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January 10, 2011

Mr. John E. Pickett, AICP, Director
Delaware County Planning Department
201 W. Front Street
Media, PA 19063

Re: Radnor Township – Student Housing Zoning Ordinance Amendment

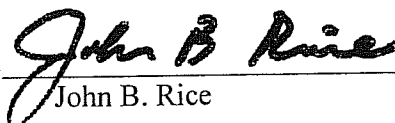
Dear Mr. Pickett:

Enclosed please find an amendment to the Radnor Township Zoning Ordinance providing for new definitions and regulations to student housing within Radnor township. Kindly review in accordance with the appropriate provisions of the Municipalities Planning Code.

Thank you for your attention in this regard.

Sincerely,

GRIM, BIEHN & THATCHER

By: 
John B. Rice

JBR/LDG
Enclosure

cc: Matt Baumann - via email
William Martin - via email
Robert Zienkowski- via email

ORDINANCE NO. _____

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 280 OF THE RADNOR TOWNSHIP CODE, ZONING, BY ADDING DEFINITIONS FOR STUDENT HOME AND STUDENT AND ADDING STUDENT HOMES AS A SPECIAL EXCEPTION USE PERMITTED WITHIN THE R-1, R-1A, R-2, R-3, R-4, R-5, R-6 AND PA ZONING DISTRICTS THROUGHOUT RADNOR TOWNSHIP AND ADDING REGULATIONS FOR STUDENT HOME USES IN ORDER TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

WHEREAS, Radnor Township is the home to several educational institutions; and

WHEREAS, off-campus housing by the students of the various institutions have resulted in the conversion of existing single-family dwellings to student housing; and

WHEREAS, the Township desires to preserve the residential quality of existing neighborhoods by reducing the concentration of students within these neighborhoods in order to protect the health, safety and welfare of the existing neighborhoods.

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

ARTICLE I.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding the following definitions to Section 280-4 of the Radnor Township Code:

§280-4 Definitions and word usage.

STUDENT

An individual who is enrolled or has made application and been accepted at a university, college or trade school and is taking at least six credit hours and whose primary occupation is as a student, or who is on a semester or summer break from studies at a college, university or trade school. The term "student" shall apply to both undergraduate and graduate students alike.

STUDENT HOME

A living arrangement for a maximum of two students as defined in this Ordinance. Student homes shall not include dormitories, fraternities, sororities, or apartment buildings. A student home includes a dwelling located off campus from any higher education facility or trade school in which students reside. Student home does not

include the home of a student that is occupied solely by the student and his or her family members in an existing single-family home. A student home shall include any combination of graduate students, undergraduate students and/or trade school students living in the same dwelling unit.

ARTICLE II.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding Student Home as a use permitted by Special Exception within the R-1 Zoning District by adding the following new Section 280-14.B.(2) to the Radnor Township Code:

§ 280-14 Use regulations.

B. (2) Student Home subject to the general standards and provisions of § 280-115.2.

ARTICLE III.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding Student Home as a use permitted by Special Exception within the R-1.A Zoning District by adding the following new Section 280-17.2.D. to the Radnor Township Code:

§ 280-17.2 Use regulations.

D. The following uses only when authorized as a special exception by the Zoning Hearing Board of Radnor Township, subject to the general standards prescribed in § 280-145:

(1) Student Home subject to the general standards and provisions of § 280-115.2.

ARTICLE IV.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding Student Home as a use permitted by Special Exception within the R-2 Zoning District by adding the following new Section 280-19.D to the Radnor Township Code:

§ 280-19 Use regulations.

D. The following uses only when authorized as a special exception by the Zoning Hearing Board of Radnor Township, subject to the general standards prescribed in § 280-145:

(1) Student Home subject to the general standards and provisions of § 280-115.2.

ARTICLE V.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding Student Home as a use permitted by Special Exception within the R-3 Zoning District by adding the following new Section 280-24.B.(3) to the Radnor Township Code:

§ 280-24 Use regulations.

- B. (3) Student Home subject to the general standards and provisions of § 280-115.2.

ARTICLE VI.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding Student Home as a use permitted by Special Exception within the R-4 Zoning District by adding the following new Section 280-29.D. to the Radnor Township Code:

§ 280-29 Use regulations.

- D. The following uses only when authorized as a special exception by the Zoning Hearing Board of Radnor Township, subject to the general standards prescribed in § 280-145:

- (1) Student Home subject to the general standards and provisions of § 280-115.2.

ARTICLE VII.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding Student Home as a use permitted by Special Exception within the R-5 Zoning District by adding the following new Section 280-34.G.(2) to the Radnor Township Code:

§ 280-34 Use regulations.

- G. (2) Student Home subject to the general standards and provisions of § 280-115.2.

ARTICLE VIII.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding Student Home as a use permitted by Special Exception within the R-6 Zoning District by adding the following new Section 280-36.2.C. to the Radnor Township Code:

§ 280-36.2 Use regulations.

