

**BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY
COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE
OF ORDINANCES OF THE BOROUGH OF CONSHOHOCKEN, CHAPTER 27
ZONING BY ADDING A NEW PART 23, FAYETTE STREET CORRIDOR
OVERLAY DISTRICT; AMENDING THE ZONING MAP FOR THE BOROUGH
OF CONSHOHOCKEN TO INCLUDE THE FAYETTE STREET CORRIDOR
OVERLAY DISTRICT; REPEALING PRIOR INCONSISTENT ORDINANCES
OR PARTS OF ORDINANCES; CONTAINING A SEVERABILITY CLAUSE;
AND SETTING AN EFFECTIVE DATE.**

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, provides for the adoption of a zoning ordinance and amendments thereto;

WHEREAS, the zoning ordinance for the Borough of Conshohocken is codified at Chapter 27 *Zoning* of the Borough's Code of Ordinances;

WHEREAS, Section 603(j) of the Pennsylvania Municipalities Planning Code maintains that zoning ordinances adopted by municipalities shall be generally consistent with the municipal comprehensive plan;

WHEREAS, the Borough's comprehensive plan was last updated by the Comprehensive Plan Update adopted June 20, 2018;

WHEREAS, Borough Council of the Borough of Conshohocken created a Main Street Overlay Task Force, comprised of elected officials, Borough staff, community members, and volunteers to review the Borough's zoning ordinance and make recommendations regarding amendments thereto to effectuate the Borough's comprehensive plan and to encourage appropriate development/redevelopment of the Borough's Main Street Corridor, located along Fayette Street in the Borough;

WHEREAS, the aforementioned Task Force has recommended certain changes to the Borough's Zoning Ordinance and Zoning Map to create the Fayette Street Corridor Overlay District; and

WHEREAS, Borough Council believes it to be in the best interest of the Borough of Conshohocken and its community members to amend the Zoning Ordinance and Zoning Map as set forth herein, thereby creating the Fayette Street Corridor Overlay District.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Conshohocken as follows:

Section 1. Chapter 27 *Zoning* of the Borough's Code of Ordinances is hereby amended by adopting a new part, Part 23 *Fayette Street Corridor Overlay (FCO) District* with the following provisions:

Part 23 Fayette Street Corridor Overlay (FCO) District

§ 27-2301. A Declaration of Legislative Intent.

In the expansion of the declaration of legislative intent contained in Part 1, the intent of the Fayette Street Corridor Overlay District is to allow property owners in the overlay district the option of developing/redeveloping properties according to the underlying zoning or according to the FCO Zoning and to establish development standards which achieve the following:

1. Encourage economic development and redevelopment of underutilized parcels.
2. Assist in unifying Fayette Street as an attractive, vibrant mixed-use corridor.
3. Promote pedestrian orientation of streets and buildings.
4. Use scale, building orientation, and landscaping to establish community identity.

5. To incentivize lot assembly and consolidation toward the more efficient and cost-effective use of land.
6. Simplify and streamline the approval process.

§ 27-2302. Overlay District Boundary.

This overlay district covers properties along Fayette Street between Elm Street and 12th Avenue. The Fayette Street Corridor Overlay District includes portions of the following underlying zoning districts: R-O and BC. In an effort to preserve the character of Fayette Street, the overlay district shall be separated into three separate zones.

1. Zone One extends from Elm Street on the east side of Fayette Street and 1st Avenue on the west side of Fayette Street to 4th Avenue.
2. Zone Two extends from 4th Avenue to 9th Avenue.
3. Zone Three extends from 9th Avenue to 12th Avenue.

§ 27-2303. Permitted Uses.

1. The Fayette Street Corridor Overlay District shall be considered a mixed-use district. More than one use, in a single building, per lot is permitted in the FCO District in accordance with the requirements in this chapter.

Table of Permitted Uses in the FCO District			
Use	Zone One	Zone Two	Zone Three ¹
Residential uses	X ^{2,3}	X ²	X ²
Office	X	X	X
Hotel/motel (including ancillary meeting room facilities)	X		
Parking garage or lot	X		
Retail establishment	X	X	X
Bank or other financial institution	X	X	
Restaurant or café (excluding drive-in or drive-through)	X	X	X
Personal service shop	X	X	X
Fitness center, health club, or racquet club	X		
Day-care facility ⁴	X		
Municipal building or community facility	X	X	X
Public park or civic plaza	X	X	X
Florists	X	X	X
Bakery, candy, pastry, confectionary or ice cream retail sales	X	X	X

Studio for dance, fitness, music, art or photography	X	X	X
Tavern or bar	X	X	
Microbrewery, winery or distillery		X	
Recreation (indoor)	X	X	
Farmer's or grocer's market			X
Accessory use on the same lot which is customarily incidental to any use permitted	X	X	X

1 – See § 27-2303.2.A for additional requirements.

