

Chapter 280, ZONING

[HISTORY: Adopted by the Board of Commissioners of the Township of Radnor 2-25-1974 by Ord. No. 1564 as Ch. 135 of the 1974 Code. Amendments noted where applicable.]

GENERAL REFERENCES

- Zoning Hearing Board -- See Ch. 5, § 5-41.
- Notification of zoning changes -- See Ch. 5, § 5-8.
- Code enforcement -- See Ch. 19.
- Building construction -- See Ch. 125.
- Numbering of buildings -- See Ch. 134.
- Certificate of occupancy -- See Ch. 142.
- Design review -- See Ch. 150.
- Fees -- See Ch. 162.
- Fire prevention -- See Ch. 166.
- Grading, excavations and fills -- See Ch. 175.
- Property maintenance -- See Ch. 222.
- Stormwater management -- See Ch. 245.
- Streets and sidewalks -- See Ch. 250.
- Subdivision of land -- See Ch. 255.
- Abandoned vehicles -- See Ch. 267.

ARTICLE I, General Provisions

§ 280-1 Purposes and objectives. [Amended 4-10-1989 by Ord. No. 89-18; 11-14-2005 by Ord. No. 2005-20]

The purpose and objectives of this chapter are to promote, protect and facilitate each of the following: the public health, safety, morals and general welfare, coordinated community development, proper density of population, civil defense, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation and loss of health, life or property from fire, flood, panic or other dangers, in accordance with the Comprehensive Plan for the Township, which sets forth the community development objectives and is the Comprehensive Plan for the Radnor Township.

§ 280-2 Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. Where the provisions of this chapter impose greater restrictions than those of any other ordinance or regulation, the provisions of this chapter shall be controlling. Where

the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance or regulation shall be controlling.

§ 280-3 Title.

This chapter shall be known and may be cited as the "Radnor Township Zoning Ordinance."

§ 280-4 Definitions and word usage.

- A. Word usage. The singular shall include the plural, and the plural shall include the singular. The present tense shall include the future tense.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated, unless otherwise expressly stated. Applicable regulations stated in conjunction with these definitions shall be complied with.

ACCESSORY BUILDING or ACCESSORY STRUCTURE -- A building or structure that is not a principal building or structure and is used for purposes that are entirely incidental and subordinate to those of the principal building or structure and located on the same lot. For the purposes of this chapter, structures such as but not limited to tennis courts, swimming pools, bathhouses, carports and garages shall be considered as "accessory structures." Setback measurements for swimming pools shall be from the outside edge of the pool foundation wall, coping or deck, whichever is closest to a property line or adjacent buildings, except that a ground level patio may extend from the coping of a swimming pool to the wall of the swimming pool owner's residence. [Amended 9-22-1980 by Ord. No. 80-21]

ACCESSORY USE -- A use of a building, structure or land that is not a principal permitted use but which is entirely incidental and subordinate to the principal permitted use on the same lot.

ALTERATIONS -- Any change to any portion of a building or structure for the same or a different use.

BASE FLOOD ELEVATION -- The one-hundred-year-flood elevation. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain which is nearest to the construction site in question. [Added 9-26-1977 by Ord. No. 77-24]

BOAT -- A vehicle for traveling in or on water, not exceeding 30 feet in body length, eight feet in width or 12 feet in overall height. Height includes the trailer, if the boat is mounted on a trailer. [Added 9-22-1980 by Ord. No. 80-21]

BUFFER PLANTING STRIP -- A strip of required yard space adjacent to the boundary of a property or district, not less in width than is designated in this chapter, which is landscaped for the full width and on which is placed a screen of sufficient density not to be seen through and of sufficient height to constitute an effective screen and give maximum protection and immediate visual screening to an abutting property or district. The required screen shall be permanently maintained and shall constitute a planting of dense evergreens or a compact evergreen hedge or, where otherwise specifically designated in this chapter, an appropriate wall, fence, suitable planting or combination thereof. [Amended 3-25-1985 by Ord. No. 85-07]

BUILDING -- Any structure having enclosing walls and roof, permanently located on the land. A vehicle built for living or camping purposes shall not be classified as a "building."

- (1) **DETACHED** -- A building which has no party wall.
- (2) **SEMIDETACHED** -- A building having one shared or party wall in common with an adjoining building.
- (3) **ATTACHED** -- A building in a group of more than two buildings wherein there are two or more party walls in common with the adjoining buildings, provided that there are no more than eight such buildings in a group.

BUILDING AREA -- The aggregate of the maximum horizontal cross-sectional areas of all buildings and structures on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters, chimneys and steps, provided that they do not project more than two feet from the building.

BUILDING HEIGHT -- The vertical distance from the average grade (the average of the grades 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, stair and equipment penthouses, tanks and air-conditioning towers shall not be included. 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.

BUILDING LINE[Amended 9-22-1980 by Ord. No. 80-21] -- The line within a lot delineating the minimum front yard setback.

- (1) **BUILDING LINE** (lot contiguous to a public or private street) -- A line parallel to the street right-of-way at a distance therefrom equal to the depth of the front yard setback required for the district in which the lot is located.
- (2) **BUILDING LINE** (interior lot not contiguous for its full width on a public street or road) -- A line parallel to the street or road right-of-way at a distance from the property line nearest the street equal to the depth of the front yard required for the district in which the lot is located.
- (3) **BUILDING LINE** (interior lot not contiguous for its full width on a private street) -- A line parallel to the street right-of-way at a distance from the property line nearest the street equal to the depth of the front yard setback required for the district in which the lot is located. [Amended 7-17-2000 by Ord. No. 2000-17]

BUILDING, PRINCIPAL -- The main building on a lot or any building that is not an accessory building. Each dwelling or apartment house in a residential development and each commercial, industrial or institutional building which houses a separate commercial, industrial or other enterprise or a group of permitted commercial or industrial uses shall be construed to be a principal building for the purpose of this chapter.

CERTIFICATE OF OCCUPANCY -- A statement signed by a duly authorized official setting forth that a building, structure or use legally complies with this chapter and that the same may be used for the purpose stated therein.

DORMITORY -- A building or combination of buildings used for living quarters as an accessory use to a college, university, convent, monastery or other similar permitted uses within a Planned Institutional Zoning District. [Added 6-26-1989 by Ord. No. 89-27]

DWELLING

- (1) **SINGLE-FAMILY** -- A building on a lot, designed and occupied exclusively as

a residence for one family.

- (2) **TWO-FAMILY** -- A building on a lot, designed and occupied exclusively as a residence for two families living independently of one another.
- (3) **MULTIPLE-FAMILY** or **APARTMENT HOUSE** -- A building on a lot, designed and used exclusively as a residence for three or more families living independently of one another.

DWELLING UNIT -- A building or entirely self-contained portion thereof containing complete housekeeping facilities, including not more than one kitchen used exclusively for the residence of one family. [Amended 9-22-1980 by Ord. No. 80-21]^{iEN}

FAMILY -- One or more persons occupying the same dwelling unit and living and cooking as a single housekeeping unit, said unit consisting only of individuals who are related by blood, marriage or otherwise by law, except that such unit may also consist of foster children and one other individual not related to others in the housekeeping unit. A family as herein defined specifically excludes individuals and groups occupying a boarding- or rooming house, lodging house, club, fraternity, dormitory, hotel or other similar living environment. [Amended 8-11-1986 by Ord. No. 86-35; 6-26-1989 by Ord. No. 89-27; 5-14-1990 by Ord. No. 90-21]

FENCE or **WALL** -- A structure designed to enclose a lot or a portion of a lot or to separate a lot from an adjoining lot or right-of-way. [Amended 9-22-1980 by Ord. No. 80-21]

FLOODPLAIN CONSERVATION DISTRICT -- The low area adjoining and including any water- or drainage course or body of water subject to a one-hundred-year-recurrence-interval flood, as delineated by the Flood Insurance Study for the Township of Radnor, Delaware County, Pennsylvania, as prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration. In addition, "floodplain conservation district" shall be defined to include all areas, not shown on the map, which, by hydrological profile analysis, are calculated to be inundated during a one-hundred-year frequency flood. [Amended 9-26-1977 by Ord. No. 77-24; 1-2-2001 by Ord. No. 2001-05]

FLOODWAY -- The designated area of floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude. [Added 11-27-1995 by Ord. No. 95-29]

FLOOR AREA -- Eighty percent of the sum of the horizontal floor area(s) of a building or group of buildings on a lot, measured from the exterior faces of the building or from the center line of party walls separating two buildings. [Amended 9-22-1980 by Ord. No. 80-21; 7-20-1999 by Ord. No. 99-24]:

GARAGE, PRIVATE -- An accessory structure designed, built and used by the owner or tenant of the principal structure on a lot, in which no business, service or industry connected directly or indirectly with motor vehicles is conducted.

GARAGE, PUBLIC -- A structure, which is not a private garage, used for the storage or parking of motor vehicles and not intended for the sale of gasoline or other flammable products. [Amended 9-22-1980 by Ord. No. 80-21]^{iiEN}

HELIPORT -- An area to accommodate all phases of operation of rotor-wing aircraft (helicopters), with suitable space to allow development of service facilities as desired. [Added 10-28-1974 by Ord. No. 1586]

HELISTOP -- An area on a roof or on the ground to accommodate touchdown and lift-off of rotor-wing aircraft (helicopters) for the purpose of picking up and discharging passengers or cargo with no service facilities. [Added 10-28-1974 by Ord. No. 1586]

HOME OCCUPATION -- An accessory use serving as a location for a business conducted solely by the resident of the dwelling unit, which is incidental and secondary to the residential use of the dwelling. A home occupation may include a home business or a home office for a resident who may work for another employer, provided that no food or material goods for sale may be located, publicly displayed or sold on the premises. [Amended 9-22-1980 by Ord. No. 80-21; 7-25-1983 by Ord. No. 83-22; 3-25-1985 by Ord. No. 85-07; 10-26-1998 by Ord. No. 98-09]

HOTEL, MOTEL or INN -- A building arranged or used for shelter and accommodation for compensation of more than 20 individuals.

IDENTIFIED FLOODPLAIN AREA -- The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood. Areas included are those identified as the Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA). [Added 11-27-1995 by Ord. No. 95-29]

IMPERVIOUS SURFACES -- Surfaces that do not absorb rainwater. All buildings, parking areas, driveways, interior roads, sidewalks and areas of concrete and nonporous asphalt or other areas of a lot as determined by the Township Engineer. This definition shall not include any portion of a lot located within the street. [Added 12-12-1977 by Ord. No. 77-33; amended 7-17-2000 by Ord. No. 2000-19]

INTERIOR LOT -- A lot containing a narrow projecting segment which is the sole means of access from a street, with said segment having a minimum of 20 feet. Land which is subdivided or developed under this definition shall require that the front yard setback be increased by a factor of 1.4 over the minimum required for that district. [Added 1-11-1988 by Ord. No. 88-03; amended 7-17-2000 by Ord. No. 2000-17]

INTERIOR LOT DEVELOPMENT -- In any property subdivided under the provisions of Chapter 255, Subdivision of Land, of the Code of the Township of Radnor, the area of an interior lot shall not be less than two acres. The area of any portion of the access between the street and the interior lot line that is less than the required width for the zoning district cannot be included in determining the lot area. [Added 9-22-1980 by Ord. No. 80-21; amended 7-17-2000 by Ord. No. 2000-17]

LAND DEVELOPMENT[Added 10-22-1990 by Ord. No. 90-48]:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Those activities described in Section 503(1.1) of the Municipalities Planning CodeⁱⁱⁱEN shall not be considered land developments for purposes of this chapter.

LOT -- A parcel of land on which a principal building or, where authorized in this chapter, a unified group of buildings and any accessory buildings are or may be placed,

together with the required open spaces, such open spaces and the area and dimensions of such lot being not less than the minimum required by this chapter. The use of a lot for more than one principal building or for a unified group of buildings shall be considered as a subdivision, and the plan for any such use shall be subject to approval in accordance with Chapter 255, Subdivision of Land.

MOBILE HOME -- A one-family dwelling unit of vehicular, portable design, built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

MOTOR VEHICLE SERVICE STATION -- A lot with principal and accessory buildings used for the sale of gasoline, oil and motor vehicle accessories and the servicing of motor vehicles, including washing of cars and minor repairs, but not for body and fender work or painting.

MUNICIPALITIES PLANNING CODE -- The Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended and reenacted by Act 170 of 1988, 53 P.S. § 10101 et seq., and any subsequent amendments thereto. [Added 10-22-1990 by Ord. No. 90-48]

NONCONFORMING BUILDING -- A building or parts thereof lawfully existing at the time this chapter or subsequent amendments hereto became effective, which does not conform to the dimensional and setback requirements of the district in which it is located.

NONCONFORMING USE -- A use of land or of a building lawfully existing at the time this chapter or subsequent amendments hereto became effective which does not conform to use requirements of the district in which it is located. Any change in nonresidential occupancy will be considered to be a change of nonconforming use under this chapter, specifically § 280-101A. [Amended 5-12-1997 by Ord. No. 97-12]

PARKING SPACE -- An outdoor space or a garage space used for parking motor vehicles, which shall measure not less than nine feet six inches by 20 feet, accessible from a street, alley or driveway and surfaced with a Township-approved durable, dustproof and all-weather surface. [Amended 5-12-1986 by Ord. No. 86-19]

PUBLIC NOTICE -- Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of any hearing or meeting and the particular nature of the matter to be considered at the hearing or meeting. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing or meeting. [Added 10-22-1990 by Ord. No. 90-48]

PUBLIC-SERVICE CORPORATION BUILDING, GROUNDS OR FACILITY -- A building, grounds or facility used for a service furnished by a public-service or public-utility corporation.

RECREATIONAL VEHICLE -- A vehicular unit not exceeding 30 feet in overall length, eight feet in width or 12 feet in overall height, primarily designated as a temporary living quarters for recreational, camping or travel use. It either has its own motive power or is designed to be mounted on or drawn by an automotive vehicle. "Recreational vehicle" includes a motor home, truck camper, travel trailer and camping trailer. [Added 9-22-1980 by Ord. No. 80-21]

RIPARIAN BUFFER SETBACK -- The measured distance from the edge of a pond or from the bank of a perennial or intermittent stream, as required for the zoning district in which the property on which said pond or stream is located. [Added 12-8-2003 by Ord. No. 2003-22]

ROOMING HOUSE -- A building which has a dwelling unit occupied by the owner and which has accommodations for not more than three roomers. [Added 9-22-1980 by Ord. No. 80-21; amended 6-25-1984 by Ord. No. 84-16]

SATELLITE EARTH STATION -- A dish antenna together with all attachments and parts, whose purpose is to receive communication or other signals from orbiting satellites or other extraterrestrial sources. [Added 8-8-1988 by Ord. No. 88-23]

SIGN -- Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency or of any civil, charitable, religious, patriotic, fraternal or similar organization.

SINGLE AND SEPARATE OWNERSHIP OF A LOT -- The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

STEEP SLOPE -- Land whose slope (surfaces at an angle to the plane of the horizon) is 20% or more (a vertical difference of two feet or more per 10 feet of the horizontal distance). [Added 12-12-1977 by Ord. No. 77-33; amended 7-17-2000 by Ord. No. 2000-18]

STREET[Added 9-22-1980 by Ord. No. 80-21] -- A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel, which may also be used to provide space for sewers, public utilities, shade trees and sidewalks.

- (1) **HALF STREET** -- A street of less than the required right-of-way width.
- (2) **PUBLIC STREET** -- Streets offered or required to be offered for dedication.
- (3) **PRIVATE STREET** -- Streets, roads or lanes not offered or not required to be offered for dedication.

STRUCTURE -- An assembly of material forming a construction for occupancy or use, including, among others, buildings, stadia, tents, reviewing stands, platforms, stagings, observation towers, water tanks, trestles, piers, wharves, dams, open sheds, coal bins, fuel tanks, shelters, fences, walls, flag poles, communications towers and display signs; any man-made object having an ascertainable stationary location on or in land or water. [Amended 9-22-1980 by Ord. No. 80-21]

SUBDIVISION -- The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new streets or easement of access or any residential dwelling, shall be exempted. [Added 10-22-1990 by Ord. No. 90-48]

TENANT HOUSE -- An accessory building on a lot, used in whole or in part as a residence or sleeping place for one or more tenant farmers or employees of a farm or estate.

TOURIST HOUSE -- A dwelling in which nightly or weekly accommodations are provided for transient guests for compensation. [Amended 9-22-1980 by Ord. No. 80-21]^{iv}EN

UNIFIED GROUP OF BUILDINGS -- A cluster of two or more buildings on a lot containing separate but related main uses, which is designed as a single or common

management and maintenance unit, with common open spaces, maintenance, service and other facilities and services. Example of a "unified group of buildings" is a shopping center in a Planned Laboratory-Office, Planned Business or a Planned Institutional District. [Amended 7-20-1992 by Ord. No. 92-13]

WETLANDS -- Those areas that are inundated and saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas; or as further defined by the Pennsylvania Department of Environmental Resources. [Added 10-15-1991 by Ord. No. 91-40]

YARD -- The required open space area around the inner periphery of a lot, in which no principal building or structure shall be located. The area of the lot not required to be open space shall be called the buildable area of the lot.

- (1) **FRONT YARD** -- The minimum open space extending the full width of the lot from the street line or, in the case of an interior lot, from the property line parallel or most nearly parallel to the street line on which said lot has frontage to any structure, principal, accessory or other, on a lot. This shall be exclusive of cornices, eaves, gutters and chimneys projecting not more than two feet from the building. [Amended 1-11-1988 by Ord. No. 88-03]
- (2) **SIDE YARD** -- The minimum open space required between each side lot line and any structure, principal, accessory or other, on a lot, extending from the building line to the minimum rear yard open space required on a lot, exclusive of cornices, eaves, gutters and chimneys projecting not more than two feet from the building.
- (3) **REAR YARD** -- The minimum open space extending the full width of a lot, required between the rear line of the lot and the principal building on the lot, exclusive of cornices, eaves, gutters and chimneys projecting not more than two feet from the building.
- (4) **YARD REQUIREMENTS FOR CORNER LOTS** -- In the case of a corner lot having frontages on two streets, there shall be provided two front yards, one along each street line as described under Subsection above, one side yard as described under Subsection (2) and one rear yard as described under Subsection (3). The rear lot line shall be designated as that lot line towards which the rear of the principal building is oriented.

