

ARTICLE XIII
**Penndel Borough Transit Oriented Development (TOD)
Overlay District**
[Added 4-7-2008 by Ord. No. 2008-2]

§ 405-77. Title.

This article shall be known as the "Penndel Borough Transit Oriented Development (TOD) Overlay District."

**§ 405-78. Declaration of legislative intent. [Amended
6-15-2020 by Ord. No. 2020-1]**

To guide redevelopment of commercial areas in accordance with the findings, recommendations, goals, objectives, design guidelines and themes, policies and purposes of the following documents which form the basis for this TOD Overlay District Ordinance: February 2004 Assessment of Land Use and Transportation solutions for the Route 413/513/1 Corridor, 2005 Penndel Business District Revitalization Plan, 2005 Penndel Borough Comprehensive Plan, 2006 Design Standards and Guidelines, 2007 Penndel Renaissance Plan for the Business District, the 2007 TCDI (Transportation and Community Development Initiative Program) Project's Safety and Aesthetic Enhancements, and 2019 Downtown Penndel - A Blueprint for the Future. Therefore, it is hereby declared to be the intent of this article, the Penndel Borough Transit Oriented Development Overlay District (TOD), located in a portion of Penndel Borough, and as defined in § 405-79, to:

- A. Encourage and promote creative and flexible development, redevelopment and revitalization in the vicinity of the Southeastern Pennsylvania Transportation Authority's (SEPTA) Langhorne Station, where rail and bus mass transit connect.
- B. To serve the needs of residents, the business community, visitors and commuters by providing for a variety of retail, commercial, office and personal services in either an individual or mixed use configuration, including higher density residential uses, to support a more transit-oriented development pattern along the Route 413, Route 513 and Business Route 1 corridors.
- C. Provide multimodal transportation linkages for bus, rail, cars, walking and biking in a safe, pleasing and efficient environment along these roadway corridors and intersections within the TOD area.

- D. Foster economic viability, pedestrian activity and a sense of community identity and place along the Routes 413/513/1 corridors, while being consistent with the spirit and intent of "smart growth."
- E. Create a sense of place within the TOD area, the Borough and the region at large.
- F. Recognize the importance of public transit as a viable alternative to the automobile by permitting appropriate densities and a mix of land uses within walking distance of transit stops, while, at the same time, providing sufficient off-street parking within and adjacent to the TOD.
- G. Allow development that decreases automobile dependency and mitigates the effects of congestion and pollution, so as to promote and protect the health, safety and general welfare of the citizens of the Borough and surrounding/adjacent communities, while enhancing the economic stability of the Borough by promoting the attractiveness, convenience and stability of this region and specifically the TOD area of the Borough.
- H. Encourage mixed-use real estate development oriented to the rail station and transit stops, thus encouraging transit ridership.
- I. Promote well-integrated residential, commercial, office and civic development in close proximity to local and regional transit facilities.
- J. Support new development that includes diverse pedestrian compatible, higher-density, transit-friendly designs and expands economic development opportunities. Minimize distances between destinations and require linked sidewalks and pedestrian-oriented access with provisions for bicycles and bicycle parking.
- K. Encourage and provide development enhancement bonuses for:
 - (1) The creation of land uses in keeping with the character, scale and architecture of the neighborhood, while using development design guidelines to promote compatibility of uses and stimulate pedestrian activity, structured and shared parking, and open spaces, in concert and harmony with the TCDI project and other projects as applicable at the time of developer application, plan reviews and approvals; and

- (2) Green design, LEED[®], Sustainable SITES Initiative, and other sustainable development measures for buildings, streets and drainage, and energy efficient design.
- L. Maintain a scale, balance and variety of commercial, institutional and residential uses.
- M. Promote the livability and identity of the TOD area by providing for dwellings, shops and workplaces in close proximity to each other.
- N. Enhance the visual character and physical comfort of the district by minimizing pedestrian and vehicular conflicts and encouraging the renovation and erection of buildings and storefronts that provide direct connections to the street and sidewalks.
- O. (Reserved)
- P. Encourage the development of shared parking and attractive convenient off-street parking facilities to reduce on-street congestion and facilitate vehicular and pedestrian circulation.
- Q. Encourage the establishment of unique multi-use building groups, abundant landscaping multiuse common spaces, public realm improvements, accessibility, varied-density housing, niche vending: farmers' markets, artisan galleries, and cultural attractions — all within the purposes and guidelines as advanced by the main street program approach (see, 2019 Downtown Penn del — A Blueprint for the Future) to urban redevelopment and revitalization, as and where applicable.
- R. Avoid the situation where one or two permitted land uses dominate any part of the TOD area by encouraging and seeking certain land uses, including but not solely limited to the following land uses, subject to the review and considerations established in this article:
 - (1) Personal service establishments, day care, postal services, convenience stores, pharmacies, eating and drinking establishments, markets, entertainment establishments, floral shops, coffee shops, telecommuting centers, mixed with parking and residential development units on upper floor levels, and consistent with other requirements and allowances of this article.
 - (2) Offices of professionals, such as accountants, physicians and dentists, and financial institutions.

