

ORDINANCE NO. 2024-04

AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF RADNOR, CHAPTER 280 ZONING, SECTION 280-4 BUILDING HEIGHT, SECTION 280-53.12. ON-STREET AND OFF-STREET PARKING, SECTIONS 280-53.17. B. AND D. SPECIAL USE AREAS, SECTION 280-135, REQUIRING EVIDENCE OF SEWER CAPACITY IN CONDITIONAL USE APPLICATIONS, SECTION 280-137, PROHIBITING MULTIPLE CONDITIONAL USE APPLICATIONS ON THE SAME PROPERTY AND SECTION 280-144, EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES.

The Board of Commissioners of Radnor does hereby ENACT and ORDAIN the following amendments to Chapter 280, Article XXIII as follows:

Section 1. Section 280-4. Definitions and word usage, is amended to read as follows:

Section 280-4. Building Height

The vertical distance from the average grade (the average of the grade taken at twenty-foot intervals around the building perimeter) to the top of the highest roof beams of a flat roof or to the mean level of a sloped roof, provided that chimneys and spires shall not be included in measuring the height. Elevator housing, stair towers and equipment penthouses, tanks and air conditioning towers shall not be included in measuring height for multi-family (greater than ten dwelling units), institutional, commercial, office or industrial buildings. Elevator housing, stair towers, railings and other residential structures shall be included in measuring height for single family dwellings, two-family dwellings or multifamily buildings of ten dwelling units or less, unless an accommodation to the height is required under the American with Disabilities Act (ADA). The height shall be measured from finished grade, but such measurement shall not be made from a point higher than eight feet above original grade.

Section 2. Section 280-53.12 A. and B. are amended to read as follows:

Section 280-53.12 On Street, off street parking and loading requirements.

- A. On-street parking. Where on-street metered parking currently exists within close proximity to a proposed or expanded permitted use, no additional parking shall be required.
- B. Off- street parking. Parking spaces for a new or redeveloped building shall be located in the rear, side or underneath of the building, and comply with the following requirements:
Subsections (1) through (5) are unchanged.

Section 3. Section 280-53.17, Special use areas, subsection B. is amended adding a new subsection (13) as follows:

Section 280-53.17 B. Process.

Special use areas shall be approved by the Board as a conditional use permit consistent with the requirements of Chapter 280, Article XXIII of the Code. It is not intended that every special use area is adaptable for all uses permitted in this section. Therefore, the Board reserves the right to deny any application, or any part thereof, when in its judgment alternative uses represent sound planning practices that are in the best interest of the Township. When considering applications, the Board shall apply, but not be limited to, the following factors:

- (1) Suitability of the site.
- (2) Location of the proposed site relative to surrounding buildings and structures.
- (3) Arrangement of building and structures.
- (4) Building mass, height and scale.
- (5) Density and mix of the proposed use.
- (6) Open areas/common areas for the public and landscape improvements to accompany any project.
- (7) Impact on Township and school services
- (8) Fiscal analysis of the proposed development.
- (9) Infrastructure analysis and proposed improvements.
- (10) Impact on traffic and proposed roadway improvements.
- (11) Stormwater management improvements.
- (12) Impact on adjoining residential neighborhood character.
- (13) The foregoing site factors and impact factors shall be considered by the Board in determining any approval, approval with conditions, or denial.

Section 4. Section 280-53.17. Special use areas, subsections D. (1), (2), (3), and (4) are amended to read as follows:

Section 280-53.17. D. Height, setbacks, coverage, parking regulations.

- (1) Front yard setback. There shall be a minimum front yard setback of 50 feet measured from the center line of the street.
- (2) Side and rear yard setbacks shall be 20 feet.
- (3) Maximum impervious coverage shall be 75%.
- (4) Height. The height of any building or structure shall not exceed 45 feet or 4 stories, whichever is taller, not including underground space intended for storage or parking only.

Section 5. Section 280-135 Application submission and content, is amended adding a new subsection H to read as follows:

Section 280-135 H.

All applications shall submit approvals and or documents evidencing sufficient sanitary sewer capacity to serve the proposed use. Failure to do so shall constitute reason to reject the application.

Section 6. Section 280-137 Standards for approval, is amended to add a new paragraph C. to read as follows:

Section 280-137. C.

A landowner who has filed a conditional use application shall not submit any new or additional conditional use applications involving the same parcel, group of parcels or part thereof until such time as the landowner's original application has been finally determined or withdrawn.

Section 7. Section 280-144 Expiration of special exceptions and variance, is amended to read as follows:

Section 280-144

Unless otherwise specified by the Zoning hearing board, a special exception or variance which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a building or use permit within twelve months from the date of authorization or fails to commence a substantial amount of work within six months from the date of issuance of the permit for such work.

Section 8. Repealer. All ordinances or parts or ordinances inconsistent herewith are repealed to the extent of the inconsistency.

Section 9. 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 10. Effective Date. This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

ENACTED and *ORDAINED* this 19 day of August, 2024.

RADNOR TOWNSHIP

By:

Maggie Myers
Name: Maggie Myers
Title: President

ATTEST:

William White

William White, Secretary