ARTICLE II, Classification of Districts

§ 280-5 Classes established. [Amended 5-14-1990 by Ord. No. 90-21]

The Township of Radnor is hereby divided into the following classes of districts:

- | | |
|-----|------------------------------------|
| AC | Agricultural Conservation District |
| R-1 | Residence District |

R-2	Residence District
R-3	Residence District
R-4	Residence District
R-5	Residence District
PA	Planned Apartment District
CO	Commercial-Office District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Service Commercial District
PB	Planned Business District
PLO	Planned Laboratory-Office District
PI	Planned Institutional District
FC	Floodplain Conservation District
PLU	Public Land Use District Riparian Buffer Conservation District [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-6 Zoning Map.

The boundaries of districts shall be as shown on the map attached to and made a part of this chapter, which map shall be known as the "Zoning Map of Radnor Township." Said map and all notations, references and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein.^{VEN}

§ 280-7 Interpretation of boundaries. [Amended 7-20-1992 by Ord. No. 92-13]

- A. Boundaries drawn approximately following the center lines of streams, drainageways, streets, alleys or railroad or other rights-of-way shall be construed as following such center lines.
- B. Boundaries approximately following lot lines shall be construed as following such lot lines.
- C. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- D. Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless dimensioned by figures on the Zoning Map, shall

be determined by the use of the scale appearing on said map.

- E. Where physical features existing on the ground vary from those shown on the Official Zoning Map or in other circumstances not covered by the subsections above, the Zoning Hearing Board shall interpret the district boundaries.

ARTICLE III, AC Agricultural-Conservation District [Added 5-14-1990 by Ord. No. 90-20^{vi}EN]

§ 280-8 Intent; application of regulations.

The AC Agricultural-Conservation District is intended to provide primarily for the protection of stream valleys and other environmental corridors, to preserve natural vegetation and the semirural character of the Township and to preserve ample and appropriate areas for agriculture, recreation, conservation and other open space purposes. Accordingly, the district incorporates a density standard which, among other things:

- A. Provides for farm and low-density residential uses and certain compatible accessory uses that support the preservation of open space.
- B. Provides for golf courses and recreational uses.
- C. Enables the creation and maintenance of open space within the Township by permitting a varied arrangement of dwelling units and open space on tracts undergoing development.
- D. Facilitates the conservation of agricultural and woodland areas and surface and underground water supplies and the control of soil erosion and surface water flooding.

§ 280-9 Use regulations.

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

- A. Single-family detached dwelling.
- B. Forest, game preserve, wildlife preserve, arboretum or other conservation purpose.
- C. Agricultural use, that is, the planting, growing, storing and sale of plants and crops therefrom and the breeding, raising, keeping and/or sale of animals and products thereof, provided that such uses shall be conducted on a lot not less than five acres in size and shall not include a commercial piggery, poultry hatchery or establishment for slaughtering or processing poultry or livestock. Any building for the sheltering of animals or the sale of farm products shall be located not less than 100 feet from any street right-of-way line and not less than 150 feet from any other property line. Buildings utilized for sales shall conform to the accessory use standards for the sale of farm products; see Subsection H(5) below.
- D. Park, day camp, riding academy, golf course or other outdoor recreational use customarily located in natural woodland and rural areas and for public and private use, including a country club, swimming club, hunt club or similar club or lodge in conjunction with any permitted outdoor use, provided that:

- (1) The minimum lot area of the property on which the use is conducted shall not be less than 10 acres.
 - (2) The use and its design are compatible with the natural character of the area.
 - (3) Each structure shall be clearly incidental to the outdoor use.
 - (4) Any club or lodge building and its services shall be for the use of members and their guests only. Any associated public facilities shall be used by those participating in club-approved activities only.
 - (5) No commercial activity shall be permitted except for the charging of admission, the sale of refreshments or other purposes clearly incidental to the permitted outdoor use.
 - (6) Each permitted use or activity shall be required to screen and separate itself from an adjoining property by providing a buffer planting strip not less than 25 feet in depth. This provision shall not apply to a proposed golf course or where:
 - (a) The proposed use constitutes a similarly natural or open outdoor use; and/or
 - (b) Where the existing abutting use is a predominantly natural or open outdoor use.
 - (7) Each incidental commercial use permitted above shall be located or screened so that it shall not be visible from a public street.
- E. Office use for administrative and/or service purposes, to be utilized solely by nonprofit organizations providing advice and services to agricultural practitioners who could but need not be located within the district, i.e., those engaged in the planting, growing, storing and/or selling of plants and crops or horticultural plants and the breeding, raising, keeping and/or selling of animals and products thereof.
- (1) The number of persons regularly engaged in such activities at any location shall not exceed one person for each two acres of land owned at such location, including parcels adjacent thereto, by such organization or its lessor or the provider of the site and facility, and in no case shall exceed 20 individuals at any one time.
 - (2) No subdivision of the existing tract shall be required to accommodate such use; however, any proposed construction of new buildings for office use shall be considered a land development and shall be subject to the applicable requirements of Chapter 255, Subdivision of Land. Alterations to, including expansion of, existing buildings shall be minimized so as to retain the current character and integrity of the building.
 - (3) Parking for such use shall be provided in accordance with the requirements of § 280-103B of this chapter.
- F. The following uses, only when authorized as a conditional use by the Board of Commissioners pursuant to the requirements of Article XXIII, Conditional Uses:
- (1) Density modification development, in accordance with the requirements of Article XIX, Density Modification Development.
- G. The following uses, only when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145.
- (1) A stable for horses or a kennel for the keeping of dogs and cats, provided that any building and yard for the keeping of animals shall not be less than 200 feet from any street right-of-way line or property line, and subject to such additional requirements as the Zoning Hearing Board shall deem necessary to ensure that

- the conduct of the use will not detract from the character of the surrounding area.
- (a) The minimum site area for such uses shall not be less than five acres.
 - (b) For horses or ponies, a maximum of three animals may be kept on a five-acre parcel. One additional such animal may be kept for each acre of lot size or portion thereof in excess of five acres.
 - (c) With regard to kennels for the keeping of dogs and cats, the following shall also apply:
 - [1] There shall be sufficient facilities to enable the dogs or cats to be sheltered indoors as necessary; such facility shall be the preferred location during the hours of 10:00 p.m. to 6:00 a.m.
 - [2] Sound baffle devices or other appropriate noise control measures shall be installed where necessary to protect adjacent properties from noise problems.
 - [3] Fencing shall be installed in a manner that prevents dogs from leaving the property.
- H. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. Each permitted use shall comply with the provisions of § 280-103 relating to off-street parking. The term "accessory use" shall not include a business, but may include:
- (1) Private parking or garage space.
 - (2) Home occupations, subject to the provisions of Article XX, Section 115.1. [Amended 10-26-1998 by Ord. No. 98-09]
 - (3) Tenant house, provided that the lot is not less than four acres. Such lot shall be restricted against further subdivision in a manner satisfactory to the Township, unless the tenant house is located on the lot such that it could comply with Chapter 255, Subdivision of Land.
 - (4) Farm buildings.
 - (5) The sale or display of farm products, in accordance with the following:
 - (a) At least 75% of such products shall have been grown or produced on the property on which they are offered for sale.
 - (b) Parking space for at least three cars shall be provided on the lot. Where building area exceeds 600 square feet, one additional parking space shall be provided for each additional 200 square feet of building area.
 - (c) Sale of farm products shall be conducted either from a temporary stand, dismantled at the end of the growing season, or from a permanent building, the location of which complies with all Township setback standards for that zoning district. Any temporary structure shall be set back at least 25 feet from the right-of-way line of the road.
 - (6) Signs, as permitted in Article XXI, Signs.
 - (7) Private swimming pools, tennis courts and similar uses, when illuminated by lighting fixtures attached to or mounted on freestanding poles or standards, subject to the following standards: [Amended 12-13-1991 by Ord. No. 91-52]
 - (a) The pool or tennis court is not located within the front yard setback or closer than 25 feet to any side or rear property line.
 - (b) Lighting fixtures are not located within the front yard setback and are a minimum distance of 25 feet from any side or rear property line.

- (c) The lighting fixture, including standards for mounting, do not exceed a height of 16 feet above grade.
- (d) Prior to installation, a lighting plan is prepared and submitted to the Township Engineer for approval. Such plan shall be prepared in accordance with generally accepted engineering standards and shall not provide for lighting intensity at any property line in excess of 0.10 footcandles.
- (e) The lighting fixtures are approved by the Township Engineer and are designed, mounted and shielded in such a manner as to prevent the light source from being visible off the property. Such lighting shall also be located and positioned in such a manner as to not illuminate adjacent properties.
- (f) Lights shall be turned off by 11:00 p.m.

§ 280-10 Area regulations.

- A. Where the density modification option, as provided for in Article XIX, Density Modification Development, of this chapter, is to be utilized in the AC District, the area, density and dimensional requirements of that article applicable to the AC District shall be complied with.
- B. Where conventional single-family residential development is proposed on individual lots and for all other uses permitted under the terms of § 280-9 above, the following area and dimensional requirements shall be complied with:
 - (1) Lot area. Except as otherwise provided in § 280-9 above, the lot area of each lot shall be not less than two acres and no lot shall be less than 180 feet in width at the building line.
 - (2) Building area. Not more than 15% of the area of each lot may be occupied by buildings.
 - (3) Front yard. There shall be a front yard on each street which a lot abuts, which shall be not less than 60 feet in depth.
 - (4) Side yards.
 - (a) For every standard single-family detached dwelling, there shall be two side yards, each of which shall be not less than 50 feet in width.
 - (b) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 40 feet in width.
 - (5) Rear yard. For every principal building, there shall be a rear yard on each lot which shall be not less than 60 feet in depth.
 - (6) Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-11 Height restrictions.

No building or structure shall exceed three stories or 38 feet in height, except that no accessory building, other than a farm building, shall exceed 20 feet in height.

§ 280-12 Accessory structures.

Structures accessory to a residential use permitted herein shall be located as designated hereunder:

- A. Attached to a principal building, in which case they shall be part of the principal

building.

- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and/or side yard of a lot, in which case they shall be located not closer than 20 feet from a side or rear property line and not closer than 10 feet from the principal building.

ARTICLE IV, R-1 Residence District

§ 280-13 Application of regulations.

In R-1 Residence Districts, the regulations contained in this article shall apply.

§ 280-14 Use regulations. [Amended 12-8-1980 by Ord. No. 80-30; 6-8-1987 by Ord. No. 87-17; 5-14-1990 by Ord. No. 90-21]

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

- A. Single-family detached dwelling.
- B. The following uses, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145:
 - (1) Conversion of a dwelling to two-family or multifamily use, subject to the provisions of § 280-108.
- C. The following uses, only when authorized as a conditional use by the Board of Commissioners pursuant to the requirements of Article XXIII, Conditional Uses:
 - (1) Density modification development, in accordance with the requirements of Article XIX, Density Modification Development.
- D. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. Each permitted use shall comply with the provisions of § 280-103 relating to off-street parking. The term "accessory use" shall not include a business but may include: [Amended 10-26-1998 by Ord. No. 98-09; 5-20-2002 by Ord. No. 2002-17]
 - (1) Private parking or garage space and private home swimming pool or tennis court.
 - (2) Home occupations, subject to the provisions of Article XX, § 280-115.1.
 - (3) Agricultural use as follows:
 - (a) Private garden.
 - (b) On a lot five acres or larger in size, agricultural use as permitted in § 280-9C.
 - (4) Signs, as permitted in Article XXI, Signs.

§ 280-15 Area regulations.

- A. Lot area and width. Every lot shall have a lot area of not less than one acre, and such lot shall be not less than 120 feet in width at the building line.
- B. Building area. Not more than 15% of the area of each lot may be occupied by buildings.

- C. Front yard. There shall be a front yard on each street on which a lot abuts, which shall be not less than 60 feet in depth.
- D. Side yards.
 - (1) For every single-family detached dwelling, there shall be two side yards, which shall be not less than 60 feet in aggregate width and neither of which shall be less than 25 feet in width.
 - (2) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 40 feet in width.
- E. Rear yard. For every principal building, there shall be a rear yard on each lot, which shall be not less than 40 feet in depth.
- F. Maximum impervious surfaces: 22%. [Added 11-22-1999 by Ord. No. 99-37; amended 7-17-2000 by Ord. No. 2000-19]
- G. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-16 Height restrictions.

No building or structure shall exceed three stories or 35 feet in height, except that no accessory building, other than a farm building, shall exceed 20 feet in height.

§ 280-17 Accessory structures.

Accessory structures to a use permitted herein shall be located as designated hereunder:

- A. Attached to a principal building, in which case they shall be part of the principal building.
- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and side yard of a lot, in which case they shall not be located closer than 10 feet from a side or rear property line.
- D. Air-conditioning units shall in all cases be at least 15 feet from any property line.

ARTICLE IVA, R-1A Residence District [Added 5-9-2005 by Ord. No. 2005-09]

§ 280-17.1 Application of regulations.

In R-1 A Residence Districts, the regulations contained in this article shall apply.

§ 280-17.2 Use regulations.

- A. A building may be erected or used and a lot may be used or occupied for any use permitted within R-1 Residence Districts.
- B. The following uses, only when authorized as a conditional use by the Board of Commissioners pursuant to the requirements of Article XXIII, Conditional Uses:
 - (1) Density modification development, in accordance with the requirements of Article XIX, Density Modification Development.

C. Accessory uses to include the following:

- (1) Home occupations, subject to the provisions of Article XX, § 280-115.1.

§ 280-17.3 Area regulations.

- A. Lot area and width. Every lot shall have a lot area of not less than 30,000 square feet and shall not be less than 100 feet in width at the building line.
- B. Building area. Not more than 18% of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a front yard on each street on which a lot abuts, which shall be not less than 40 feet in depth.
- D. Side yards.
- (1) For every single-family detached dwelling, there shall be two side yards, which shall not be less than 45 feet in aggregate width, and neither of which shall be less than 20 feet in width.
- (2) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 30 feet in width.
- E. Rear yard. For every principal building, there shall be a rear yard, which shall not be less than 40 feet in depth.
- F. Maximum impervious surfaces: 30%.
- G. Riparian buffer setback: 35 feet.

§ 280-17.4 Height restrictions.

No building or structure shall exceed three stories or 35 feet in height, except that no accessory building shall exceed 20 feet in height.

§ 280-17.5 Accessory structures.

Accessory structures to a use permitted herein shall be located as designated hereunder:

- A. Attached to the principal building, in which case they shall be part of the principal building.
- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and side yard of a lot, in which case they shall not be located closer than 10 feet from a side or rear property line.
- D. Air-conditioning units shall in all cases be at least 15 feet from any property line.

ARTICLE V, R-2 Residence District

§ 280-18 Application of regulations.

In R-2 Residence Districts, the regulations contained in this article shall apply.

§ 280-19 Use regulations. [Amended 4-28-1980 by Ord. No. 80-05; 9-8-1980 by Ord. No. 80-20; 5-14-1990 by Ord. No. 90-21]

- A. A building may be erected or used and a lot may be used or occupied for any use permitted within R-1A Residence Districts. [Amended 5-9-2005 by Ord. No. 2005-09]
- B. The following uses, only when authorized as a conditional use by the Board of Commissioners pursuant to the requirements of Article XXIII, Conditional Uses:
 - (1) Density modification development, in accordance with the requirements of Article XIX, Density Modification Development.
- C. Accessory use to include the following: [Added 10-26-1998 by Ord. No. 98-09]
 - (1) Home occupations, subject to the provisions of Article XX, § 280-115.1.

§ 280-20 Area regulations.

- A. Lot area and width. Every lot shall have a lot area of not less than 20,000 square feet, and such lot shall be not less than 100 feet in width at the building line.
- B. Building area. Not more than 18% of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a front yard on each street on which a lot abuts, which shall be not less than 40 feet in depth.
- D. Side yards.
 - (1) For every single-family detached dwelling, there shall be two side yards, which shall be not less than 45 feet in aggregate width and neither of which shall be less than 20 feet in width.
 - (2) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 30 feet in width.
- E. Rear yard. For every principal building, there shall be a rear yard, which shall be not less than 40 feet in depth.
- F. Maximum impervious surfaces: 30%. [Added 11-22-1999 by Ord. No. 99-37; amended 7-17-2000 by Ord. No. 2000-19]
- G. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-21 Height restrictions.

No building or structure shall exceed three stories or 35 feet in height, except that no accessory building shall exceed 20 feet in height.

§ 280-22 Accessory structures.

Accessory structures to a use permitted herein shall be located as designated hereunder:

- A. Attached to a principal building, in which case they shall be part of the principal building.
- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and side yard of a lot, in which case they shall not be located closer than 10 feet from a side or rear property line.

D. Air-conditioning units shall in all cases be at least 15 feet from any property line.

ARTICLE VI, R-3 Residence District

§ 280-23 Application of regulations.

In R-3 Residence Districts, the regulations contained in this article shall apply.

§ 280-24 Use regulations. [Amended 12-8-1980 by Ord. No. 80-30; 5-14-1990 by Ord. No. 90-21]

- A. A building may be erected or used and a lot may be used or occupied for any use permitted in R-2 Residence Districts.
- B. The following uses, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145:
 - (1) Those uses authorized under § 280-14B by special exception.
 - (2) Church or similar places of worship, including rectory or parish house, provided that such rectory or parish house contains not more than one dwelling unit.
- C. The following uses, only when authorized as a conditional use by the Board of Commissioners pursuant to the requirements of Article XXIII, Conditional Uses:
 - (1) Density modification development, in accordance with the requirements of Article XIX, Density Modification Development.
- D. Accessory use to include the following: [Added 10-26-1998 by Ord. No. 98-09]
 - (1) Home occupations, subject to the provisions of Article XX, § 280-115.1.