- (3) It is envisioned that these uses would be part of structures and not freestanding or standalone uses, unless otherwise allowed.
- S. Cluster and orient buildings to encourage convenient pedestrian access and to minimize walking distances, while allowing for adequate air, landscaping, and light.
- T. Encourage use of the type and form of architecture described in this chapter and in the Borough Design Guidelines, stressing consistency with the design guidelines and themes of the 2007 TCDI project for streetscapes, as well as provisions of the 2007 Pennel Renaissance Plan for the Business District in the design of the buildings, structures and site amenities in the TOD area.

§ 405-79. Defining TOD boundaries.

To implement the declaration of legislative intent defined in § 405-78, the boundaries of the Transit Oriented District (TOD), an overlay of existing zoning districts in the Borough of Pennel, shall be delineated as shown on the plan attached hereto and identified as Exhibit A.¹

§ 405-80. Development plan modifications and flexibility. [Amended 6-15-2020 by Ord. No. 2020-1]

It is the intent of the TOD Overlay District Ordinance to provide for flexibility in the review and execution of proposed subdivision and/or land development plans in order to accomplish the overall intent of the TOD Overlay District Ordinance in the most expeditious manner possible by the use of incentives and, where permissible, waivers of the Subdivision and Land Development Ordinance (SALDO) standards, with proper cause, to obtain the best possible design in keeping with the purpose of this article as herein stated. Applicants for land development approval shall identify in a report or other narration format the extent to which the plan complies with the stated intent and purposes of this article and the goals, objectives, recommendations and design guidelines of the TOD's base documents cited below (for further guidance, land development applicants are encouraged to consult the following documents: February 2004 Assessment of Land Use and Transportation Solutions for the Route 413/513/1 Corridor; 2005 Pennel Business District Revitalization Plan; and 2007 TCDI Project's Safety and Aesthetic Enhancements):

- A. 2005 Pennel Borough Comprehensive Plan;

1. Editor's Note: Exhibit A is on file in the Borough office.

- B. 2006 Design Standards and Guidelines;
- C. 2007 Pennadel Renaissance Plan for the Business District; and
- D. 2019 Downtown Pennadel — A Blueprint for the Future.

§ 405-81. Permitted uses. [Amended 6-15-2020 by Ord. No. 2020-1]

The following uses shall be permitted by right in the TOD Overlay District:

- A. Use 12. Dwellings in combination, such as:
 - (1) Residential uses located above nonresidential uses.
 - (2) Dwelling units for artisans, professionals, and service providers, which include work areas. The work area shall not exceed 50% of the floor area of the dwelling unit.
- B. Use 15. Cultural facility.
- C. Use 16. Auditorium, community centers, etc.
- D. Use 17. Day-care facilities.
- E. Use 21. Nursing home, including housing for the elderly, retirement community, or assisted living arrangement in a multiunit facility.
- F. Use 24. Professional services.
- G. Use 25. Business services, financial institutions.
- H. Use 26. Governmental business services including post office.
- I. Use 27. Health services.
- J. Use 28. Veterinary services, kennels, stables.
- K. Use 29. Professional or trade school.
- L. Use 30. Retail shop.
- M. Use 32. Personal service.
- N. Use 33. Repair service.
- O. Use 34. Eating place when part of a mixed-use development.
- P. Hotels, as permitted by Use 38.
- Q. Use 46. Rail station, railway service.

- R. Use 77. Brewery, winery, or distillery.
- S. Use 78. Market.
- T. Mixed-use development, including the uses permitted in this district. Mixed-use development shall contain no less than two permitted uses on the site or within structure(s) on site.

§ 405-82. Conditional uses.

