

BOROUGH OF CONSHOHOCKEN

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ 2017

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH OF CONSHOHOCKEN ZONING ORDINANCE BY CREATING A NEW PLANNED SP-4 SPECIALLY PLANNED DISTRICT TO CREATE UNIFIED DEVELOPMENT AREAS FOR UNIFIED AND COHESIVE DEVELOPMENT SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS AND TO PERMIT CERTAIN USES; RE-ZONING CERTAIN LAND PRESENTLY IN THE BUSINESS AND COMMERCIAL DISTRICT TO THE SP-4 SPECIALLY PLANNED ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Conshohocken is duly empowered by the Borough Code to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of the Borough of Conshohocken; and

WHEREAS, the Borough Council has determined that the interests of the Borough would be best served by amending the provisions of the Zoning Ordinance; and

WHEREAS, the Borough Council has determined that creating the SP-4 Specially Planned District, which expands the list of Business Commercial District uses in certain circumstances that more currently reflect the present commercial trends related to such uses, and which will contribute to the economic base of the Borough of Conshohocken, which will assist in connecting and unifying the areas of lower and upper Conshohocken, and is consistent with its long-term objective of both maintaining the economic vitality of the Borough of Conshohocken and creating of a community center for the residents of the Borough, all as originally set forth in the Redevelopment Plan adopted by Borough Council in 1971; and

WHEREAS, the Borough Council of the Borough of Conshohocken acknowledges that changes to Business and Commercial area of the Borough, including commercial and residential development, have caused a need to create an SP-4 zoning district and to permit unified development areas that can be strategically and appropriately located to provide services to commuters and the community.

NOW THEREFORE, be it **RESOLVED** and it is hereby **RESOLVED** by the Council of the Borough of Conshohocken as follows:

SECTION 1

The Borough of Conshohocken Zoning Ordinance is hereby amended to include **Section 27-2200 et seq.- Specially Planned District Four** as follows:

Part 22
SP-4 — SPECIALLY PLANNED DISTRICT FOUR

§ 27-2201 Declaration of Legislative Intent.

It shall be the purpose of the Specially Planned District No. 4 (hereinafter “SP-4 District”) to encourage the innovative design of the SP-4 District and to create Unified Developments (each a “Unified Development”) where multiple yet distinct land uses are combined into a single unified development project, and, in particular circumstances, to provide additional options for redevelopment of specified properties previously occupied but not vacant, the redevelopment and revitalization of the SP-4 area and the Unified Developments will advance the public health, safety, and welfare; to encourage a planned arrangement of individually-owned and operated uses within complementary function categories, including professional and business offices, retail sales and commercial services, lodging, recreation/leisure time, and public space for activities benefiting the citizens of the Borough of Conshohocken and their guests, to plan off-street parking to avoid inadequate parking and provide the citizens and guests of the Borough of Conshohocken with additional off-street parking to better access downtown Conshohocken; to encourage increased utilization of all transportation modes; and to encourage the planning and utilization of land and the harmonious design, erection and use of buildings in a diversified commerce-business community that will contribute to the economic base of the Borough of Conshohocken and otherwise further the purposes of this chapter.

§ 27-2202 Use Regulations.

1. A building may be erected, altered, or used, and a lot may be used or occupied for any of the following uses and no other:

(a) Business offices, including but not limited to, security and commodity brokerage, real estate sales, travel agency, employment counseling, insurance sales, advertising, mailing and stenographic services, offices for development and technology companies, professional office for the practice of, but not limited to, medicine, law, engineering, architecture or design, real estate, insurance, or financial institutions.

(b) Bank or financial institutions.

(c) Hotel/motel and meeting room facilities when ancillary and subordinate to the hotel/motel.

(d) Public terminal, train station, or taxi stands.

(e) Parking garages.

(f) Retail establishment for the sale of dry goods, variety merchandise, clothing, food, baked goods, beverages, flowers, plants, drugs, hardware, books and furnishings.

(g) Sale and repair of watches, clocks, optical goods, musical, professional or scientific instruments.

(h) Personal services shop: barber or beauty shops, custom tailoring, shoe repair, or dry cleaning (provided that no cleaning operations are performed on the premises).

(i) Liquor store.

(j) Restaurants and taverns with both indoor and outdoor seating not to include drive-in restaurants. Subject to subparagraph (p) below, restaurants or taverns may sell alcoholic beverages for on-site consumption.

(k) Municipal or government office, public utility office.

(l) Studio for dance, fitness, music, art or photography.

