by the owner, equitable owner, tenant or authorized agent and shall be filed with the Zoning Officer on forms prescribed by him. The application:

- A. Shall include a statement as to the proposed use of the building and/or land.
- B. Shall be accompanied by working plans drawn to scale, showing the location of the building in relation to property and road lines.
- C. Shall include a statement that the side lines of all roads shown on the plan have been located and staked on the premises by a surveyor or other person competent to give such location.
- D. Shall give the name and address of the person who has so located and staked the road lines.

(Ord. 922, 9/17/1996, Art. XXII, §2204)

**§27-2206. Enactment of Zoning Ordinance.**

Before voting on the enactment of a zoning ordinance, the Borough Council shall hold a public hearing thereon, pursuant to public notice. The vote on the enactment by the Borough Council shall be within 90 days after the last public hearing. Within 30 days

## ZONING

after enactment, a copy of the zoning ordinance shall be forwarded to the County Planning Commission.

(Ord. 922, 9/17/1996; as added by Ord. 991, 8/15/2005)



**PART 23**

**ZONING HEARING BOARD**

**§27-2301. Appointment.**

The Ambler Borough Council shall appoint a Zoning Hearing Board consisting of three residents of the Borough of Ambler. The terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year.

- A. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be for the unexpired portion of the vacant term. Members of the Board shall hold no other office in the Borough.
- B. The Borough Council may appoint by resolution at least one, but no more than three, residents of the Borough to serve as alternate members of the Board with a term of office of three years. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members including the right to cast a vote as a voting member of the Board.
- C. Any Board Member may be removed for malfeasance, misfeasance of nonfeasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- D. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.
- E. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
- F. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel (other than counsel for the Borough), consultants and other technical and clerical services. Member of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall

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it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

(Ord. 922, 9/17/1996, Art. III, §2300)

### **§27-2302. Applicant Request Information.**

If the applicant is requesting that the Zoning Hearing Board grant a special exception or interpretation of this Chapter, the application shall set forth the nature of the variance or special exception or the question for interpretation and shall state briefly the reasons why such relief is requested.

(Ord. 922, 9/17/1996, Art. XXIII, §2301)

### **§27-2303. Appeals.**

An appeal to the Zoning Hearing Board from the decision of the Zoning Officer shall be taken within 30 days of such decision.

(Ord. 922, 9/17/1996, Art. XXIII, §2302)

### **§27-2304. Zoning Permit Fees.**

The applicant for a zoning permit shall, at the time of making the application, pay to the Zoning Officer for the use of the Borough, such fees as may be established, from time to time, by resolution of the Borough Council.

(Ord. 922, 9/17/1996, Art. XXIII, §2303)

### **§27-2305. Jurisdiction.**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §609.1 and 916.1(a)(2) of the MPC.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

- C. Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of this Chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC.
- F. Applications for special exceptions under this Chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance pursuant to §912.1 of the MPC.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.
- H. Appeals from the Zoning Officer's preliminary opinion under §916.2 of the MPC.
- I. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.

(Ord. 922, 9/17/1996, Art. XXIII, §2304)

**§27-2306. Hearings.**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Borough Council shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Board. In addition to the written notice proved herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

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- (1) The Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
  - (2) The first hearing before the Board or Hearing Officer shall be commenced 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or Hearing Officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or Hearing Office shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief, and applicant may, upon request, be granted additional hearing to complete his case-in-chief provided the persons opposed to the application are granted an equal number additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- B. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for the purpose.
- D. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the

attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- H. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- I. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for challenges filed under §916.1 of the Pennsylvania Municipalities Planning Code where the Board fails to render the decision within the a period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in Subsection

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(A)(2), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection (A) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal.

- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 922, 9/17/1996, Art. XXIII, §2305; as amended by Ord. 991, 8/15/2005)

### **§27-2307. Expiration of Special Exceptions and Variances.**

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six months of the date of the authorization thereof.

(Ord. 922, 9/17/1996, Art. XXIII, §2306)

### **§27-2308. Zoning Hearing Board Fees.**

The Borough Council may prescribe, by resolution, reasonable fees with respect to hearings before the Zoning Hearing Board within the limits set forth in §908.1.1 of the MPC.

(Ord. 922, 9/17/1996, Art. XXIII, §2306)

**PART 24**

**VIOLATIONS AND REMEDIES**

**§27-2401. Violations.**

It shall be the duty of the Zoning Officer to take cognizance of violations of this Chapter. He shall investigate each violation which comes to his attention whether by observation or by communication. He shall order in writing the correction of such conditions as are found to be in violation of this Chapter. Failure to secure a zoning or use permit, or a Zoning Hearing Board certificate when required, previous to erection, construction, extension or addition to a building, or change in use of land or building as in this Chapter provided, shall be a violation of this Chapter.

(Ord. 922, 9/17/1996, Art. XXIV, §24)

**§27-2402. Enforcement Notice.**

1. If it appears to the Borough that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
  - A. The name of the owner of record and any other person against whom the Borough intends to take action.
  - B. The location of the property in violation.
  - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
  - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
  - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

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4. In any appeal of an enforcement notice to the Zoning Hearing Board the Borough shall have the responsibility of presenting its evidence first.
5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

(Ord. 922, 9/17/1996, Art. XXIV, §2401; as amended by Ord. 991, 8/15/2005)

### **§27-2403. Causes of Action.**

In case any building, structure, landscaping or land is, or is proposed to be, erected, used in violation of this Chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

(Ord. 922, 9/17/1996, Art. XXIV, §2402)

### **§27-2404. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues it shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the Borough.



2. The Court of Common Pleas, upon petition, may grant an order of stay upon cause show, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(Ord. 922, 9/17/1996, Art. XXIV, §2403; as amended by Ord. 991, 8/15/2005)

**§27-2405. Jurisdiction.**

District justices shall have initial jurisdiction over proceedings brought under §27-2404.

(Ord. 922, 9/17/1996; as added by Ord. 991, 8/15/2005)



**PART 25****AMENDMENTS****§27-2501. General.**

The Borough Council may, from time to time, amend, supplement, change, modify or repeal this Chapter, including the Zoning Map. Following the procedure set forth in §607 of the MPC for enacting a proposed zoning ordinance is optional, but in all events the following procedure shall be followed with respect to amendments:

- A. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
  - (1) In addition to the requirement that notice be posted under Subsection (A), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Borough at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Borough. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.
  - (2) This subsection shall not apply when the rezoning constitutes a comprehensive rezoning.
- B. In the case of an amendment other than that prepared by the Planning Commission the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- D. At least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the Montgomery County Planning Commission for recommendations.

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- E. The Borough may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Borough and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the Pennsylvania Municipalities Planning Code.
- F. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Montgomery County Planning Commission.

(Ord. 922, 9/17/1996, Art. XXV, §2500; as amended by Ord. 991, 8/15/2005)

### **§27-2502. Landowner Curative Amendments.**

A landowner who desires to challenge on substantive grounds the validity of this chapter or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided by the Borough Council in accordance with the provisions of the §609.1 of the MPC.

(Ord. 922, 9/17/1996, Art. XXV, §2501; as amended by Ord. 991, 8/15/2005)

### **§27-2503. Borough Curative Amendments.**

If the Borough determines that the zoning ordinance or any portion thereof is substantially invalid, the Borough shall declare by formal action the zoning ordinance or portions thereof substantially invalid and propose a curative amendment to overcome such invalidity under the provisions of the §609.2 of the MPC.

(Ord. 922, 9/17/1996, Art. XXV, §2502; as amended by Ord. 991, 8/15/2005)

### **§27-2504. Publication, Advertisement and Availability of Ordinances.**

1. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough council shall publish the proposed ordinance or amendment in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
  - B. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
  3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if dully recorded therein.

(Ord. 922, 9/17/1996; as added by Ord. 991, 8/15/2005)



**PART 26**

**NONCONFORMING STATUS**

**§27-2601. Nonconforming Status.**

All buildings, structures, uses of land, uses of buildings, lots and signs which do not conform to all of the applicable requirements of this Chapter shall be considered as nonconforming, provided that:

- A. They lawfully existed on the date of passage of this Chapter.
- B. They lawfully existed on the date of passage of a text or map amendment to this Chapter, which amendment caused the nonconforming status.

(Ord. 922, 9/17/1996, Art, XXVI, §2600)

**§27-2602. Nonconforming Classifications.**

Nonconforming status shall be classified as follows:

- A. Nonconforming Use. The existing lawful use of land and/or buildings and/or structures upon the land which does not conform to any of the permitted uses of the district in which it is located.
- B. Nonconforming Building or Structure. Any existing lawful building or structure that does not conform to the height, location, size, bulk or other dimensional requirements of the district in which it is located. This does not include signs.
- C. Nonconforming Lot. Any existing lot which does not conform to the area and/or width requirement for lots in the district in which it is located.
- D. Nonconforming Sign. Any sign, signboard, billboard or advertising device existing at the time of the passing of this Chapter that does not conform in use, location, height or size with the regulations of this Chapter shall be considered a nonconforming sign.
- E. Temporary Nonconforming Use. A temporary nonconforming use, which will benefit the public health, safety or welfare or promote proper development of a district in conformity with the intent of this Chapter, may be permitted for a period of not more than 30 days on the approval of an application for a special exception by the Zoning Hearing Board, but any such use to be permitted for a longer period shall require a public hearing thereon, after which a Zoning Hearing Board approval may be granted for a period not to exceed one year. A building permit and/or use and occupancy permit shall be

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required for any structure associated with such a temporary use, in accordance with the standards and regulations for permanent structures and uses.

(Ord. 922, 9/17/1996, Art. XXVI, §2601)

### **§27-2603. Nonconforming Uses.**

The following regulations shall govern all properties to which nonconforming status is applied.

- A. Nonconforming status shall continue and a property may continue to be used as nonconforming until it complies with the requirements of this Chapter.
- B. Change of Use.
  - (1) A nonconforming use may be changed only to a conforming use.
  - (2) If a nonconforming use is changed to a conforming use, then the previous nonconforming status shall become null and void.
- C. Discontinuance. A nonconforming use, when discontinued, may be resumed any time within one year from such discontinuance, but not thereafter. The resumption must be of the same use.
- D. Whenever a use district shall be thereafter changed, any existing use in such changed district may be continued, provided that no structural alterations are made other than those ordered by an authorized public officer to assure the safety of the building or structure.
- E. Extension of Expansion. A nonconforming use, building or structure, not including signs, may be extended or expanded in compliance with the following:
  - (1) The parcel on which extension or expansion occurs shall include only that lot, held in single and separate ownership, on which the use, building or structure existed at the time it became nonconforming. Expansion or extension onto adjoining lots is prohibited.
  - (2) Nonconforming use of a building may be extended throughout the building.
  - (3) A nonconforming use may be extended to a new building on the same lot, in compliance with Subsection (E)(5) below, and provided that the nonconforming use continues in the existing building.