§ 280-25 Area regulations.

- A. Lot area and width. Every lot shall have a lot area of not less than 10,000 square feet, and such lot shall be not less than 70 feet in width at the building line.
- B. Building area. Not more than 25% of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a front yard on each street on which a lot abuts, which shall be not less than 35 feet in depth.
- D. Side yards.
 - (1) For every single-family detached dwelling, there shall be two side yards, which shall be not less than 35 feet in aggregate width and neither of which shall be less than 15 feet in width.
 - (2) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 20 feet in width.
- E. Rear yard. For every principal building, there shall be a rear yard, which shall not be less than 35 feet in depth.
- F. Maximum impervious surfaces: 35%. [Added 11-22-1999 by Ord. No. 99-37; amended 7-17-2000 by Ord. No. 2000-19]
- G. Riparian buffer setback: 30 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-26 Height restrictions.

No building or structure shall exceed three stories or 35 feet in height, except that no accessory building shall exceed 20 feet in height.

§ 280-27 Accessory structures.

Accessory structures to a use permitted herein shall be located as designated hereunder:

- A. Attached to a principal building, in which case they shall be part of the principal building.
- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and side yard of a lot, in which case they shall not be located closer than 10 feet from a side or rear property line.
- D. Air-conditioning units shall in all cases be at least 10 feet from any property line.

ARTICLE VII, R-4 Residence District

§ 280-28 Application of regulations.

In R-4 Residence Districts, the regulations contained in this article shall apply.

§ 280-29 Use regulations. [Amended 5-14-1990 by Ord. No. 90-21]

- A. A building may be erected and a lot may be used or occupied for any use permitted in R-3 Residence Districts.
- B. The following uses, only when authorized as a conditional use by the Board of Commissioners pursuant to the requirements of Article XXIII, Conditional Uses:
 - (1) Density modification development, in accordance with the requirements of Article XIX, Density Modification Development.
- C. Accessory use to include the following: [Added 10-26-1998 by Ord. No. 98-09]
 - (1) Home occupations, subject to the provisions of Article XX, § 280-115.1.

§ 280-30 Area regulations.

- A. Lot area and width. Every lot shall have a lot area of not less than 7,000 square feet, and such lot shall be not less than 55 feet in width at the building line.
- B. Building area. Not more than 30% of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a front yard on each street on which a lot abuts which shall be not less than 30 feet in depth.
- D. Side yards.
 - (1) For every single-family detached dwelling, there shall be two side yards, which shall be not less than 30 feet in aggregate width and neither of which shall be less than 12 feet in width.

- (2) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 15 feet in width.
- E. Rear yard. For every principal building, there shall be a rear yard which shall be not less than 30 feet in depth.
- F. Maximum impervious surfaces: 40%. [Added 11-22-1999 by Ord. No. 99-37; amended 7-17-2000 by Ord. No. 2000-19]
- G. Riparian buffer setback: 25 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-31 Height restrictions.

No building or structure shall exceed three stories or 35 feet in height, except that no accessory building shall exceed 20 feet in height.

§ 280-32 Accessory structures.

Accessory structures to a use permitted herein shall be located as designated hereunder:

- A. Attached to a principal building, in which case they shall be a part of the principal building.
- B. On the buildable area of a lot but not attached to the principal building, in which case they shall be separated from the principal building by at least 10 feet.
- C. In the rear yard and side yard of a lot, in which case they shall not be closer than three feet from a side or rear property line.
- D. Air-conditioning units shall in all cases be at least seven feet from any property line.

ARTICLE VIII, R-5 Residence District

§ 280-33 Application of regulations.

In R-5 Residence Districts, the regulations contained in this article shall apply.

§ 280-34 Use regulations. [Amended 11-22-1976 by Ord. No. 1636; 2-28-1977 by Ord. No. 77-06; 6-25-1984 by Ord. No. 84-16; 3-25-1985 by Ord. No. 85-07; 10-27-1986 by Ord. No. 86-39; 1-11-1988 by Ord. No. 88-04; 12-14-1992 by Ord. No. 92-22]

A building or, where authorized, a multiple-dwelling group may be erected or used and a lot may be occupied for any of the following purposes:

- A. Any use permitted in R-4 Residence Districts.
- B. Single-family semidetached dwelling, provided that the dwelling with which it has a party wall in common is erected at the same time.
- C. Two-family detached dwelling.
- D. Multiple dwelling, apartment house or townhouse as defined in § 280-4B.
- E. Multiple-dwelling group, provided that the plan for such use is subject to approval in accordance with the requirements governing a unified group of buildings in § 280-4B and subject also to the requirements of § 280-36.
- F. Accessory use to include home occupations as set forth in Article XX, § 280-115.1.

In R-5 Districts, the term "accessory use" shall not be construed to permit a restaurant or any commercial facility in connection with the multiple dwelling or multiple-dwelling group. [Amended 10-26-1998 by Ord. No. 98-09]

G. The following use, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145:

- (1) Conversion of a single-family detached dwelling to a rooming house with accommodations for not more than three roomers, provided that:
 - (a) The dwelling proposed for conversion shall comply with all established lot area and width requirements for single-family detached dwellings within R-5 Residential Zoning Districts.
 - (b) Off-street parking shall comply with § 280-103 and shall be screened from adjacent residential properties by an approved buffer planting strip or fence of sufficient height and density not to be seen through.
 - (c) The dwelling proposed for conversion shall be owner occupied so long as roomers are permitted to reside there. Failure of the owner to continue to occupy the dwelling shall terminate any special exception granted under this section.
 - (d) Rental rooms shall comply with the minimum requirements of the Property Maintenance Code,^{vii}EN provided that no rental room shall contain more than two roomers.
 - (e) There shall be an additional separate bathroom facility provided solely for the use of the roomers.

§ 280-35 Area and height regulations.

A. Regulations applying to uses other than multiple dwellings. The following area and height regulations shall apply to every building hereafter erected or used as a single-family or two-family dwelling and to every main building other than a dwelling:

- (1) Lot area and width. Every building hereafter erected or used in whole or in part as a dwelling shall have a lot area and lot width at the building line of not less than the requirements set forth below, subject also to the provisions of § 280-101 relating to nonconforming lots: [Amended 11-23-1981 by Ord. No. 81-28; 5-12-1982 by Ord. No. 82-12]

Type of Dwelling	Minimum Lot Area per Family (square feet)	Minimum Lot Width (feet)
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Single-family detached	5,500	55
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Single-family semidetached	5,445	40
Two-family detached	5,445	80

- (2) Building area. Not more than 35% of the area of each lot may be occupied by buildings.
 - (3) Front yard. There shall be a front yard on each street on which a lot abuts, which shall be not less than 25 feet in depth.
 - (4) Side yards. Side yards shall be provided on every lot as follows:
 - (a) For every single- or two-family detached dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 10 feet in width.
 - (b) For every semidetached dwelling and its accessory buildings, there shall be one side yard which shall be not less than 10 feet in width.
 - (c) For every building other than a dwelling and its accessory buildings, there shall be two side yards, neither of which shall be less than 15 feet in width.
 - (5) Rear yard. There shall be a rear yard on each lot which shall be not less than 20 feet in depth.
 - (6) Height. No building or structure shall exceed three stories or 35 feet in height, except that no accessory building shall exceed 20 feet in height.
 - (7) Accessory building exception. A private garage or other accessory building may be erected within three feet of a rear or side yard line or separated at least 10 feet from the main building, provided that the distance from the main building may be reduced to not less than three feet in the case of a lot existing at the effective date of this chapter.
 - (8) Maximum impervious surfaces: 40%. [Added 11-22-1999 by Ord. No. 99-37; amended 7-17-2000 by Ord. No. 2000-19]
 - (9) Riparian buffer setback: 15 feet. [Added 12-8-2003 by Ord. No. 2003-22]
- B. Regulations applying to multiple dwellings. The following area and height regulations shall apply to every building or group of buildings hereafter erected or used as a multiple dwelling, apartment house or multiple-dwelling group. In the case of a multiple-dwelling group, the group of buildings as a unit shall comply with the provisions of this subsection:
- (1) Lot area and width. Every multiple dwelling or permitted apartment use shall have a lot area per dwelling unit or, in the case of a multiple-dwelling group, an average lot area per dwelling unit of not less than 5,445 square feet and a minimum lot width at the building line of not less than 100 feet. [Amended 11-23-1981 by Ord. No. 81-28; 5-12-1982 by Ord. No. 82-12]
 - (2) Building area. Not more than 30% of the area of each lot may be occupied by buildings.
 - (3) Yards.
 - (a) Front yard. There shall be a front yard on each street on which a lot abuts which shall be not less than 50 feet in depth.
 - (b) Side yards. There shall be two side yards for each multiple dwelling or

permitted apartment use, neither of which shall be less than 30 feet in width.

- (c) Rear yard. There shall be a rear yard on each lot which shall be not less than 30 feet in depth.
- (4) Height. No building or structure shall exceed four stories or 40 feet in height, except that no accessory structure shall exceed 20 feet in height.
- (5) Building size. The greatest dimension in length or depth of an apartment building shall not exceed 160 feet.
- (6) Minimum room sizes. Rooms in multiple dwellings shall have the following minimum areas, exclusive of closet space. Any floor space exceeding 40 square feet, enclosed by partitions or walls having cased openings or doors of any type, shall be deemed to be a room. A basement shall not contain habitable rooms except for janitor's living quarters, which shall be counted as a dwelling unit.

Type of Room	Floor Area (square feet)
First bedroom	160
All other bedrooms	120
Living room	240
Dining room	160
Dinette	120
Kitchen	80
Bath	40

- (7) Minimum habitable floor area. Each apartment unit shall have not less than 600 square feet of gross habitable floor area, not including stairs and corridors.
- (8) Accessory building exception. A private garage or other accessory building may be erected within a rear or side yard if separated at least 10 feet from the main building, provided that no such building shall be located less than three feet from a side lot line nor less than three feet from a rear lot line. Where a planting strip is required, no building shall be located therein.
- (9) Maximum impervious surfaces: 36%. [Added 11-22-1999 by Ord. No. 99-37; amended 7-17-2000 by Ord. No. 2000-19]
- (10) Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-36 Special regulations for multiple-dwelling groups.

- A. In addition to the requirements of this chapter, the plan for the proposed development shall comply with the special standards of Chapter 255, Subdivision of Land, relating to multiple-dwelling groups.
- B. Along each side or rear property line which directly abuts a residence area not devoted to apartment use in the district or in an adjoining district or municipality, a buffer planting strip, as defined in § 280-4B, of not less than 10 feet in width shall be provided.
- C. The off-street parking, off-street loading and special requirements relating to highway frontage prescribed in §§ 280-103, 280-104 and 280-105 shall apply in the case of the proposed use.

ARTICLE VIII A, R-6 Residence District [Added 6-21-2004 by Ord. No. 2004-24]

§ 280-36.1 Purpose; application of regulations.

The purpose of transit-oriented development (TOD) shall be to provide for compact development or redevelopment of multiple dwellings when located close to a public mass transit opportunity, including surface or rail transportation. TOD shall be designed and located to encourage residents and workers to drive their cars less, to walk more, and to utilize available mass transit. These developments or redevelopments shall generally be of moderate or high density, located along major corridors, and similar in scale and density to existing structures within the area. The primary characteristic of TOD is higher density provided by way of increased building and coverage allowances. The following conditions shall apply for any development or redevelopment based on TOD:

- A. Shall be located within 1/4 mile of a public mass transit opportunity.
- B. Shall have frontage on an arterial cartway.
- C. Shall be located in proximity to similar uses and densities.
- D. Shall be located within 1/2 mile of a business district as defined in the 2003 Comprehensive Plan.
- E. Shall be subject to land development approval and submission of a transportation impact study, as required by Chapter 255, Subdivision of Land.
- F. Shall have a minimum lot size of not less than two acres.

§ 280-36.2 Use regulations.

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

- A. High density multiple-family development, subject to the density, lot area, height, setback, buffer and other requirements as set forth in this article.
- B. Accessory uses on the same lot and incidental to the foregoing permitted use, which shall include:
 - (1) Management office to provide services exclusively for the development.

- (2) Private garage or required off-street parking area.
- (3) Home occupations, subject to the provisions of Article XX, § 280-115.1.
- (4) Signs as may be permitted by Article XXI, Signs.

§ 280-36.3 Area, height, and yard regulations.

The following regulations shall apply to every building hereafter erected or used as a multiple dwelling, apartment house or multiple-dwelling group; in the case of a multiple-dwelling group, the group of buildings as a unit shall comply with the provisions of this section:

- A. Lot area and width. Every multiple dwelling or permitted apartment use shall have a lot area per dwelling unit, or in the case of a multiple-dwelling group, an average lot area per dwelling unit of not less than 2,100 square feet. No minimum lot width shall be required under this subsection.
- B. Building area. Not more than 70% of the area of each lot may be occupied by buildings or other impervious surfaces.
- C. Front yard. There shall be a front yard on each lot of not less than 30 feet in depth, in which no building or required off-street parking spaces shall be located.
- D. Side yards. There shall be two side yards for each multiple dwelling or permitted apartment use, neither of which shall be less than 20 feet in width.
- E. Rear yard. There shall be a rear yard on each lot which shall not be less than 25 feet in depth.
- F. Height. A building or structure shall not exceed four stories and shall not exceed 40 feet in height, except that no accessory structure shall exceed 20 feet in height.
- G. Building size. The greatest dimension in length or depth of a building shall not exceed 160 feet, except when such building contains visibly offset architectural features, subject to approval by the Design Review Board, at an angle of approximately 90°.
- H. Accessory buildings. A private garage or other accessory building may be erected within a rear or side yard if separated at least 10 feet from the main building, provided that no such building shall be located less than three feet from a rear or side yard. Where a buffer planting strip is required, no building shall be located therein.

§ 280-36.4 Special regulations.

- A. Along each side or rear property line which directly abuts a residence area not devoted to apartment use in the district or in an adjoining district or municipality, a buffer planting strip of 10 feet as defined in § 280-4 shall be provided and maintained. The composition and location of the buffer planting strip shall be subject to approval by the Shade Tree Commission.
- B. Off-street parking. Off-street parking shall comply with the requirements of § 280-103.
- C. Sidewalk access shall be provided and maintained to any new development or redevelopment of buildings. Sidewalks shall comply with Township specifications and be located to provide pedestrian access to an existing sidewalk to encourage use of mass transit.
- D. All applicants for development under § 280-36.1 shall be subject to review and

approval by the Design Review Board.

ARTICLE IX, PA Planned Apartment District [Amended 11-23-1981 by Ord. No. 81-28; 5-12-1982 by Ord. No. 82-12; 6-11-1990 by Ord. No. 90-25]

§ 280-37 Purpose; application of regulations.

PA Planned Apartment Districts are designed primarily to make special provisions for low-density, low-lot coverage apartment development appropriate with a predominantly single-family residential environment. PA 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. In PA Planned Apartment Districts, the regulations contained in this article shall apply.

§ 280-38 Use regulations.

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

- A. Single-family detached dwellings.
- B. Low-density apartment development, provided that the proposed use shall comply with the special area, height, setback, buffer and other requirements as set forth below.
- C. Accessory structures and uses on the same lot and customarily incidental to the foregoing permitted uses, which shall include: [Amended 10-26-1998 by Ord. No. 98-09]
 - (1) Rental or management office to provide services exclusively for the development.
 - (2) Private garage or off-street parking lot or area.
 - (3) Home occupations, subject to the provisions of Article XX, Section 115.1.
 - (4) Swimming pools and tennis courts, subject to the following requirements:
 - (a) No swimming pool or tennis court shall be located within the front yard setback or closer than 75 feet to any side or rear property line.
 - (b) Light standards for illumination shall not exceed a height of 20 feet and shall be equipped with a shielding device to protect streets and adjoining property from glare or hazardous interference. A lighting plan shall be submitted and approved by the Township Engineer prior to installation.
 - (5) Signs as permitted in Article XXI, Signs.

§ 280-39 Area and height regulations.

- A. Lot area and width. Every lot on which a building or structure is hereafter erected or used shall have a lot area of not less than five acres, and such lot shall not be less than 300 feet in width at the building line.
- B. Density. The total number of dwelling units shall not exceed 10 units per acre.
- C. Lot coverage. Not more than 20% of the area of each lot may be covered by buildings

and accessory structures, and not less than 50% of the total lot area, exclusive of those areas within the public right-of-way, shall be landscaped and retained as passive open space. [Amended 4-27-1998 by Ord. No. 98-04]

- D. Building placement. No building shall be located less than 150 feet from a street right-of-way line nor less than 100 feet from a side or rear property line, and no parking, loading or service area shall be located less than 100 feet from a street right-of-way or other property line.
- E. Building height. No building or structure shall exceed two stories or 38 feet in height.
- F. Building size and spacing. The greatest dimension in length or depth of a building shall not exceed 160 feet. The distance between any two buildings shall not be less than 45 feet.
- G. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-40 Special regulations for apartment developments.

- A. In addition to the requirements of this chapter, the plan for the proposed development shall comply with the special standards of Chapter 255, Subdivision of Land, relating to apartment development.^{viiiEN}
- B. Along each side or rear property line which directly abuts a single-family residence district in the Township or a similar district in an adjoining municipality, a buffer planting strip, as defined in § 280-4B, of not less than 50 feet in width shall be provided.
- C. All off-street parking and loading, access facilities and service areas used by motor vehicles shall comply with the provisions of §§ 280-103, 280-104 and 280-105. Off-street parking and loading spaces shall be located immediately contiguous to the development.
- D. All rooms shall comply with the provisions of § 280-35B(6) relating to minimum room size. A basement shall not contain habitable rooms except for janitor's living quarters, which shall be counted as a dwelling unit.