The following uses are permitted, when authorized by the Council of the Borough of Penndel as a conditional use following review and recommendation by the Penndel Borough Planning Commission:

- A. Use 39. Parking garage in a building two or more stories in height where one or more stories are used for vehicle parking and the following conditions are satisfied:
 - (1) Architectural facades shall be used to disguise the use. The primary front facade of a parking structure/garage visible from a public or private street or pedestrianway shall be pedestrian-oriented and -scaled. Building design shall be complementary to nearby active commercial facades in terms of building material and architectural pattern.
 - (2) The structure shall not provide direct vehicular access on the following major state roadways: Business Route 1 (Lincoln Highway), Durham Road and Bellevue Avenue. Vehicular access must be to roads of lesser classification or must be located at least 50 feet from a major roadway on a driveway exterior to the structure.
 - (3) The applicant shall demonstrate that points of pedestrian access are convenient to anticipated and desirable pedestrian patterns in and around the proposed structure.
 - (4) Pedestrian safety and security shall be addressed to the satisfaction of Borough Council. Safety and security features may include walkway bridges, direct connections to other buildings, glass outside walls on stairwells, glass-backed elevators, video surveillance and similar security features.
 - (5) The structure shall be provided with energy-efficient lighting, shielded to prevent undesirable lighting of adjacent structures or property.

- B. Use 79. Accessory outdoor eating/drinking area, as defined in § 405-18K(3) of this chapter. **[Amended 6-15-2020 by Ord. No. 2020-1]**
- C. Use 80. Accessory brewing as defined in § 405-18K(4) of this chapter. **[Added 6-15-2020 by Ord. No. 2020-1]**
- D. Use 81. Cultural and entertainment as defined in § 405-18K(5) of this chapter. **[Added 6-15-2020 by Ord. No. 2020-1]**
- E. (Reserved) **[Added 6-15-2020 by Ord. No. 2020-1]**

**§ 405-83. Development requirements and regulations.
[Amended 6-15-2020 by Ord. No. 2020-1]**

In the TOD Overlay District, the following development regulations shall apply, regardless of the regulations of the underlying zoning district(s). However, § 405-85 of this chapter outlines individual or multiple bonuses that may be awarded by Borough Council following a review and recommendation from the Pennadel Borough Planning Commission to a development proposal in the TOD depending on the extent, quantity, and quality of the transit-oriented improvements provided. The proposed transit-oriented amenities shall be identified by the land development applicant and subsequently specified in writing at the time of approval of the development.

- A. Minimum tract size. The following minimum tract sizes shall apply regardless of the underlying zoning district:
 - (1) The minimum tract size for a single use in the TOD shall be 6,000 square feet.
 - (2) The minimum tract size for a mixed-use development shall be 6,000 square feet.
- B. Minimum frontage. The minimum frontage in the TOD shall be 30 feet, measured along the street line.
- C. Minimum building setbacks. Building setbacks shall be five feet from the street line and 10 feet from any adjoining property line. However, where the applicant submits proof, in a form acceptable to the Borough Solicitor, of an agreement between adjoining landowners to establish a zero-lot-line development plan with shared parking and access ways along a side or rear property line, the adjoining property line setback may be reduced to zero.

- D. Maximum building setbacks. A minimum of 75% of the facade of any building along a public street must be constructed no more than 20 feet from the street line.
- E. Transition buffer area. Where a TOD Overlay District commercial, office and/or retail use or mixed-use project abuts a residential use in a residential zoning district located outside the boundaries of the mapped TOD Overlay District, the building shall be set back a minimum of 50 feet from the zoning district boundary. A fifteen-foot landscaped buffer shall be provided within the fifty-foot setback, in accordance with the requirements of § 405-31H. Vehicle parking or access drives may be located in the transitional buffer, provided there is not more than one vehicular entrance and one vehicular exit through the landscaped buffer to any street.
- F. Minimum parking setback. No parking will be allowed between the building and the street line, except where permitted as part of a transitional buffer per § 405-83E. No parking area shall be located closer than five feet to any side or rear property line. Shared parking and access ways are encouraged and permitted if the applicant submits proof, in a form acceptable to the Borough Solicitor, of a shared access and parking agreement with an adjacent landowner, and in such case, the parking setback may be reduced from five feet to zero.
- G. Parking spaces. Required parking for new and redeveloped structures and/or sites shall be calculated by using existing regulations of the Borough Code unless modified under § 405-85.1.
- H. Off-site parking and shared parking. Off-site parking and shared parking are permitted in the TOD Overlay District. Off-site parking must be within 500 feet of the mixed-use development as measured along a pedestrian route continually accessible to the public, measured from lot line to lot line. Documentation of an agreement with the parking facility owner, in a form acceptable to the Borough Solicitor, must be submitted prior to plan approval.
- I. On-street parking. Legal on-street parking along the lot's street frontage may be counted toward the development's minimum parking requirements. On-street parking spaces shall be at least eight feet by 22 feet in dimension. Each such on-street public parking space may only be counted once.
- J. Maximum impervious coverage. The total impervious surface area of a tract shall not exceed 75%; provided, however, that in