- (4) A building which houses a non-conforming use may be expanded by no more than 25% of its gross floor area at the time it became nonconforming.
- (5) Extension and/or expansion as provided for above shall be permitted only to extent that all new construction shall comply with the dimensional standards of the district in which the building is located, except that expansion of a building that is nonconforming with respect to a required setback may be built on line with the existing nonconforming building line. A violation of any dimensional standard not previously violated shall not be permitted.

(Ord. 922, 9/17/1996, Art. XXVI, §2602)

**§27-2604. Additional Building Regulations.**

1. Buildings that are under construction at the time they become nonconforming may be continued to completion; provided, that valid building permits have been issued for those buildings and substantial construction has begun. If the building was intended for a use which has become nonconforming after construction of the building had begun, the building may be occupied and used for that legal use intended at the time the building permit was issued, or for one which is otherwise in conformance with the regulations for the zoning district in which the building is located.
2. Nonconforming primary structures damaged or destroyed by fire, explosion, accident of calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used as before; provided, that:
  - A. The reconstructed building shall not exceed the dimensions of the damaged or destroyed building, including height, width, depth, volume.
  - B. Building reconstruction shall be started within one year from the date the building was damaged or destroyed and shall be carried out without interruption.
  - C. The building will pose no hazard to safety.
3. Legally condemned nonconforming buildings shall not be rebuilt or used except to conformance with this Chapter.

(Ord. 922, 9/17/1996, Art. XXVI, §2603)

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### **§27-2605. Nonconforming Lots of Record.**

1. A lot of public record, in single and separate ownership at the time of enactment of this Chapter, or amendments thereto, which is not in conformance with the area or width requirements of the district in which it is located, shall be deemed nonconforming and shall be subject to the following regulations:
  - A. Said lot may be used as otherwise permitted in that district following the granting of a variance by the Zoning Hearing Board for the particular use.
  - B. Where two or more contiguous undeveloped lots are held in single ownership, within a subdivision which has been duly recorded prior to the effective date of this Chapter, which lots are individually not of the required minimum area or width for the district in which they are situated, such lots shall be developed in groups thereof in order to provide the minimum lot area and frontage required for each lot.
2. Exception. A nonconforming lot of record, which is part of a subdivision plan approved by Borough Council and recorded in the office of Recorder of Deeds as such and which is in compliance with the zoning regulations in effect immediately prior to the date of enactment of this Chapter may be developed in accordance with the terms of such approval and preceding zoning regulations.

(Ord. 922, 9/17/1996, Art. XXVI, §2604)

### **§27-2606. Signs.**

1. A nonconforming sign may continue in its current use and location, provided it is maintained in safe and good repair.
2. If and when the sign is replaced, the new sign shall comply with the requirements of this Chapter. Replacement of the sign shall not include simply revising the text or color of the sign, but shall include structural replacement and/or relocation of the sign.

(Ord. 922, 9/17/1996, Art. XXVI, §2605)

### **§27-2607. Administration.**

1. In all matters pertaining to nonconforming status, the Zoning Officer shall make the initial determination. The Zoning Officer may seek the advice of the Borough Planning Commission, Borough Solicitor and/or others in making a determination.
2. If it cannot be determined by means of positive documentation that a use or structure was in lawful existence at the time an ordinance or amendment would have

rendered it nonconforming, the Zoning Officer must refuse to confer nonconforming status.

3. If the applicant disagrees with the Zoning Officer's determination, the applicant may appeal to the Zoning Hearing Board as provided by law.

(Ord. 922, 9/17/1996, Art. XXVI, §2606)



**PART 27**

**RO REDEVELOPMENT OVERLAY DISTRICT**

**§27-2701. Statement of Intent.**

It is the intent of this District to:

- A. Encourage new development and uses that can stimulate economic revitalization, in accordance with the Ambler Borough Redevelopment Plan.
- B. Reestablish the rail corridor as a primary location for employment opportunities within the Borough.
- C. Provide for expanded uses and flexible standards, recognizing the uniqueness of the corridor area.
- D. Provide for additional review procedures at the initial stage of conceptual development to ensure the proposal meets the intent and purpose of the RO district and integrates the overall Redevelopment Plan.
- E. Preserve the historical character of the structures in the rail corridor and their relationship to the rest of the Borough.
- F. Encourage the use of the passenger rail line to minimize vehicular traffic within the corridor.
- G. Ensure that pedestrian connections to the Borough Commercial District, public transportation, naturalized trails and open space areas are included in all development plans.
- H. Ensure consistency and integration of site improvements, access and parking, landscape and lighting, complimentary land uses and architectural treatments to result in a redevelopment area meeting the intent of this District.
- I. Encourage preservation and reuse of existing structures where they may have historical significance in the Borough's past as an industrial center for the region.

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2003, §2700)

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### §27-2702. Definitions.

The following words and terms, when used in this Part, shall have the following meanings, unless the context clearly indicates otherwise, and shall supercede any other definition within this Chapter in regards to this subject:

**CHILD DAY CARE CENTER** — a facility in which care is provided for seven or more children at any one time in a facility not located in a family residence.

**COMMUNICATIONS DEVICE** — a tower or satellite antenna facility, roof mounted, that includes, but is not limited to, radio and television communication, microwave communication, telephone communication and similar wireless communication devices. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities. The device must be associated with and supportive of a principal use contained within the building on which the device is located.

**FACADE** — the principal vertical surface of a building, which is set along a frontage line.

**GROSS TRACT AREA** — the total measurement of a land area prior to any deductions.

**MULTI-USE FACILITY** — a building or group of buildings, which houses more than one principal use that are owned and operated independently of each other or as an accessory use to a principal use.

**PARKING GARAGE/STRUCTURE** — a building designed and used for the storage of automotive vehicles operated as either a business enterprise with a service charge or fee, or in conjunction with a primary use for the parking of privately owned vehicles.

**PUBLIC AMENITY** — a feature that increases the attractiveness or value of a project, specifically central plazas, parkland, courtyards and public parking. The features should be designed so as to be complimentary to the physical and visual character of the Borough. Features should incorporate appropriate scale, design, materials and lighting.

**RESTAURANT, WITH BUSINESS MEETING PLACE** — an establishment that serves food and beverages primarily to persons seated within the building and which specializes in business meeting space, with centralized meeting table and group communications and audio/visual facilities to support business meeting functions. Additionally, the establishment may provide additional table dining facilities within the building. These establishments may also provide outdoor dining table facilities immediately adjacent to the building containing the proposed restaurant.

TRAFFIC IMPACT STUDY — an assessment of present and future traffic and conditions in accordance with §22-310, Traffic Impact Study, of the Ambler Borough Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2003, §2701)

**§27-2703. Use Regulations.**

Where the Redevelopment Overlay zone has been imposed, the land use regulations and development standards of the underlying zones shall remain in full force. Additionally, the Redevelopment Overly District provides for the following additional uses, which are permitted either by right or by conditional use in the specified underlying zones:

A. Parking Garage/Structure. Permitted by right in all of the underlying zones within the Redevelopment Overlay District. Multi-level parking garage may be constructed as a principal use or in combination with other permitted uses on any lot of a size and configuration, which shall meet the standards in this Section.

(1) Dimensional Regulations.

(a) Height Maximum four garage levels above ground. Below ground levels may be approved with adequate safety and security provisions.

(b) Parking Spaces. Nine feet by 18 feet.

(c) Drives. One-way – 20 feet; two-way – 22 feet.

(d) Setbacks. Joint use with other permitted uses in separate structure, 10 feet.

1) Principal Use. Property lines – 10 feet.

2) Principal Use. Street right-of-way – 15 feet.

(2) Development Standards.

(a) Multi-level parking garages may be developed as a shared parking and/or multi-use facility with documentation of shared use agreement. Such structures are permitted attached to another structure containing one or more allowed principal uses when said uses utilize the parking garage to meet the parking requirements of the use(s).

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- (b) Multi-level parking garages may be permitted in combination with other permitted uses located on the second level or higher floors or garage levels.
  - (c) Parking garages that front on either Main Street or Butler Avenue shall be required to have commercial and/or office uses on the ground floor and entrances shall be located on the front facade.
  - (d) Garages shall include adequate lighting on all levels, but shall limit light spill to adjacent properties and uses. Protection and shielding of adjacent residential uses shall be a priority.
  - (e) Garage structures shall be landscaped, including buffers, as required for all uses in the RO District. Emphasis shall be placed on larger evergreen and deciduous trees to soften and buffer the upper levels of multi-level garage structures.
- B. Child Day Care Center. Permitted by conditional use in the underlying OC Office Campus District.
- (1) Dimensional Regulations. The dimensional standards of Part 16 apply, except if otherwise noted in this Section or herein.
    - (a) Location. Child day care centers shall only be located within a multi-use building complex. The center does not have to be operated as an accessory use but may be operated independently of any other use in the building as a principal use.
  - (2) Conditional Use Standards.
    - (a) General Standards. The provisions of this Section pertain to day care service for children by care givers in child day care centers, subject to Pennsylvania Code, Title 55, Public Welfare Chapter 3270, Child Day Care Centers (9/16/2000). Day care service for children shall include out-of-home child day care service for part of a 24 hours day for children under 16 years of age by care givers, excluding care given by relatives.
      - 1) Registration and Licensing. Child Day Care Centers as defined in this Section, must hold an approved and currently valid Department of Public Welfare (DPW) license. In addition, all child day care centers must comply with all current DPW regulations, including those standards governing adequate indoor space, accessible outdoor play space and any applicable State or local building and fire safety codes.