ARTICLE X, CO Commercial-Office District

§ 280-41 Purpose; application of regulations.

CO Commercial-Office Districts are designed to make special provision for certain areas of the Township which, by virtue of their location with regard to existing commercial and residential areas, properly can serve as a transition between such areas. In CO Commercial-Office Districts, the regulations contained in this article shall apply.

§ 280-42 Use regulations. [Amended 9-22-1980 by Ord. No. 80-21; 7-20-1992 by Ord. No. 92-13; 6-21-1999 by Ord. No. 99-17]

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

- A. Office or studio, not involving characteristics normally associated with retail activities on the premises.
- B. Bank or similar financial institution, to include a security-vault storage building.
- C. Day-care center, private kindergarten or other similar use, when authorized as a special exception by the Zoning Hearing Board pursuant to the general standards prescribed in § 280-145.
- D. Accessory uses, including:
 - (1) Signs as permitted in Article XXI.

§ 280-43 Area and height regulations. [Amended 5-12-1986 by Ord. No. 86-11; 4-27-1998 by Ord. No. 98-04; 6-21-1999 by Ord. No. 99-17]

- A. Lot area. Every lot on which a building is erected or used shall have a minimum lot or tract size dependent on the number of stories per building, as follows:
 - (1) Two stories or less: not less than 20,000 square feet.
 - (2) Three stories: not less than 30,000 square feet.
- B. Lot width. Every lot shall have a lot width at the building line of not less than 100 feet.
- C. Building area. Not more than 20% of the area of each lot may be occupied by buildings and not less than 50% 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.
- D. Building placement. No building shall be located less than 65 feet from a street right-of-way line, less than 20 feet from a side property line nor less than 25 feet from a rear property line.
- E. No building shall exceed three stories or 35 feet in height.
- F. (Reserved)
- G. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-44 Special regulations. [Amended 3-25-1985 by Ord. No. 85-07; 6-21-1999 by Ord. No. 99-17]

In addition to the applicable provisions of the other regulations of this chapter, the following specific regulations shall apply:

- A. Along each side and rear property line which abuts a residential district in the Township or similar district in another municipality, a buffer planting strip, as defined in § 280-4B, of not less than 10 feet shall be provided and maintained.
- B. Areas designated for refuse disposal shall be screened and maintained in accordance with the following options:
 - (1) Six-foot-high sight-tight fence.
 - (2) Eight-foot-high evergreen screen of trees or shrubs, planted a minimum of nine feet on a center in a double staggered row.
- C. No products or goods shall be displayed on the exterior of the premises or from show windows in the buildings.
- D. Where there is more than one building on a lot, a minimum distance between buildings of 25 feet shall be maintained.
- E. The off-street parking, off-street loading and special requirements relating to highway

frontage prescribed in §§ 280-103, 280-104 and 280-105 shall apply in CO Commercial-Office Districts.

§ 280-45 Conversion of dwelling to nonresidence use.

No dwelling shall be converted to a nonresidence use except in accordance with provisions of this section, subject also to the general standards prescribed in § 280-145. The Zoning Hearing Board may authorize as a special exception the conversion of any dwelling existing at the effective date of this chapter to any nonresidence use permitted in the district, provided that:

- A. The proposed use shall comply with the yard, area, off-street parking and other requirements covering office or commercial use in the district, insofar as practicable.
- B. No existing yards or required open spaces shall be reduced to less than the requirements of this district governing a permitted use.
- C. No living accommodation or sleeping quarters shall be authorized except such accessory use as is permitted in the district.
- D. The proposed reconstruction and conversion shall be in keeping with the predominant character of the district and shall not detract from the use of an adjoining property for any permitted use.

ARTICLE XI, C-1 Local Commercial District

§ 280-46 Purpose; application of regulations.

C-1 Local Commercial Districts provide for the special requirements of retail convenience-type commercial establishments which serve primarily the day-to-day needs of the immediately surrounding neighborhood and encourage attractive, compact retail commercial development in locations close to the residences served. In C-1 Local Commercial Districts, the regulations contained in this article shall apply.

§ 280-47 Use regulations.

A detached or semidetached building may be erected or used and a lot may be used or occupied for any one combination of the following purposes, provided that the use and conversion of any existing dwelling shall comply with the provisions of §§ 280-45 and 280-101:

- A. Retail store designed primarily to provide daily service to residents of the immediately surrounding area and with a gross floor area not in excess of 10,000 square feet.
- B. Restaurant or similar establishment.
- C. Personal service shop, such as barbershop, beautician or clothes-cleaning and -pressing pickup agency, but not including laundry, dry-cleaning or clothes-pressing establishment.
- D. Retail service shop or custom shop, such as bakery, candy, ice cream or similar shop; custom tailoring or millinery shop; clock, watch or jewelry shop; radio, television or

household appliance repair shop, provided that:

- (1) Any processing activity, if located on the ground floor, shall be not less than 15 feet from the front of the building and shall be screened by a wall or partition from the front portion of the building used by customers.
 - (2) Any article made shall be sold at retail from the premises.
 - (3) The area devoted to processing shall constitute not more than 40% of the gross floor area.
- E. Office or studio, to include the establishment of a veterinarian. [Amended 9-22-1980 by Ord. No. 80-21]
- F. Bank or similar financial institution.
- G. Automatic self-service laundry, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145.
- H. Telephone central office, including office open to the general public; radio broadcasting studio; and other governmental or public-service use. [Amended 7-20-1992 by Ord. No. 92-13]
- I. Motor vehicle parking lot.
- J. Accessory uses may include:
- (1) Storage within a completely enclosed building in conjunction with a permitted use.
 - (2) Living accommodations or sleeping quarters for the proprietor of a store or business establishment or for a watchman or similar employees, provided that no such dwelling accommodation shall be located on the first floor.
 - (3) Signs, as permitted in Article XXI, Signs.
- K. Church or similar place of worship, including rectory or parish house, provided that such rectory or parish house contains not more than one dwelling unit. [Added 12-8-1980 by Ord. No. 80-30]

§ 280-48 Area and height regulations. [Amended 4-27-1998 by Ord. No. 98-04; 11-8-1999 by Ord. No. 99-30]

- A. Lot area and width. Every lot shall have a lot area of not less than 15,000 square feet, and such lot shall be not less than 100 feet in width at the building line.
- B. Building area. Not more than 25% of the area of each lot may be occupied by buildings or structures.
- C. Front yards. There shall be a front yard on each street on which a lot abuts, which shall be not less than 20 feet in depth.
- D. Side yards. Side yards shall be provided on each street as follows:
- (1) For every detached building, there shall be two side yards, neither of which shall be less than 20 feet in width.
 - (2) For every semidetached building, there shall be one side yard which shall be not less than 20 feet in width.
- E. Rear yards. There shall be a rear yard on each lot, which shall be not less than 35 feet in depth or not less than 35% of the lot depth, whichever is the greater.
- F. Height. No building shall exceed 35 feet in height.
- G. Lot coverage. Not more than 60% of each lot may be occupied by impervious surfaces.
- H. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-49 Special regulations.

In order to encourage sound and attractive commercial development, the following special requirements shall apply:

- A. Every use, other than a parking lot, shall be completely enclosed within a building.
- B. No restaurant or similar use shall be conducted, such as a drive-in service establishment or refreshment stand (sometimes called a snack bar, dairy bar, ice cream parlor, hamburger stand, pretzel stand or hot dog stand), where customers and patrons are served food and/or drinks for immediate consumption outside the building in which the business is conducted. All preparation, serving and consumption of food shall be within the building in which the business is conducted, except for food taken out for consumption off the premises. [Amended 9-22-1980 by Ord. No. 80-21]
- C. Along each side or rear property line which directly abuts a residence district in the Township or a similar district in an adjoining municipality, there shall be a buffer planting strip as defined in § 280-4B, not less than 15 feet in width.
- D. No permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building. No outdoor vending machine, self-service station or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.
- E. The greatest dimension in length or depth of a building shall not exceed 160 feet.
- F. The off-street parking, off-street loading and special requirements relating to highway frontage prescribed in §§ 280-103, 280-104 and 280-105 shall apply in C-1 Local Commercial Districts.

ARTICLE XII, C-2 General Commercial District

§ 280-50 Purpose; application of regulations.

C-2 General Commercial Districts provide for the appropriate development and special requirements of the Township's main or general business districts which are designed to offer Township-wide regional services. In C-2 General Commercial Districts, the regulations contained in this article shall apply.

§ 280-51 Use regulations.

A building or a unified group of buildings may be erected or used and a lot may be used or occupied for any one or combination of the following purposes, provided that the use and conversion of any existing dwelling shall comply with the provisions of §§ 280-45 and 280-101:

- A. Any use permitted in C-1 Local Commercial Districts.
- B. Retail store, including department store, variety store, furniture store, specialty shop or any other retail store or shop designed primarily to serve an area larger than the immediately surrounding neighborhood.
- C. Hotel, motel or inn, on a lot not less than two acres in size.

- D. Central or headquarters office building.
- E. Manufacturing display room, retail outlet or display room of a wholesale establishment.
- F. Club, fraternity house or lodge.
- G. Newspaper publishing, job-printing or similar establishment.
- H. Mortuary.
- I. Catering establishment.
- J. Indoor place of amusement or recreation, including theater or bowling alley, health spa, racquet-sports club, poolroom, billiard room or amusement arcade. [Amended 9-22-1980 by Ord. No. 80-21]
- K. Retail service shop or custom shop, for making articles sold at retail from the premises, provided that any processing activity, if located on the ground floor, shall be not less than 15 feet from the front of the building and shall be screened by a wall or partition from the front portion of the building used by customers.
- L. The following uses, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145, and provided that special consideration shall be given to the suitability of the use in the proposed location in terms of logical land use pattern and the continuous and compact development of retail frontage:
 - (1) An automobile sales agency (not to include a used car lot or a trailer or truck sales agency as a main use), provided that:
 - (a) The lot shall be not less than 15,000 square feet in size.
 - (b) All facilities shall be located and all services shall be conducted within the confines of the lot.
 - (c) All lubrication, repair or similar activities shall be accessory.
 - (2) Laundry, dry-cleaning or clothes-pressing establishment, provided that the equipment and materials to be employed will not involve danger from fire or explosion and that the use will not detract from the predominant commercial character of the district.
 - (3) Wholesale business establishment, other than permitted above.
 - (4) Business school, not to include trade school.
 - (5) Indoor storage building or warehouse in conjunction with a retail store or other permitted use.
 - (6) Any use of the same general character as any of the above permitted uses, but not to include any use first permitted in C-3 Districts.
- M. Accessory uses, as permitted in § 280-47J.

§ 280-52 Area and height regulations. [Amended 4-27-1998 by Ord. No. 98-04; 11-8-1999 by Ord. No. 99-30]

- A. Lot area and width. Every lot shall have a lot area of not less than 20,000 square feet, and such lot shall be not less than 100 feet in width at the building line.
- B. Building area. Not more than 30% of the area of each lot may be occupied by buildings.
- C. Front yards. There shall be a front yard on each street on which a lot abuts, which shall be not less than 15 feet in depth.
- D. Side yards. For each building or unified group of buildings erected on a lot, there

shall be two side yards, neither of which shall be less than 20 feet in width, except that where a lot abuts a residence district in the Township or a similar district in an adjoining municipality, a side yard shall be provided, which shall be not less than 30 feet in width.

- E. Rear yards. There shall be a rear yard on each lot, which shall be not less than 35 feet in depth or not less than 35% of the lot depth, whichever is the greater.
- F. Height. No building shall exceed 35 feet in height.
- G. Lot coverage. Not more than 70% of each lot may be occupied by impervious surfaces.
- H. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-53 Special regulations.

The special requirements prescribed for C-1 Local Commercial Districts in § 280-49 shall apply in C-2 General Commercial Districts, except as follows:

- A. The requirement that a use be enclosed within a building shall not apply in the case of a used car lot in conjunction with an automobile sales agency.
- B. No goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building, except for the display of automobiles not less than 20 feet from a street right-of-way line.

§ 280-53.1 Town center residential and mixed-use development. [Added 10-12-2004 by Ord. No. 2004-36]

- A. Purpose; intent of regulations. it is the intent of these regulations to provide opportunities for town center residential development, and for mixed-use development within the Business District as defined in the 2003 Comprehensive Plan. It is the further intent of these regulations that an appropriate mix of residential and commercial uses will increase the choice of housing opportunities within the Township, enhance the vibrancy of the Wayne Business District, and promote and increase the use of mass transportation by allowing people to use their cars less and walk more throughout the business district.
- B. Town center residential. Town center residential shall provide for midrise residential housing units within the Wayne Business District. Where provisions of these regulations conflict with other zoning regulations, the following shall apply.
 - (1) Use regulations. A building or unified group of buildings may be constructed or used and a lot may be occupied for the following purposes:
 - (a) Multiple-family dwellings.
 - (b) Accessory uses on the same lot incidental to the foregoing permitted use, which shall include:
 - [1] Management office that provides services exclusively for the development.
 - [2] Private garage or off-street parking area.
 - [3] Home occupations, subject to the provisions of Article XX, § 280-115.1.
 - [4] Signs as may be permitted by Article XXI, Signs.
 - (2) Area, height, and yard regulations.
 - (a) Every lot shall have a minimum lot area of not less than 4,000 square feet

- and a minimum lot width of not less than 30 feet at the lot line.
- (b) No front, rear, or side yard setbacks shall be required, provided that the building walls adjoin the sidewalk for all primary facades.
 - (c) No building shall exceed a maximum height of 35 feet as measured from the highest point on the lot. Roof-mounted HVAC equipment shall be screened by use of a parapet wall or other building material that shall be included in the building height.
 - (d) Primary building facades shall have at least 30% but no more than 75% fenestration. Nonprimary building facades shall have at least 30% but no more than 75% fenestration which may include blank windows for aesthetic appeal and continuity.
 - (e) One hundred percent of each lot may be occupied by building and impervious surfaces, provided that the development contributes to the stormwater management plan in the watershed in which the building is located.
- (3) Special regulations.
- (a) No building shall be fronted along an arterial cartway as defined in Chapter 255 (Subdivision of Land) of the Township Code.
 - (b) Development under this subsection shall be permitted only on the south side of E. Lancaster Avenue (Rt. 30) within the business district as defined in the 2003 Comprehensive Plan.
 - (c) A minimum of two off-street parking spaces shall be provided for each dwelling unit.
 - (d) Mechanical equipment and areas for refuse disposal shall be located and screened from public view in a manner acceptable to the Township.
 - (e) Buildings shall be located, oriented, and designed to create architectural interest and to preserve areas of environmental concerns and further the amenities of light, air, recreation, and visual enjoyment.
 - (f) Building plans shall be subject to review and approval by the Design Review Board.
- C. Town center mixed-use development. Town center mixed-use development shall provide for a mix of commercial and residential uses within buildings in the business district. Where provisions of these regulations conflict with other zoning or subdivision and land development regulations, the following regulations shall apply:
- (1) Use regulations. A building or unified group of buildings may be constructed or used and a lot may be occupied for the following purposes:
 - (a) All uses currently permitted in a C-2 District.
 - (b) Dwelling units when located above the first floor of a building.
 - (c) Accessory uses on the same lot incidental to the foregoing permitted uses, which shall include:
 - [1] Home occupations when accessory to a dwelling unit, subject to the provisions of Article XX, § 280-115.1.
 - [2] Signs as may be permitted by Article XXI, Signs.
 - (2) Area, height and yard regulations.
 - (a) Lot area and width. Every lot shall have a lot area of not less than 20,000 square feet, and such a lot shall be not less than 100 feet in width at the

- building line.
- (b) Front yards. No front yard setback shall be required.
 - (c) Side yards. For each building or unified group of buildings erected on a lot, there shall be two side yards, neither of which shall be less than 15 feet in width.
 - (d) Rear yard. There shall be a rear yard on each lot, on which shall not be less than 15 feet in depth.
 - (e) Height. No building shall exceed 35 feet in height.
 - (f) Building area. Not more than 30% of each lot may be occupied by buildings.
 - (g) Lot coverage. Not more than 70% of each lot may be occupied by impervious surfaces.
- (3) Special regulations. The special requirements prescribed in § 280-49A, B, D and E shall apply in addition to the following regulations:
- (a) The off-street parking, off-street loading and special requirements related to highway frontage prescribed in §§ 280-103 and 280-104 shall apply, except that a minimum of 1.5 off-street parking spaces shall be required for each dwelling unit. However, when approved by the Township, an applicant may be permitted to reduce the parking to 1.0 off-street parking spaces per dwelling unit with the introduction of a streetscape plan for the subject property.
 - (b) Mechanical equipment and areas for refuse disposal shall be screened from view by use of walls, fences, plantings, or any combination thereof, and shall not be located within any required setback abutting an area zoned or used for residential purposes. Enclosures shall be subject to Township approval and shall be maintained by the owner of the property.
 - (c) Areas required for off-street loading shall not be located within any rear yard setback, and shall be designed to not interfere with areas required for off-street parking.
 - (d) A minimum buffer strip of five feet shall be required when any property adjoins a residential use. Buffers shall be designed to minimize visual and noise impact and shall consist of a combination of fencing and evergreen vegetation. Vegetation shall be planted at a height of not less than eight feet and shall be of such species that expected height at maturity shall not be less than 15 feet. Planting strips shall be maintained by the property owner and be subject to review and approval by the Shade Tree Commission.
 - (e) Building plans shall be subject to review and approval by the Design Review Board.

ARTICLE XIIA, Wayne Business Overlay District [Added 7-16-2007 by Ord. No. 2007-27]

§ 280-53.2 Legal basis.

The adoption of a new Article XIIA creating provisions for the Wayne Business Overlay

District within Chapter 280, Zoning, of the Township Code is enabled through provisions of the Pennsylvania Municipalities Code, PL 805, No. 247, as reenacted and amended.^{ixEN}

§ 280-53.3 Purpose; intent of regulations.