2 – See § 27-2303.2.B for additional requirements.

3 – See § 27-2303.2.C for additional requirements.

4 – See § 27-2303.2.D for additional requirements.

2. Additional use-specific requirements.

- A. All nonresidential uses permitted in Zone Three shall cease operation by 10:00 P.M.
- B. Residential uses shall not be located on the street or ground level, and shall be above a nonresidential use.
- C. Residential uses permitted in Zone One are limited to multifamily dwelling units.
- D. For a day-care facility proposed in the FCO District the following shall apply:
 - (1) A day-care facility, whether for children or adults, shall be permitted by-right within the FCO District, subject to the requirements of subsection (2) and (3) hereof as applicable.
 - (2) Child day-care facilities.
 - (a) One off-street parking space shall be provided for each employee and one safe passenger unloading space measuring nine feet by 18 feet for every 10 children or portion thereof, that the center is licensed to accommodate.
 - (b) If located on-site, the requisite outdoor play area shall be surrounded by a safety fence or natural barrier impenetrable by children or small animals.
 - (c) When an off-premises play area is utilized, it must be located within 500 feet of the center and be safely accessible without crossing at grade any arterial street or other hazardous area.
 - (d) The time of operation shall be limited to the hours between 6:30 a.m. and 7:00 p.m.
 - (e) Outdoor play shall be limited to the hours between 8:00 a.m. and 6:30 p.m.
 - (f) No portion of the outdoor play area shall be located less than 30 feet from an existing occupied dwelling without the owners written consent.
 - (g) No day-care center shall be established within 500 feet of another such use or school.
 - (3) Adult day-care facilities.
 - (a) One off-street parking space shall be provided for each employee.
 - (b) The time of operation shall be limited to the hours between 6:30 a.m. and 7:00 p.m.

§ 27-2304. Area and Dimensional Requirements.

	Zone One	Zone Two	Zone Three
Bldg. height (maximum)	40 feet	45 feet or 4 stories	35 feet or 3 stories
Front yard¹ (maximum)	Refer to § 27-1303	25 feet	25 feet
Front yard (minimum)	Refer to § 27-1303	15 feet	15 feet
Side yard (minimum)²	Refer to § 27-1303	5 feet	10 feet
Rear yard (minimum)	20 feet	20 feet	30 feet
Lot area (minimum)	10,000 square feet	2,000 square feet	2,500 square feet
Impervious coverage (maximum)	85%	85%	65%

1 – See § 27-2306.4 for additional requirements.

2 – See § 27-2306.5 for buildings sharing a party wall.

§ 27-2305. Civic or Public Plaza.

In the FCO District, for every project where at least 15,000 square feet of nonresidential space is developed, a civic or public plaza shall be developed on the site that is at least 1,500 square feet. This space shall be provided for public gatherings and events. The plaza shall contain amenities, such as landscaping, seating, lighting, trash receptacles and bike racks. The minimum dimension of the plaza shall be 30 feet in any one direction. The location shall be as approved by the Borough Council. The plaza shall be maintained, in perpetuity, at the sole cost of the developer and that developer shall provide such public use licenses and/or easements as shall be required by the Borough.

§ 27-2306. General requirements.

1. Blank walls facing Fayette Street are prohibited. Exterior walls should contain architectural elements and colors that are consistent with the building and facade. The ground floor front facades of buildings fronting a street shall consist of a minimum of 45% window area and a maximum of 80%, with views provided through these windows into the business. Upper story windows of front facades shall not be boarded or covered and shall comprise a minimum of 35% window area in the facade above the ground floor and a maximum of 75%. Those portions of walls without window area shall consist of architectural elements that help to break up the wall. These elements can consist of lighting; projections; decorative brick; or tile or other articulation.
2. Street facing buildings should exhibit varying roof heights to break up horizontal form and contain architectural elements like gables, dormers and cornices and/or other architectural treatments that add detail and interest to the building facades that face streets. Flat roofs shall not be permitted in Zone Two on buildings that are four stories.
3. Buildings and major pedestrian entrances shall be oriented towards the primary street frontage or public plazas.
4. The front yard required by § 27-2304 shall be measured from the curblines of the public street.
5. A side yard is not required along the side of a building that shares a party wall.
6. A minimum unobstructed sidewalk width of five feet is required.
7. Street trees shall be planted by the developer along all public rights-of-way. Street trees shall be planted at intervals of no more than 40 feet and shall be maintained by the property owner. Tree species shall be selected that require minimal maintenance and are native or non-invasive to the region.
8. Signs.