- 2) **Inspection.** The operator of a child day care center will allow appropriate representatives of the Borough to enter the property at reasonable times to inspect such use for compliance with the requirements of this Section and all other applicable Borough and State ordinances.
- 3) **General Safety.** Operators of child day care centers shall comply with the provisions of the Pennsylvania Code, Title 55, Public Welfare, Chapter 3270, Child Day Care Centers as it pertains to the health and safety of the children attending the center.
- 4) **Hours of Outside Play.** Outside play shall be limited to the hours between 8:00 a.m. and sunset, as defined by the National Weather Service.
- 5) **Outdoor Play Area.** An outdoor play area, are required by DPW regulations, shall be provided for any proposed child day care center.
  - i) **Onsite Outdoor Play Area.** An onsite outdoor structured play area or areas of high outdoor activity shall be located in yard areas that provide adequate separation, safety and protection from adjoining uses properties and roadways. Whenever possible, the onsite outdoor play area shall not be located adjacent to a public street or private drive or accessway. The outdoor play area should be located immediately adjacent to the child day care center.
  - ii) **Offsite Outdoor Play Area.** In accordance with DPW standards, a child day care center may utilize offsite play areas in lieu of or as a supplement to an onsite play area. These standards permit the use of offsite play area, which are located within 1/2 mile distance of the facility, measured from the property line of the facility. When the use of an offsite play area is proposed, the applicant shall inform the Borough about the means of transportation that will be used to access the offsite play area. For reasons of safety, when children will be walked to an offsite play area, the route to the offsite play area shall not involve the crossing of arterial or major collector streets. Pedestrian access on sidewalks or improved walkways shall be required.

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- 6) Traffic Impact Study. For any proposed child day care center, a traffic impact study will be required in accordance with §27-2705(C).
- (b) Development Standards. The following standards shall apply to all proposed day care centers:
- 1) Onsite Parking for Employees and Clients. A minimum of one onsite parking space for every five children shall be provided, plus an additional one space per employee.
  - 2) Drop-Off Area Location and Design. Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the onsite parking area or the required drop-off spaces may be designed as a part of the driveway providing direct access to the day care facility. No parking is permitted in the drop-off area and the drop-off areas shall not interfere with other traffic patterns. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be located within a vehicle turn-out area 12 feet in width exclusive of the driveway through traffic land(s). The drop-off area shall be covered, the covering of which shall not be subject to setbacks.
  - 3) Landscaping. Landscaping shall be provided in compliance with applicable Sections of the Borough's landscape planting requirements in order to create a vegetative buffer from adjacent uses, as well as to create an aesthetically pleasing environment.
    - i) Buffer standards for lots on which a proposed day care center is located:
      - a) Vegetative Buffers. A vegetative screen buffer may be required when deemed necessary by the Borough Council to meet the intent and goals of this Part. Criteria to be considered will include, but not be limited to, the nature and type of adjacent uses, lot size of the subject property, as well as the adjacent properties and the distance to adjacent buildings. The following standards shall apply to buffers when required by the Borough:

- b) Buffers shall contain combinations of evergreen and deciduous vegetation. The planted buffer shall be a minimum of six feet in width and six feet in height at the time of installation. Earthen berms may be provided in combination with vegetative material. Earthen berms shall not exceed four feet in height nor exceed a maximum slope of 3:1.
  - c) Continued maintenance of vegetative buffers is required and shall be the responsibility of the operator of the facility.
  - d) Opaque fences or walls used to meet the following requirement for fencing of outdoor play areas may be used in place of part of the required vegetative buffer material at the approval of the Borough Council.
- ii) Landscaping in Outdoor Activity Areas. Existing or proposed planting material shall be suitable in and around areas used by children. No thorny, poisonous or other hazardous plants shall be allowed in areas used by children. In open areas, emphasis shall be given to providing shade to selected sections of the outdoor activity areas.
- 4) Fencing of Outdoor Play Area. In order to physically contain the activity of children in the outside play area, a minimum of four feet high fence shall be erected along the perimeter of the outside play area. When applicable, the fence may be located along property lines, but will not be exclusive of the required vegetative buffers. Natural barriers such as hedgerows, dense vegetation, etc., may be substituted for fencing if it can be demonstrated that such barriers can effectively contain the activity of the children.
  - 5) Play Equipment Setback. Play equipment in designated onsite play areas shall be located at least 10 feet from an abutting property line.
  - 6) Entrance/Exit Accessibility. When located in a multi-use building complex, day care center entrances/exits shall provide direct access to the child day care center. Waking through other significant portions of the building is not permitted.

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- 7) Soundproofing. When co-located in any building employing noisy operations, the Borough Council may require sound-proofing of the child day care center to protect the children.
- C. Restaurant With Business Meeting Space. Permitted by conditional use in the underlying OC Office Campus District and RSC Retail and Service Commercial District.
- (1) Dimensional Requirements. The dimensional standards of Part 16 apply, except if otherwise stated.
  - (2) Conditional Use Standards.
    - (a) For the consumption of food and beverages without drive-in service. Service shall be limited to table and/or sit-down counter facilities only.
    - (b) Restaurants may be developed as stand-alone uses or as part of a multi-use building.
    - (c) Restaurants shall have space, exclusive of any main dining areas, which can be used for the sole purpose of business meeting space. The space shall have a minimum capacity of 10 people and a maximum capacity of 30 people.
    - (d) The use shall have direct access onto a driveway or public street.
    - (e) Additional buffers:
      - 1) Front Yard:
        - i) Minimum width, 15 feet.
        - ii) Minimum landscape details:
          - a) For each 30 feet of frontage on a public right-of-way, one 3 1/2 inch caliper deciduous tree shall be planted.
          - b) Parking areas shall be screened from the street by a four foot high evergreen hedge.
      - 2) Side and rear yard:
        - i) Minimum width, 15 feet.

- ii) Minimum Landscape Details. An evergreen planting screen shall be used to provide an adequate visual barrier. The plant material used shall be a minimum height of four feet at the time of planting and shall be planted in a staggered arrangement in order to provide an immediate effect.
- (f) Outdoor Seating. A restaurant may provide outdoor seating, provided pedestrian circulation and building access is not impaired and the following standards are met:
- 1) Removable enclosures, such as planters, shall be used to define the area.
  - 2) The outdoor area must be physically separated from public or parking areas by a railing, fence, deck, planting boxes or a combination thereof.
  - 3) The outdoor area must not infringe on any public sidewalk, parking area or right-of-way.
  - 4) The outdoor area cannot infringe or encroach on the minimum number of required parking spaces or further reduce available parking.
  - 5) Tables, chairs and related furniture must be removable and indoor storage provided for extended periods of non-use (e.g., winter months).
  - 6) Extended awnings, canopies or umbrellas may be used to provide cover and shade.
  - 7) Additional trash receptacle shall be provided and maintained.
  - 8) No additional signage beyond what is allowed for the use is permitted.
- (g) Service. Areas for loading and unloading of delivery trucks and other vehicles and for the servicing of refuse collection, fuel and other services shall be provided and shall be adequate in size. A schedule for periodic disposal of solid waste material shall be required. All solid waste material shall be stored in covered containers. No solid waste shall be stored closer than within five feet of any property line. Provided, however, that no solid waste storage is to be closer than 30 feet to any outdoor principal use. Loading and refuse collection areas shall be shielded from the direct view of any adjacent property by walls, plantings or a

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combination thereof which measure a minimum of six feet in height. Such shielding shall be maintained at all times.

D. **Communication Device.** Permitted by conditional use in the underlying OC Office Campus District, C Commercial District, I Industrial District, and RSC Retail and Service Commercial District.

- (1) **Dimensional Regulations.** The height of communications devices shall not exceed 10 feet in height above the actual building height of the building on which the communication devices are proposed. These devices must be screened from public view.
- (2) **Conditional Use Regulations.**
  - (a) Communication devices shall be limited to those associated with and supportive of a principal permitted use contained within the building. It shall be located with other rooftop utilities as specified in §2703 P.5.
  - (b) Any applicant proposing communications devices to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the communications devices location.
  - (c) Any applicant proposing communications devices to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the communications devices are to be mounted on the structure.
  - (d) Communications devices shall comply with all applicable standards established by the Federal Communications Commission (FCC).
  - (e) Communications devices shall not cause radio frequency interference with other communications facilities located in the Borough or other radio-dependent devices.
  - (f) The owner or operator of communications devices shall be licensed, if applicable, by the Federal Communications Commission (FCC) to operate these communications devices.

E. **TOD Transit-Oriented Development.**

- (1) **Intent.** The intent of the Borough in permitting development pursuant to this section is as follows:

- (a) To provide for an intensity and type of land use that is compatible with and supportive of the use of public transportation;
- (b) To recognize that, by having land use patterns that encourage use of public transit opportunities, traffic in the community can be reduced and travel choices for residents can be expanded;
- (c) To encourage redevelopment of obsolete properties whose prior or present uses adversely impair the property or surrounding properties;
- (d) To provide for flexibility in lot sizes, setbacks, and other area and bulk requirements so that imaginative and innovative designs can be developed;
- (e) To ensure that mixed-use development is consistent in character in its residential and nonresidential components;
- (f) To encourage the provision of a pedestrian environment and to promote a pedestrian orientation of buildings and streets; and
- (g) To encourage development that has open and recreational spaces as focal points.

(2) Definitions:

TRANSIT-ORIENTED DEVELOPMENT (TOD) — a TOD is intensified development surrounding a rail or mass transit station that is compact, mixed-use, and pedestrian-friendly, and which is intended to encourage transit ridership. Residential uses in TOD can be of moderate to high density, and may be developed in the form of either new construction or redevelopment.

- (3) Use Regulations. TOD development shall be permitted within the RO-Redevelopment Overlay District when authorized as a conditional use by Borough Council. In passing upon a conditional use application, Borough Council shall render a decision in accordance with the general conditional use criteria set forth in Part 4 of this Chapter, in addition to the specific criteria set forth in this Part. In accordance with §603(c)(2) of the Pennsylvania Municipalities Planning Code, the Borough may attach reasonable conditions and safeguards, in addition to those expressly set forth in the Borough ordinances, as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Borough ordinances. The following uses are permitted within a TOD development:
- (a) Single-family attached dwellings.

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- (b) Multifamily residential.
  - (c) Mixed-use buildings, provided any nonresidential use shall be located only on the first floor of such buildings and further provided, that all uses within such buildings are individually permitted elsewhere in this section.
  - (d) Parking facilities, including structured parking.
  - (e) Playgrounds, parks, tot lots, exercise facilities and related amenities to serve the residents of the TOD development.
  - (f) Transportation-related facilities.
  - (g) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses.
- (4) Conditional Use Standards. The following conditional use standards are in addition to the general conditional use criteria set forth in Part 4 of this Chapter:
- (a) General:
    - 1) A tract proposed for TOD development must be zoned "OC"; and must be located within 500 feet of an existing or proposed commuter rail station (and/or support parking lot for such station); and must have a minimum of 1,250 feet of frontage on an active, passenger rail line. The five-hundred-foot requirement (for proximity to a commuter rail station) shall be measured from the nearest property line of the TOD to the nearest property line of the commuter rail station or support parking lot property.
      - a] Transportation oriented development shall be permitted in the Industrial Zoning District for parcels fronting on both an active passenger rail line and a public street.
      - b] The frontage requirements on an active passenger rail line shall be reduced from 1,250 feet down to 750 feet if the tract proposed for a transportation oriented development has frontage on a public street of at least 750 feet.
    - 2) Minimum Lot Area: eight acres. The minimum lot area requirement shall be reduced to four acres if the tract proposed for the transportation oriented development has at least 750 feet of frontage on a public street.



