

AMBLER BOROUGH, MONTGOMERY COUNTY, PA

ORDINANCE NO. 1134

AN ORDINANCE OF THE BOROUGH OF AMBLER MAKING ADDITIONS TO THE RO REDEVELOPMENT OVERLAY ZONING DISTRICT, INCLUDING: A DEFINITION OF EFFECTIVE TRACT AREA; MODIFYING CONDITIONAL USE STANDARDS BY REMOVING THE RAIL FRONTAGE REQUIREMENT AND DEFINING PROXIMITY TO A RAIL STATION WITH REFERENCE TO THE STATION PLATFORM; APPLYING THE CONDITIONAL USE CRITERIA TO THE RSC AND I ZONING DISTRICTS IN ADDITION TO THE OC DISTRICT; REDUCING THE REQUIRED LOT SIZE TO TWO ACRES OF EFFECTIVE TRACT AREA IF THE USE IS MULTI-FAMILY OR SINGLE FAMILY ATTACHED; ALLOWING A GREATER LOT DENSITY WHEN APPLIED WITHIN THE RSC DISTRICT; REMOVING THE PLANTING BUFFER REQUIREMENT WHEN DEVELOPING ADJACENT TO AN EXISTING TOD WITH SHARED VEHICULAR AND PEDESTRIAN ACCESS; FURTHER DEFINING REQUIRED GREEN SPACE, REQUIRING GREEN SPACE TO INCLUDE A RECREATION COMPONENT, ALLOWING SAME TO BE OFF-SITE IF WITHIN 250 FEET AND ACCESSIBLE BY PEDESTRIANS; ADDING DETAILS TO FACILITATE THE FOREGOING CHANGES, ALL BEING MODIFICATIONS TO TITLE 27, PART 27 OF THE BOROUGH ZONING ORDINANCE AS MODIFIED BY ORDINANCES 1072 AND 1078; CONTAINING SEVERANCE AND REPEALER CLAUSES; EFFECTIVE ON THE EARLIEST APPLICABLE DATE SET FORTH IN SECTION 3301.3 OF THE PENNSYLVANIA BOROUGH CODE

In order to maximize the applicability of the Transit Oriented Development option for properties that can benefit from its use while remaining consistent with the original and continuing intentions and purposes of Transit Oriented Development, Ambler Borough Council does hereby ORDAIN as follows:

1. Ordinance 27-2702, Definitions, is modified by adding the following definition:

TOD EFFECTIVE TRACT AREA – The aggregate Net Lot Area of the parcels involved in a Transit-Oriented Development including any land subdivided off an adjoining parcel and merged in ownership with the proposed TOD Development or land immediately adjacent to the TOD Parcel on which the TOD Applicant benefits from a recorded, perpetual, irrevocable easement for use and access as permitted by the Borough.

2. Ordinance 27-2703, Use Regulations, is amended by adding an additional criteria for the setback for a parking structure by adding section 2703A(1)e, which reads:

(e) Setbacks. Joint use with other principal use in same structure: Setback applicable to other principal use.

3. Ordinance 2703.E(4), Conditional Use Standards, is amended by removing all of the existing language in its entirety and replacing it with the following:

E(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" "RSC," or "I", and must be located within 800 feet of an active or proposed commuter rail station. The 800-foot requirement (for proximity to a commuter rail station) shall be measured from the nearest property line of the TOD to the nearest edge of the passenger platform of the commuter rail station.
- 2) Minimum Lot Area: eight acres. The minimum lot area requirement may be reduced to two acres of TOD Effective Tract Area if the tract proposed for the TOD is proposed exclusively for multifamily and/or single-family attached residential uses.
- 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, except that tracts zoned "RSC" shall be permitted to have TOD developments with a maximum residential density of 50 dwelling units per gross TOD Effective Tract Area 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

Rear Yard: 20 feet

(Side and rear yards adjacent to a railroad right-of-way may be reduced by 50%)

- 4) Building Height:

Maximum building height: 65 feet

- 5) The maximum length of any building used exclusively for multifamily residential use (excluding mixed-use buildings), shall be 375 feet.

