

BOROUGH COUNCIL  
BOROUGH OF AMBLER

MONTGOMERY COUNTY, PENNSYLVANIA

PROPOSED ORDINANCE NO. 1072

"Transit-Oriented Development Ordinance Amendment"

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF AMBLER, CHAPTER 27 (ZONING), PART 27 ("RO" REDEVELOPMENT OVERLAY DISTRICT), SECTION 27-2703 (USE REGULATIONS), PARAGRAPH "E" (TOD TRANSIT-ORIENTED DEVELOPMENT), SUBPARAGRAPH (4) (CONDITIONAL USE STANDARDS), SUB-SUBPARAGRAPHS (a)1.b AND (a)2 TO PERMIT A MINIMUM OF 400 FEET OF FRONTAGE ON AN ACTIVE, PASSENGER RAIL LINE AND A MINIMUM LOT AREA OF 4 ACRES PROVIDED CERTAIN SPECIFIC CRITERIA ARE SATISFIED; AMENDING SUB-SUBPARAGRAPH (b)4 TO ESTABLISH THAT THE PERPENDICULAR CONNECTION OF TWO BUILDINGS BY A STRUCTURE TOTALLY DEVOTED TO PROVIDING PEDESTRIAN ACCESS BETWEEN THE TWO BUILDINGS SHALL NOT BE CONSIDERED TO HAVE CREATED ONE BUILDING FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE MAXIMUM PERMITTED BUILDING LENGTH OF 250 FEET; AMENDING SUB-SUBPARAGRAPH (b)5 TO PERMIT A REDUCTION IN THE FACE TO FACE BUILDING SPACING REQUIREMENT FROM 40 FEET TO 25 FEET WHEN ONE BUILDING IS INTENDED AS AN AMENITY BUILDING FOR USE EXCLUSIVELY AS A CLUBHOUSE, GAME ROOM, PARTY/EVENT ROOM OR SIMILAR USE; AMENDING SUB-SUBPARAGRAPH (g) (PLANTING BUFFER) TO REQUIRE A LANDSCAPE BUFFER AREA ALONG PROPERTY LINES ADJACENT TO RESIDENTIALLY ZONED PROPERTY; AMENDING SUB-SUBPARAGRAPH (i)3 TO PERMIT LIGHTING STANDARDS FOR RESIDENTIAL OR MIXED-USE TOD DEVELOPMENTS AT A HEIGHT NOT TO EXCEED 15 FEET; AMENDING SUB-SUBPARAGRAPH (i) (LIGHTING) TO PERMIT LIGHTING STANDARDS TO BE PLACED WITHIN 5 FEET OUTSIDE OF CURB IF ADJACENT TO DRIVE ISLES OR THE SIDES OF PARKING SPACES; AMENDING SUB-SUBPARAGRAPH (e) (PARKING) TO REQUIRE THAT HANDICAPPED PARKING SPACES COMPLY WITH MINIMUM FEDERAL ADA STANDARDS; AMENDING SECTION 27-2705 (GENERAL REGULATIONS), PARAGRAPH "D" (LANDSCAPING), SUBPARAGRAPH (2) TO PROVIDE SPECIFIC PARKING AREA BUFFER REQUIREMENTS FOR TOD DEVELOPMENTS; AND FURTHER AMENDING SECTION 27-2703 (USE REGULATIONS), PARAGRAPH "E" (TOD TRANSIT-ORIENTED DEVELOPMENT), SUBPARAGRAPH (3) (USE REGULATIONS) TO

**LIMIT THE USE AMENITY BUILDINGS WITHIN A TOD DEVELOPMENT.**

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The Borough Council of the Borough of Ambler does hereby **ENACT** and **ORDAIN**:

**SECTION I. - Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (a)1.b is hereby deleted in its entirety and replaced with the following new Sub-subparagraph (a)1.b:

b] The frontage requirements on an active passenger rail line shall be reduced from 1,250 feet to 750 feet if the tract proposed for a transportation-oriented development has frontage on a public street of at least 750 feet. In addition, the frontage requirements on an active passenger rail line shall be further reduced to 400 feet if the tract is: (1) proposed exclusively for multi-family residential use; and (2) within 1200 feet of an existing or proposed commuter rail station (and/or support parking lot for such station).