- 3) Maximum Lot Area: In order to prevent a disproportionate amount of the acreage in the redevelopment overlay district from being used for residential development, the maximum lot area which can be utilized for a proposed TOD Development shall be 12 acres.
  - 4) Minimum Lot width: 100 feet
  - 5) Water and sewer. All TOD developments shall be serviced by public water and public sewer.
  - 6) The lot to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of each lot under consideration.
  - 7) A TOD development shall be designed to be compatible in use with the existing Borough development; and in its residential and nonresidential components in terms of architecture, building materials, massing and scale.
  - 8) Transportation oriented development applications shall be considered with recognition for the need to have a mix of uses in the vicinity of the rail station and Borough Council may decline such an application if, after proper consideration of the proposal, it is determined that such use, when considered cumulatively with other uses in the area of the rail station, would cause a particular use to be disproportionately represented in the train station area.
- (b) Density, mix and bulk requirements.
- 1) The maximum residential density for a TOD development shall not be more than 35 dwelling units per gross tract acre.
  - 2) Building and Impervious coverage:
    - Maximum Building coverage: 50%
    - Maximum Impervious coverage: 80%
  - 3) Building setback requirements:
    - Front Yard: 8 feet
    - Side Yard: 20 feet

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Rear Yard: 20 feet

(Side and rear yards adjacent to a railroad right-of-way may be reduced by 50%)

Building Height:

Maximum building height: 65 feet

4) The maximum length of any building used exclusively for multifamily residential use (excluding mixed-use buildings), shall be 250 feet.

5) Building spacing:

Corner to corner: 30 feet

Face to face: 40 feet

Between the rear of single-family attached dwellings 25 feet

(Corner to corner spacing shall be deemed controlling unless the angle of any face of one building to the angle of any face of any immediately adjoining building shall be less than 20°.)

6) Building orientation and entrance. Front facades of buildings shall be oriented toward an internal or external street or driveway.

7) Walls and windows.

a] Blank walls shall not be permitted.

(c) Architectural Elements. All buildings shall include a variety of architectural design elements to avoid creating monotonous building facades. These architectural features may include, but are not limited to, a combination of any four of the following:

1) Masonry (but not flat concrete block);

2) Concrete or Masonry plinth at the base of walls;

3) Belt courses of a different texture or color;

4) Projecting or decorative cornices;

- 5) Quoins;
  - 6) Decorative tile work;
  - 7) Trellis containing planting;
  - 8) Medallions;
  - 9) Opaque or translucent glass;
  - 10) Bay windows;
  - 11) Artwork;
  - 12) Vertical articulation;
  - 13) Stylized lighting fixtures;
  - 14) Porticos;
  - 15) Building extensions; and
  - 16) Other architectural elements
- (d) Pedestrian and transit-oriented design elements.
- 1) Sidewalks or other walkways acceptable to the governing body shall be provided along all internal streets and driveways.
  - 2) Convenient pedestrian connections shall be provided from all residential, nonresidential and mixed use building entrances to parking areas, open space and recreational areas, and to the transit station intended to be served by the TOD.
  - 3) Sidewalks or walkways shall connect to existing sidewalks on abutting tracts.
  - 4) All sidewalks and walkways within 300 feet of the transit station building shall be a minimum of five feet in width.
  - 5) Site amenities such as bicycle racks, benches, and trash receptacles shall be provided in appropriate locations, such as near residential buildings, mixed use buildings, and pedestrian walkways.

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- (e) Parking. Required parking and loading shall be in accordance with Article XXI, including the use of common and/or off-site parking facilities.
  - 1) Parking for residential units shall be provided at a rate of 1.5 spaces per unit over the entire residential portion of the TOD. The total number of parking spaces required by this Section may be reduced by 25% (rounded upward to an additional space) when the parking serves a nonresidential building which has a door to be used as a general means of ingress and egress for occupants (as opposed to a service or emergency only door) within one-quarter of a mile of any portion of a railroad station platform used by the public for rail service.
  - 2) Parking areas shall be interconnected and cross easements provided to ensure shared use is provided where appropriate.
  - 3) Off-street parking and garages should be designed such that vehicular access to such parking or garages does not unnecessarily obstruct the primary internal driveway(s) or existing external streetscape. The main internal drive is the primary connecting access cartway that connects the internal driveways and parking lots to the external street system.
- (f) Loading and trash disposal.
  - 1) Dedicated areas for such purposes shall be provided for all uses.
  - 2) Such areas shall be located to the side or rear of buildings, and shall be screened from view from public streets.
- (g) Planting Buffer. All TOD developments shall provide a permanent landscaped planting area of at least 10 feet in depth (inclusive of curb, but not sidewalk, of up to one foot in width) along all property lines on or adjacent to a residential use, except property adjacent to a public right-of-way (when street trees and foundation landscaping is planted in the front yard along the right-of-way). The property line buffer shall be designed in accordance with the applicable requirements of the Subdivision and Land Development Ordinance [Chapter 22]. Where a residential land development abuts an industrial use or vice versa, one of the following buffers shall be established which shall be equivalent to the type of screens described in Chapter 22, Appendix B, §100.4.4F(2) or 100.4.4F(4). If §100.4.4F(2) (ever-

greens) is selected, the evergreens may be planted at a depth closer than 10 on center. If §100.4.4F(4) (fence with plantings) is selected, then (a) a combination of large shrubs or ornamental trees may be used, provided they are planted three feet on center; and (b) a wall or fence is acceptable, provided it is constructed of brick, stone, wood, masonry or similar appearing material (chain link or cinder block is not acceptable).

- (h) Green space. A minimum of 20% of the gross tract area shall be set aside for open space and recreational activities for the use of the occupants of the TOD and shall be in accordance with the following standards:
  - 1) The green space requirement shall be met on an overall tract basis.
  - 2) A portion of the green space must contain:
    - a) Village green or Plaza. Each village green or plaza shall:
      - [1] Be at least 20,000 square feet in size;
      - [2] Have an average width of at least 100 feet; and
      - [3] Be surrounded by sidewalks; roads; or residential, commercial or mixed-use buildings with front facades facing the village green or plaza.
      - [4] Village greens and plazas may include amenities such as a fountain, pavilion, gazebo, stage, amphitheater, pool, landscaped trellis or extensive landscaping/garden area.
  - 3) The green space and village green/plaza requirements for single-family attached dwellings shall be eliminated if (a) the transportation oriented development contains a minimum of 20% green area throughout the site, and (b) the rear yard area has been identified on the development plan for use by each dwelling unit. Rear yard area may be allocated to each unit either exclusively through fee simple ownership or in common through a condominium or planned community association, or some combination of the two. No impervious surfaces may be installed by a homeowner in the rear yard except for a patio and/or deck

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extending no greater than 12 feet from the rear of the dwelling unit.

- (i) Lighting.
    - 1) Lighting shall be provided at intersections along all perimeter public streets, at regular intervals along interior streets and interior walkways and parking areas at spacing sufficient to provide illumination of not less than 1/2 foot candle at ground surface.
    - 2) Lighting standards shall be traditional in design and consistent in style within both the residential and nonresidential areas of the TOD tract.
    - 3) Residential and mixed-use lighting standards shall not exceed 14 feet in height.
    - 4) All lighting shall be designed and installed to minimize spillover to adjoining properties through consideration of placement of the light standards and by the use of down lighting.
  - (j) For all residential uses, the applicable homeowner association or condominium association documents shall be submitted to and approved by the Borough Solicitor.
  - (k) Traffic Impact. A TOD development plan shall be designed so that access to the development and interior circulation protect new and existing streets from unnecessary congestion or hazard. A traffic impact report shall be prepared at the TOD developer's expense to demonstrate the impact of the proposal on the levels of service of intersections within 1,000 feet of the property. If required as a condition of approval by the Borough Council, the TOD developer shall be required to implement traffic and transportation improvements and/or satisfactorily demonstrate the source of funding for these improvements and coordinate the phasing of the proposed TOD development with those highway intersection improvements.
- (5) Application for Approval.
- (a) TOD development shall be available as a conditional use in the Development Overlay District only, and application shall be made for such approval in accordance with the provisions of this subsection.

- (b) Such applications shall be accompanied by a conditional use plan showing the relationship among the various components of the development. The conditional use shall be prepared at a scale appropriate to the size of the property and in sufficient detail to demonstrate that the plan complies with the requirements of this chapter. The conditional use plan shall be conceptual in nature and shall not be required to meet the provisions of a preliminary subdivision or land development plan. The applicant shall have the option, however, of submitting preliminary subdivision or land development plans concurrent with the conditional use application. The conditional use plan shall include the following elements:
- 1) An existing features plan shall be submitted which shall indicate the tract size, out bounds of the tract, topography, wetlands, woodlands, floodplains, recorded easements and rights-of-way and any other significant physical or man-made feature existing on the tract.
  - 2) A general land use plan, indicating the tract area and the general locations of the land uses included, shall be submitted. The total number and type of dwelling units and the amount of nonresidential square footage shall be provided. The residential density and the overall tract intensity (building and impervious coverage) shall be provided. The plan shall indicate the location of proposed uses within the development; the location and amount of common open space, along with any proposed recreational facilities, such as but not limited to pedestrian pathways, community greens, community centers, etc.
  - 3) Conceptual architectural renderings, showing the general design, scale and materials of residential buildings within the TOD development.
  - 4) A conceptual utility plan shall be included which shall indicate the proposed location of sanitary sewer and water lines, along with a narrative indicating the feasibility of such facilities. The plan shall also show the approximate areas needed for stormwater management.
  - 5) As required under Subsection 27-2703E(4)(k) above, a traffic study shall be submitted which analyzes the likely impacts of the proposed development and makes traffic improvement recommendations in accordance with standard traffic engineering procedures.