the event a tract to be developed or redeveloped under the provisions of this article has an existing impervious surface ratio in excess of 75%, said tract's impervious surface ratio shall be reduced by 10 percentage points (e.g., 86% to 76%) or to 75%, whichever impervious surface ratio is higher.

- K. Maximum height. The maximum height for any use in the TOD shall not exceed 70 feet or five stories, whichever is lower.
- L. Maximum floor area. A maximum of 15,000 square feet may be devoted to any nonresidential single occupancy with the exceptions of Use 21 nursing home and Use 38 hotels, which shall adhere to the underlying zoning district requirements.
- M. Maximum density. The maximum allowable density shall be 20 dwelling units per acre for a single use development that may be increased up to no more than 60 dwelling units per acre in accordance with §§ 405-84 and 405-85 of this chapter. The maximum allowable density shall be 60 dwelling units per acre for a mixed-use development that may be increased to no more than 80 dwelling units per acre in accordance with §§ 405-84 and 405-85 of this chapter.
- N. Highway access. Applicant shall demonstrate that the number of curb cuts and access ways are the minimum necessary for the proposed development.
- O. Pedestrian ways. Whenever and wherever possible, every effort shall be made to provide direct connections to the SEPTA Langhorne commuter rail station and bus stops from the proposed development and to coordinate access ways and pedestrian paths with existing and planned pedestrian/bicycle facilities serving a broader area and minimizing pedestrian/biking and vehicular traffic conflicts. The primary pedestrian access point to buildings shall face the street line rather than onto rear or side parking lots or alleys. Secondary access points may be located along other facades.
- P. Landscaping. Parking lots shall be landscaped with trees and shrubs to reduce the visual impact of glare and headlights, to delineate all driving lanes and to distinguish rows of parking, and function as streetscape components and buffers as may be required herein and consistent with the regulations and requirements established by the Pennel Borough Subdivision and Land Development Ordinance and the design themes of the 2007 TCDI streetscapes plan.

- Q. Building coverage. Site building coverage shall not exceed 75%, unless modified under § 405-85 herein.
- R. Floor area ratio. Floor area ratio shall not exceed 150%, unless modified under § 405-85 herein."

§ 405-84. Development enhancements. [Amended 6-15-2020 by Ord. No. 2020-1]

Proposed developments that provide rail or transit-oriented facilities or amenities may be entitled to a development enhancement bonus pursuant to § 405-85 of this chapter. Enhancement facilities or amenities include, but are not limited to, the following:

- A. Transit customer parking areas.
- B. Bus pulloffs.
- C. Pedestrian or bus stop shelters.
- D. Dedication of land for roadway realignments and/or intersection reconfigurations deemed consistent with revitalization and redevelopment plans for the entire district.
- E. Installation of sidewalks, bikeways, landscaping, curbing, pavement and stormwater management abutting the site and within the streets/highways/rights-of-way to serve the needs of those using these features so as to facilitate safe and efficient vehicular and pedestrian circulation, access and means.
- F. Dedication of land, construction of or capital contribution for a municipal parking lot.
- G. Improvements to on-street parking, such as concrete curb configured to protect the on-street spaces.
- H. Shared parking where land uses on adjacent lots within the TOD Overlay District create parking areas with common access ways and pedestrian ways,
- I. Dedication of or provision of lands to be landscaped for public purposes or development.
- J. Inclusion and use of "green design" and/or "sustainable development" criteria such as vegetated green roofs and terraces for buildings.