- C. The following uses only when authorized as a special exception by the Zoning Hearing Board of Radnor Township, subject to the general standards prescribed in § 280-145:

- (1) Student Home subject to the general standards and provisions of § 280-115.2.

ARTICLE IX.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding Student Home as a use permitted by Special Exception within the PA Zoning District by adding the following new Section 280-38.D. to the Radnor Township Code:

§ 280-38 Use regulations.

D. The following uses only when authorized as a special exception by the Zoning Hearing Board of Radnor Township, subject to the general standards prescribed in § 280-145:

- (1) Student Home subject to the general standards and provisions of § 280-115.2.

ARTICLE X.

Chapter 280 of the Radnor Township Code, Zoning, is hereby amended by adding general requirements for Student Home uses permitted by Special Exception by adding the following new Section 280-115.2 to the Radnor Township Code:

§280-115.2 Student home permitted by special exception.

A Student Home is permitted by special exception within the R-1, R-1A, R-2, R-3, R-4, R-5, R-6 and PA zoning districts within a lawful single-family dwelling unit under the Radnor Township Zoning Ordinance, provided all of the following requirements are met:

- A. A student home shall only be permitted within a single-family dwelling.
- B. No student home shall be permitted within a two-family dwelling unit.
- C. No more than one building on a lot may be used as a student home.
- D. A special exception authorizing a student home shall expire unless the use is licensed and occupied as a student home within six months from the date of the special exception authorization.
- E. No student home shall be closer than 1,000 feet to another student home property line. The distance requirement is measured from the closest property line of a potential student home to another student home property line.
- F. The rules and regulations applicable to the conduct of student tenants in student homes authorized under this section shall, at a minimum, conform to those applicable to on-campus dormitories of the college or university wherein the student tenants at issue attend. The owner shall provide proof of such rules and regulations to the Township.
- G. The student home shall have a minimum of 1,500 square feet of living area, exclusive of building area covered by a basement, garage or an accessory building.
- H. The student home shall meet the minimum yard setbacks, lot area and lot width requirements for single-family detached dwellings within the zoning district in which located.

- I. Noise abatement measures acceptable to the Township shall be used to avoid conflicts with nearby neighbors.
- J. A buffer area with a width of ten (10) feet shall be required for student homes along the rear and side lot lines of the subject property.
- K. Landscaping acceptable to the Township shall be used as a buffer between a student home and any nearby dwellings.
- L. The number of persons living in such a student home shall not exceed two. Any number of persons in excess of two would tend to create an institutional atmosphere that would threaten the residential character of the subject zoning district.
- M. The student home shall meet the minimum area, yard setback, lot width and other area and bulk requirements for single-family detached dwellings, unless otherwise specified herein.
- N. A minimum of two paved off-street parking spaces located to the side or rear of the premises and not in the front yard shall be required, in addition to those otherwise required for a single-family dwelling.
- O. The owner, manager and/or agent of the student home shall secure an annual license from the Township in accordance with Chapter 226 of the Radnor Township Code of Ordinances.
- P. The Owner of the property shall provide the Township with the number of students that reside within a student home and shall provide the names and contact information for each student residing therein.
- Q. The Owner of the property shall notify the Township when there is a change in the individual students residing within a student home and/or if the property is no longer used as a student home. The Owner of the property shall immediately notify the Township of a change in the property's status as a student home. In the event that the student home is no longer leased to students for a period of one year or more, any request to relicense the dwelling as a student home shall only be permitted in accordance with all requirements of this Section.
- R. No student residing within a student home shall conduct himself or herself in a disruptive manner.
- S. A student home shall not be permitted to be used for any purpose other than a residence.
- T. The Owner of the student home and the students residing within said student home shall not engage in, nor tolerate or permit others on the property of the student home to engage in conduct declared illegal under the Pennsylvania Crimes Code, Liquor Code, and/or

Controlled Substance, Drug and Device Cosmetic Act. The Owner shall provide the Township with proof of rules and regulations enforcing the same at the subject property.

- U. The student home's exterior appearance shall be maintained so as to resemble the dwellings within the immediate vicinity of the student home, and there shall be no signs identifying the use and/or identifying it as a student home.
- V. This Section is not intended to, nor shall its effect be, to limit any other enforcement remedies, which may be available to the Township against an owner, student tenant and/or guest thereof found in this Ordinance and/or other applicable law.

ARTICLE XI. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, particularly those inconsistent parts of Ordinance 2001-25 relating to rental housing within the Township. All parts of Ordinance 2001-25 that are not inconsistent herewith are not repealed and shall remain valid and enforceable.

ARTICLE XII. Severability. If any section, paragraph, sub-section, 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.

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

ENACTED and **ORDAINED** by the Board of Commissioners this _____ day of _____, 2011.

RADNOR TOWNSHIP

By: _____
Name: John Fisher
Title: President

ATTEST: _____
Robert Zienkowski, Secretary