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- (6) Decision on conditional use request. In allowing a conditional use, Borough Council may attach reasonable conditions and safeguards as may be deemed necessary to implement the purposes of this chapter and ensure the protection of adjacent uses and streets from adverse impacts that may be determined from credible testimony.

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2003, §2702; as amended by Ord. 990, 4/12/2005; by Ord. 1004, 1/16/2007; by Ord. 1008, 5/21/2007; and by Ord. 1014, 1/7/2008)

### **§27-2704. Development Bonus.**

As provided for in §§27-2705(D), Access, 27-2705-(F), Off-Street Parking and Loading and 27-2705(L), Public Amenities, a development bonus will be granted, in accordance with the following:

- A. Qualification for any one of the below provisions, an increase in the maximum building coverage of 5% and an increase in the maximum impervious coverage of 5%.
- B. Qualification for more than one provision will also result in a reduction in the minimum required lot width of 15%.
- C. The development bonus shall be a cumulative one-time bonus for each development proposal.

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2003, §2703)

### **§27-2705. General Regulations.**

The following regulations apply to all development in the Redevelopment Overlay District:

- A. Utilities. All buildings shall be served by a public sanitary sewage disposal system and public water supply or any available public utilities. All utility lines and services shall be placed underground.
- B. Stormwater Facilities. Stormwater facilities and supporting calculations must be provided in accordance with the Ambler Borough Subdivision and Land Development Ordinance [Chapter 22]. Recognizing the intent of the Borough to encourage redevelopment and reuse and the need to protect the health, safety and welfare of property owners, employees and residents, the Borough may apply some flexibility in addressing stormwater and related issues. Developers are encouraged to utilize innovative stormwater control techniques such as porous pavements. Applicants and or landowners may challenge the official floodplain delineation in accordance with the proce-



dures required by the Federal Emergency Management Agency, Federal Insurance Administration.

- C. **Traffic Impact Study.** A traffic impact study shall be completed for all development within the RO District. Where a study has been completed for previous projects in the RO District, a traffic impact analysis will be required as an update to the previous study. If changes in the use or intensity are proposed at any time during the development process, an updated study or analysis may be required. The study and/or analysis must be completed by a professional engineer in accordance with the Ambler Borough Traffic Impact Ordinance and include the following:
- (1) Traffic impact on adjacent and nearby roads and intersections.
  - (2) Description of traffic characteristics of the proposed development.
  - (3) Traffic volumes for average daily traffic at peak hours (pre and post development).
  - (4) Source of trip generation rates used.
  - (5) Documentation of onsite and offsite improvements needed and proposed to mitigate impacts.
- D. **Access.** Each development shall have physical access to a public street. Developers are encouraged to share access points and/or driveways, where this is proposed, the bonus provisions of §27-2704 may be used. However, to qualify for a bonus, the lots must share a primary access point and/or driveway. Additional secondary accessory points and driveways shall not be eligible for the bonus provisions.
- E. **Streets.** Streets proposed for dedication within the development shall be interconnected with each other and with streets on abutting properties and approved by Borough Council.
- F. **Off-Street Parking and Loading.**
- (1) In addition to the off-street parking regulations of Part 21, the provisions of this Section shall apply in the RO District.
  - (2) Adequate provision for loading shall be provided, subject to the approval of Borough Council for each use in the RO District.
  - (3) A parking needs analysis study shall be provided by the applicant. It shall be based on the requirements of §§27-2102, 27-2103 and 27-2105 and be prepared by a professional engineer licensed in the State of Pennsylvania. The parking needs analysis must demonstrate to the satisfaction of Borough Council that the parking requirements for all

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proposed uses are adequately met, considering provisions for reserve parking, shared and off peak uses, the needs of the proposed uses and programming for joint use facilities.

- (a) Borough Council may require reevaluation of necessary parking capacity upon a change in status of use, ownership, number of employees and/or size of building or land area used at the time that such change occurs.
- (4) Required parking and loading may include the use of common and/or off-site parking facilities. Where common or off-site parking is proposed, the bonus provisions of §27-2704 may be used.
- (5) Common Parking and Off-Site Facilities. The parking spaces required in §27-2102 for nonresidential uses may be located elsewhere than on the same lot and shared when authorized as a conditional use, subject to the following conditions:
  - (a) The owner(s) of the establishment(s) shall submit with the application for conditional use a site plan showing parking location and, in the case of shared parking, of the proposed distribution of spaces among the users.
  - (b) In the case of shared parking, the Borough Council with a recommendation from the Planning Commission may, in its discretion, reduce the total required amount of parking space upon determination that greater efficiency is achieved through joint use of a common parking area, provided the ratio of total off-street parking space area to total sales floor area is not reduced by more than 25%.
  - (c) An application for shared common parking shall be submitted with the land development application and shall include information concerning any easement, lease or other agreement with applicable terms and conditions, which assures shared use and shall be recorded on the land development plan.
  - (d) Where common and off-site facilities are proposed, some portion of the common parking area shall be within 300 feet of a patron entrance used for one of the businesses involved in the proposal.
  - (e) The applicant shall demonstrate that pedestrian access to and from the common and/or off-site parking is direct, safe and with adequate illumination.
- (6) Parking Standards. Shall meet the standards specific in Part 21 of this Chapter.

- G. Ownership and Maintenance of Common Open Space and Facilities. Ownership and maintenance of common open space and other common facilities shall be provided for in accordance with the regulations of §27-402 of this Chapter. All open space shall be permanently deed restricted from future subdivision and development.
- H. Solid Waste. All solid waste facilities shall be located no closer than five feet from any property line and a site element screen shall be provided in accordance with the landscape planting requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].
- I. Signs. All signs shall meet the requirements of Part 20.
- J. Lighting Facilities.
  - (1) All nonpublic sidewalk, walkway, parking and building lighting shall be of a style and design consistent with the revitalization and redevelopment lighting poles and fixtures utilizing a high-pressure sodium light source. Fixtures shall be sized and located to provide for the safety and convenience of both pedestrians and vehicles with a minimum foot candle value of 0.2. Fixtures shall be designed in style and height to limit light, glare and spillover to any adjacent residential use.
  - (2) Lighting for all existing public streets and new streets proposed for dedication shall be of a style, design, height and source-type in fixture and pole to be consistent throughout the RO District as approved by Borough Council.
- K. Landscaping. Landscaping requirements in the RO District shall meet all provisions of the Borough's Subdivision and Land Development Ordinance [Chapter 22], except as modified or supplemented below:
  - (1) Shade trees meeting the specifications and spacing of the requirements listed in the Subdivision and Land Development Ordinance [Chapter 22] Appendix "B," §100.3, Street Trees, shall be provided along all streets and may be within the legal right-of-way.
  - (2) Except as noted herein, parking areas shall be separated from buildings, property lines (except where shared parking lots overlap a common property line), sidewalks and internal collector drives by a landscaped area at least 10 feet in width.
  - (3) All surface parking lots shall have a shade tree, with a caliper of 2 1/2 to three inches at the ends of each single row of cars with at least one tree for every 24 spaces.

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- (4) All buildings shall be landscaped with a combination of evergreen and deciduous trees and shrubs to be used as “foundation” planting, i.e., plantings to be installed in proximity to the facades.
  - (5) The above design criteria are intended to develop a standard whereby adequate and consistent landscaping is included throughout the development area. The criteria are not intended to strictly direct the location of this landscaping, but rather to be used by the Borough as a gauge in reviewing redevelopment proposals.
  - (6) A landscaping plan is required and shall be drawn at a scale of at least one inch equals 50 feet. It shall be totally coordinated with the overall site plan. It shall be prepared by a licensed Pennsylvania landscape architect and shall contain the following:
    - (a) A delineation of existing and proposed plant materials.
    - (b) A delineation of other landscape features, including planting beds to be used for herbaceous plants, spaces to be devoted to courtyards and sitting areas, areas to be devoted to open lawns and other site amenities of the proposed development, such as paving, site lighting, signs, kiosks, benches, street furniture, etc.
    - (c) A plant list wherein the botanical and common name of proposed plants are tabulated, along with the quantity, caliper, height and other characteristics.
    - (d) Details for the planting and staking of trees and the planting of shrubs and any other details, which depict other related installations such as wall, fences, trash receptacles, tree grates, etc.
    - (e) Information in the form of notes or specifications concerning the proposed design of the site development. Such information shall convey the proposals for paving, seeding, sodding, mulching and the like.
- L. Public Amenities. To encourage the provision of public amenities such as parkland, central plazas or courtyards and public parking, the bonus provisions of §27-2704 may be used. To be eligible, the amenity must have a clear public purpose or benefit, as determined by the Borough.
- M. Pedestrian Design Standards. Public and private pedestrian access and circulation shall be included in all development proposals. Pedestrian access links shall be provided for all uses as specified on the Redevelopment Area Plan for access to open space areas and principal destinations such as the Ambler Borough Main Street Corridor, the SEPTA train station and the Wissahickon Conservation Corridor. All pedestrian access walks, buildings, trails, sidewalks, etc., shall be designed with adequate width and construct-

ed with materials to accommodate type and volume of traffic anticipated for the purpose intended and shall include adequate lighting and landscaping.

- (1) Sidewalks are required along all existing and proposed streets.
- (2) Paved pedestrian walkways, sidewalks, trails or equivalent shall connect road frontage sidewalks to building entries, parking area and other significant destination areas (i.e., passenger rail station, major open space areas and/or historically or culturally important sites).
- (3) Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops. Unpaved walking trails may be substituted for paved sidewalks in cases where the developer has proven that such trails would be more appropriate to the development's surroundings (i.e., along a watercourse, connection to an existing trail network, etc.).
- (4) All pedestrian amenities shall be designed in accordance with the standards of the Americans With Disabilities Act.
- (5) Public pedestrian access links, as noted in the Redevelopment Plan, shall be provided between all uses through pedestrian access easements with a minimum width of 15 feet. Walkways between office buildings, retail establishments and housing areas shall facilitate "walkability." Direct pedestrian connections to public transit stops, the Downtown Commercial District and adjacent properties shall be accommodated within the overall land use plan.
- (6) Sidewalks and pedestrian access links shall be constructed of a hard, durable, all-weather surface. Alternative paving materials, such as high density concrete pavers, may be utilized but must be of a color and texture matching that existing elsewhere in the Borough's Main Street and/or development areas and must be approved by the Borough. Utilization of alternated paving materials will qualify for the development bonus defined in §27-2704.