- A. One freestanding sign shall be permitted per street frontage provided that:
 - (1) Freestanding signs shall not exceed 35 square feet in area and must be setback a minimum of 10 feet from the curbline of the frontage street or outer edge of the shoulder and outside the legal right-of-way.
 - (2) The maximum height, including supports, shall be 12 feet.
 - (3) Where the freestanding sign is to be shared by two or more uses, the maximum sign area calculated in subsection (A) above may be increased by 25% for each additional use in excess of one use.
- B. In addition to the one freestanding sign, each tenant within a mixed use building shall be permitted one awning, window or wall sign which may not exceed 16 square feet in area.

§ 27-2307. Parking standards. Parking requirements within the FCO District are as follows:

1. Off-street parking requirement. Nonresidential uses shall be required to provide a minimum of three parking spaces for every 1,000 square feet of gross floor area, excluding parking structure uses. Residential uses shall be required to provide a minimum of one space per dwelling unit for efficiency and one-bedroom dwelling units and 1.5 spaces per dwelling unit for dwelling units with two or more bedrooms. The total required number of off-street parking spaces shall be the combined number of spaces required for nonresidential and residential uses proposed on the site.
2. The required off-street parking spaces may be located elsewhere than on the same lot when authorized as a conditional use by the Borough Council subject to the following conditions:
 - A. The owners of two or more establishments shall submit, with their application for conditional use, a site plan showing joint use and location of a common off-street parking area.
 - B. Some portion of the common off-street parking area lies within 200 feet of an entrance regularly used by patrons, into the buildings served thereby.
 - C. The Borough Council may, in its discretion, reduce the number of required parking spaces upon determination that greater efficiency is effected by joint use of a common parking area, but in no case shall the number of off-street parking spaces be reduced by more than 20% of the required number of spaces.
3. Where feasible, ingress and egress from parking shall be from side streets or alleys, not Fayette Street.
4. Parking areas must be to the side or rear of buildings and shall comply with setback requirements as established in the underlying district. Parking areas are prohibited in the required front yard and/or in the area between the front of the principal building and the street line.
5. Parking areas shall provide pedestrian walkways and connections to the public sidewalk system and to the building.
6. Parking structures shall be designed and scaled to be compatible with adjacent buildings and architecture.
7. The creation of new sidewalk curb cuts shall be avoided whenever an alternative point of access is available or can be created. Shared access agreements are encouraged.

§ 27-2308. Interpretation. In the case of a conflict between the regulations of this overlay district and those of the underlying zoning district, the regulations of this overlay shall control for mixed use structures and uses; the underlying zone shall control for all other structures and uses.

Section 2. Chapter 27 *Zoning* of the Borough's Code of Ordinances, Part 2 *Definitions*, Section 27-202 *Terms Defined* is hereby amended by adding the following new terms:

Mixed Use – A building designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, and other uses as noted in § 27-2303.

Farmer's Market – A use managed by a single operator who leases space for the sale of fresh fruit and produce food products, meat and fish items, plants and flowers, bakery goods, dairy products, delicatessen items, and arts and crafts items. Such use may not exceed 13,000 square feet of gross floor area.

Grocer's Market – A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies no more than 13,000 square feet of gross floor area. Such use shall not include the sale of fuel.

Section 3. Zoning Map Amendment.

The land area identified on Exhibit "A" to this Ordinance is zoned for inclusion in the Fayette Street Corridor Overlay District, and the Zoning Map of the Borough of Conshohocken is amended to reflect the Fayette Street Corridor Overlay District designation. Subdivision or lot line changes of the land area identified on Exhibit "A" shall not affect designation of the land area as part of the Fayette Street Corridor Overlay District.

Section 4. Prior Inconsistent Ordinances or Parts of Ordinances Repealed.

Any and all Ordinances or parts of Ordinances in conflict with the terms, conditions, and provisions of this Ordinance are hereby repealed to the extent of such conflict. Except as specifically amended by the terms of this Ordinance, the Borough's zoning ordinance and zoning map are otherwise ratified and confirmed.

Section 5. Savings clause.

If any portion, part or provision of this ordinance should be declared by a court of competent jurisdiction to be invalid, unconstitutional, illegal or unenforceable, the Council of the Borough of Conshohocken hereby declares its intent that this ordinance shall have been adopted without regard to such invalid, unconstitutional, illegal or unenforceable portion thereof.

Section 6. Effective date.

This ordinance shall become effective upon its adoption.

ADOPTED and APPROVED, this ____ day of _____, 2024 in Council Chambers.