Article XIIA of the Zoning Code is hereby enacted to provide and promote opportunities for development and redevelopment within the Wayne Business Overlay District (hereinafter WBOD) as set forth in the Wayne Master Plan adopted by the Board of Commissioners on September 11, 2006, as set forth in Exhibit A.^{xEN} These regulations are intended to provide opportunities, with the goal of maintaining and/or improving the character of Wayne, for an appropriate mix of residential and nonresidential uses within the WBOD, establish regulations for special use areas within the boundaries of the WBOD, promote the use of mass transportation, and provide for enhanced vibrancy through building, site, and streetscape design.

§ 280-53.4 Designation of District boundaries.

The WBOD shall be all properties within the boundaries designated in the Master Plan.

§ 280-53.5 Conflict with other code sections.

The definitions and regulations set forth in this article shall apply to the WBOD. Wherever there is a conflict or inconsistency between the WBOD regulations and other definitions and regulations of the Zoning Code, those regulations set forth in this article shall govern development and redevelopment within the WBOD.

§ 280-53.6 Definitions.

As used in this article the following terms shall have the meanings indicated:

ACCESSORY USE -- A use of a building, structure or land that is not a principal permitted use but which is entirely incidental and subordinate to the principal permitted use on the same lot.

ARCHITECTURAL OFFSETS -- Portions of a building wall along a street wall which are offset so as to create articulation of the building wall. These offsets shall be 90° perpendicular to the building and shall be a minimum of 12 inches in depth. Any variation shall be subject to approval by the Design Review Board.

AMENITY -- Aesthetic or other characteristics of a development that increase its desirability to a community. Amenities include, but are not limited to, landscape materials, sidewalks, benches, and light fixtures.

BOARD -- The Board of Commissioners of the Township of Radnor, Delaware County, Pennsylvania.

BUILD-TO LINE -- The line at which the front wall of a building shall be located and is parallel to the street right-of-way (see Figure 1 and Table 1^{xiEN}). Alleys shall be excluded from this definition.

BUILDING -- Any structure permanently located on land having enclosing walls and a

roof. This shall include a parking structure.

BUILDING HEIGHT -- The vertical distance between the mean level at existing grade in front of a building or structure along a street right-of-way measured to the top edge of a flat roof, the top of a roof parapet, or to the mean level of a sloped roof. Chimneys and uninhabited spires shall not be included when measuring height; however, elevator penthouses and stair towers are included. Roof-mounted HVAC equipment shall be placed in the center interior area of the roof, and shall be screened from visibility from the public cartway (see Figures 2 and 3^{xii}EN).

BUILDING WIDTH -- The linear distance in feet between the outside exterior walls of a building measured from side-to-side (see Figure 4^{xiii}EN).

DEMOLITION -- The tearing down or razing of 100% of a structure's external walls down to the foundation. This shall not include structurally integral party walls, in which case a structure adjoining another structure shall constitute a demolition when the front and rear walls are removed down to the foundation.

DEPARTMENT -- The Community Development Department of Radnor Township.

DESIGN REVIEW BOARD -- The Design Review Board of Radnor Township.

DRIVE-IN -- An establishment whose business includes serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure.

DRIVE-THROUGH -- An establishment that dispenses products or services to patrons who remain in vehicles.

FOOTPRINT (BUILDING) -- The outline of the total area of a building perimeter at ground level.

HEALTH OFFICER -- The Health Officer of Radnor Township.

LOT LINE (PROPERTY LINE) -- A line dividing one lot from another.

MASTER PLAN -- The Wayne Business District Master Plan as adopted by the Board of Commissioners on September 11, 2006.

MIXED-USE BUILDING -- A building that permits residential and nonresidential uses.

OFFICE -- A room or group of rooms used for conducting affairs of a business, profession, or service industry.

ON-STREET PARKING -- The space for the parking of an automobile located on the street in front of a building.

OUTDOOR DINING -- A dining area with seats and tables located outdoors of a licensed food establishment and which is located entirely outside the exterior walls of a building. These tables shall be used for the consumption of food and beverages.

PARAPET -- A low wall on the edge of a roof. Parapets shall be no higher than 48 inches.

ROOF -- The exterior surface on the top of a building.

SETBACK (FRONT, SIDE, REAR) -- The minimum distance measured from the street center line to the build-to line or from any other property line.

SHARED PARKING -- A public or private parking area used jointly by two or more owners or uses regardless of whether they are on separate properties (see Figure 5^{xiv}EN).

SIGN, PROJECTING -- Any sign which is attached to a building or other structure and extends beyond the line of said building or structure and is perpendicular to the face of the building.

SPECIAL USE AREA -- Those areas identified in the Master Plan that are intended to

be redeveloped primarily through private sector action and public sector collaboration, providing a mix of land uses facilitated through carefully considered development incentives.

STORY -- That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. A basement shall be considered as a story above grade plane where the exterior wall surface of the basement is more than six feet above grade plane.

STREET, CENTER LINE OF -- The center line of a street cartway that has been fully dedicated to the required width for the passage of motorized vehicles. Alleys not officially named by the Township shall be excluded from this definition.

STRUCTURE -- That which is built or constructed.

TOWNSHIP -- The Township of Radnor, Delaware County, Pennsylvania.

TOWNSHIP CODE -- The Code of the Township of Radnor, Delaware County, Pennsylvania.

WAYNE BUSINESS OVERLAY DISTRICT (WBOD) -- The area defined as such in the Master Plan.

§ 280-53.7 Use regulations.

The following regulations shall govern the use of property within the boundaries of the WBOD, not including special use areas, and shall permit a building or unified group of buildings to be erected or used, and a lot to be occupied, for any of the following purposes:

- A. Retail uses shall be limited to the following:
 - (1) Department store, variety store, clothing shop, bakery, ice cream shop, specialty shop, or similar use providing sales and services to customers.
 - (2) Personal service shop, including a barbershop, beautician, shoe or watch repair, clothes cleaning and pressing pickup agency, pickup and dropoff dry-cleaning, but not including a laundry establishment.
 - (3) Restaurant or catering establishment, including outdoor dining.
 - (4) Bank or similar financial institution.
 - (5) Indoor amusement arcade when accessory to a permitted retail use.
- B. Dwelling units, office or studio when located above a first floor retail use and in compliance with § 280-53.10, Building use, of this article.
- C. Church or similar place of worship, including not more than one dwelling unit.
- D. Public school or municipal facility.
- E. Motor vehicle parking lot or structure.
- F. Accessory uses on the same lot incidental to the foregoing permitted uses, to include the following:
 - (1) Home occupations when accessory to dwelling unit, subject to the provisions of Article XX, § 280-115.1.
 - (2) Outdoor dining subject to the provisions of § 280-53.16.

§ 280-53.8 Area, yard, setback, coverage, height regulations.

- A. Front yard setback. Buildings and structures shall be located at the build-to line, as set forth in Table 1^{xvEN} of this article. When the principal building on the property is demolished, and it is not currently located on the build-to line indicated in Table 1, it shall either be relocated or rebuilt to the build-to-line. All new or relocated buildings shall have at least 75% of their front building length meeting the build-to line.
- B. Side yard. No side yard setback shall be required except where a lot abuts any residentially zoned district, in which case a buffer planting strip of at least 10 feet shall be provided and maintained as defined in § 280-4.
- C. Rear yard. No rear yard setback shall be required except where a lot abuts any residence, in which case a buffer planting strip of at least 10 feet shall be provided and maintained as defined in § 280-4.
- D. Impervious coverage. No maximum impervious coverage shall be required, provided that the applicant shall comply with the applicable requirements of this article and Chapter 255.
- E. Building height. Except as otherwise stated in this Subsection E, no building shall exceed a height of 42 feet and three stories, nor shall it be less than 24 feet in height and two stories; provided, however, that where any lot/parcel has frontage on a street 20 feet or less in width, it may have up to four stories, so long as it does not exceed a height of 42 feet.
- F. Building width. No building shall exceed a width of 50 feet, except when designed utilizing architectural offsets (see Figure 6^{xviEN}).

§ 280-53.9 Special regulations for the WBOD.

- A. No drive-throughs of drive-ins shall be permitted within the WBOD. Existing drive-throughs and drive-ins shall be allowed to remain until redeveloped or the building use changes, but shall not be permitted to expand. Once redeveloped or the use changes, the drive-through lane(s) shall cease to exist.
- B. No permanent storage of merchandise, articles or equipment shall be permitted outside a building. No goods, articles or equipment shall be stored, displayed or offered for sale beyond the build-to line of a building. No vending machines, kiosks, newspaper stands, self-service station or similar use shall be allowed outside of any building.
- C. Every use, other than a motor vehicle parking lot and outdoor dining, shall be completely enclosed within a building.
- D. A buffer strip shall be installed and maintained in the rear and side yard as required by § 280-53.8 of this article along any property line which directly abuts a residential zoning district.
- E. All applications for development and redevelopment shall be subject to review by the Design Review Board in accordance with architectural standards set forth in Article XI of the Township Code.

§ 280-53.10 Building use.

- A. New or redeveloped buildings shall be vertically mixed in use, with ground floor

limited to retail only, and with retail, office or residential above the ground floor in the following combinations (see Figure 7^{xviii}EN):

- (1) For two-story buildings: retail use on the ground floor and retail, office or residential use on the second floor.
 - (2) For three-story buildings: retail use on the ground floor and residential use on the second or third floors, or office use on the second and third floors, or retail use on the second and third floors, or a three-way combination of retail on the ground floor, office, and residential. There shall not be any mix of uses on the same floor. In the event a common area is used for both residential and nonresidential purposes, for both two- and three-story buildings, e.g., elevator lobbies, stairwells, utility areas, etc., such area shall be permitted and not considered a use as long it is an unoccupiable space.
- B. Notwithstanding the foregoing, any new or redeveloped building having frontage on a road with a cartway of 20 feet or less in width shall be permitted to have retail, office or residential uses on the ground floor, with retail, office or residential permitted on any floor above the first floor.

§ 280-53.11 Rear and side elevations.

Rear elevations of buildings that are exposed to parking lots and street or alley corners shall be architecturally similar to the primary elevation and all sides of the building shall exhibit design continuity.

§ 280-53.12 On-street, Off-street parking and loading requirements.

- A. On-street parking. Where on-street metered parking currently exists, parking shall remain on-street to the maximum extent possible.
- B. Off-street parking. Where off-street parking is provided, parking spaces shall be located in the rear, side, or underneath of the building, and comply with the following requirements:
 - (1) Dwelling unit: one space per dwelling unit less than 800 square feet; two spaces per dwelling unit 800 square feet or greater.
 - (2) Office/studio use: one space for each 250 square feet of floor area.
 - (3) Retail use: one space for each 300 square feet of floor area.
 - (4) Church: one space for 150 square feet of floor area.
 - (5) Restaurant: one space per three seating accommodations, plus one space per two employees on the shift of greatest employment.
- C. Off-street loading requirements shall be subject to the provisions in § 280-104.

§ 280-53.13 Ingress and egress.

- A. Existing curb cuts may be modified, or shared with adjacent property owners, provided there is no increase in the number of existing curb cuts.
- B. Wherever possible, ingress and egress between various properties shall be shared in an attempt to minimize curb cuts. The Township encourages adjacent landowners to enter into agreements providing access easements to accomplish this goal.

§ 280-53.14 Mechanical, electrical equipment and trash.

Mechanical/electrical equipment mounted on the ground and areas for trash disposal shall be located in the rear of buildings and screened from view with materials that are integral to the architecture of the building. Trash collection areas shall be enclosed by masonry construction on all three sides, with gates to remove containers. Dumpster enclosures shall match the building material of the associated structure. Chain link fencing shall not be used as a dumpster screen. Where dumpsters are enclosed, the screening shall be at least two feet taller than the dumpster but shall not exceed six feet in height. Where topography may expose interiors of trash collection areas to view, screening shall be correspondingly taller. Trash collection areas shall have a concrete apron.^{xviiiEN}

§ 280-53.15 Projecting signs.

In addition to the sign requirements of Article XXI of Chapter 280, projecting signs attached at an angle to the facade shall be permitted, subject to the following requirements (see Figure 12^{xixEN}):

- A. Signs may have a backing or be constructed of shapes or single letter forms or a combination thereof.
- B. No projecting sign shall be lower than nine feet above grade or higher than 12 feet above grade.
- C. No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of nine feet.
- D. No projecting sign may be larger than four square feet. Only the width and length of one side of the sign shall be used in determining square footage.
- E. Signs shall not be wider than 30 inches and shall not be less 12 inches wide.
- F. Only one projecting sign per building face (wall) of a business property shall be permitted.
- G. Projecting signs shall be pinned away from the building wall at least two inches and no more than six inches.
- H. No projecting sign may be closer than 12 feet to any other projecting sign.
- I. Appropriate materials for projecting signs shall include:
 - (1) Carved, sandblasted, or painted wood.
 - (2) Painted placard.
 - (3) Antiqued, painted metal.
- J. Prohibited materials shall include:
 - (1) Plastic and vinyl.
 - (2) Highly reflective materials.
- K. Signs shall be fixed by hardware that is mounted to the building. Mounting brackets shall be made of nonrusting metal. No wires or cables shall be used to support the projected sign.
- L. Signs shall not be permitted to swing.
- M. Signs shall not be illuminated.

§ 280-53.16 Outdoor dining.

- A. Within the WBOD, outdoor dining shall be permitted as an accessory use on the same

premises as a licensed food establishment. To assure quality standards for customers and food safety, the following provisions shall apply:

- (1) Location. Areas for outdoor dining shall not interfere with any means of ingress or egress to a building, or with any emergency or safety exits. Where the dining area extends into a public sidewalk or right-of-way, the following shall apply: A minimum sidewalk width of 48 inches measured from the outside of the curb shall be maintained at all times for pedestrians, measured from the inside of the curb to the outdoor dining barrier. Such area shall be free of surface obstacles and obstructions (i.e., hydrants, streetlights, parking meters, and street trees.) (See Figure 13.^{xxEN}).
- (2) Pedestrian barriers. Outdoor dining areas may be enclosed and separated from the pedestrian or travel way to allow for the privacy of the dining patron and to permit the unimpeded flow of traffic. When the dining area is located within the interior of the property, enclosures may consist of a wall or fence, approved by the Township. When extending into a sidewalk or public right-of-way, the following minimum standards shall apply if the establishment chooses to use a barrier:
 - (a) Pedestrian barriers shall have sufficient weight to prevent them from being tipped or knocked over.
 - (b) If the pedestrian barrier is to be permanent, the method of attachment shall be subject to approval by the Zoning Officer. No barrier shall be permanently attached to a public sidewalk or an area located within the right-of-way.
 - (c) Pedestrian barriers shall be at least 30 inches high to prevent a tripping hazard.
 - (d) Where pedestrian access to an outdoor dining area is not through a food establishment, the required opening shall not be less than 44 inches in width (see Figure 14^{xxiEN}).
 - (e) Pedestrian barriers shall be made of a durable metal such as wrought iron (see Figure 15^{xxiiEN}).
 - (f) Pedestrian barriers shall not have legs or supports that protrude into a sidewalk more than two inches.
 - (g) Prohibited:
 - [1] Fabric inserts (whether natural or synthetic fabric) of any size shall not be permitted to be used as part of a barrier (see Figure 16^{xxiiiEN}).
 - [2] The use of chain link, cyclone fencing, chicken wire or similar appurtenances is prohibited. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere in these guidelines shall not be used as components of a barrier.
 - [3] No temporary flooring shall be used.
 - [4] No portable heating systems.
- (3) Furniture. To ensure outdoor dining in a quality environment, furniture shall be limited to the following materials, unless otherwise approved by the Zoning Officer:
 - (a) Iron, cast: low-carbon iron, hand or machine cast parts, stainless steel

- connectors, hand ground to a smooth finish.
 - (b) Iron, wrought: heavy gauge, low-carbon, welded and finished with a hard abrasive paint.
 - (c) Steel, expanded: minimum of 13 gauge cold-rolled steel, low-carbon, welded and finished with a hard abrasive paint.
 - (d) Steel, wire: 13/14 gauge cold-welded, smooth ground joints, and abrasive-resistant finish.
 - (e) Aluminum, cast.
 - (f) Aluminum, extruded.
 - (g) Wood, frame.
 - (h) The use of plastic furniture to satisfy the requirements of this subsection shall be prohibited (see Figure 17^{xxiv}EN).
- (4) Roof coverings. All outdoor dining areas shall have an approved roof material available for patrons or at the direction of the Township's Health Officer. When umbrellas are used to satisfy this requirement, the following shall apply:
- (a) No advertising on umbrellas shall be permitted (see Figure 18^{xxv}EN).
 - (b) Flame-resistant material shall be used.
 - (c) No lighting on umbrellas shall be permitted.
 - (d) If awnings are used, they shall be a minimum of six feet eight inches in height.
- (5) Storage of materials. At the conclusion on any outdoor dining season, all portable equipment (i.e., barriers, furniture, roof coverings, etc.) shall be stored within the facility in a location that does not interfere with the operation of the food establishment, or stored off site.
- (6) Dates and hours of operation. Outdoor dining shall be permitted between April 1 and September 30, and between the hours of 11:00 a.m. and 10:00 p.m. All seating of patrons shall provide for the dining area to close at the required hour.
- (7) Signs. No signs advertising outdoor dining shall be permitted, unless approved pursuant to Article XXI of this chapter.
- (8) Design Review Board. Applicants requesting approval for outdoor dining shall first file an application with the Design Review Board for review and approval. In addition to the application requirements established by the Design Review Board, the applicant shall provide samples of materials to determine compliance with this section.
- (9) Outdoor dining permit. To assure compliance with safety and food code standards of the Township, the following regulations shall govern the issuance of an outdoor dining permit:
- (a) Applications shall be filed on forms provided by the Township along with information necessary to determine compliance with this section.
 - (b) Applications shall be referred to the Zoning Officer, or designee, to determine compliance with safety standards, and to the Health Officer for review in accordance with the Food Code requirements set forth in Chapter 170 of the Township Code. The Zoning Officer and Health Officer shall have authority to require additional plan information and apply conditions to ensure compliance with adopted standards of the Township.
 - (c) The Zoning Officer shall review permit applications and supporting

documentation in a timely manner for conformance with the foregoing standards, and shall approve an application when said standards are met, or otherwise inform the applicant of any deficiencies and measures to correct.