(m) Fitness center, health club, or racquet club.

(n) Educational, religious or philanthropic uses.

(o) Community facility or community events (including but not limited to movie nights, music and concerts, live performances and farmers' markets).

(p) Unified Development (defined below).

(i) As part of a Unified Development, multifamily dwelling units may occupy up to forty percent (40%) of the total square footage of the buildings comprising a Unified Development. The multifamily dwelling units can be located in a separate building or in a building with other uses permitted as part of a Unified Development.

(ii) As part of a Unified Development, in addition to any other approval required under the Pennsylvania Liquor Code, a restaurant or tavern with a liquor license in a Unified Development shall require conditional use approval from Borough Council; provided, however, no such conditional use approval shall be required, and such restaurant use shall be permitted by right, for a restaurant with a liquor license that is located (i) in a building used as a hotel, (ii) in all or any portion of a historic building being renovated for use as a restaurant or tavern and any addition connected thereto.

(q) By special exception, any use of the same general character as the permitted uses above.

(r) Accessory uses related to the above permitted uses, including the following:

(i) Balconies, which shall be cantilevered platforms that project from the wall of a building above the ground and is surrounded by a railing, balustrade, or parapet, which

is designed to provide outdoor living or entertaining areas, and are at least 10 feet from the ground.

(ii) Public or private parking garages and lots, excluding motor vehicle junkyards, accessory to and on the same lot as a principal use or on a separate lot so long as the separate lot is (a) part of a Unified Development, or (b) restricted for use by the Unified Development via a restrictive covenant recorded against the separate lot.

2. Accessory uses shall be subject to the same dimensional requirements as the permitted uses unless authorized otherwise in the Zoning Ordinance.

3. A Unified Development is generally defined as the development and/or redevelopment of one or more contiguous parcels of land as a mixed use project, containing one or more of the uses referenced in Section 27-2202(1) above, regardless of ownership, that is designed in compliance with the dimensional standards set forth in Section 27-2203 below and is reviewed by the Borough Design Review Committee in accordance with Section 27-2213 below.

§ 27-2203 Dimensional Standards for Unified Developments.

All Unified Developments occurring within the SP-4 District shall meet the following regulations:

A. Area Regulations:

Minimum Tract Area: 95,000 square feet for the Unified Development.

Minimum Lot Area: 2,500 square feet.

Minimum Lot Width: 25 feet.

Minimum Setback from (property line adjacent to) perimeter streets: 0 feet.

Minimum Setback from internal streets: 10 feet (provided that this regulation does not apply to private driveways within the Unified Development).

Minimum Building Separation: 0 feet.

Maximum Building Coverage: 95% of the area comprising the Unified Development.

Maximum Impervious Coverage: 95% of the area comprising the Unified Development.

FAR: 5.0 (excluding parking garages which are not subject to the FAR) for the entire Unified Development

Minimum Public Gathering Space: A minimum of 10% of the Developable Area within the Unified Development shall be provided as Public Gathering Space for public access (or payment of a fee in lieu thereof as approved by Borough Council); with at least 35% of the required Public Gathering Space (i.e., 35% of the required 10%) being contiguous Green Space.

(i). Public Gathering Space shall be defined as any open land area within a Unified Development (i.e., has no buildings located on it) that is accessible to the public. Public Gathering Space can include Green Space, playgrounds, public seating areas, public plazas, and other similar space that provides recreational and gathering areas for

Borough residents and visitors, and helps to enhance the environmental quality and community appeal of the Borough.

(ii). Green Space shall be defined as land that is partly or completely covered in grass, trees, shrubs or other vegetation.

(iii). Developable Area shall be defined as all land that is included as part of a Unified Development and that is available for development. Excluded is land located within the 100 year flood plain and land with natural slopes greater than 15%.

(iv). The purpose of any plaza space provided within the Public Gathering Space shall be to provide year-round opportunities for outdoor recreation and community activities, and provide visual relief within the built environment. It should facilitate north-south and east-west circulation for pedestrians to and throughout the Unified Development and the Borough, providing continuous, safe and convenient pedestrian linkages throughout the Unified Development. Plaza space must be appropriate in scale and character of the Unified Development as an urban center, and be provided in a manner to meet the needs of the Unified Development, consistent with the Ordinance. Plaza space may also contain certain structures, including pavilions, fountains, planters, statues and other similar structures.

(v). The layout, amenities and permitted uses in the Public Gathering Space shall be approved by Borough Council as part of the SALDO process.

