

**ORDINANCE NO. 2009 – 6**

**BOROUGH OF MALVERN  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE BOROUGH OF MALVERN ZONING ORDINANCE OF 2003, AS AMENDED, BY CREATING A DEFINITION OF “PASSENGER RAIL STATION” AND PROVIDING DESIGN CRITERIA FOR PASSENGER RAIL STATIONS IN THE LI ZONING DISTRICT AND ALSO AMENDING ARTICLE XXII, SECTION 2202.B OF THE MALVERN BOROUGH ZONING ORDINANCE OF 2003, AS AMENDED, TO EXEMPT CERTAIN TYPES OF MAN-MADE STEEP SLOPES FROM THE PROVISIONS OF THE NATURAL FEATURES PROTECTION PROVISIONS**

WHEREAS, the Borough of Malvern has historically been one of the stops on the “Main Line” passenger rail line; and,

WHEREAS, the Malvern train station has been in existence for over 100 years and is a focal point of the Borough; and,

WHEREAS, the Malvern train station needs renovation and improvements to better suit the needs of commuter and the general public, including safer pedestrian access, improved parking, properly managed stormwater; and,

WHEREAS, the Borough of Malvern Revitalization Plan 2009 Update recognizes these needs; and,

WHEREAS, the Borough of Malvern Revitalization Plan 2009 Update has been adopted as an amendment to the Malvern Borough Comprehensive Plan; and,

WHEREAS, the Zoning Ordinance of the Borough of Malvern should be consistent with the Comprehensive Plan; and,

WHEREAS, the existing train station parking areas and structures are legal nonconforming uses; and,

WHEREAS, it is within the authority of Borough Council to adopt reasonable regulations for the re-development and improvement of the train station in order to improve efficiency, safety, and the aesthetics of the property,

NOW, THEREFORE, the Borough Council of the Borough of Malvern, Chester County, Pennsylvania, hereby ENACTS AND ORDAINS as follows:

**SECTION 1.** Article II, Section 201 of the Malvern Borough Zoning Ordinance of 2003 is hereby AMENDED by adding thereto the following:

MASS TRANSIT AUTHORITY. Any Authority as that term is defined at 74 Pa.C.S.A. § 1701.

PASSENGER RAIL STATION. A facility situated adjacent to a passenger rail line, owned and/or operated by a Mass Transit Authority, that is used to provide shelter and services to rail passengers. A Passenger Rail Station may include parking areas, parking garages, indoor and outdoor seating, ticket sales areas, walkways, bike racks, restrooms, vending machines, newsstands, cafes and other uses necessary for the safety and convenience of mass transit passengers. The station may also serve as a connector facility for busses and other forms of public transportation to connect with rail service.

**SECTION 2.** Article XX, Section 2001.A.14 of the Malvern Borough Zoning Ordinance of 2003 is hereby AMENDED by adding the underlined words in the following:

“Passenger Rail Station and Accessory Parking in accordance with the Design Standards set forth in Section 2004.”

**SECTION 3.** Article XX is AMENDED to add the following new section:

“Section 2004 DESIGN STANDARDS FOR PASSENGER RAIL STATIONS AND ACCESSORY PARKING

Notwithstanding anything to the contrary set forth in this Ordinance, the following criteria shall apply to lots used as a passenger rail station within the LI District.

- A. Maximum Lot Coverage. Ninety (90) percent.
- B. Minimum Lot Width. 15 feet.
- C. Yards Not Required. Yards shall not be required on lots used as passenger rail stations provided, however, that screening fencing shall be provided pursuant to Section 2101-A.E.7.
- D. Minimum Area and Dimensions of Off-Street Parking Spaces. Each parking space shall measure not less than 8.5 feet in width and 17 feet in depth and contain a minimum of 144.5 square feet, exclusive of driveways, aisles and maneuvering space, provided that 2 feet of the required 17 feet parking space depth may overhang a grass strip. Individual parking spaces shall be clearly marked by durable white or yellow striping at least 4 inches in width.
- E. Minimum Dimensions of Internal Drive Aisles. Aisles within parking lots separating rows of parking spaces shall be a minimum of 14 feet for one-way use and 20 feet for two-way use and clearly defined by means of painted lines, curbing or landscaping.

- F. Handicapped Parking Spaces. Notwithstanding the provisions of Article XXV, Section 2501.11, the number of handicapped parking spaces provided for a Passenger Rail Station shall be the number required by the Americans with Disabilities Act.
- G. Parking Lot Planting Islands. For parking areas along the perimeter of the property, there shall be no more than 30 consecutive spaces. For parking areas on the interior of the property, there shall be no more than 30 consecutive spaces and, in any row consisting of more than 20 spaces, there shall be one planting island. All planting island separating parking spaces shall be at least 8.5 feet wide and 17 feet long.
- H. Buffering Standards; Screening Fencing. No buffer strip shall be required between the property line and parking lot paving and the provisions of Section 2309 shall not apply provided that, with regard to property lines that abut a residential district, a fence in conformance with Section 2308 shall be provided, except for driveway access to streets.
- I. Loading Area Designated. No off-street space reserved exclusively for loading or unloading space shall be required, but a designated loading /unloading area for deliveries shall be designated and labeled for short term use only.
- J. Off-Site Parking Alternatives. The provisions of Article XXV, Section 2501.C shall apply, with the exception that off-site parking lots shall be on lots immediately adjacent to the lot(s) occupied by the passenger rail station, but may be more than 200 feet from the passenger rail building(s).”
- K. Lighting. The provisions of Article XXIII, Section 2307 shall apply, with the exception that lighting proposed for use after 11:00 p.m. shall be reduced by fifty (50) percent between 11:00 p.m. and dawn; and freestanding light fixtures may exceed twenty (20) feet in height but may not exceed thirty (30) feet in height. Light from a Passenger Rail Station may spill onto adjacent commercial properties, but not in a manner that creates glare or hazards.

**SECTION 4.**

Article XXV, Section 2501.B.5. of the Malvern Borough Zoning Ordinance of 2003, as amended, is hereby AMENDED by the addition of the words “Passenger Rail Station to the first column of the table there set forth and the addition to the second column thereof (in such location as to correspond to the foregoing words) of the words “[n]ot less than ninety-five percent (95%) of the number of Spaces that can be accommodated in compliance with the provisions of this Ordinance.”

**SECTION 5.**

Article XXII, Section 2202..B of the Malvern Borough Zoning Ordinance of 2003, as amended, is hereby AMENDED to add the following new paragraph:

3. Manmade steep slopes, such as roadway or railway embankments created prior to the adoption of this amendment, grading in conjunction with construction or demolition prior to the adoption of this amendment, minor terracing created for residential landscaping, piles of soil stored for later use, are not natural resources subject to the protection of this Article. The Zoning Officer shall determine whether or not particular areas of manmade steep slopes are subject to this Article.

**SECTION 6.**

Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 7.**

Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 8.**

Effective Date. This Ordinance shall become effective upon enactment as by law provided.

**ORDAINED** by Borough Council this 17<sup>th</sup> day of November, 2009.

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Woody J. Van Sciver  
President, Malvern Borough Council

**APPROVED** by the Mayor this 17<sup>th</sup> day of November, 2009.

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Gerard J. McGlone, Jr.  
Mayor

**ENACTED** this 17<sup>th</sup> day of November, 2009.

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Sandra L. Kelley  
Borough Secretary