- (d) Upon approval of an application, a seasonal permit shall be issued upon payment of the required fee as set forth in Chapter 162 of the Code, and may be renewed on an annual basis.
 - (e) All locations shall be subject to periodic inspections for compliance with the standards of this section. Violations may result in a citation, suspension, or revocation of a license.
- (10) Noise. Outdoor dining shall be subject to Chapter 200, Noise.

§ 280-53.17 Special use areas.

A. Intent and purpose.

- (1) The regulations in this section shall apply to the following three special use areas designated in the Master Plan:
 - (a) North Wayne Municipal Lot/Wayne Train Station;
 - (b) South Wayne Municipal Lot/Post Office; and
 - (c) Bellevue Park and Walk (AT&T Parking Lot).
- (2) Each of these areas has been selected for special use because they are located close to public transit, dining, and retail opportunities, offering the potential for unique urban residential and nonresidential projects to meet the growing and future demand for different uses within the WBOD. Planning techniques that allow for an increase in building height and density, reduced setbacks, creative parking arrangements, and other special considerations shall be considered by the Township as necessary inducements to assure that permitted uses in these special areas maintain high standards of architectural design that are consistent with the desired vision for Wayne.

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 buildings 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.
- C. Use regulations. The following uses shall be permitted within special use areas of the WBOD:
- (1) Multiple-family dwelling units.
 - (2) Retail stores and personal service shops, designed to serve dwelling units of the development and the surrounding areas.
 - (3) Offices when located above the first floor.
 - (4) Facilities serving the general public, including a library, art gallery or museum, post office, senior center, fire company, municipal building, parking structures and surface parking areas, and other civic or community uses.
 - (5) Accessory uses incidental to the foregoing uses, to include:
 - (a) Management offices providing services for on-site development.
 - (b) Home occupations within a residential dwelling unit, subject to the provisions of Article XX, § 280-115.1.
 - (6) All applications for development and redevelopment shall be subject to approval by the Design Review Board in accordance with architectural standards set forth in Article XI of the Township Code.
- D. Height, setbacks, coverage, parking regulations.
- (1) Front yard setback. There shall be a minimum front yard setback of 25 feet measured from the center line of the street. This requirement may be reduced or waived by the Board when it is demonstrated that the proposed buildings or structures are integrated into an overall design for streetscape improvements and other public amenities.
 - (2) Side and rear yard setbacks. Side yard and rear yard setbacks shall be 15 feet.
 - (3) Maximum impervious coverage shall be 90%.
 - (4) Height. The height of any building or structure shall not exceed 55 feet or be less than 30 feet. In determining the appropriate height for any building or structure, the Board shall consider plans, testimony, and applicable criteria set forth in § 280-53.15B of this article. The Board may require the height be changed where it is demonstrated by the applicant that the increase is appropriate for the area and will not adversely affect adjoining properties.
- E. Parking, off-street parking, loading requirements.
- (1) Parking requirements shall be the same as in § 280-53.12 of this article. A Post Office shall provide two spaces for three employees on the maximum shift, plus a minimum of 10 visitor spaces. A library, museum, or art gallery shall provide two spaces for every 1,000 square feet.
 - (2) All off-street parking, loading and storage areas for use by motor vehicles shall comply with §§ 280-103, 280-104 and 280-105.
- F. Special regulations. In addition to the special regulations set forth in § 280-53.9 of this article, the following guidelines shall be apply:
- (1) Buildings that exceed 30 feet in height shall have a ten-foot horizontal architectural offset from the front of the property before continuing vertically. Vertical offsets shall be the same as in § 280-53.8 of this article (see Figure 11^{xxvi}EN).
 - (2) Buildings that include a level of parking within a structure that is at street level or higher shall incorporate a facade that screens any parking at or above street

- level. If the parking structure exceeds more than one story, it shall be architecturally compatible with traditional buildings in the surrounding area. Parking below street level will not count toward the number of stories allowed.
- (3) Buildings shall be designed to enhance the pedestrian environment with improvements or expansions to sidewalks and crosswalks and the inclusion of outdoor seating areas, benches or other pedestrian amenities.
 - (4) Architectural offsets shall apply as defined in § 280-53.8.
- G. Mechanical, electrical equipment and trash. Provisions for ground mechanical and electrical equipment and refuse shall be the same as those in § 280-53.14 of this article. Any roof-mounted equipment shall be hidden from the ground floor view within 150 feet of the structure.
- H. Special use application, procedural process. A special use application shall be submitted and processed under the requirements of Chapter 255, Article IV.

ARTICLE XIII, C-3 Service Commercial District

§ 280-54 Purpose and objectives; application of regulations.

- A. C-3 Service Commercial Districts make appropriate provision for a wide range of highway-oriented retail, automotive and heavier service-type business activities which ordinarily require main-highway locations and cater to transient as well as to local customers. Among the objectives of C-3 Service Commercial Districts are:
- (1) To encourage the sound and appropriate commercial development of compact segments of major highway frontage.
 - (2) To provide locations for important highway and service-type business use convenient to central and other retail business location.
 - (3) To protect major highway as thoroughfares.
- B. In C-3 Service Commercial Districts, the regulations contained in this article shall apply.

§ 280-55 Use regulations.

A detached building may be erected or used and a lot may be used or occupied for any one of the following purposes, provided that the use and conversion of any existing dwelling shall comply with the provisions of §§ 280-45 and 280-101:

- A. Any use permitted in C-2 General Commercial Districts.
- B. Drive-in or automobile service establishment as follows: motor vehicle service station (not to include a repair shop or car wash establishment as a main use); public garage or automobile sales agency (not to include a used car lot or a trailer or truck sales agency as a main use); and drive-in restaurant or similar use, provided that:
- (1) The lot on which such use is established shall be not less than one acre in size.
 - (2) All facilities are located and all services are conducted within the confines of the lot.
- C. General service or contractor's shop, including carpenter, cabinetmaking, furniture repair, light metalworking, tinsmith, plumbing or similar shop, provided that the floor

area devoted to such use shall in no case exceed 10,000 square feet.

- D. Wholesale business establishment.
- E. Indoor storage building or warehouse.
- F. Laundry, dry-cleaning or clothes-pressing establishment, provided that the equipment and materials to be employed will not involve danger from fire or explosion and that the use will not detract from the predominant commercial character of the district.
- G. Public-utility corporation building, grounds or facility or any similar use.
- H. The following uses when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145:
 - (1) Outdoor place of amusement, recreation or assembly (not including drive-in theater), on a lot not less than two acres in area.
 - (2) Express, trucking or hauling station.
 - (3) Trailer or truck sales agency.
 - (4) Motor vehicle repair shop.
 - (5) Car wash establishment.
 - (6) Used car lot.
 - (7) Yard for the storage and sale of coal, firewood, fuel oil or building materials, provided that: [Amended 9-22-1980 by Ord. No. 80-21]
 - (a) Such use shall be located adjacent to a railroad.
 - (b) The area used for such use is enclosed and suitably screened from the surrounding area by a satisfactory fence or other barrier, not less than six feet in height.
 - (8) Trade school.
 - (9) Commercial greenhouse or nursery.
 - (10) Wholesale dairy or bakery.
 - (11) Any use of the same general character as any of the above permitted uses, but not to include any use that is objectionable, as defined in § 280-107.
 - (12) Open-air fish or produce market, provided that no products shall be stored, displayed or offered for sale within 40 feet of the curb or edge of the pavement on which the lot abuts. [Added 9-22-1980 by Ord. No. 80-21]
- I. Accessory uses, as permitted in § 280-47J.

§ 280-56 Area and height regulations. [Amended 4-27-1998 by Ord. No. 98-04; 11-8-1999 by Ord. No. 99-30]

- A. Lot area and width. Every lot shall have a lot area of not less than 30,000 square feet, and such lot shall be not less than 150 feet in width at the building line.
- B. Building area. Not more than 35% of the area of each lot may be occupied by buildings.
- C. Front yards. There shall be a setback on each street on which a lot abuts, which shall be not less than 65 feet in depth.
 - (1) Front yard exception. Where located adjacent to a residential zoning district, the front yard setback may be reduced to not less than 25 feet in depth in order to maintain the general setback characteristics of the residential zone and to provide for flexibility in the design and location of buildings. [Added 4-12-2004 by Ord. No. 2004-9]
- D. Side yards. For every building there shall be two side yards, neither of which shall be

less than 20 feet in width. [Amended 4-12-2004 by Ord. No. 2004-9]

- E. Rear yards. There shall be a rear yard on each lot which shall be not less than 25 feet in depth or not less than 25% of the lot depth, whichever is the greater.
- F. Height regulations. No building shall exceed 35 feet in height.
- G. Lot coverage. Not more than 65% of each lot may be occupied by impervious surfaces.
- H. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-57 Special regulations.

- A. Along each side or rear property line which directly abuts a residence district in the Township or a similar district in an adjoining municipality, a buffer planting strip, as defined in § 280-4B, not less than 40 feet in depth shall be provided.
- B. No goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building, except for the display of automobiles not closer than 20 feet from a street right-of-way line and also in the case of a motor vehicle service station.
- C. The off-street parking, off-street loading and special provisions relating to highway frontage prescribed in §§ 280-103, 280-104 and 280-105 shall apply in C-3 Commercial Districts.

ARTICLE XIV, PB Planned Business District

§ 280-58 Purpose; application of regulations.

- A. PB Planned Business Districts are designed to make special provisions for the requirements of the modern, well-planned, integrated shopping and business district. Among other things, the district regulations:
 - (1) Require that the district be developed as a group or groups of properly related business and compatible facilities comprising a single architectural scheme with appropriate landscaping.
 - (2) Contain a comprehensive set of design requirements governing such things as access, land use, building placement, building coverage, highway protection, off-street parking, buffering and screening.
- B. PB 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 PB Planned Business Districts, the regulations contained in this article shall apply.

§ 280-59 Use regulations.

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

- A. A planned neighborhood or community shopping center, including the following uses as part of an integrated retail business development:

- (1) Retail store.
 - (2) Office or studio.
 - (3) Clothes-cleaning-and-pressing pickup agency, including automatic self-service laundry.
 - (4) Any use permitted in C-1 Local Commercial Districts, provided that any processing activity in conjunction with a custom shop or other permitted use shall comply with the provisions of § 280-47D.
- B. The following additional uses, when specifically authorized in conjunction with the total development of a Planned Business District not less than 20 acres in size for any use or combination of uses, and their proposed location shall be consistent with a plan for the overall development of the tract approved in accordance with the provisions of § 280-132:
- (1) Office building.
 - (2) Motel, hotel or inn, provided that such use clearly is designed so as to constitute a logical and harmonious element of the overall development plan for the district.
 - (3) Indoor place of amusement or recreation, including theater or bowling alley.
 - (4) Community or civic center building or use, including library.
 - (5) 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.
 - (6) Business school.
 - (7) Automobile accessories store (not including service station) or sale agency as part of a retail shopping center.
 - (8) Publishing or job-printing establishment.
 - (9) Any use of the same general character as any of the above permitted uses.
- C. Accessory uses may include:
- (1) Storage within a completely enclosed building in conjunction with a permitted use.
 - (2) Living quarters for watchmen, caretakers or the staff or employees of a permitted institution.
 - (3) Signs as permitted in Article XXI, Signs.

§ 280-60 Area and height regulations.

- A. Lot area. The area of the lot or tract which is developed shall be not less than three acres, except as is otherwise provided in § 280-59B above.
- B. Building area. Not more than 20% of the total area of the lot or tract devoted to a permitted use may be occupied by buildings, and not less than 45% of the total 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. [Amended 5-12-1986 by Ord. No. 86-13; 4-27-1998 by Ord. No. 98-04]
- C. Building placement. No building shall be located less than 100 feet from a street right-of-way or other property line, and no parking, loading or service area shall be located less than 50 feet from a street right-of-way or other property line.
- D. Height regulations. No building shall exceed three stories or 38 feet in height.

[Amended 8-7-1978 by Ord. No. 78-19; 5-12-1986 by Ord. No. 86-13]

E. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-61 Special regulations.

- A. In addition to the requirements of this chapter, the plan for the proposed development shall comply with the special standards of Chapter 255, Subdivision of Land, relating to a shopping center or a group of business uses on a lot.
- B. Any application for development under the terms of this article shall provide initially at least for the construction of either a minimum of 20,000 square feet of ground floor area or a minimum of 10 of the permitted main uses.
- C. No permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building.
- D. Along each side or rear property line which directly abuts a residence district in the Township or a similar district in an adjoining municipality, a buffer planting strip, as defined in § 280-4B, of not less than 30 feet in depth, shall be provided. Along each street line bounding a residence district, a strip of land not less than 20 feet in depth shall be suitably landscaped except for necessary sidewalks and accessways crossing the strip.
- E. All off-street parking, loading, access facilities and service areas used by motor vehicles shall comply with the provisions of §§ 280-103, 280-104 and 280-105.

ARTICLE XV, PLO Planned Laboratory-Office District [Amended 8-7-1978 by Ord. No. 78-19; 5-12-1986 by Ord. No. 86-12; 3-8-1993 by Ord. No. 93-06]

§ 280-62 Purpose; application of regulations.

- A. PLO Planned Laboratory-Office Districts are designed primarily to provide for selected modern laboratory and office establishments 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.
- 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.

§ 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. 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.

B. Office building.

C. 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.
- (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.

§ 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 150 feet from a street right-of-way line nor less than 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) 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. No building or accessory structure shall exceed three stories or 38 feet in height.
- F. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-65 Special regulations.

- A. The tract of land on which each permitted use is conducted shall, in its entirety, be owned and operated as a single or common management and maintenance unit, with common open space, parking, maintenance and service facilities and services.
- B. In addition to the requirements of this chapter, the plan for the proposed development shall comply with the special standards of Chapter 255, Subdivision of Land, relating to a use or group of uses on a lot.
- C. Each building shall be designed so as to minimize its commercial appearance and shall, insofar as practicable, afford minimum external evidence of the nature of the operation conducted therein.
- D. No products or goods shall be publicly displayed on the exterior of the premises.

§ 280-65.1 Buffer and landscape requirements.

- A. Along each street line, a landscaped strip not less than 75 feet in width shall be provided, except for necessary sidewalks and accessways crossing the strip.
- B. Along side and rear property lines which adjoin agricultural, residential or planned apartment zoning districts, or a similar district within an adjacent municipality, a buffer planting strip of not less than 50 feet shall be planted and maintained. Buffer strips shall consist of berms, hedges, evergreens, shrubbery or other suitable vegetation approved by the Township and be of sufficient density and height to provide an effective visual screen to give maximum and immediate visual screening to an abutting property or zoning district. Wherever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography. Constructed berms shall have a maximum slope of 33% with grass cover or 50% when shrubbery or ground cover is used.
- C. All evergreen vegetation to be installed shall not be less than five feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than 15 feet.
- D. All deciduous vegetation to be installed shall not be less than eight feet in height and two-and-one-half-inch caliper, measured six feet above grade.
- E. As an alternative to the possibly linear appearance of the minimum requirements above, applicants are encouraged to provide innovative, free-form buffers which need not be located entirely with the minimum required width. Such alternative buffers shall be subject to approval by the Township.
- F. A landscaping plan shall be required, which shall clearly show and list the locations, size, species and number of plant materials proposed to be used.

§ 280-65.2 Off-street parking and loading areas.

- A. All off-street parking, unloading and service areas shall comply with the provisions of §§ 280-103, 280-104 and 280-105.
- B. Vehicular access to any property shall be limited to streets classified in Chapter 255, Subdivision of Land, § 255-27B, as arterial, primary collector or secondary collector.

ARTICLE XVI, PI Planned Institutional District [Added 7-17-1989 by Ord. No. 89-26^{xxvii}EN]

§ 280-66 Territory.

The PI Planned Institutional District shall consist of that land presently designated and zoned as Institutional.

§ 280-67 Purpose; application of regulations.

- A. Planned Institutional Districts are designed to provide for the special needs of regionally oriented institutional uses. Among other things, Planned Institutional Districts are intended to:
- (1) Preserve the open character of large areas of the Township which are now dominated by or are peculiarly suited to institutional and quasi-public uses.
 - (2) Encourage a harmonious pattern of institutional development which can mutually benefit the Township, the immediate neighbors of the institutions and the institutions themselves.
- B. In Planned Institutional Districts, the regulations contained in this article shall apply. In order to encourage the development of institutional uses in accordance with approved standards which protect the adjacent noninstitutional uses from adverse impacts, the following regulations shall apply.

§ 280-68 Use regulations. [Amended 9-22-1997 by Ord. No. 97-26]

A building or combination of buildings may be erected or used and a lot may be principally used or occupied for any one of the following purposes:

- A. College, private or parochial elementary or secondary school or other educational institution for academic instruction, convent, monastery, church or similar religious institution, student infirmary, including rectory or parish house, provided that a rectory or parish house contains not more than one dwelling unit, not to include a business or trade school, dance studio or similar use.
- B. Any institutional use similar to a use specifically permitted above, such as a museum or an institution or home for children, the aged, the indigent or the handicapped, medical or health center, convalescent home, nursing home or similar health facility, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards prescribed in § 280-145.
- C. Accessory use on the same lot with and customarily incidental to the foregoing permitted uses, and may include:
- (1) A playing field or recreational facility in conjunction with a permitted main use. Any area for play or recreation shall be fenced or otherwise screened from an adjacent property line in accordance with § 280-71 of this article.
 - (2) A dormitory, provided that every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least 70 square feet. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of gross floor area for each occupant thereof.