- K. Preservation and protection of historic structures and sites that may be reused or adapted pursuant to the federal and state regulations for structures and places of historic significance.
- L. Acceptable allowances for future land uses and configurations as presented in the documents cited in § 405-80 of this chapter, as accepted by Borough Council.
- M. Provisions and agreement to work with Borough officials to assist in the maintenance of streetscapes improvement amenities that adjoin or abut the site, either off site or within public rights-of-way.
- N. Bicycle parking. Provide bicycle facilities up to a maximum of 10 spaces, as follows:
 - (1) For residential uses, there shall be one bicycle space or locker for each three dwelling units or portion thereof.
 - (2) For commercial/retail/office uses, there shall be one bicycle space or locker for every 20 automobile parking spaces or fraction thereof. Bicycle space dimensions and criteria shall be as detailed in Appendix "A" or similar standards deemed acceptable by the Borough Engineer.²
- O. Mixed-use building.
- P. Parking garage. Providing for additional nonresidential parking spaces.
- Q. Gateway feature on targeted tracts as specified by the Borough Council.

§ 405-85. Development bonus standards. [Amended 6-15-2020 by Ord. No. 2020-1]

- A. Individual or multiple bonuses are awarded by Borough Council following a review and recommendation from the Pennadel Borough Planning Commission to a development proposal in the TOD depending on the extent, quantity, and quality of the transit-oriented improvements identified in § 405-84 of this chapter. The proposed transit-oriented amenities shall be identified by the land development applicant and subsequently specified in writing at the time of approval of the development.
- B. The following development bonuses may be awarded by Borough Council and used for a specific project in the TOD Overlay

2. Editor's Note: Said appendix is on file in the Borough offices.

District, where development enhancements, set forth in § 405-84 above, are included in the proposed development, as follows:

- (1) Floor area ratio: may be increased incrementally from 150% up to 200%.
- (2) Where a project uses green design and sustainable development criteria and provides for rooftop and/or terrace landscaping, up to 50% of the total area of green roof or terrace landscaping may be subtracted from the impervious surface when computing the impervious surface ratio.
- (3) Maximum impervious coverage may be increased incrementally from 75% up to 85% in lieu of the requirements of § 405-83J of this chapter.
- (4) Site building coverage may be increased incrementally from 75% up to 85%.
- (5) Maximum density may be increased incrementally up to 60 dwelling units per single use and 80 dwelling units per acre for mixed-use.
- (6) Where a project proposes a mixed-use building that contains both commercial/retail and residential uses, a 10% reduction or greater of the total number of required residential parking spaces may be utilized by the applicant at the discretion of Borough Council.

§ 405-85.1. TOD Overlay District parking standards. [Added 6-15-2020 by Ord. No. 2020-1]

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions:

Use	Minimum Number of Required Parking Spaces
Residential Uses	
Use 12. Dwelling in combination	Studio or 1 Bedroom 0.81 parking spaces per one DU; 2 Bedroom: 1.25 parking spaces per one DU; 3 Bedroom or more: 1.45 parking spaces per one DU
Nonresidential Uses	

Use	Minimum Number of Required Parking Spaces
Use 15. Cultural facility	In accordance with § 405-33C
Use 16. Auditorium, community centers, etc.	In accordance with § 405-33C
Use 17. Day-care facilities	1 parking space per teacher/administrator/employee; plus 1 parking space per 5 persons receiving care
Use 21. Nursing home, including housing for the elderly, retirement community, or assisted living arrangement in a multiunit facility	In accordance with § 405-33D
Use 24. Professional services	1 parking space per 400 square feet of GFA
Use 25. Business services, financial institutions	1 parking space per 400 square feet of GFA
Use 26. Governmental business services, including post office	1 parking space per 400 square feet of GFA
Use 27. Health services	In accordance with § 405-33C
Use 28. Veterinary services, kennels, stables	1 parking space per 400 square feet of GFA
Use 29. Professional or trade school	In accordance with § 405-33C
Use 30. Retail shop	1 parking space per 400 square feet of GFA
Use 32. Personal service	1 parking space per 400 square feet of GFA
Use 33. Repair service	1 parking space per 400 square feet of GFA
Use 34. Eating place	1 parking space per 400 square feet of GFA
Use 38. Motel, hotel, or tourist home	In accordance with § 405-33H
Use 39. Parking garage	Not applicable
Use 46. Rail station, railway service	In accordance with § 405-33J

Use	Minimum Number of Required Parking Spaces
Use 77. Brewery, winery, or distillery	In accordance with § 405-33M
Use 78. Market	1 parking space per 400 square feet of GFA
Use 79. Accessory outdoor eating/drinking area	1 parking space per 400 square feet of GFA
Use 80. Accessory brewing	1 parking space per 400 square feet of GFA
Use 81. Cultural and entertainment	1 parking space per 400 square feet of GFA