

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1086

AN ORDINANCE AMENDING THE DC-DOWNTOWN COMMERCIAL ZONING DISTRICT ORDINANCE TO PROHIBIT DRIVE-THROUGH RETAIL SALES; TO PROHIBIT ESTABLISHMENTS IN EXCESS OF 8,000 SQUARE FEET EXCEPT BY CONDITIONAL USE; ESTABLISHING CRITERIA FOR SUCH CONDITIONAL USE; AMENDING 27-2801 et. seq.; LEAVING THE REMAINDER OF THE ZONING ORDINANCE IN FULL FORCE AND EFFECT; EFFECTIVE UPON ADOPTION

WHEREAS, Ambler Borough Council does periodically revise the Borough zoning ordinance consistent with the public good and to reflect sound and well thought development consistent with the comprehensive plan, and

WHEREAS, an examination of the Downtown Commercial zoning district as it presently exists, measured against the demands placed on the roadways and traffic flow, has caused Council to conclude that certain limitations should and must be placed on development in that district,

NOW THEREFORE, Ambler Borough Council does amend the Downtown Commercial zoning ordinance in the following particular respects:

1. 27-2802 of the Borough codified ordinances is amended by adding the following language after the title of the section and before Section "1": "Each of the uses permitted in this section, whether by right, special exception, or conditional use, is limited in the following respect: there shall be no vehicle drive-through lane for customers regardless of the particular use."
2. 27-2802.3, "Conditional Uses", is amended by adding the following new paragraph "D", which shall read as follows: "Any by-right use set forth in 2802.1 in excess of 8,000 square feet of floor space.
3. 27-2803, "Dimensional Requirements" is amended by adding a new paragraph "4", which shall read as follows: "Maximum Square Footage. For any use in this DC zoning district, the structure from which the use is conducted shall not exceed 8,000 square feet of total floor space, unless by conditional use as provided elsewhere in this ordinance."
4. 27-2805, "Conditional Use Standards", is amended by adding a new paragraph "D", "Square Footage In Excess of 8,000 Square Feet" and the contents of which shall read as follows:
 - (1) The proposed use will not have a negative impact upon the overall character and appearance of the DC district and will remain consistent with the small town feel of the Borough;
 - (2) The use is a low volume one with respect to the number of patrons expected to drive to the business on a given day;
 - (3) The use will not generate any greater impact than uses of less than 8,000 square feet in terms of noise spillover, light spillover, or other impacts upon surrounding properties, and in particular, homes;
 - (4) The use may not include a secondary use or additional tenant; for example, if the use is retail food sales, there cannot also be a bank branch or medical clinic.
5. In all other respects, the ordinance as codified at 27-2802, 2803, and 2805 shall remain in full force and effect, unaffected by this Ordinance. This ordinance shall be effective upon adoption.

SO ORDAINED this 21st day of July, 2015.

Salvatore Pasceri

Salvatore Pasceri, President

ATTEST: Mary Aversa

Mary Aversa, Secretary