- (3) Townhouses, apartments or other dwelling units and accommodations for the housing of students, faculty or staff and employees of a permitted use, provided that the requirements of Chapter 222, Property Maintenance, of the Township Code, are met.

§ 280-69 Area and height regulations.

- A. Lot area and width. Every lot on which a building or combination of buildings is erected or used shall have an area of not less than 10 acres, and such lot shall be not less than 300 feet in width at the building line.
- B. Building area. Not more than 30% of the total lot area may be occupied by buildings, and not less than 55% of the total tract area, exclusive of that area within the public right-of-way, shall be devoted to landscaping and planted in accordance with Chapter 255, Subdivision of Land. Required buffers shall be provided in accordance with § 280-71 of this article. [Amended 7-20-1992 by Ord. No. 92-13; 4-27-1998 by Ord. No. 98-04]
- C. Height regulations. No building or structure shall exceed three stories or 38 feet in height.
- D. Setbacks from streets. No building or permanent structure, other than a guardhouse or facility which provides controlled access to a property, shall be located less than 120 feet from a street right-of-way 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 60 feet from a street right-of-way line.
- E. Rear and side yard setbacks.
 - (1) For the purposes of determining setbacks from side and rear property lines, uses and structures permitted within this district are classified according to the nature of the activity and potential impacts on adjacent properties. The following table includes many of the projected uses of the Planned Institutional District. If a building contains a mix of uses or includes features which are covered by more than one classification, the entire building shall meet the requirements of the highest classification which applies to any of the uses or structures.

Category 1 Uses

Academic classroom building
Academic research building
Administrative building
Medical services building for
academic institutions
Religious services building
Single-family house
Monastery

Convent

Convalescent home

Life-care residence

Children's home

Surface parking lot

Category 2 Uses

Dormitory

Food service

Maintenance building

Groundskeeping building

Field house

Stadium

Field sport area

Utility structure

Service, utility, maintenance and
storage areas

Club or fraternity house

Theater

Auditorium

Hospital
Medical research facility
Medical treatment facility

Medical office

Hospice

Cemetery

Parking structure

Any use permitted in a Planned
Institutional District and not listed in
Category 1 uses above

- (2) In the case of a hospital (general, medical or surgical), sanatorium, medical or health center, convalescent home, nursing home or similar health facility, no more than 50 beds shall be permitted on a lot of not less than five acres, except that one additional bed may be added for each 2,500 square feet of a lot area in excess of five acres.
- (3) Uses and structures shall be set back from rear and side property lines in accordance with the following table:

Adjacent District	Category of Use	
	1 (feet)	2 (feet)
Any residential, agricultural, or public land use district	125	200
All other districts	75	75

- F. When land zoned institutional completely surrounds land zoned residential, agricultural or public land use, and to the extent that the property on both sides of a zoning boundary is owned by the institution, at the effective date of this article the above rear and side yard setback requirements shall be 75 feet.
- G. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-70 Special regulations.

- A. The tract of land on which each permitted use is conducted shall, in its entirety, be owned and operated as a single or common management and maintenance unit, with common open space, parking, utility, maintenance and service facilities and services.
- B. Building size and spacing.
- (1) 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 approximately 90°.
 - (2) The distance at the closest point between any two buildings or groups of attached buildings, including accessory buildings, shall be not less than 45 feet.
 - (3) In no case shall the width of a building or the aggregate widths of buildings fronting on a street on the same lot exceed 80% of width of a lot.
- C. Service, utility, maintenance and storage areas, including solid waste containers, loading and unloading areas and heating, ventilating and air-conditioning equipment, shall be screened from view from public streets and abutting properties. This may be accomplished by means of enclosing walls, stone, brick or wood fences or a buffer planting strip. Visual screening so provided shall be of sufficient density so as not to be seen through and of sufficient height to constitute an effective screen.
- D. Storage of vehicles.
- (1) Vending trucks and other vehicles similarly used for selling, retailing or wholesaling materials, goods, wares or merchandise shall not be parked overnight on a lot.
 - (2) Any vehicle with length exceeding 18 feet parked overnight on a lot shall be screened from view from public streets and abutting properties in a manner

consistent with Subsection C above.

E. Off-street parking and service areas.

- (1) All off-street parking, unloading and service areas shall comply with the provisions of §§ 280-103, 280-104 and 280-105.
- (2) Areas designated for off-street parking on any property which adjoins an agricultural, residential or planned apartment zoning district shall be screened from such district by use of a visual barrier consisting of natural topography, existing vegetation, dense plantings and berms. Berms shall be constructed to a minimum height of four feet with a maximum slope of 33%, and shall be covered with grass, evergreens, shrubbery and other forms of dense vegetation. Berms shall not be required if existing topographical features meet or exceed the requirements of this section.
- (3) Vehicular access to any property shall be limited to streets classified in Chapter 255, Subdivision of Land, § 255-27B, as arterial, primary collector or secondary collector.

§ 280-71 Buffer requirements.

Along rear and side property lines, a buffer planting strip, as defined in § 280-4B of this chapter, shall be provided in accordance with the following regulations, except when uses in a proposed development shall abut uses of a similar type and density.

- A. The owner shall place and continually maintain a planting area not less than 20 feet in width containing berms, hedges, evergreens, shrubbery or suitable vegetation of sufficient planted density to produce a visual screening not to be seen through and of sufficient height to constitute an effective screen and give maximum protection and immediate visual screening to an abutting property or district. Wherever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography. Constructed berms shall have a maximum slope of 33% with grass cover or 50% when shrubbery or ground cover is used. Fencing may be used in combination with berms and/or vegetation to achieve the buffer, but may not be used alone.
- B. All evergreen vegetation to be installed shall not be less than five feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than 15 feet.
- C. All deciduous vegetation to be installed shall not be less than eight feet in height and two-and-one-half-inch caliper, measured six feet above finished grade.
- D. As an alternative to the possibly linear appearance of the minimum requirements above, applicants are encouraged to provide innovative, free-form buffers which need not be located entirely within the minimum required width. Such alternative buffers shall be subject to approval by the Township.
- E. A landscaping plan shall be required, which shall clearly show and list the locations, size, species and number of plant materials proposed to be used.

§ 280-72 Institutional long-range development plans.

- A. Purposes. The principal purposes of the requirements for institutional long-range development plans contained in this section are:

- (1) To provide notice and information to the Township, community and neighborhood organizations, other public and private agencies and the general public as to the plans of each affected institution at an early stage, and to give an opportunity for early and meaningful involvement of these groups in such plans prior to substantial investment in property acquisition or building design by the institution.
 - (2) To enable the institution to make modifications to its plan prior to the more detailed planning and prior to any request for authorization by the Township of new development proposed in the long-range development plan.
 - (3) To provide the Township, community and neighborhood organizations, other public and private agencies, the general public and other institutions with information that may help guide their decisions with regard to use of and investment in land in the vicinity of the institution, provisions of public services and particularly the planning of similar institutions.
- B. When required.
- (1) Each application for a land development plan approval or application to establish a Planned Institutional District to any property not already in the district shall be accompanied by submission to the Township of Radnor of a current institutional long-range development plan describing the existing and anticipated future development of the institution as provided in Subsection C below.
 - (2) Upon submission of an initial institutional long-range development plan, thereafter, at intervals of two years, each educational, religious and similar institutional establishment or each medical or health facility should file a report with the Township describing the current status of its institutional long-range development plan. In addition, any substantial revisions to the institutional long-range development plan already on file with the Township shall be filed with the Township as soon as such revisions have been formalized by the management of the institution.
 - (3) The institutional long-range development plans, reports and revisions described in this section shall, upon filing, be available for public review at the Township offices.
- C. Format and substance of plan. The plan shall consist of text and graphic materials similar in kind to those required in Chapter 255, Subdivision of Land, § 255-20. Information required shall include graphics drawn at a scale of not less than 150 feet to the inch and shall be suitable for display to the public at meetings held by the Township Planning Commission and Township Commissioners. The institutional long-range development plan shall, at a minimum, contain textual and graphic descriptions of:
- (1) The nature of the institution, its history of growth and physical changes in the neighborhood which can be identified as having occurred as a result of such growth, the services provided and service population, employment characteristics, all ownership by the institution of properties throughout the Township and any other relevant information pertaining to the institution and its services.
 - (2) The present physical plant of the institution, including the location and bulk of buildings, land uses on adjacent properties, the location and classification of all

streets, internal driveways, parking lots, loading berths, rights-of-way, easements, water and sewer lines, surface and subsurface drainage facilities and property lines, traffic circulation patterns, parking in and around the institution and open space and other amenities.

- (3) The development plans for the institution for a future period of not less than 10 years and the physical changes in the institution projected to be needed to achieve those plans. Any plans for physical development during the first five years shall include the site area, ground coverage, building bulk, approximate floor area by function, off-street parking, circulation patterns, area for land acquisition and timing for the proposed construction. In addition, with respect to plans of any duration, the submission shall contain a description and analysis of each of the following:
 - (a) The conformity of proposed development plans to the Township Comprehensive Plan.
 - (b) The anticipated impact of any proposed development by the institution on the surrounding neighborhood, including but not limited to the effect on existing housing units, relocation of housing occupants and commercial and industrial tenants, changes in traffic levels and circulation patterns, transit demands and parking availability and the character and scale of development in the surrounding neighborhood.
 - (c) Any alternatives which might avoid or lessen adverse impact upon the surrounding neighborhood, including location and configuration alternatives, the alternative of no new development and the approximate costs and benefits of each alternative.
 - (d) The mitigating actions proposed by the institution to lessen adverse impacts upon the surrounding neighborhood.
- (4) A projection of related services and physical development by others, including but not limited to office space and medical outpatient facilities, which may occur as a result of the implementation of the institution's long-range development plan.
- (5) Any other items as may be reasonably required by the Township Commissioners or the Township Planning Commission.

D. Compliance with plan. Upon submission of a long-range development plan for institutional development as set forth herein, no development plan shall be approved unless such is in compliance with the provisions of this article and substantially in accordance with the submitted long-range development plan or subsequent amendments thereto. Determination of a development plan's accord with the submitted long-range development plan or subsequent amendments thereto shall be made by the Zoning Officer.

ARTICLE XVII, FC Floodplain Conservation District

§ 280-73 Application of regulations.

In the Floodplain Conservation District, the regulations contained in this article shall apply.

§ 280-74 Intent.

Pursuant to the powers and authority granted by the Pennsylvania Municipalities Planning Code, Act No. 247, effective January 1, 1969,^{xxviii}EN and in the interest of the public health, safety and welfare, the regulations of the Floodplain Conservation District are intended to protect areas of the Township which are located in a floodplain subject to periodic flooding waters. In advancing this principal and the general purposes of this chapter and the Comprehensive Plan, the specific intent of this article is:

- A. To regulate or prevent the erection of buildings and other structures in areas unfit for development by reason of periodic flooding.
- B. To protect public health, by preventing pollution of surface and subsurface water supplies and providing surface area to absorb and retain runoff for maintenance of the subsurface water supply.
- C. To protect public safety, by preserving natural floodplains and valley flats which are subject to periodic flooding in order to:
 - (1) Prevent the increase in flood volume and rate of flow which results from covering the floodplains with impervious surfaces and from constricting natural drainage channels.
 - (2) Provide areas for the deposition of sediment.
- D. To prevent added downstream damage from increased flood volume and rate of flow and to permit uses of the floodplain compatible with the preservation of natural conditions and the maintenance of the stream flow throughout the year.
- E. To minimize the financial burden imposed on the community, governmental bodies and individuals by floods.

§ 280-75 Designation of district; boundaries. [Amended 9-26-1977 by Ord. No. 77-24]

- A. The Floodplain Conservation District, as defined in § 280-4B, shall be those areas of Radnor Township that are subject to the one-hundred-year flood, as identified on the Flood Insurance Study (FIS) and shown on Map Panels 0001-4, 0006-7, 0008-9 and 0013-14, effective September 30, 1993, as prepared by the Federal Emergency Management Agency (FEMA). In addition, "floodplain conservation district" shall be defined to include all areas, not shown on the map, which, by hydrological profile analysis, are calculated to be inundated during a one-hundred-year frequency flood. Such maps are hereby made a part of this chapter and shall be available to the public at the Township Municipal Building. The Floodplain Conservation District shall comprise three subdistricts, as follows: [Amended 11-27-1995 by Ord. No. 95-29; 1-2-2001 by Ord. No. 2001-05]
 - (1) FW (Floodway Area): the area identified as floodway in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in

- the Flood Insurance Study.
- (2) FF (Flood-Fringe Area): the remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year elevations as shown in the flood profiles contained in the Flood Insurance Study.
 - (3) FA (General Floodplain Area): the areas identified as Zone A in the FIS for which no one-hundred-year-flood elevations have been provided. When available, information from other federal, state and other acceptable sources, including those areas shown as alluvial soils in the Chester and Delaware Counties Soil Survey, shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above delineation method, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications approved by the Township who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses and computations shall be submitted in sufficient detail to allow a thorough technical review by the Township.
- B. In the case of any dispute concerning the boundaries of a Floodplain Conservation District, an initial determination shall be made by the Township Engineer. Such determination shall be based upon the criteria established in this article. It shall be the responsibility of the applicant to supply all the necessary plans and maps in sufficient detail to allow the Township Engineer to make the determination. [Amended 4-23-1984 by Ord. No. 84-13]
 - C. Any party aggrieved by a decision of the Township Engineer as to the boundaries of the Floodplain Conservation District, as defined in Subsections A and B above, which may include the grounds that the data referred to therein is or has become incorrect because of changes due to natural or other causes or because of changes indicated by future hydrologic and hydraulic studies, may appeal to the Zoning Hearing Board. The Zoning Hearing Board, in making such determination, shall use criteria established in this article. The burden of proof in such an appeal shall be on the appellant.
 - D. The Floodplain Conservation District shall be deemed an overlay of any zoning district now or hereafter applicable to any lot. Should the Floodplain Conservation District be declared inapplicable to any tract for any reason, the zoning applicable to such tract shall be deemed to be the district in which it is located without consideration of this article.
 - E. The identified floodplain area may be revised or modified by the Board of Commissioners where studies or information provided by a qualified agency or person document the need for such revision. Prior to the change, however, approval must be obtained from the Federal Insurance Administration. [Amended 11-27-1995 by Ord. No. 95-29]

§ 280-76 Permitted uses. [Amended 9-26-1977 by Ord. No. 77-24]

Within any designated floodway area, no construction, development, use, activity or encroachment of any kind shall be allowed except where the effect of such proposed activity on flood heights is fully offset by accompanying stream improvements.

- A. Subject to such limitation, the following uses and no other are permitted in the Floodplain Conservation District, provided that the use is permitted by the applicable zoning of the property:
 - (1) Customary agricultural operations, excluding structures.
 - (2) Pastures, grazing land, outdoor plant nursery and orchard, excluding structures.
 - (3) Wildlife sanctuary, woodland preserve and arboretum, excluding structures.
 - (4) Recreation use such as park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding structures.
 - (5) Sanitary sewers and sewage pumping stations, provided that the construction is floodproof.
 - (6) Waterlines.
 - (7) Boundary fences, subject to the approval of the Township Engineer.
 - (8) Dams, culverts and bridges approved by the commonwealth.
 - (9) Storm sewers, subject to the approval of the Township Engineer.
- B. Three-fourths of the required front, side or rear yards and required lot area for any district are permitted.
- C. Where parking lots and/or driveways are required by the regulations for the district applicable to the lot previously, parking lots and driveways shall be required.

§ 280-77 Prohibited uses. [Added 6-23-1986 by Ord. No. 86-24^{xxixEN}]

Under no circumstances will the following activities and/or development be located, enlarged or expanded within the Floodplain Conservation District, since they present a special hazard to the health and safety of the public.

- A. Hospitals (public or private).
- B. Nursing homes (public or private).
- C. Jails or prisons.
- D. Individual mobile homes, new mobile home parks, mobile home subdivisions and substantial improvements thereto, as well as individual mobile homes.
- E. The production, storage or maintenance of a supply of hazardous materials and substances as defined under the Pennsylvania Flood Plain Management Act (Act 166 of 1978), Section 207 (32 P.S. § 679.207).

§ 280-78 Grading, filling and storage of materials. ^{xxxEN}

- A. A change in grade by either cut or fill, or a combination of both, may be permitted only upon the following conditions:
 - (1) The effect is not to alter the cross-sectional area of the profile of the floodplain; and
 - (2) The effect is not to increase the elevation of the one-hundred-year-frequency flood.
- B. No storage of any material that may be hazardous to the health and welfare of the

surrounding population or which is in violation of the Clean Streams Law^{xxxii}EN or regulations of the Department of Environmental Resources shall be permitted within the Floodplain Conservation District as herein defined.

§ 280-79 Municipal liability.

The grant of a zoning approval or approval of a subdivision plan in the Floodplain Conservation District shall not constitute a representation, guaranty or warranty of any kind by the Township or by an official or employee thereof of the practicability or safety of the proposed uses and shall create no liability upon the Township, its officials or employees; nor shall such grant or approval imply in any way a waiver of the requirements of this article or compliance with any federal or state law governing streams and other bodies of water.

§ 280-80 Conflicts with other regulations.

In the event of any conflict with other Township ordinances, rules, building codes or regulations, the provisions of this Floodplain Conservation District Article shall prevail.