(vi). The requirements under this Section for Public Gathering Space shall be in lieu of the requirements under Section 22-804 of the Subdivision and Land Development Ordinance.

Minimum Height: 2 stories.

Maximum Building Height: A maximum height of 180 feet is permitted, inclusive of penthouse and mechanical equipment, improvements related to roof-top patios, parapets, aerials, communication towers, and similar improvements customarily placed on the roofs of office buildings and hotels. For buildings with flat roofs, building height is measured from average grade to the top of the building wall, including parapets. For buildings with pitched roofs, building height is measured from grade to the midpoint of the slope. Additive embellishments on the façade (such as cladding, cladding features, roof overhangs, canopies, brows, etc.) shall be permitted to overhang the property line by 2 feet. No overhangs shall extend over an adjacent property that is privately owned unless written consent is granted by such property owner.

First Floor Transparency:

(i). **Primary Façades.**

a. A primary façade is any façade facing Fayette Street or facing any Public Gathering Area.

b. The minimum transparency of the first floor of any primary façade shall be 80%, as measured from finished grade to the floor height of the second story along the entire length of the façade, to create an external streetscape presence. Where a floor level is partially below grade, the first full, above-grade level, shall be permitted to be included within the calculations for transparency. The primary façade transparency requirement shall be wrapped onto secondary façades for a distance of no less than 70 feet as measured from the intersection (corner) of the primary and secondary façades. This shall include the use of transparent exterior storefront façades and entries to create a façade that provides visual interest to pedestrians. When the slope of a street

is 2.5% or greater, such that it makes multiple entries or transparent exterior storefronts impractical, the minimum transparency may be decreased to 65%, provided that efforts are made to activate and make an opaque portion of the façade visually interesting to pedestrians. At no point should the height of any opaque portion of a primary façade exceed twelve feet (12') in height for a distance greater than eighteen inches (18"), and every effort shall be made to reduce the height of the opaque portion of the wall with the change in slope of the street.

(ii). Secondary Façade.

a. A secondary façade is any façade facing any public street that is not Fayette Street.

b. Secondary façades shall incorporate “animated façade areas” to create an external streetscape presence. This shall include the use of transparent exterior storefront glazing, faux or semi-transparent glazing, entries, landscaping, artwork, seating, canopies and awnings, or other similar features, where possible, which create a façade that provides interest to pedestrians and passersby in vehicles.

(iii). Entries and Doorways. Buildings shall have a transparent primary entry that will be considered as part of the overall transparency requirement for the building. Buildings fronting Fayette Street and Public Gathering Areas shall have a primary entry on Fayette Street or at the corner facing the Public Gathering Area. Commercial storefronts fronting the Public Gathering Area shall have a primary entry on this façade. Commercial storefronts fronting streets other than Fayette Street or the Public Gathering Area shall have a primary entrance located on the same street.

Maximum Wall Height: The visible portion of retaining walls shall not exceed ten (10) feet in height unless authorized by the Borough Council as a conditional use pursuant to §27-826 of this Chapter. Any visible portion of retaining walls in excess of five (5) feet shall be designed with articulation and features to mitigate wall height issues.

Adaptive Reuse: Adaptive reuse of historic or significant structures is required. Proposed use must be compatible with adjacent uses.

B. Development Standards:

(i) Location Requirements:

a. Must contain a minimum of 300 feet of frontage on one major arterial road as calculated for the Unified Development;

b. Shall not be permitted on a tract located within 90 feet of another tract containing a Unified Development in the SP-4 District; however, this provision shall not restrict an applicant from adding land into an approved Unified Development.

(ii) Separate ownership of or conveyance of a parcel or parcels within the approved plan shall be permitted upon compliance with the following conditions:

a. Irrevocable perpetual cross-easements are in effect and recorded, whether set forth in a cross-easement agreement or in a plan of condominium, in favor of and duly binding on all title owners (and their respective successors and assigns) within the area of the approved plan, with respect to use, control and maintenance of the common areas including but not limited to access areas, green areas, and parking areas.

b. The application of zoning requirements including, but not limited to building coverage, impervious coverage, open space, parking, loading, buffers, setbacks and landscaping shall apply to the overall site approved as a unified development area. Individual lots within the plan or created pursuant to this section need not comply with these zoning requirements.

(iii) Staging.

a. All proposed Unified Developments shall be constructed in accordance with an overall plan and shall include the planned phasing and schedule of construction.

b. Staging shall include the time for beginning and completion of each stage. Such timing may be modified by Council on the showing of good cause by the developer.

c. All parcels shall be included in the Unified Development plan, with a minimum of conceptual design for later phase developments.

