

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH OF CONSHOHOCKEN ZONING ORDINANCE OF 2001 BY CHANGING THE REQUIRED NOTICE REQUIREMENTS AND PROCEDURES OF THE ORDINANCE WITH RESPECT TO HEARINGS UNDER THE ORDINANCE; AMENDING THE PROVISIONS RELATING TO EXPIRATION OF ZONING VARIANCES AND SPECIAL EXCEPTIONS AND ADDING AN EXPIRATION PERIOD FOR CONDITIONAL USES; CONFIRMING THAT CERTAIN PROVISIONS OF PART 12 *R-O RESIDENTIAL OFFICE DISTRICT* ARE NO LONGER OF ANY FORCE OF OTHER EFFECT; REPEALING PRIOR INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Conshohocken is duly empowered by the Borough Code, 8 Pa.C.S. § 101, *et seq.*, to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of the Borough of Conshohocken;

WHEREAS, the Borough Council of the Borough of Conshohocken has adopted a comprehensive Borough zoning ordinance, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which same ordinance is intended to provide for the orderly development and redevelopment of the Borough;

WHEREAS, from time to time, the Borough Council of the Borough of Conshohocken identifies amendments to the Borough's zoning ordinance required to serve the best interest of the Borough and its residents;

WHEREAS, the Borough's zoning ordinance currently provides that notice shall be provided to landowners within 500 feet of a property subject to a hearing under the ordinance;

WHEREAS, the Borough's zoning ordinance currently provides that contact information for landowners entitled to notice under the ordinance is to be compiled and provided by the applicant;

WHEREAS, given the density of the Borough, the Borough's administration has recommended reducing the required notice to 250 feet of the subject property;

WHEREAS, contact information provided by applicants has proved inaccurate and/or incomplete, and therefore Borough administration is forced to confirm and edit information received;

WHEREAS, in addition to the foregoing issues, Borough administration has identified an issue relating to the provisions of the zoning ordinance addressing expiration of variances and special exceptions, specifically that the current provision—providing that variances and special exceptions expire within 6 months—should be extended to 1 year; furthermore Borough Administration has recommended a matching time period (1 year) for expiration of conditional uses;

WHEREAS, based on the issues identified hereinabove, the Borough Council of the Borough of Conshohocken has determined it to be in the best interest of the Borough to amend the Borough’s zoning ordinance as set forth hereinbelow; and

WHEREAS, Borough Council also wishes to effectuate removal of subsection 27-1202.5 from the codification of Part 12 *R-O Residential Office District*, as such subsection is no longer valid following the decision of the Commonwealth Court of Pennsylvania in docket no. 501 C.D. 2020.

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 of 2001, codified at chapter 27 *Zoning* of the Borough’s Code of Ordinances, part 6 *Zoning Hearing Board*, section 605 *Appeal or Application to Zoning Hearing Board*, is hereby amended by repealing subsection H and I in their entirety, and replacing subsection H with the following new provisions:

- H. A payment to the Borough in accordance with a fee schedule adopted and amended from time to time by the Borough Council, in accordance with the requirements of Section 908(1.1) of the Municipalities Planning Code, as amended.

SECTION 2.

The Borough of Conshohocken Zoning Ordinance of 2001, codified at chapter 27 *Zoning* of the Borough's Code of Ordinances, part 6 *Zoning Hearing Board*, section 607 *Notice of Hearing*, is hereby amended by repealing subsection A(2) in its entirety and replacing it with the following new provisions:

A. Written notice shall be given to:

...

(2) Adjacent landowners, subject to the following procedure:

- (i) Borough staff shall prepare a list of all property owners within 250 feet of the applicant's land. The list shall be obtained from the Montgomery County Board of Assessment Appeals, or from the Tax Collector for the Borough of Conshohocken (or other applicable municipality when the adjacent land is outside of the Borough). Notices shall be sent to the current owner(s) of record.
- (ii) Borough staff shall mail the notices identified in subsection (i).
- (iii) Costs associated with preparing the list of property owners and mailing notices as set forth in subsection (i) and subsection (ii) shall be paid by the applicant.

SECTION 3.

The Borough of Conshohocken Zoning Ordinance of 2001, codified at chapter 27 *Zoning* of the Borough's Code of Ordinances, part 6 *Zoning Hearing Board*, section 613 *Expiration*, is hereby amended by repealing the current provisions in their entirety and replacing them with the following new provisions:

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain any and all permits within one (1) year of the date of approval.

SECTION 4.

The Borough of Conshohocken Zoning Ordinance of 2001, codified at chapter 27 *Zoning* of the Borough's Code of Ordinances, part 8 *General Regulations*, section 27-826 *Procedure for Conditional Use Application*, is hereby amended by adding a new subsection C with the following provisions:

C. Expiration

Unless otherwise specified by Borough Council, a conditional use shall expire if the applicant fails to obtain any and all permits within one (1) year of the date of approval.

SECTION 5. R-O RESIDENTIAL OFFICE DISTRICT

Borough Council hereby confirms that as a result of the decision of the Commonwealth Court of Pennsylvania at docket no. 501 C.D. 2020, ordinance no. 08-2017 is no longer valid, and therefore section 27-1202, subsection 5 of the Zoning Ordinance is no longer of any force or other effect. Borough Council directs Borough Administration to effectuate the removal of subsection 27-1202.5 from the codification of the Borough's Zoning Ordinance, including, but not limited to, requesting that this subsection be removed from the codification as shown on the eCode360 website.

SECTION 6. REPEALER.

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 7. SEVERABILITY CLAUSE.

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 8. EFFECTIVE DATE.

This ordinance shall become effective at the earliest time permitted by Pennsylvania Law.

ORDAINED and **ENACTED** an ordinance of the Borough of Conshohocken this
_____ day of _____, 2022.

BOROUGH OF CONSHOHOCKEN:

COLLEEN LEONARD, COUNCIL PRESIDENT

ATTEST:

STEPHANIE CECCO,
BOROUGH SECRETARY


Approved this _____ day of _____,
2022

YANIV ARONSON, MAYOR

I, Michael E. Peters, Esquire, a shareholder with the law firm of Eastburn and Gray, P.C., Solicitor for the Borough of Conshohocken, Montgomery County, PA, hereby attest that the attached is a true and correct copy of the following ordinance, and that I am authorized to make this attestation on behalf of the Borough:

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH OF CONSHOHOCKEN ZONING ORDINANCE OF 2001 BY CHANGING THE REQUIRED NOTICE REQUIREMENTS AND PROCEDURES OF THE ORDINANCE WITH RESPECT TO HEARINGS UNDER THE ORDINANCE; AMENDING THE PROVISIONS RELATING TO EXPIRATION OF ZONING VARIANCES AND SPECIAL EXCEPTIONS AND ADDING AN EXPIRATION PERIOD FOR CONDITIONAL USES; CONFIRMING THAT CERTAIN PROVISIONS OF PART 12 R-O RESIDENTIAL OFFICE DISTRICT ARE NO LONGER OF ANY FORCE OF OTHER EFFECT; REPEALING PRIOR INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Date: 3.21.2022



Michael E. Peters, Esquire

[SEAL]