N. Application and Review of Development Proposals.

- (1) For all proposed developments in the RO District, a tentative conceptual sketch plan shall be submitted, as defined in §22-302 of the Am- bler Borough Subdivision and Land Development Ordinance [Chapter 22] with the following information also to be shown:
  - (a) A conceptual site plan showing the location of all existing and proposed buildings, drives, roadways, proposed traffic patterns, parking lots and garages, pedestrian walkways and plazas and other constructed features on the lot, plus all designated open space and open space/recreational facilities, and all water,

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floodway/floodplains and topographic features. Surrounding existing features may be indicated with aerial photographic information, which can be obtained from the Borough.

- (b) Conceptual architectural plans for any proposed buildings or modifications to existing buildings shall be submitted in adequate detail to indicate building setback, footprint dimensions, building heights, building mass, entrances, loading/unloading areas and a schematic layout of building uses.
  - (c) Landscaping plan showing the general location of all landscaping areas and the mature height of all proposed vegetation, differentiating between trees and shrubs. The applicant shall also include a list of required landscaping as required by the applicable Borough ordinances.
  - (d) Schematic layout of utilities and stormwater facilities.
  - (e) Any other pertinent data or evidence that the Redevelopment Review Board may require.
- (2) All tentative sketch plans, as described above, shall follow the procedure specified in §22-302 of the Subdivision and Land Development Ordinance [Chapter 22], with the following revisions:
- (a) There shall be nine copies of each plan submitted.
  - (b) One copy of the plan shall be submitted to the Revitalization/Redevelopment Review Board for review.
  - (c) Application for review of the tentative sketch plan shall be placed on the agenda of the Revitalization/Redevelopment Review Board.
  - (d) The Borough Planning Commission shall review the comments of the Revitalization/Redevelopment Review Board in subsequent action on the tentative sketch plan. In all cases, Borough Council shall have the final approval of all development in the RO District.
- (3) All tentative sketch plans shall in their layout and design, show the following:
- (a) An integrated and coordinated pedestrian circulation system linking the site with nearby uses and buildings, parks, transit facilities, other pedestrian traffic generators, the rest of the redevelopment area and the remainder of the Borough.

- (b) All open spaces in the form of walkways, plazas, arcades, etc.
    - (c) Architectural design.
  - (4) The applicant may request a joint workshop meeting of the Borough Planning Commission and the Revitalization/Redevelopment Review Board to discuss the proposal at the conceptual sketch plan phase.
- O. Revitalization/Redevelopment Review Board.
  - (1) A Revitalization/Redevelopment Review Board is hereby established for the purpose of reviewing the conceptual design, layout and other features of the proposed developments in keeping with the intent and purposes set forth in this Part and that of the Borough Redevelopment Area Plan.
  - (2) The purpose of the Revitalization/Redevelopment Review Board is to make a finding that the proposed development is in conformity with all the provisions of this Part and sound design practice.
  - (3) In reviewing any site conceptual development plan, the Revitalization/Redevelopment Review Board must make sure the plan meets the following:
    - (a) The site development plan meets or exceeds all applicable provisions.
    - (b) The conceptual plan is in the best interest of the public health, safety and general welfare of Borough residents.
    - (c) General site considerations (including site layout, open space and topography, orientation and location of buildings, circulation and parking, setbacks, heights, walls, fencing and similar elements) and general architectural considerations (including the character, scale and quality of the design, the architectural relationship with the site and other buildings, screening of exterior appurtenances and similar elements) have been designed and incorporated to invite pedestrian circulation between this area and the remainder of the Borough.
- P. Building Design Standards and Guidelines. The following architectural design criteria shall be complied with in all development in the RO District, and thus provide a basis for the encouragement of innovative and sound design and development practices and ensure consistency of improvements and architectural elements throughout the development area. The following criteria shall be met at preliminary and/or final plan submission.

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- (1) Preliminary architectural elevations shall be submitted with any conditional use application or land development application, whichever occurs first. A registered architect shall prepare such elevations. Such elevation shall illustrate the general design, character and materials for sides of buildings visible from public streets, the passenger rail line and open space lands available for public use.
- (2) The details of the architectural designs may be modified after conditional use approval and/or preliminary land development approval, provided the overall designs and types of materials conform to the approved plans.
- (3) The architectural designs of all buildings should provide a variety of rooflines and treatments, when viewed from public streets, the passenger rail line and open space land available for public use. Buildings shall not have the appearance of monolithic structures. Instead large buildings shall have the appearance of connected smaller buildings. Building walls shall not have unbroken single appearance for more than 35 feet on the average in horizontal length. Instead, variations in materials, colors, textures, overhangs, setbacks of at least 20 feet, display windows and/or entrance ways shall be used to provide visual interest.
- (4) The architectural design of a building's vertical height shall be broken with variations in materials, colors, textures, setbacks, fenestration and architectural detailing. The sides of buildings visible from public streets, the passenger rail line and open space lands available for public use shall not have dissonant architectural theme. All buildings within a single project shall have a unified or complimentary architectural character.
- (5) Rooftop heating, ventilation, air conditioning equipment and communication devices shall be screened from view from adjacent buildings, public streets, the passenger rail line and open space lands available for public use, in a manner that is consistent with the architectural design.
- (6) Applicants are encouraged to use color schemes that contribute to the overall character of the Borough. However, companies will not be required to abandon their legally protected trademarks, logos, color schemes and trim colors provided they are appropriately integrated into an aesthetically pleasing overall design.
- (7) A coordinated design scheme shall be presented that will promote attractive sign designs among tenants. A detailed design shall be presented for freestanding signs for the development during the subdivision/land development process.



- (8) Loading and unloading docks, dumpsters and exterior compactors shall be located, designed and screened in a manner that minimizes their visibility from adjacent public streets, the passenger rail line and open space lands available for public use and dwellings. No outdoor storage is allowed in the RO District.
- (9) Applicants are encouraged to preserve historical elements, which are present on or within existing buildings. It is recommended that these elements be preserved and incorporated into the building redesign and renovations.

Q. Demolition of Existing Structures. Demolition of existing structures shall require a demolition permit from the Borough. Proposed demolition of existing structures in the RO District must be included in all conceptual sketch plan submittals.

(Ord. 922, 9/17/1996; as added by Ord. 974, 3/18/2002, §2704; and by Ord. 991, 8/15/2005)



**PART 28**

**DC DOWNTOWN COMMERCIAL DISTRICT**

**§27-2801. Statement of Intent.**

It is the intent of this District to:

- A. Provide for the orderly development of a major business and commerce area of the Borough, consistent with the Comprehensive Plan.
- B. Allow for residential uses that are compatible with the “Main Street” character.
- C. Encourage a uniformity of design to ensure the orderly arrangement of land uses and buildings.

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2800)

**§27-2802. Use Regulations.**

1. Permitted Uses.

- A. Retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, plants, furnishings or other household supplies, sale and repair of jewelry, watches, clocks, optical goods or musical, professional or scientific instruments.
- B. Business or professional office or studio, bank or other financial institution, municipal use excluding dump, telephone central office, telegraph or other public utility office, passenger station for public transportation
- C. Office buildings.
- D. Restaurant, bar, tearoom, retail baker, confectionery or ice cream shops or places serving food or beverages.
- E. Personal service shop, including tailor, barber, beauty salon, shoe repair, dressmaking or other similar service.
- F. Indoor theater or bowling alley.
- G. Newspaper publishing, job printing.
- H. Hotel or motel.

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- I. parking lot, in accordance with §27-2804.
  - J. Accessory use as customarily incidental to the permitted use by special exception.
2. Special Exception Uses.
- A. Laundry or drycleaning establishment.
  - B. Other places of indoor amusement or recreation.
  - C. Outdoor storage facilities.
  - D. Residences, in accordance with the following:
    - (1) No basement or first floor dwelling units shall be permitted in combination with a commercial use.
    - (2) Each unit shall have a minimum of 600 square feet of floor area, plus 100 square feet additional for each bedroom.
    - (3) The lot area per family shall be 2,000 square feet for each unit. This shall be deemed to include the entire area within the lot, including buildings and structures committed to commercial use.
    - (4) Two off-street parking spaces shall be provided for each unit, exclusive of interior driveways and driveways connecting the garage or parking space with the street or alley.
    - (5) There shall be a minimum rear yard of 15 feet.
    - (6) Each unit shall have two means of egress, both of which shall terminate in a public way or a court space leading to a public way.
  - E. Any use of the same general character as any of the uses specifically permitted in this Section without requirement of a special exception.
3. Conditional Uses. In accordance with the regulations of §§27-2805 and 27-413 (Conditional Uses), the following may be permitted as a conditional use:
- A. Gasoline station with or without automobile servicing and/or mini-market.
  - B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.
  - C. Live or recorded entertainment, such as a performing arts facility.

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2801)

**§27-2803. Dimensional Requirements.**

1. Minimum Lot Area (permitted and special exception uses). One thousand five hundred square feet.
2. Maximum Building Area. Eighty percent.
3. Height Regulations. Forty feet, except that the Zoning Hearing Board may approve an increase to a maximum of 70 feet provided the Board determines that any building that exceeds 40 feet will not be detrimental to the light, air, privacy or architectural scheme of any other structure or use currently existing or anticipated and that for every foot of height in excess of 40 feet an additional one foot shall be added to each yard setback.

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2802)

**§27-2804. Parking Requirements.**

All parking facilities may be provided in accordance with the general provisions of Part 21 of this Chapter. In addition, the following regulations shall apply to commercial uses:

- A. Off-street parking facilities may be provided on the periphery of the commercial district.
- B. Off-street parking facilities are subject to the following provisions:
  - (1) Off-street parking spaces may be grouped in facilities serving more than one lot or establishment.
  - (2) Parking garages may be above or below ground. Above ground garages shall be in the rear yard and architecturally compatible with other improvements developed on the site and immediate area.

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2803)

**§27-2805. Conditional Use Standards.**

The following requirements shall be met for the applicable use permitted by §27-2802(3):

- A. Gasoline stations with or without automobile servicing and/or mini-market.
  - (1) Minimum Lot Area. One-half acre.