§ 27-2204 Dimensional Standards for Uses Other Than a Unified Development.

The dimensional standards for any uses permitted in the SP-4 District other than a Unified Development shall be subject to the requirements in Section 27-1303.

§ 27-2205 Signage Standards.

Buildings in the SP-4 District shall have signage which meets the requirements set forth in Section 27-2109, Signs Permitted in the Specially Planned Districts, except as set forth below for a Unified Development:

- (a) One wall sign for the principal use of a building is permitted to be a maximum of 150 square feet on a building greater than 100 feet in height. A second wall sign of up to 150 square feet in size is permitted for buildings greater than 100 feet in height and located on corner lots, so long as it is located on a second wall (i.e., one sign per wall). The term “building” as used in this subsection (a) shall exclude parking garages.

- (b) Each accessory first floor use is allowed one sign which meets the requirements set forth in Section 27-2108, Signs Permitted in the Commercial and Industrial Districts.
- (c) Signage adjacent or across the road from residential uses or residential zoning districts shall not be lighted.

§ 27-2206 Required Off-Street Parking Capacity and Dimensional Standards for a Unified Development.

A. The parking requirements in the SP-4 District shall be as set forth in §27-2011 Regulations for Specially Planned Districts; however, the required amount of parking for a Unified Development shall be permitted to be reduced and phased, if approved by Borough Council as a conditional use pursuant to §27-826 of this Chapter, based on the following criteria:

1. Common Parking Areas and Mixed Uses. Parking required for two (2) or more buildings or uses may be provided in combined parking facilities where such facilities will continue to be available for the several buildings or uses and provided that the total number of spaces is not less than the sum of the spaces required for each use individually, except that said number of spaces may be reduced by up to one-half (1/2) such sum if it can be demonstrated that the hours or days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility. The following requirements shall be met:

a. Evidence of reduced parking needs shall be documented in and based on a parking study prepared by an appropriate professional and satisfactory to the Borough.

b. If a lower parking total is approved by Borough Council, then no change in any use shall thereafter be permitted without further evidence that the parking will remain adequate in the future, and if said evidence is not satisfactory, then additional parking shall be provided before a change in use is authorized.

c. Evidence of continued availability of common or shared parking areas shall be provided satisfactory to the Zoning Officer upon request and shall be documented and filed with the approved Site Plan. Notice of a change in the amount of parking provided within a Unified Development shall be provided to the Zoning Officer, and a revised Transportation Demand Management Plan (TDM) shall be submitted.

d. Notwithstanding any other parking requirements set forth in §27-2011 and this §27-2206 for individual land uses, when any land or building is used for two or more distinguishable purposes (i.e. joint or mixed-use developments), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner:

Multiply the minimum parking requirement for each individual use (as set forth in the applicable section of this chapter for each use) by the appropriate percentage (as set forth below

in the Parking Credit Schedule Chart) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

Shared Parking Credit Schedule

	Weekday	Weekday	Weekday	Weekend	Weekend
	<u>Night</u> Midnight to 7:00am (percent)	<u>Day</u> 7:00am to 5:00pm (percent)	<u>Evening</u> 5:00pm to Midnight (percent)	<u>Day</u> 6:00am to 6:00pm (percent)	<u>Evening</u> 6:00pm to 6:00am (percent)
Office (using Gross Floor Area)	5	100	10	10	5
Commercial/Retail	5	80	90	100	70
Hotel	70	70	100	10	100
Restaurant	10	50	100	50	100
Restaurant associated w/ Hotel	10	50	60	50	60
Entertainment/Recreation (theaters, bowling allies, cocktail lounges, and similar)	10	40	100	80	100
Day-care facilities	5	100	10	20	5
Residential (multi-family)	100	60	90	80	90
All other	100	100	100	100	100

e. A Transportation Demand Management (TDM) Plan shall be submitted for the proposed project and approved by the Borough as part of the conditional use hearing for the requested reduced parking. The TDM shall be updated every three (3) years. TDM refers to a variety of strategies aimed at reducing the demand on the transportation system, particularly to reducing single occupant vehicles during peak periods, and expanding the choices available to residents, employees, shoppers and visitors. The result is more efficient use of the existing transportation system. TDM is a critical component of a reduced parking plan. Traffic needs to be minimized to decrease congestion within the Borough, to create livable and walkable spaces, and to minimize the effects of traffic on neighboring communities. Examples of TDM measures shall include:

- Pre-tax deduction of transit and vanpool fares
- Telework program
- Shower and locker facilities for bicyclists and walkers;
- Covered bicycle parking
- Carpool and vanpool preferential parking
- On-site car-sharing vehicle
- Commuter information center (bulletin board, website, brochure table)

- Employee Transportation Coordinator (ETC)
- Flexible or alternative work hours
- TDM education programs directed at the public and employees.