BOROUGH OF CONSHOHOCKEN:

TINA SOKOLOWSKI, COUNCIL PRESIDENT

ATTEST:

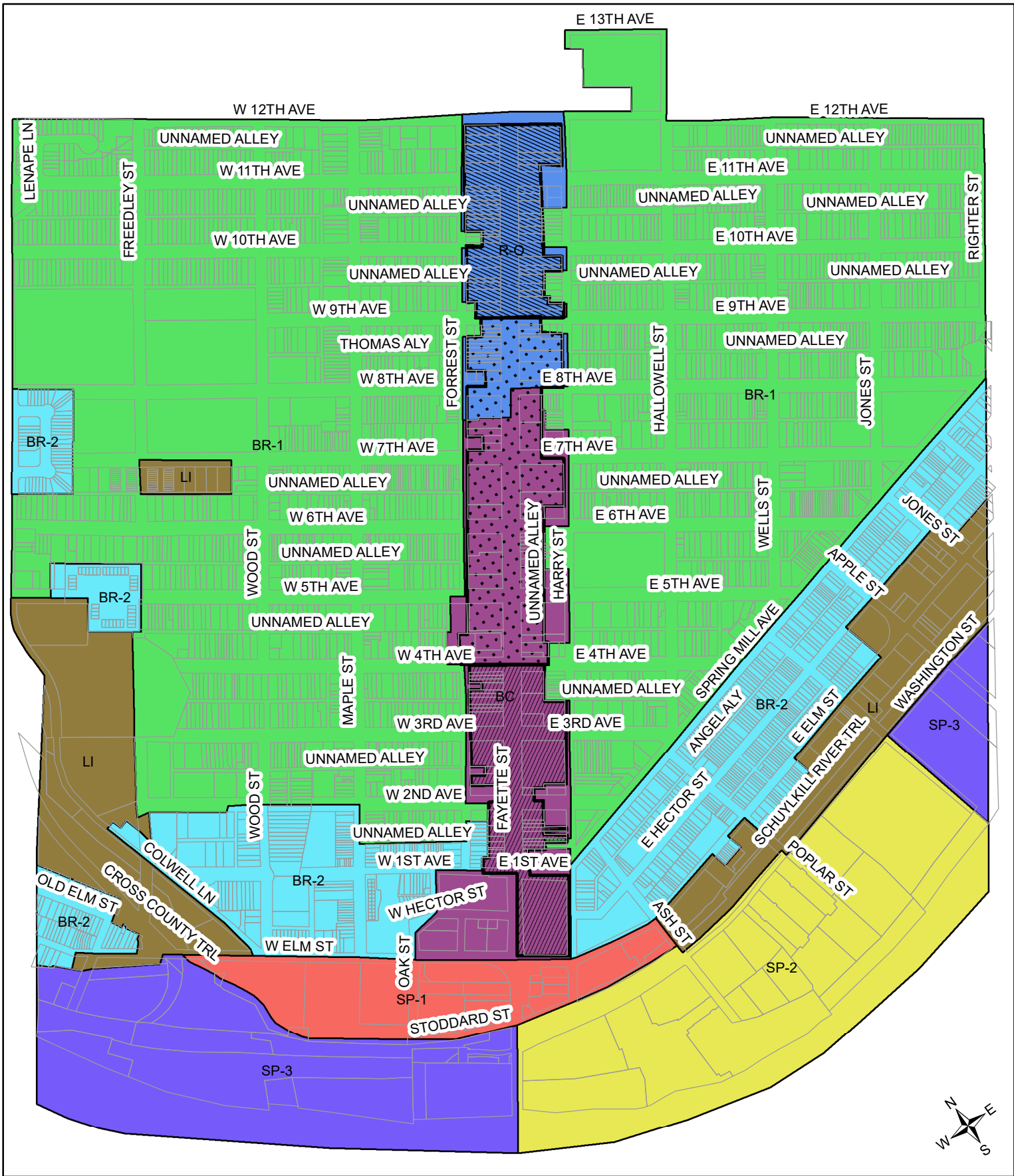
STEPHANIE CECCO,
BOROUGH SECRETARY

Approved this ____ day of _____, 2024

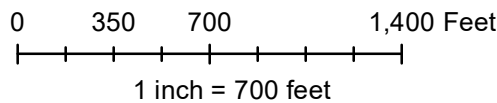
YANIV ARONSON, MAYOR

EXHIBIT “A”

(Zoning Map of the Borough of Conshohocken)



Borough of Conshohocken Zoning Map



Zoning Districts

BC	R-O	Fayette Street Corridor Overlay
BR-1	SP-1	Zone 1
BR-2	SP-2	Zone 2
LI	SP-3	Zone 3