**SECTION II. - Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (a)2 is hereby deleted in its entirety and replaced with the following new Sub-subparagraph (a)2:

(a) General:

\* \* \*

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, or if the tract is: (1) proposed exclusively for multi-family residential use; and (2) within 1200

feet of an existing or proposed commuter rail station (and/or support parking lot for such station).

**SECTION III. – Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph “E” (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (b)4 is hereby deleted in its entirety and replaced with the following new Sub-subparagraph (b)4:

(b) Density, mix and bulk requirements.

- 4) The maximum length of any building used exclusively for multi-family residential use (excluding mixed-use buildings), shall be 250 feet. The perpendicular connection of two buildings by a structure totally devoted to providing pedestrian access between the two buildings shall not be considered as creating one building for the purpose of determining compliance with the maximum permitted building length of 250 feet.

**SECTION IV. – Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph “E” (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (b)5 is hereby deleted in its entirety and replaced with the following new Sub-subparagraph (b)5:

(b) Density, mix and bulk requirements.

5) Building spacing:

Corner to corner: 30 feet

Face to face: 40 feet. Face to face building spacing may be reduced to 25 feet when one of the buildings is intended as an amenity building for use exclusively as a clubhouse, game

room, party/event room, or similar use, and not intended for use as a residential unit or units.

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°)

#### **SECTION V. – Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph “E” (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (g) (Planting Buffer) is hereby deleted in its entirety and replaced with the following new Sub-subparagraph (g):

(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 adjacent to residentially zoned property, 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) (evergreens) 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).

#### **SECTION VI. – Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph “E” (TOD Transit-Oriented Development), Subparagraph (4)

(Conditional Use Standards), Sub-subparagraph (i)3 is hereby deleted in its entirety and replaced with the following:

(i) Lighting.

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3) Residential and mixed-use lighting standards shall not exceed 15 feet in height.

**SECTION VII. – Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph “E” (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (i) (Lighting) is hereby amended to add the following new requirement:

5) Notwithstanding any provision in this Chapter to the contrary, lighting standards in a TOD development in the Redevelopment Overlay District may be located within 5 feet of the outside of curbs if adjacent to drive isles or the sides of parking spaces.

**SECTION VIII. – Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph “E” (TOD Transit-Oriented Development), Subparagraph (4) (Conditional Use Standards), Sub-subparagraph (e) (Parking) is hereby amended to add the following new requirement:

4) Notwithstanding any provision in this Chapter to the contrary, handicapped parking spaces in a TOD development in the Redevelopment Overlay District shall be designed to meet minimum Federal ADA Standards.

**SECTION IX. – Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2705 (General Regulations), Paragraph “D” (Landscaping), Subparagraph (2) shall be deleted in its entirety and replaced with the following:

- (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. Notwithstanding the requirements of this paragraph, parking areas in a TOD development in the Redevelopment Overlay District shall be separated from residentially occupied buildings by at least 5 feet, and no separation shall be required for parking areas from sidewalks and internal collector drives. Parking areas shall be separated and buffered from property lines in accordance with Section 27-2703.E.(4)(g).

#### **SECTION X. - Amendment to Code**

The Code of the Borough of Ambler, Chapter 27 (Zoning), Section 27-2703 (Use Regulations), Paragraph "E" (TOD Transit-Oriented Development), Subparagraph (3) (Use Regulations), Sub-subparagraph (e) shall be deleted in its entirety and replaced with the following:

- (e) Playgrounds, parks, tot lots, exercise facilities and related amenities to serve the residents of the TOD development; provided, that the use of an amenity building constructed as part of a TOD development shall be limited to the residents of the TOD development only and not open for use by the general public.

#### **SECTION XI. - Severability**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

#### **SECTION XII. - Failure to Enforce not a Waiver**

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

**SECTION XIII. - Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**SECTION XIV. - Repealer**

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

**ORDAINED AND ENACTED** by the Borough of Ambler, Montgomery County, Pennsylvania, this 15<sup>th</sup> day of October, 2013.

**BOROUGH OF AMBLER**

By: \_\_\_\_\_

Tony Isabella  
Tony Isabella, President of Council,

Attest: \_\_\_\_\_

Mary Aversa  
Mary Aversa, Manager