

ORDINANCE NO. 2012-06

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ARTICLE XXII, ADMINISTRATION, OF THE RADNOR TOWNSHIP ZONING ORDINANCE BY PROVIDING FOR REGULATIONS PERMITTING USES NOT ADEQUATELY OR SPECIFICALLY DEFINED OR PERMITTED IN RADNOR TOWNSHIP BY CONDITIONAL USE; AND BY AMENDING ARTICLE XX REGARDING PARKING FOR OTHER USES AND FOR CHANGE OR EXPANSION OF A USE.

*WHEREAS*, the Board of Commissioners has determined that the Township Zoning Ordinance needs a procedure to clarify undefined and/or unpermitted zoning uses to insure their inclusion in the proper zoning district; and

*WHEREAS*, the Board desires to protect the Township's zoning regulations through an established procedure by designating undefined and/or unpermitted zoning uses throughout the Township.

*NOW, THEREFORE*, be it *ORDAINED* and *ENACTED* as follows:

**Section 1.**

Article XXII, Administration, is hereby revised and amended by adding a new §280-130.1, as follows:

**§ 280-130.1. New or undefined uses.**

Residential or non-residential uses not specifically defined in the Use Regulations of the various zoning districts of this Chapter may evolve after the enactment of this Chapter or may have been uses not commonly permitted, defined, or in use at the time of the enactment of this Chapter. Such uses, if determined to be reasonable, appropriate, and/or legitimate uses, must be provided for in this Chapter, and it is the purpose of this Section to provide for all reasonable and legitimate uses, and to establish a mechanism for including such uses within the appropriate zoning district of the Township.

- A. The landowner, equitable or otherwise, shall submit a zoning determination request to the Township Zoning Officer for inclusion of a specific use within the Zoning Ordinance, along with illustrations and explanatory information which fully describe the proposed use and the manner in which the proposed use is substantially different from uses currently permitted and specifically defined in this Chapter.
- B. Upon receipt of the foregoing request, the Zoning Officer shall make a determination as to whether or not the proposed use fits within any currently permitted and defined uses within this Chapter. If the Zoning Officer determines that the use is not adequately defined or

permitted, he/she shall render an opinion as to which zoning district the use shall be permitted in accordance with the criteria set forth in Paragraphs C. and D. of this Section. In making the foregoing determination, the Zoning Officer may submit the request to the Planning Commission for an advisory opinion.

- C. All legitimate residential or non-residential uses not specifically or adequately described in this Chapter shall be allowed in the following zoning districts based on the class of uses the proposed use falls under:
- (1) Residential uses shall only be allowed in the R-6 or PA Districts.
  - (2) Institutional uses shall only be allowed in the PI District.
  - (3) Office, commercial or consumer service uses shall only be allowed in the PB District, provided that the proposed site for such use has road frontage along Lancaster Avenue.
  - (4) Industrial uses shall only be allowed in the PB or PLO Districts.
- D. Once the requested use has been provided for through the allowance of this use in the designated zoning district by the Zoning Officer, such use shall meet the density, area, dimensional and other requirements of that district and shall only be approved as a conditional use pursuant to §280-134 of this Ordinance. Such use shall also meet the parking requirements established in §280-103 of this Ordinance.

## **Section 2.**

Article XX, Section 280-103 Off-street parking, is hereby amended by adding a new Subsection 103.C as follows:

- C. Change in Requirements - Whenever there is an alteration of a structure or an expansion of a use which increases the parking requirements according to the standards of §280-103, additional parking shall be provided for the alteration or expansion in accordance with the requirements of that Section. Whenever there is a change of use which increases the parking requirements according to the standards of §280-103, the total amount of parking required for the new use shall be provided in accordance with the requirements of that section.

## **Section 3.**

Article XX, Section 280-103 Off-street parking, subsection B (20) is revised as follows:

- (20) Building or use other than specified above: at least one space for each 300 square feet of floor area or lot area devoted to such use, whichever is larger, except when authorized as a special exception, consistent with standards set forth herein for comparable buildings or uses.

**Section 4.**

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

**Section 5.**

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 6.**

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

*ENACTED* and *ORDAINED* this 20<sup>th</sup> day of August , 2012.

RADNOR TOWNSHIP

By: William A. Spingler  
Name: William A. Spingler  
Title: President

ATTEST:

Robert A. Zienkowski, Secretary