

ORDINANCE NO. 2016-13

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 280 ZONING, ARTICLE XV, PLO PLANNED LABORATORY-OFFICE DISTRICT, SECTIONS 280-62, 280-63 AND 280-64, BY PROVIDING FOR ADDITIONAL USES IN THE PLO PLANNED LABORATORY-OFFICE DISTRICT INCLUDING MIXED USE DEVELOPMENTS; PROVIDING FOR REVISED DIMENSIONAL REQUIREMENTS FOR MIXED USE DEVELOPMENTS INCLUDING FINANCIAL SUBDIVISIONS AND PROVIDING FOR ADDITIONAL ACCESSORY USES

SECTION 1. Chapter 280, Article XV, Sections 280-62, 280-63 and 280-64 are hereby revised to read as follows:

Section 280-62 Purpose; application of regulations

- A. PLO Planned Laboratory-Office Districts are designed primarily to provide for selected modern laboratory, office establishments and other compatible uses which:
 - (1) Provide for attractive large-site, low-lot-coverage development in areas where traditional business development would be inappropriate.
 - (2) Strengthen and diversify the Township's tax base.
 - (3) Are compatible with the character of the surrounding areas.
 - (4) Increase the effectiveness of the zoning district by providing the capability for a mixture of complementary uses.
 - (5) Decrease the negative external effects of parking and traffic on surrounding areas by providing the capability for a mixture of complementary uses.
- B. PLO Districts may be established and developed only in accordance with the special provisions of § 280-132 and subject to the regulations of this article and any other pertinent provisions of this chapter.
- C. In PLO Planned Laboratory-Office Districts, the regulations contained in this chapter shall apply.

Section 280-63 Use regulations

A building or unified group of buildings may be erected or used and a lot may be used or occupied for any of the following purposes:

- A. Forty percent (40%) to one-hundred percent (100%) of the gross floor area may be used or occupied for the following:
 - (1) Scientific or industrial research, testing or experimental laboratory or similar establishment for research or product development, provided that there is no commercial production or storage of any commodity or substance except for storage necessary for scientific research.
 - (2) Office Building, including medical, dental, professional and sales.
- B. Subject to the requirements of § 280-64.G., up to sixty percent (60%) of the gross floor area may be used or occupied for the following:
 - (1) Hotel, including extended stay, which may contain restaurant and banquet space. Hotel pools and indoor health/fitness/recreation centers shall be for the use of hotel guests only.
 - (2) Skilled nursing and/or Senior Assisted Living facility.
 - (3) Senior Independent living facility.
 - (4) Ambulatory care facility - a health care facility or a distinct part of a health care facility which provides preventative, diagnostic, and treatment services to persons who come to the facility to receive services and depart from the facility on the same day, excluding medical and dental office uses. All land development plans proposing an Ambulatory care facility shall be limited to no smaller than 969 square feet per patient position yielding 103 patient positions per 100,000 square feet of gross floor area.
- C. Notwithstanding the minimum lot size of Section 280-64.A., properties with a total site area of less than 10 acres may be used or occupied as follows and may not be combined with any other principal use.
 - (1) Skilled nursing, Senior Independent Living, and/or Senior Assisted Living facility, excluding Drug and Alcohol Rehabilitation facilities.
 - (2) Hotel, including extended stay, which may contain restaurant and banquet space. Hotel pools and indoor health/fitness/recreation centers shall be for the use of hotel guests only.

D. Accessory uses, which may include:

- (1) Storage within a completely enclosed building in conjunction with a permitted use.
- (2) A cafeteria or other service facility located within the building and operated for the exclusive use of the occupants of the building. An accessory cafeteria may include outdoor dining as permitted by § 280-115.3B. [Amended 4-8-2013 by Ord. No. 2012-09]
- (3) A recreational area for occupants.
- (4) Living quarters for watchmen, caretakers or similar employees.
- (5) A parking structure, when constructed as an accessory structure for the purpose of eliminating allowable surface parking. Parking structures may be located wholly or partly within the principal building, attached to and made a part of the principal building, or constructed as a detached accessory structure. Parking spaces within structures may be reduced to not less than nine feet in width by 19 feet in depth, exclusive of aisles, for each motor vehicle.
- (6) Restaurant accessory to a permitted principal use not including existing non-conforming uses. Outdoor dining is permitted in accordance with § 280-115.3 B.