2. As a part of the conditional use approval, a 15% parking reduction may be permitted for a Unified Development within one-quarter (1/4) mile from a passenger rail station, provided the project includes elements promoting pedestrian connectivity between the Unified Development and the subject rail station. As part of a conditional use hearing, an applicant shall submit evidence as to incentives being provided to promote the use of the passenger rail station by the occupants in the project.

3. As part of the conditional use hearing for reduced parking, Borough Council can, in its sole discretion, require an applicant to make a portion of their parking facilities available to the public based on the location of the property in the Borough, the size of the project and the proposed uses.

B. As to a Unified Development, the following regulations shall apply and supersede any other provisions to the contrary in the Zoning Ordinance:

1. For the purposes of calculating parking required for a hotel use, 1.25 spaces per hotel room (to account for employees) shall be required.

2. No more than 5% of required parking for a Unified Development shall be permitted as surface parking areas. All surface parking areas must meet the landscape and lighting requirements as set forth in §22-421 Landscape and Lighting of the SALDO.

3. Treatment to above grade parking structures or parking below commercial structures facing all public rights-of-way and open space or green space shall be treated so as to avoid headlight glare to spill onto the sidewalk or street, and to be architecturally compatible with the remainder of the buildings and overall site of the Unified Development through building materials and landscaping.

4. The square footage of the Unified Development can be consolidated for purposes of complying with the off-street loading requirements contained in §27-2011. Any existing building(s) included within the Unified Development and without a loading dock shall be deemed non-conforming as to this requirement.

§ 27-2207 Landscaping.

A landscape plan shall be submitted per the requirements of the SALDO. Use of native plant materials and naturalistic design is encouraged. The landscape plan shall reflect the requirements of the SALDO as well as the following detailed criteria:

(a) Additional landscaping shall be provided along the exterior walls of all parking garages, along walkways, in court-yards, around sitting areas, at the entrance to the site and in other highly visible locations.

(b) The above design criteria, in addition to that required by the SALDO, is intended to develop a standard whereby adequate landscaping is included in the development. The criteria are not intended to strictly direct the location of this landscaping.

(c) For a Unified Development in the SP-4 District, the following regulations shall apply and supersede any other provisions to the contrary in the SALDO:

(i) A landscaped verge shall not be required along the perimeter streets and sidewalks. Street trees shall be located every thirty feet (30') within tree pits covered with walkable tree grates in the sidewalks.

(ii) A landscaped verge, a minimum of four feet (4') in width between the back of curb and sidewalk, shall be required along internal public streets (not private drives).

§ 27-2208 Traffic Impacts.

Documentation of on-site improvements proposed to minimize projected adverse transportation impacts on any adjacent public right of way per the requirements and recommendations documented in a report prepared by a licensed traffic engineer.

§ 27-2209 Lighting.

Lighting shall be arranged in a manner which will protect adjacent streets and neighboring properties from direct glare per the requirements of the Subdivision and Land Development Ordinance and the Zoning Ordinance.

§ 27-2210 Application and Review of Development Proposals.

All proposed developments within the SP-4 District shall meet the requirements as set forth in Section 27-1507.

§ 27-2211 Design Review Committee.

All proposed developments within the SP-4 District shall be subject to the review of the Borough Design Review Committee.

SECTION 2

The Zoning Map of Conshohocken Borough, Section 27-902, is hereby amended to change the zoning classification of the following Montgomery County Tax Map Parcels from the BC zoning district to the SP-4 Specially Planned – 4 zoning district: nos. 05-00-02810-002, 05-00-02350-003, 05-00-06032-002, 05-00-06040-003, 05-00-02852-005, 05-00-02840-008, and 05-00-04252-009.

SECTION 3

Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 5

This Ordinance shall become effective immediately.

ORDAINED and ENACTED an ordinance of the Borough of Conshohocken this _____ day of _____, 2017.

BOROUGH OF CONSHOHOCKEN

JAMES GRIFFIN, COUNCIL PRESIDENT

ATTEST:

SECRETARY

Approved this _____ day of _____, 2017

ROBERT FROST, MAYOR