## ZONING

- (2) All servicing and parts storage shall take place in an enclosed building.
  - (3) All required parking shall be provided on the premises.
  - (4) No unregistered or unlicensed vehicles are permitted on the premises.
  - (5) No vehicle sales or rentals are permitted.
  - (6) Vehicles awaiting repair shall not be stored outdoors for more than one week.
- B. Light assembly/repair of ceramics, clothing, plastics, electrical goods, furniture, hardware, professional and scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys and electronic parts.
- (1) Minimum Lot Area. Ten thousand square feet.
  - (2) The requirements of §§27-1504 (Development Regulations) and 27-1505 (Performance Standards) shall be met.
  - (3) All assembly/repair work shall take place within an enclosed building.
  - (4) No outdoor storage is permitted.
- C. Live or Recorded Entertainment.
- (1) Shall not be less than 500 feet from another live or recorded musical entertainment use.
  - (2) All activities shall take place indoors.
  - (3) Hours of Operation. 9:00 a.m. – 2:00 a.m.
  - (4) A maximum of four coin-operated entertainment devices or machines are permitted (such as a video game or pinball machine).

(Ord. 922, 9/17/1996; as added by Ord. 972, 3/18/2003, §2804)

### **§ 27-2806. Limitations on Lots Abutting Residential Districts.**

1. For purposes of this Section, a lot abuts a residential zoning district when any portion of the lot boundary is shared with any portion of a lot that is zoned residential. A lot that is across the street from a residential lot does not abut the residential lot.

2. With the exception of tearooms, retail bakers, confectionery retailers, and ice cream shops, and notwithstanding any language in this Chapter to the contrary, no bar, restaurant, or other establishment selling food or beverages shall be permitted on any lot in the Downtown Commercial District that abuts the R-1 Residential District.
3. Where a lot in the Downtown Commercial District abuts a residential zoning district, the customer entrance for any permitted use shall open facing away from the residential district, and any customer entrance or the closest portion of any outdoor dining area must be at least 40 feet from the residential zoning district.

(Ord. 1015-1, 1/22/2008)





PART 28A

DC-2 DOWNTOWN COMMERCIAL-2

**§27-28A01. Permitted Uses.**

Uses may be one or more of the following:

- A. Retail establishments for the sale of baked goods, variety and general merchandise, greeting cards, clothing, food, beverages, drugs, plants and flowers, furnishings or other household supplies, hardware, sale and repair of jewelry, watches, clocks, optical goods, antiques, or musical, professional or scientific instruments.
- B. Business or professional office or studio; bank or other financial institution, or municipal use, excluding dump.
- C. Restaurant, coffee shop, bar, cafe, tearoom, retail baker, confectionary or ice cream shops (including walk-up windows) or places serving food or beverages.
- D. Accessory use as customarily incidental to the permitted use by special exception.
- E. Outdoor dining.
- F. Pedestrian takeout window.
- G. Gas stations, mini-marts, or a combination of the two when the mini-mart is housed within the gas station. Gas stations and mini-marts shall meet the following standards:
  - (1) All activities except those to be performed at the fuel or air pumps are performed within a completely enclosed building. Outdoor storage is not permitted.
  - (2) Minimum setback of pump islands is 50 feet from street ultimate rights-of-way, 80 feet from residential property lines, and 30 feet from all other property lines.
  - (3) Minimum setback of parking (any portion) from fuel pumps is 30 feet.
  - (4) The fuel pump area does not interfere with parking spaces or internal circulation. In development with multiple uses, the fuel pump area shall be separated from the parking and internal circulation of other uses.

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- (5) Body repairs and/or painting shall not be permitted, unless all parts, all such activities and materials used in conducting such activities take place entirely within a building. No temporary storage of vehicles being repaired or painted is allowed on the abutting roadway or within the street ultimate right-of-way line.
- (6) Canopies meet the following requirements:
  - (a) Canopies shall be set back at least 15 feet from property lines and ultimate rights-of-way and 50 feet from abutting residentially zoned properties.
  - (b) Canopies shall have a maximum height of 16 feet measured to the underside of the canopy. For slanted canopies, this sixteen-foot maximum can be measured at the portion of the canopy closest to the street.
  - (c) Individual canopies shall have a maximum area of 3,600 square feet; multiple canopies shall be separated by a minimum distance of 15 feet.
  - (d) Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy, using a full cutoff flat lens luminaire.
  - (e) Canopies shall be designed to be architecturally compatible with structures in the surrounding area with regard to color and building materials. Colors shall be compatible with buildings in the neighborhood, and pitched roofs shall be used wherever possible.
- H. Drive-throughs, provided the principal building on the lot is located between the drive-through and the street corner. At the discretion of Borough Council, the building may lie between the drive-through and only one of the arterial roads.
- I. Business services establishments, including copy centers, retail printing and duplication services, computer rental and copying centers, mailbox rental and shipping, cartage, express, and parcel delivery services.
- J. Day-care center.

(Ord. 1018, 7/21/2008)

### **§27-28A02. Dimensional Regulations and Impervious Coverage.**

- 1. Minimum lot size: 10,000 square feet.

2. Minimum lot width: 100 feet.
3. Minimum side or rear yard: five feet. Buildings shall be at least 10 feet apart.
4. Minimum building setback from abutting residentially zoned properties: 15 feet.
5. Maximum impervious coverage: 100%.
6. Building height, minimum. Buildings shall be a minimum of two stories (the building may have a faux second story). However, any faux second story shall have clear windows and appear to contain usable floor space. The design of the faux second story shall be compatible with the first story and traditional buildings in Ambler, as determined by Borough Council, after examining elevations submitted by the applicant. Criteria for making such a determination includes architectural style, building material and ornamentation.

(Ord. 1018, 7/21/2008)

**§27-28A03. Design Elements.**

1. Building Entrances.
  - A. All main building entrances shall face one of the arterial roads. This entrance shall be usable and well-defined through the use of architecture (e.g., utilizing porticos, pediments, colonnades, canopies, or overhangs).
  - B. The front door to the building shall be located as close to the corner as reasonably possible.
2. Elevations. Elevations of building facades must be provided with the preliminary plan at the latest, but applicants are encouraged to submit them as part of a tentative sketch plan.
3. Sidewalks. The sidewalk pattern shall continue across driveways. Sidewalks shall connect the front entrance of buildings to the street sidewalk and to off-street parking areas on the lot.
4. Parking, Driveways, and Landscaping.
  - A. Screening. Parking lots visible from the street shall be continuously screened in accordance with the SALDO Table 1: Site Element Screens. However, where screening would block the intersection sight triangle, low, decorative shrubbery may be used rather than the standard buffers prescribed by the SALDO.<sup>5</sup>

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<sup>5</sup> Editor's Note: See Chapter 22, Subdivision and Land Development.

## ZONING

- B. Parking shall be set back at least 10 feet from the curb.
  - C. Driveways shall not exceed 24 feet when crossing sidewalks.
  - D. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. Borough Council may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
  - E. Properties are allowed a maximum of one driveway intersection per street.
5. Walls, Windows, and Roofs.
- A. Walls. Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front facade, including materials, colors, and details. At least four of the following architectural treatments shall be provided:
    - (1) Masonry (but not flat concrete block).
    - (2) Concrete or masonry plinth at the base of the wall.
    - (3) Belt courses of a different texture or color.
    - (4) Projecting cornice.
    - (5) Projecting metal canopy.
    - (6) Decorative tile work.
    - (7) Trellis containing planting.
    - (8) Medallions.
    - (9) Opaque or translucent glass.
    - (10) Artwork.
    - (11) Vertical/horizontal articulation.
    - (12) Lighting fixtures.
    - (13) An architectural element not listed above, as approved by Borough Council, that meets the intent of this district.

B. Windows.

- (1) The ground floor front facades of buildings visible from the pedestrian view shall consist of a minimum of 60% window area and a maximum of 75%, with views provided through these windows into the business. Ground floor windows shall be a maximum of 12 to 20 inches above the sidewalk.
- (2) Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35% window area in the facade above the ground floor and a maximum of 75%.
- (3) Smoked, reflective, or black glass in windows is prohibited.

C. Roofs. Roofs shall be in keeping with the character of adjacent buildings and/or shall have pitched roofs. Pitched roofs shall have a minimum slope of 4:12 and a maximum slope of 12:12.

6. Loading areas shall be located as far as feasible from the street.

7. HVAC, Communication and Mechanical Equipment.

- A. All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets, to the maximum extent possible.
- B. All wall-mounted mechanical, electrical, communication, and service equipment shall be screened from public view by fences, walls, landscaping, or other approved means.

(Ord. 1018, 7/21/2008)

**§27-28A04. Additional Regulations.**

1. Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties. In order to limit the adverse impact of a proposed gateway development use, Borough Council may require alternative site layouts, including increased parking setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
2. Gateway Sign/Garden.

## ZONING

- A. As part of a gateway development, and consistent with the goals of the Ambler Revitalization and Ambler Open Space Plans, Borough Council may require the applicant to establish a "gateway" welcoming traffic and pedestrians to Ambler. This gateway may consist of elements described in the Revitalization or Open Space Plans, and/or include:
- (1) A stone, brick, or hardscaping monument sign displaying the name "Ambler Borough" on it.
  - (2) A planting area/garden surrounding the sign. This should be at least 150 square feet.
  - (3) The garden and sign shall be easily visible to traffic and pedestrians entering Ambler.
  - (4) Sixty percent of the garden shall be of materials such as trees, vines, shrubs, and seasonal flowers with year-round interest. All trees shall be at least 3.5 inches in caliper.
  - (5) Water features.
  - (6) Benches.
  - (7) Small patio area.
- B. The design of any gateway sign/garden should be coordinated with Borough Council, on recommendation by the Planning Commission. Input from Ambler Main Street, the Shade Tree Committee, the Environmental Advisory Committee, and the Revitalization Committee should also be sought.

(Ord. 1018, 7/21/2008)

**PART 29**

**RSC RETAIL AND SERVICE COMMERCIAL DISTRICT**

**§27-2901. Statement of Intent.**

It is the intent of this Part to:

- A. To provide primarily for retail commercial uses and other selected uses, which are commonly associated with those retail uses to support and stimulate the Rail Corridor Redevelopment and that require accessibility to main roadways.
- B. To encourage redevelopment of existing brown-field sites into productive employment centers.
- C. Reestablish South Ambler as a focal point for economic development.
- D. Ensure the suitability of design to enhance the existing character of the Borough and the redevelopment area.
- E. Provide for development that is compatible with and integrates any water feature in the overall design.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2003, §1000)

**§27-2902. Definitions.**

The following words and terms, when used in this Part, shall have the following meanings unless the context clearly indicates otherwise, and shall supersede any other definition within this Chapter in regards to this subject:

**ATHLETIC TRAINING/EDUCATION FACILITY** — a building housing sports fields, court or rinks for the primary purpose of training and/or education and which are operated on a fee or membership basis. The building may include, but is not limited to, basketball courts, tennis courts, soccer fields, hockey and skating rinks, etc. These facilities may include accessory uses, such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. No training/education is to be conducted outside of the building.