Section 280-64 Area and height regulations

- A. Lot area and width. Every lot on which a building or combination of buildings is hereafter erected or used shall have a lot area of not less than 10 acres, and such lot shall not be less than 300 feet at the building line.
- B. Building area. Not more than 30% of the area of any lot may be occupied by buildings and structures, and not less than 45% of the total lot area, exclusive of those areas within the public right-of-way, shall be devoted to landscaping and planted in accordance with Chapter 255, Subdivision of Land. Landscaped areas shall include nonimpervious areas devoted to stormwater management, required buffer areas, and landscaping for parking facilities.
- C. Building placement. No building or accessory structure shall be located less than one hundred and fifty (150) feet from a street right-of-way line nor less than two hundred (200) feet from a side or rear property line and no surface parking area, driveway, service or interior roadway, with the exception of approved areas for vehicular access, shall be located less than 75 feet from a street right-of-way or other property line.
- D. Building size and spacing.

- (1) Except for a Mixed Use development permitted under § 280-64.G., the greatest dimension in length or depth of a building shall not exceed 160 feet, and no more than three buildings may be attached to each other, provided further that the facade of any building attached to another building be visibly offset from the adjoining building at an angle of approximately 90°.
 - (2) The distance at the closest point between any two buildings or group of attached buildings, including accessory structures, shall not be less than 45 feet.
 - (3) In no case shall the width of buildings or accessory structures or the aggregate widths of buildings or accessory structures fronting on a street on the same lot exceed 80% of the width of a lot.
- E. Height regulations. Except for a Mixed Use development permitted under § 280-64.G., no building or accessory structure shall exceed three stories or 38 feet in height.
- F. Riparian buffer setback: 35 feet
- G. Mixed Use - A building or unified group of buildings may include the uses specified in § 280-63.A. and B. and no other, subject to the following conditions:
- (1) The minimum gross floor area of the B. uses shall be 30% of the Total Site Area. The maximum medical or dental office use shall be 30% of the gross floor area of the Total Site Area. Ambulatory Care facility uses shall be combined with a minimum 15% of gross floor area of the Total Site Area of one or more of the uses described in § 280-63.B.1, 2 or 3.
 - (2) No building shall exceed 85 feet in height. Buildings in excess of three stories or 38 feet in height are subject to the following requirements:

Building Height (Tallest building on site)	Maximum Building Area (%)	Maximum Lot Coverage (%)	Set Back to Street ROW Line (ft)	Set Back to Side and Rear Property Line Adjacent to Residential Zoning District (ft)	Set Back to Side and Rear Property Line Adjacent to Non-Residential Zoning District (ft)	Set Back to Side and Rear Property Line Abutting Railway and Limited Access Highway (ft)
less than or equal to 55'	29	50	100	200	50	25
greater than 55' but less than or equal to 85'	28	45	100	200	50	25

- (3) The gross floor area for all buildings on lots/properties existing as of the date of this ordinance shall not exceed 25,500 square feet per acre of Total Site Area.

- (4) A parking garage or parking structure may have a height of up to 55 feet so long as such parking garage or parking structure does not exceed the height of any building on the site.
- (5) All other accessory structures shall not exceed 45 feet in height as long as the accessory structure does not exceed the height of any other building on the site.
- (6) Financial Subdivision - In connection with development of a Mixed Use within the PLO District, individual lots may be created for purposes of financing and/or conveyancing. Such individual lots shall not be required to comply on an individual basis with the dimensional requirements of this Article, provided that the site and uses comply with such requirements on an overall basis, and further provided that the deeds conveying such separate lots contain covenants requiring the purchasers to, at all times, operate and maintain such lots in good order and repair and in a clean and sanitary condition; that cross-easements for parking areas and all appurtenant ways, pedestrian access, and utilities shall be maintained between such lots; and that such covenants shall be subject to the approval of the Township. The purchaser of any such lot shall execute and file with the Township a written covenant agreeing to the forgoing conditions prior to purchasing.
- (7) In the event that development requires an expansion of the right of way; setbacks shall be measured from the proposed right of way line.
- (8) The greatest dimension in length or depth of a building (as specified in § 280.64.D) may be up to 350 feet provided that: (a) the façade is constructed of brick, stone, architectural concrete, architectural metal work, or articulated glass; (b) is constructed with vertical and horizontal articulation and; (c) is approved by the Township.
- (9) The Total Site Area for a Mixed Use development must be greater than or equal to 10 acres. Total Site Area is the gross area of a lot or lots as described in the deeds or from an actual survey but excluding the area of any public or private street or rights of way as of the date of this ordinance.
- (10) All Mixed Use developments shall submit a Transportation Impact and Mitigation Report to the Township as part of the land development application. The Transportation Impact and Mitigation Report shall address the following components for the proposed development:
 - (a) A description of all improvements proposed along the frontage of the property including curbs, sidewalks, drainage, and utility additions or extensions proposed as a result of the project.
 - (b) A description of all improvements to adjacent intersections or intersections within a 1/2 mile of the proposed project designed to mitigate the impact of the proposed development transportation at full build-out of the site.