- 6) 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°.)

7) Building orientation and entrance. Front facades of buildings shall be oriented toward an internal or external street or driveway.

8) Walls and windows.

i. 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. For a building with a front façade longer than 60 linear feet, at least four of the following elements shall be included:

- 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) Change in building plane of at least two feet;
- 13) Vertical articulation;
- 14) Stylized lighting fixtures;
- 15) Porticos and/or balconies;
- 16) Building extensions.

(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.

(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 adjacent to a 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) or a common property line with an existing, multifamily residential TOD providing shared vehicular and pedestrian access and green space and recreation area amenities (through a written agreement approved by Borough solicitor). 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).
- (h) Green space and Recreation Areas. A minimum of 20% of the gross tract area shall be set aside as green space. This may include, but is not limited to, stormwater management areas, landscaped buffers, wooded areas, etc. In addition, a portion of the total green space shall be accessible to residents and include recreational activities for the use of the occupants of the TOD. Green space and Recreation Areas 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 shall be designated as recreation area(s). The recreation area(s) shall be accessible to the residents and contain active and/or passive recreation amenities. Recreation area requirements may be met in part or in full with roof deck areas provided the roof deck areas

are accessible to all the residents of the TOD and meet the requirements for recreation areas. The recreation area(s) shall:

- i) Add up to at least 5% of gross tract area in size;
 - ii) Be accessible by safe pedestrian pathways (such as sidewalks) from the residential units.
- 3) Recreation areas shall not contain any above-ground stormwater management facilities.
- 4) Each recreation area on the site shall include:
 - i) seating such as benches or picnic tables; and
 - ii) landscaping such as planters or trees.
- 5) In addition, among all of the recreation areas, there shall be amenities from at least two of the following categories:
 - i. fountain, fire pit, sculpture, public art or similar amenity;
 - ii. pavilion, gazebo, stage, trellis, amphitheater, or other public gathering space;
 - iii. corn hole, swings, playground, or other active recreation activity;
 - iv. dog park;
- 6) Recreation area(s) may be located partially or completely off-site, provided that:
 - i. The recreation area(s) meet (in aggregate) the amenity requirements of 27-2703.E.(4)(h)3) and 4).
 - ii. A permanent written easement is provided to the satisfaction of the borough solicitor that the residents of the proposed TOD have access to the recreation area(s);
 - iii. the off-site location is within 250 feet of the primary entrance to the residential units;
 - iv. sidewalks, crosswalks, and other pedestrian pathways form a continuous connection from the primary entrance to the residential units to the recreation area(s);
 - v. wayfinding and entrance signage directs residents to the off-site recreation area(s); and
 - vi. The minimum recreation area requirements for any other developments that the off-site area was built for shall be satisfied before any portion of the area shall be permitted to be counted for an additional development. The provided recreation area(s) aggregated shall meet the minimum area requirement for the proposed development in addition to the minimum recreation area requirements for other developments that it was designed to meet.
- 7) The green space and recreation area 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 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.

(2) Application for Approval.

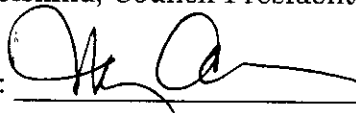
- (a) TOD development shall be available as a conditional use in the Development Overlay District only, and application shall be made for such approval in accordance with the provisions of this subsection.
- (b) Such applications shall be accompanied by a conditional use plan showing the relationship 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.

- (3) 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.
4. If any portion of this ordinance is found invalid by a court of competent jurisdiction, the invalid portion shall, to the extent possible, be severed from the remainder of the ordinance, which shall remain in full force and effect.
5. Any portion of any Borough ordinances that is inconsistent with this ordinance shall be considered repealed to the extent of such inconsistency.
6. This ordinance shall be effective immediately upon the happening of the earliest adoption events set forth in the Pennsylvania Borough Code, section 3301.3.

SO ORDAINED this 2nd day of May, 2023.



Glynnis Siskind, Council President

ATTEST: 

Mary Aversa, Secretary