**DEPARTMENT AND VARIETY STORES** — establishments that sell a large variety of general goods, where no one merchandise line dominates. Products may include apparel, furniture, appliances and home furnishings, paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys and sporting goods. Merchandise lines may be arranged in separate departments.

## ZONING

**HEALTH AND FITNESS CLUB** — activities operated as a gainful business, open to the public for the purpose of personal training, sports conditioning and group fitness. Such facilities may include, but are not limited to, basketball, tennis, racquetball and squash courts, indoor swimming pool, indoor track, exercise studio and strength training equipment. These facilities may include accessory uses, such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. All facilities must be contained within the building.

**HOTEL, MOTEL OR EXTENDED STAY HOME** — a building containing 20 or more guest rooms or a group of such buildings specifically designed for the temporary lodging of transient guests in rooms rented on a daily basis. Such establishments may provide cooking facilities as well as room service for food and beverages and shall provide maid service and laundering of linens. Additionally, these establishments may contain a restaurant within the building, which may also contain meeting space.

**SUPERMARKET OR GROCERY STORE** — retail establishments (not including convenience stores) that sell a general line of food, such as canned and frozen foods, fresh fruits and vegetables, baked goods and fresh and prepared meats, fish and poultry. Additionally, these establishments may include a pharmacy and/or bank within the building.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2002, §1001)

### **§27-2903. Use Regulations.**

1. Permitted Uses.
  - A. Hotel, motel or extended stay hotels.
  - B. Department and variety store.
  - C. Supermarket or grocery store.
  - D. Athletic training/education facility.
  - E. Health and fitness club.
2. Special Exception Uses.
  - A. Any use of the same general character as any of the uses hereinbefore specifically permitted, provided they meet the intent of this district.
  - B. Business or professional offices or general office buildings.



(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2003, §1002)

**§27-2904. Dimensional Requirements.**

1. Area of Tract. A minimum of one acre.
2. Impervious Surface Coverage. In no case shall buildings, parking areas, drive-ways, walkways or other impervious coverage occupy more than 80% of the lot area of any lot. The remaining portion of the lot, not to be less than 20% shall be landscaped.
3. Building Height. The height of any building or structure shall not exceed the height of 65 feet or seven stories, from finished grade to parapet, whichever is greater.
4. Setbacks. Side and rear yard setbacks shall not be required between similar uses. All buildings shall be setback 50 feet from any water feature. In no event shall a building be located less than 50 feet from a residential use or district existing at the time of the enactment of this Part, nor shall a building be less than 50 feet from any nonresidential use or district.
5. Building Orientation. Building facades, which incorporate utilities, trash enclosures, service areas, loading and unloading areas, driveways, parking areas and other similar features shall not be oriented toward any water feature.
6. Height Stepback. For every building whose height (measured from finished grade to parapet) exceeds 30 feet, there shall be an additional setback from any water feature measuring five horizontal feet for every additional 10 feet in height.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2003, §1003)

**§27-2905. Development Regulations.**

1. Ownership. The property to be developed shall be in one ownership or shall be the subject of an application filed jointly under single direction in accordance with an approved plan.
2. Utilities. All buildings shall be served by a public sanitary sewage disposal system and public water supply. All utility lines and services shall be placed underground.
3. Public Street. A public street shall be constructed, or the existing road shall be improved so as to provide an effective means of access from the lots to the existing public street system. Public streets shall be constructed in accordance with Part 4 of the Ambler Borough Subdivision and Land Development Ordinance [Chapter 22].

## ZONING

4. Sidewalks. Sidewalks are required along all existing and proposed streets in the RSC District.
5. Parking and Loading. Required parking and loading shall be in accordance with Part 21, including the use of common or offsite parking facilities.
6. Pedestrian Circulation. A convenient, safe and coordinated system of pedestrian access shall be provided through the extension of sidewalk or similar walkways. This system shall link buildings, parking areas, open space, public transportation and other nearby destination points.
7. Solid Waste. All solid waste facilities shall be located no closer than 10 feet from any property line and a site element screen provided in accordance with the Landscape Planting Requirement of the Borough Subdivision and Land Development Ordinance [Chapter 22].
8. Signs. All signs shall meet the applicable provisions of Part 20.
9. Lighting Facilities. Lighting facilities shall be provided where deemed necessary for the safety and convenience as required by the specific use. Lighting facilities shall be provided in accordance with §27-2705(J) of the Ambler Borough Redevelopment Overlay District.
10. Landscaping. Landscaping shall be provided in accordance with the requirements and standards of the Borough Subdivision and Land Development Ordinance [Chapter 22].
11. Planting Buffer. All development shall provide a permanent landscaped planting area of at least 10 feet in depth along all property lines. The property line buffer shall be designed in accordance with the applicable requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22].
12. Building Design Standards and Guidelines. For all projects involving new construction or renovation of an existing building, the use of exterior architectural design features and details is encouraged; provided, they are applied consistently. However, any new building with a length exceeding 200 feet shall be designed to incorporate a front facade and/or roof variation. For the facade a minimum three foot (depth) offset shall be created for every 50 feet of continuous facade and extend from grade to the top of the facade. In the case of roof variation, the variation may involve the roof plane, ridgeline or both. The variation used shall be designed as an integral part of the roof, not an incidental feature such as utility pipe or vent. Where the ridgeline is affected, the vertical variation shall not be less than one foot.

(Ord. 922, 9/17/1996; as added by Ord. 973, 3/18/2003, §1004)

**PART 30**

**ZONING MAP AMENDMENTS**

**§27-3001. Zoning Map Amendments.**

1. The Official Zoning Map of the Borough of Ambler is hereby amended to designate the parcel located at 245 Forest Avenue, being the same as Block No. 031, Unit NO. 056, Montgomery Tax Identification No. 01-00-01705-004, from its current designation of R-1 Residential District to the new designation of IN Institutional District.
2. Redefining the Boundaries for Certain Zoning Districts.
  - A. I – Industrial District. This district includes all properties located along the west side of South Main Street from the intersection of Rosemary Avenue to Church; all properties fronting the east side of South Main Street from the intersection of Rosemary Avenue to Orange Avenue; all properties along the west side of North Main Street from the intersection of Tennis Avenue to Mt. Pleasant Avenue; all properties along the east side of North Main Street from the intersection of Tennis Avenue to Mt. Pleasant Avenue and includes the following parcels, identified by their Montgomery County Tax Parcel Number: 010002776004, 010002779001, 010002599001, 010002938004, 010002938009.
  - B. RO – Redevelopment Overlay District. The boundaries of this district are hereby established as follows:<sup>6</sup>
  - C. DC – Downtown Commercial District. The boundaries for this district are as follows:
    - (1) All properties located on the north side of Butler Avenue beginning at the northeast corner of Butler and Main Streets and continuing easterly to the point of the western property boundary of the property situate at the northwest corner of Butler Avenue and Hendricks Street, so that the property at the northwest corner of Butler Avenue and Hendricks Street is not included in the within map change, while the other properties on the north side of Butler Avenue between Race Street and Hendricks Street are included in the within map change. All properties located on the south side of Race Street between Butler Avenue and North Spring Garden Street; all properties located on the south side of Butler Avenue between Woodland Avenue and South Main Street; all properties along the east side of South Spring Garden Street from Butler Avenue to Rosemary Avenue; the properties on the north side of Race Street known as 209, 219, 233, and 245 Race Street.

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<sup>6</sup> Editor's Note: The full description of said boundaries is on file at the Borough office

## ZONING

- (2) All properties along the east side of North Main Street from Race Street to Forrest Avenue; all properties along the south side of Walnut Street from North Main Street to North Spring Garden Street.
    - (3) In addition to the above boundaries the following parcels are within the DC District: 01 00 02371 00 4, 01 00 02368 00 7, 01 00 02362 00 4, 01 00 02359 00 7, 01 00 03907 00 7, 01 00 03904 00 1, 01 00 03982 00 4, 01 00 05956 00 1, 01 00 04225 00 4, 01 00 04228 00 1, 01 00 04231 00 7, 01 00 00 931 00 4, 01 00 00934 00 1, 01 00 0937 00 7, 01 00 00940 00 4, 01 00 00943 00 1.
  - D. RSC – Retail and Service Commercial District. This district shall include the following parcels, identified by their Montgomery County Tax Parcel Number: 01 00 02938 40 9, 01 00 02938 00 4, 01 00 02939 00 3.
  - E. C – Commercial District. This district shall appear on the map as previously drawn, except that the parcels identified in Subsection C herein (Downtown Commercial) shall be removed from the Commercial District and zoned only as Downtown Commercial; properties fronting the north side of Butler Avenue from Main Street to the point at which Butler Avenue traverses the Wissahickon Creek shall be zoned C-Commercial; and further excepting that an area comprising 2,300 square feet on the western edge of the SEPTA inbound rail platform, as specifically described immediately below, shall henceforth be included in the C-Commercial district, and the map shall so reflect:

Beginning at a point of intersection of the southeast line of lands of Unit 12, Block 28 (now or formerly Amoco Oil Company), with the southwesterly right-of-way line of Southeastern Pennsylvania Transportation Authority (SEPTA); then along said right-of-way line south 20 degrees 18'30"E, a distance of 115 feet to a point; then along a new line through Unit 11, Block 28 Lands (now or formerly Montgomery County Industrial Development Authority), S 68 degrees 57' 20"W, a distance of 20 feet to a point; then still along a new line N 20 degrees 18'30"W, a distance of 115 feet to a point in the above mentioned line of Unit 12, Block 28; then along said property line N 68 degrees 57'20"E, a distance of 20 feet to the point and place of beginning.
  - F. R-1 Residential. The boundaries of this district shall be the same as previous but, in addition, certain parcels on the north side of Race Street, known as 141, 149, 157, 165, and 201 Race Street, shall be henceforth zoned R-1 Residential.
3. The Borough Zoning Map, as recognized and identified at §27-302, is hereby modified in the following respect: the parcel which is situate at the northwest corner of the intersection of Butler and Bethlehem Pikes and the parcel which is situate at

the southwest corner of the intersection of Butler and Bethlehem Pikes are both hereby zoned Downtown Commercial-2.

(Ord. 922, 9/17/1996, as amended by Ord. 963, 8/19/2002; by Ord. 977, 3/18/2003; by Ord. 991, 8/15/2005; by Ord. 1015-1, 1/22/2008; by Ord. 1024, 10/21/2008)