- (c) A description of all off-site transportation improvements proposed by the developer or a description of proposed improvements to existing public transportation facilities including existing rail lines adjacent to or within ½ mile to the site.
 - (d) A description of transportation improvements proposed to be constructed by the applicant as recommended in the Township's Comprehensive Plan.
- (11) No land development application shall be accepted or processed by the Township without the submission of the foregoing Transportation Impact and Mitigation Report.

SECTION 2. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

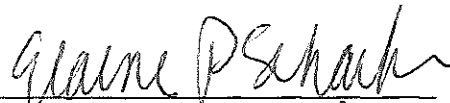
SECTION 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

SECTION 4. Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.


ENACTED and *ORDAINED* this 11th day of December, 2017.

RADNOR TOWNSHIP

By:


Name: Elaine P. Schaefer
Title: Vice President

ATTEST:


Robert A. Zienkowski, Secretary

J. LAWRENCE GRIM, JR.
MARY C. EBERLE
JOHN B. RICE
DIANNE C. MAGEE *
DALE EDWARD CAYA
DAVID P. CARO ◊
DANIEL J. PACI ◊ †
JONATHAN J. REISS ◊
GREGORY E. GRIM †
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SEAN M. GRESH
KELLY L. EBERLE *
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JOEL STEINMAN
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STEPHEN J. KRAMER
REBECCA A. O'NEILL**
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* ALSO ADMITTED IN NEW JERSEY
◊ ALSO ADMITTED IN NEW YORK
† MASTERS IN TAXATION
◊ ALSO A CERTIFIED PUBLIC ACCOUNTANT

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November 16, 2017

Delaware County Law Library
Delaware County Courthouse
201 W. Front Street
Media, PA 19063

Re: Radnor Township- PLO Ordinance

Dear Sir/Madam:

Enclosed for filing with the Delaware County Law Library, please find a true and correct copy of a proposed Ordinance which the Radnor Township Board of Commissioners will consider for possible adoption after a public hearing on December 11, 2017. Please keep the enclosed Ordinance available for public inspection and/or photocopying through the hearing date.

Sincerely,

GRIM, BIEHN & THATCHER

By: 

John B. Rice

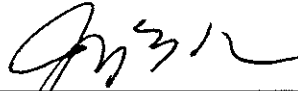
JBR/hlp

Enclosure

cc: Jennifer DeStefano (w/encl.) – via email
Robert A. Zienkowski (w/encl.) – via email

ATTEST:

I do hereby certify that this is a true and correct copy of the proposed Ordinance of Radnor Township, being advertised for possible adoption by the Radnor Township Board of Commissioners on December 11, 2017.



John B. Rice, Esquire
Grim, Biehn & Thatcher
Township Solicitor



DELAWARE COUNTY PLANNING COMMISSION

COURT HOUSE/GOVERNMENT CENTER
201 W. Front St. Media, PA 19063

COUNCIL

MARIO J. CIVERA, JR.
CHAIRMAN

COLLEEN F. MORRONE
VICE CHAIRMAN

JOHN P. McBLAIN
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MICHAEL F. CULP

Office Location: Toal Building, 2nd & Orange Sts., Media, PA 19063

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E-mail: planning_department@co.delaware.pa.us

January 19, 2017

PLANNING COMMISSION

WILLIAM C. PAYNE
CHAIRMAN

THOMAS J. JUDGE
VICE CHAIRMAN

KENNETH J. ZITARELLI
SECRETARY

LINDA F. HILL
DIRECTOR

Mr. Robert A. Zienkowski
Radnor Township
301 Iven Avenue
Wayne, PA 19087-5297

RE: Name of Petition: Additional Uses in the PLO District
DCPD File No.: ZA-34-7220-17
Petitioner: Radnor Township
Recv'd in DCPD: November 30, 2016

Dear Mr. Zienkowski:

In accordance with the provisions of Section 609 of the Pennsylvania Municipalities Planning Code, the above described proposal has been sent to the Delaware County Planning Commission for review. At a meeting held on January 19, 2017, the Commission took action as shown in the recommendation of the attached review.

If the proposed amendment/ordinance is enacted, please forward a copy of the final text to this office for our files.

Very truly yours,

Linda F. Hill
Director



DELAWARE COUNTY PLANNING DEPARTMENT

DCPD

Court House/ Government Center , 201 W. Front St., Media, PA 19063
Office Location: Toal Building, 2nd & Orange Sts., Media, PA 19063
Phone: (610) 891-5200 FAX: (610) 891-5203
E-mail: planning_department@co.delaware.pa.us

Date: January 19, 2017
File No.: ZA-34-7220-17

PETITION: Additional Uses in the PLO District
DATE OF PETITION: November 30, 2016
PETITIONER: Radnor Township
MUNICIPALITY: Radnor Township
TYPE OF REVIEW: Zoning Text Amendment
PROPOSAL: Amend the text of the Township zoning ordinance to add additional uses to the PLO Planned Laboratory-Office District
RECOMMENDATIONS: Revise and resubmit the proposed amendment, incorporating the following remarks
STAFF REVIEW BY: Dennis DeRosa

REMARKS:

The Township proposes to amend the PLO District by expanding the intent to include new uses and area and bulk regulations.

PURPOSE AND INTENT

Existing

Currently, the PLO District is intended for the following:

To provide for selected modern laboratory and office establishments which are compatible with the character of the surrounding area.



Date: January 19, 2017
File No.: ZA-34-7220-17

REMARKS (continued):

Provide for attractive large-site, low-lot coverage development in areas where traditional business development would be inappropriate.

Strengthen and diversify the Township's tax base.

New purposes and intent

The Township proposes to include the following new purposes and intent:

To increase the effectiveness of the District by providing the capability for a mixture of complementary uses.

To decrease the negative external effects of parking and traffic on surrounding areas by providing the capability for a mixture of complementary uses.

USE REGULATIONS

Existing Uses Currently Permitted

Currently, the following by-right uses are permitted within the PLO District: scientific or industrial research, testing or experimental laboratory, product development research, and office buildings.

Section 280-63.A. of the proposed amendment indicates that the above uses will remain permitted by-right uses, but are to comprise between 40% and 100% of the gross floor area of a site to be developed in the PLO District. In other words, 60% of the site can contain such uses.

Date: January 19, 2017
File No.: ZA-34-7220-17

REMARKS (continued):

Proposed uses to be permitted

The following new uses are proposed to be included in the PLO District:

- Hotel, which includes extended stay, which may contain restaurant and banquet space. Hotel pools and indoor health/fitness/recreation centers are for the use of hotel guests only.
- Skilled nursing and/or senior assisted living facility
- Senior independent living facility
- Ambulatory care facility, which is a health care facility or a distinct part of a health care facility which provides preventative, diagnostic, and treatment services to persons who come to the facility to receive services and depart from the facility on the same day, excluding medical and dental office uses. All land development plans proposing an ambulatory care facility are limited to no smaller than 969 sq. ft. per patient position yielding 103 patient positions per 100,000 sq. ft. of gross floor area (Section 280-63.B).

It appears the Township is proposing a mixed-use development, where a minimum of 30% and a maximum of 60% of the total site area can be used for hotels, skilled nursing/senior assisted living, senior independent facility, and ambulatory care.

Minimum site eligibility

Existing/proposed Section 28-64. indicates that a minimum site area to develop in the PLO District is 10 acres. However, in proposed Section 280-63.C. the amendment indicates that, what appears to be, all of the uses stated in Section 280-63.B. are

Date: January 19, 2017
File No.: ZA-34-7220-17

REMARKS (continued):

permitted on sites less than 10 acres, with the exception of ambulatory care facilities. Accordingly, the minimum acreage required to develop in the PLO District is unclear. The Township should clarify this issue.

Required use mix

Section 280-63.G. appears to state that medical or dental offices within a mixed-use development scheme are limited to a maximum of 30% of the gross floor area of the total site area. However, it is expressly stated that medical and dental office uses are excluded within an ambulatory care facility, but are permitted in an office building. Accordingly, the Township should clarify this issue.

Maximum building dimensions

Proposed Section 280-63.D establishes a 160' maximum dimension of buildings that are not used for mixed-use development, while proposed Section 280-63.D.(8) permits a building dimension to be up to 350'. This equates to a building more than the length of a football field. Generally speaking, buildings that massive are usually not consistent with human-scaled development that is walkable and akin to mixed-use development.

Maximum floor area of existing buildings on existing lots/properties

The proposed amendment establishes that the "gross floor area for all buildings on lots/properties existing as of the date of this ordinance shall not exceed 25,500 square feet per acre of total site area. Establishing maximum square footage provisions for buildings within existing developments will result in the creation of nonconforming parcels; Therefore it is not recommended.

Height maximum

An 85' height maximum is established for mixed-use buildings.

Z.M. 1

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Date: January 19, 2017
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REMARKS (continued):

CONCLUSION

The basic concept of the proposal is to achieve a mixed-use development where complimentary uses are located within proximity to minimize traffic congestion. This appears commendable. However, as written, the proposal appears difficult to decipher regarding the minimum site acreage eligible for development, the uses permitted, and the established minimum and maximum percentages per gross floor area of the total site area. Accordingly, the Township should revise the amendment to clearly state the requirements in a concise manner, while addressing parking, open space and recreational requirements.

ADOPTION

Should the Township approve the proposed amendment, in accordance with Section 609(g) of the PA Municipalities Planning Code, an executed copy of the amendment must be forwarded to the County Planning Department within thirty (30) days of enactment.