§ 280-81 Review of applications for variance. [Amended 9-26-1977 by Ord. No. 77-24]

- A. Standards and criteria. In any instance where the Zoning Hearing Board is required to consider a request for variance from the provisions of this article, the Board shall determine that the standards and criteria enumerated in § 280-145 of this chapter and Section 912 of the Pennsylvania Municipalities Planning Code^{xxxiii}EN are met before granting the request.
- (1) In addition to the standards and criteria enumerated in said § 280-145 and Section 912, the Board shall meet the following standards:
 - (a) An affirmative decision shall not be issued by the Zoning Hearing Board within the designated floodway if any increase in the flood levels during the base flood discharge would result.
 - (b) Affirmative decisions shall only be issued by the Zoning Hearing Board upon:
 - [1] A showing of good and sufficient cause.
 - [2] A determination that failure to grant the appeal would result in exceptional hardship to the applicant.
 - [3] A determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety and extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.
 - (c) Affirmative decisions shall be issued only upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) The Board shall also consider the following factors:
 - (a) The proposed water supply and sanitation systems and the ability of these

- systems to avoid causing disease, contamination and unsanitary conditions.
- (b) The relationship of the proposed use to the Comprehensive Plan and floodplain or stormwater management program for the area.
 - (c) The safety of access to the property in times of flood by ordinary and emergency vehicles.
 - (d) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - (e) Such other factors which are relevant to the purposes of this article, including compliance with any state and federal laws and regulations relating to floodplain areas.
- B. Procedure; streams and other bodies of water. Upon receiving an application for a variance, the Zoning Hearing Board shall, prior to hearing, require the applicant to furnish such of the following material as the Township Engineer shall deem necessary for a complete consideration of the matter by the Board:
- (1) Plans, in triplicate, drawn to scale, showing the nature, location, dimensions and elevation of the lot and existing and proposed uses; photographs showing existing uses and vegetation; soil types; and other pertinent information.
 - (2) A series of cross sections at twenty-five-foot intervals along the lot shoreline, showing the stream channel or the lake or pond bottom and the elevation of adjoining land areas to be occupied by the proposed uses, and high-water information.
 - (3) Profile showing the slope of the bottom of the channel, lake or pond.
 - (4) Specifications for building materials and construction, floodproofing, filling, dredging, grading, storage, water supply and sanitary facilities.
- C. Conditions.
- (1) Any structure permitted by variance shall include floodproofing measures according to the following criteria:
 - (a) All structures shall be:
 - [1] Firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - [2] Constructed so as to prevent the entrance of floodwaters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from the systems into the floodwaters.
 - (b) All new construction shall have the lowest floor, including the basement, elevated to one foot above the one-hundred-year-flood elevation.
 - (c) All improvements to existing structures shall be constructed so that:
 - [1] Improvements to residential structures shall be elevated to the greatest extent possible. Any portion of the structure not elevated to one foot above the one-hundred-year-flood elevation shall meet the requirements of Subsection C(1)(c)[2] below.
 - [2] Improvements to nonresidential structures shall be floodproofed according to the classification W1-W4 of the Floodproofing Regulations, United States Army Corps of Engineers, pamphlet EP 1165 2 314.
 - (2) In addition, upon consideration of the purposes of this article, the Board may

attach such conditions to the granting of a variance as it deems necessary to further the purposes of this article. Among such conditions, without limitation because of specific enumeration, may be included:

- (a) Modification of waste disposal and water supply facilities.
- (b) Limitations on periods of use and operation.
- (c) Imposition of operational controls, sureties and deed restrictions.
- (d) Floodproofing measures such as the following, without limitation because of specific enumeration:
 - [1] Anchorage to resist flotation and lateral movement.
 - [2] Installation of watertight doors, bulkheads and shutters.
 - [3] Reinforcement of walls to resist water pressures.
 - [4] Use of paints, membranes or mortars to reduce seepage of water through walls.
 - [5] Addition of mass or weight to structures to resist flotation.
 - [6] Installation of pumps to lower water levels in structures.
 - [7] Pumping facilities for subsurface external foundation wall and basement floor pressures.
 - [8] Construction to resist rupture or collapse caused by water pressure or floating debris.
 - [9] Cutoff valves on sewer lines.
- D. The Zoning Hearing Board shall notify the applicant, in writing, that:
 - (1) The issuance of a decision to allow construction of a structure below the base flood elevation will result in increased premium rates for flood insurance.
 - (2) Such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions, as required in Subsection E of this section.
- E. The Zoning Hearing Board shall:
 - (1) Maintain a record of all decisions, including justification for their issuance.
 - (2) Report such decisions issued in its annual report submitted to the Federal Insurance Administration.

§ 280-82 Variance conditions.

In any case where the Zoning Hearing Board shall grant a variance to permit the erection of a structure in the floodplain or a variance to permit a change in nonconforming use of a structure already existing in the floodplain, the Board shall, for the protection of prospective purchasers and lessees, impose the following conditions:

- A. Require the applicant to advise prospective purchasers and/or lessees that the lot is located either entirely or partially, as the case may be, in the floodplain.
- B. Require that, before settlement or change in use, as the case may be, the purchaser or lessee shall signify, in writing, that he has been advised that the premises lies partially or entirely in the floodplain, and a signed copy of such signification shall be delivered to the Township by the applicant.
- C. A deed restriction shall be created and placed on record to run as a covenant with the land, which restriction shall contain the following provision: "This lot is entirely (partially) within the floodplain as defined by Article XVII of Chapter 280, Zoning, of the Code of Radnor Township, Delaware County, Pennsylvania, as amended."

ARTICLE XVIII, PLU Public Land Use District [Added 5-22-1989 by Ord. No. 89-21]

§ 280-83 Establishment; purpose.

A new zoning classification, hereinafter referred to as the Public Land Use District (PLU), is established along with standards for use and development within such district, which shall be designed to make special provisions for facilities and uses which are noncommercial, public-service oriented and which are owned by the Township, school district, county, state or federal government, other public authorities or public agencies or public oriented non-sectarian community groups. Many of these uses are necessary for the service to the general public and have unique locational or physical requirements.

§ 280-84 Territory. [Amended 11-14-2005 by Ord. No. 2005-20]

The land included within the Public Land Use District created by this article, and the Township Engineer shall prepare appropriate legal descriptions of land which shall be designated in Appendix A of this article.^{xxxiii}EN

§ 280-85 Use regulations.

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

- A. Municipal, county, state or federal facilities.
- B. Public schools.
- C. Public education facilities.
- D. Public parks and recreation facilities or nonprofit community recreation facilities open to the public.
- E. Public transportation facilities.
- F. Public utility facilities.
- G. Post office.
- H. Public art gallery.
- I. Public parking facilities.
- J. Public library.
- K. The following uses, when authorized as a special exception by the Zoning Hearing Board, subject to the general standards as prescribed in § 280-145, and provided that the Board shall determine that the placement of such use is of a public necessity and that planting, buffering or other measures are taken to safeguard the character of existing and adjoining districts:
 - (1) Radio and television towers and related facilities when operated only by a Township agency, governmental agency or a public utility corporation.
- L. Accessory uses on the same lot which shall be incidental to a permitted use.

§ 280-86 Area and height regulations.

- A. Lot area and width. A minimum lot area and width shall not be required within this

district.

- B. Building area. Not more than 30% of the total lot area may be occupied by buildings and not less than 55% of the total lot area, exclusive of those areas within the right-of-way, shall be devoted to landscaping. [Amended 4-27-1998 by Ord. No. 98-04]
- C. Front yard. All buildings shall have a minimum front yard setback of at least equal to that of the most restrictive and adjoining zoning districts, provided that where such district adjoins an agricultural, residential or planned apartment zoning district, the minimum front yard setback shall be 120 feet.
- D. Side and rear yard setbacks. All buildings shall have a minimum side and rear yard setback of 25 feet or no less than the required minimum side or rear yard setback of the adjoining zoning district, provided that where the adjoining district is zoned agricultural, residential or planned apartment, the setback shall be 120 feet.
- E. Building height. No building or structure shall exceed three stories or 38 feet.
- F. Accessory building exception. The regulations applicable to building placement shall apply to accessory buildings, except when authorized as a special exception by the Zoning Hearing Board in the case of a small accessory building which is incidental to the permitted use.
- G. Riparian buffer setback: 35 feet. [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-87 Special regulations.

- A. The owner shall be required to place and maintain along both rear and side property lines a buffer planting strip as defined in § 280-4B of this chapter. The minimum width shall be 10 feet, except that when adjoining an agricultural, residential or planned apartment zoning district, the minimum width shall be increased to 20 feet containing berms, hedges, evergreens, shrubbery or suitable vegetation of sufficient planted density to produce a visual screening not to be seen through and of sufficient height to constitute an effective screen and give maximum protection and immediate visual screening to an abutting property or district. Wherever possible, the owner shall make every effort to retain existing natural screening, such as vegetation and topography. Constructed berms shall have a maximum slope of 33% with grass cover or 50% when shrubbery or ground cover is used. Fencing may be used in combination with berms and/or vegetation to achieve the buffer, but may not be used alone.
- B. All evergreen vegetation to be planted shall not be less than five feet in height at the time of planting and shall be of such species that the expected height at maturity shall not be less than 15 feet.
- C. All deciduous trees to be planted shall not be less than eight feet in height with a two-inch caliper.
- D. As an alternative to the possible linear appearance of the minimum requirements above, applicants are encouraged to provide innovative, free-form buffers which need not be located within the minimum required width. Such alternative buffers shall be subject to approval by the Township.
- E. A landscaping plan shall be required which shall be subject to Township approval.

§ 280-88 Off-street parking, loading and storage areas.

- A. Requirements. All off-street parking, loading and storage areas for use by motor

vehicles shall comply with §§ 280-103, 280-104 and 280-105.

B. Setbacks.

- (1) Front yard. A minimum front yard setback shall be maintained of not less than the required setback for the most restrictive and adjoining zoning district, but in no case shall be less than 20 feet. Landscaping shall be required within the setback area consisting of trees, shrubbery, berms and other ground cover of sufficient density and height as to create an effective visual screen.
- (2) Side and rear yard. A side and rear yard setback of 10 feet shall be required, except when such use adjoins an agricultural, residential or planned apartment zoning district, the setback shall be increased to 20 feet. The owner of any property shall make every effort to ensure that all off-street parking, loading and storage areas as required by this section are effectively screened by use of natural topography berms, hedges or other approved dense vegetation so as to provide maximum protection for adjacent zones which may be designated for residential use.

§ 280-89 Changes in ownership or use.

Any land within a Public Land Use District which, because of its ownership or use, at any time is not fully subject to the Township's regulatory powers under this article shall be covered by this article without further action by the Township immediately upon any change in ownership or use which makes such Article fully applicable to such land.

ARTICLE XVIII, Riparian Buffer Conservation District [Added 12-8-2003 by Ord. No. 2003-22]

§ 280-89.1 Title.

This article shall be known and cited as the "Riparian Buffer Conservation Ordinance of the Township of Radnor (the "Township"), Delaware County, Pennsylvania."

§ 280-89.2 Authority.

This article is established in accordance with the Pennsylvania Constitution, Art. 1, Sec. 27 (the "Environmental Rights Amendment"), and Sections 301(b), 603(b)(5), 603(d), 604(1) and 605(2)(ii & vii) of the Municipalities Planning Code, 53 P.S. § 10101 et seq.

§ 280-89.3 Intent and objectives.

It is the purpose of this article to establish requirements for the establishment, maintenance, and preservation of riparian buffers, as defined herein,^{xxxiv}EN to protect the streams and ponds within the Township, and to limit the surface areas of buildings and structures within these areas.

§ 280-89.4 Background.

Buffers adjacent to stream systems and other water resources (riparian buffers) provide numerous environmental and resource management benefits, including restoring and maintaining chemical, physical and biological integrity of the water resources; removing pollutants from urban stormwater, reducing erosion and controlling sedimentation, stabilizing stream banks, providing a natural impediment to floods, contributing organic material that is a source of food and energy for the aquatic ecosystem, maintaining stream temperatures and therefore the aquatic ecosystems by providing tree canopy, providing riparian wildlife habitat, and furnishing scenic value and recreational opportunities. To achieve these ends, it is necessary that development within the Township take place in such a manner so as to limit the amount of buildings and structures within riparian buffer areas; owners whose properties include riparian buffers be educated as to desirable riparian buffer maintenance practices; and riparian buffers be established where such buffers do not presently exist.

§ 280-89.5 Applicability.

This article is intended to modify the location of certain new development in relation to streams and ponds, but not to modify said development's overall density. The provisions herein shall provide for the location of any building or accessory structure located within the riparian buffer setback on any property in the Township; provided, however, that they shall not be applicable on properties on which streams are enclosed by man-made channels or are underground.

§ 280-89.6 Permitted land disturbance in riparian buffer setback.

The following land disturbances shall be permitted without limitation when located within the riparian buffer setback:

- A. Detached accessory buildings and accessory structures subject to the requirements of the underlying zoning district; provided, however, that a minimum distance of 10 feet shall apply when such building or accessory structure is located adjacent to any stream bank or pond in the AC Agricultural Conservation or R-1, R-2, R-3, R-4, R-5 Residential Zoning District.
- B. Vegetation management or open space management plan, which provides for the maintenance of streambanks, pond edges, and water quality.
- C. Customary agricultural practices when permitted by the applicable zoning for the property, in accordance with a soil conservation plan approved by the Delaware County Conservation District.
- D. Activities regulated by the Commonwealth of Pennsylvania (such as permitted stream or wetland crossings or other encroachments).
- E. Installation of pervious-surfaced trail providing access to a stream, pond or other water resource, or an impervious-surfaced trail access when required or authorized by federal, state or local regulations.
- F. Gardening and exterior yard maintenance.
- G. Temporary construction attendant to construction activities occurring within the riparian buffer setback; provided, however, that such temporary construction shall be

removed and any land disturbance within the riparian buffer setback be remedied within a time period approved by the Township.

§ 280-89.7 Boundary determination.

- A. The Township Engineer shall be responsible for determining the location of the riparian buffer setback, as applicable to any specific permit or approval subject to review by the Township. An applicant shall provide all necessary plans, maps, and other information as required by the Engineer to make such determination.
- B. The Engineer shall review the information provided and shall either approve or disapprove the riparian buffer setback and applicable permit application, citing the reasons for such disapproval. Any party who is aggrieved by the decision of the Township Engineer as to the boundaries of the riparian buffer setback may appeal such decision to the Zoning Hearing Board (ZHB).

§ 280-89.8 Zoning Hearing Board appeals.

- A. In any instance in which the ZHB is required to consider an appeal from the provisions of this article, such appeal shall be authorized as a special exception pursuant and subject to the provisions of § 280-145.
- B. Applications filed with the ZHB shall contain the basis for the appeal of the Engineer's decision and a description of the relief requested. Plans submitted shall be prepared by a licensed professional acceptable to the ZHB and shall include the following:
 - (1) Location of streams, ponds, or other water resources on the property to be developed;
 - (2) Species, location and size of trees within the riparian buffer setback;
 - (3) Location of any proposed building or structure; and
 - (4) Any other information deemed relevant by the applicant.
- C. In addition to the standards and criteria enumerated in § 280-145 of the Zoning Code, the following shall be considered by the ZHB in rendering affirmative decisions where applicable:
 - (1) A showing of good and sufficient cause.
 - (2) Whether strict application of this article would deny the applicant reasonable use of the property, or whether the ordinance would have severe impact and would render the property unusable or unsuitable for development.
 - (3) Whether plan modifications or conditions of approval can achieve conservation objectives of this article.
 - (4) That the relief granted is the minimum necessary and does not conflict with any Township, state, or federal regulations.

§ 280-89.9 Inapplicability.

This article shall not apply to any development or land disturbance occurring after its effective date or to a development or land disturbance that:

- A. Is covered by a valid, unexpired plan in accordance with development regulations;
- B. Is covered by a current, executed public works agreement; or

C. Is covered by a valid, unexpired ZHB approval or building permit.

§ 280-89.10 Violations and penalties.

Any person, partnership or corporation who or that has violated or permitted the violation of the provisions of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, in addition to all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgments shall commence or be imposed, levied or be payable until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this article to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination by the District Justice. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this article shall be paid to the Township.

ARTICLE XIX, Density Modification Development

§ 280-90 Objectives; interpretation.

- A. It is the intent of this article to provide for modification of lot area, yard and use requirements in certain zoning districts in connection with single-family dwelling development for the purpose of accomplishing the following objectives:
- (1) To encourage conservation and use of open space in new residential development.
 - (2) To encourage land development which preserves trees and natural topography, prevents soil erosion and promotes the best interests of the Township from an aesthetic, ecological and natural resource standpoint.
 - (3) To encourage attractive arrangements of dwellings by permitting the design and layout of dwellings to be closely related to the physical characteristics of the site in harmony with surrounding tracts.
- B. The means of accomplishing such objectives shall be made only on the basis of subdivision and/or land development plans approved by the Board of Commissioners which meet the purposes and requirements of this article. It is not intended that every tract of land is adaptable to the purposes of this article, and therefore the Board of Commissioners may disapprove an application upon any tract which, in its judgment, should be developed under the other provisions of this chapter. [Amended 10-28-1975 by Ord. No. 1613]
- C. This article is based upon and shall be interpreted in relation to the Comprehensive Plan adopted by the Board of Commissioners. [Amended 4-10-1989 by Ord. No. 89-

18; 11-14-2005 by Ord. No. 2005-20]

- D. This article is not adopted pursuant to Article VII of the Pennsylvania Municipalities Planning Code, entitled "Planned Residential Development,"^{xxxv}EN nor intended to provide for planned residential development as described therein.

§ 280-91 Common open space.

- A. Not less than 15% of the tract area shall be designated in the subdivision or development plan as common open space. [Amended 10-28-1975 by Ord. No. 1613]
- B. Common open space shall be land which is appropriate and in suitable condition for recreation, park site, school grounds, woodland conservation, floodplain or other similar recreation or open-space purpose.
- C. The common open space shall be contiguous to the development and not be separated from the tract by existing roads. [Amended 10-28-1975 by Ord. No. 1613]
- D. Consideration shall be given to the arrangement and location of common open space to take advantage of physical characteristics of the site and to place common open space within easy access and view of dwelling units, at the same time preserving and enhancing natural features. Areas set aside for common open space shall contain no structure other than a structure related to outdoor recreational use.
- E. Common open space shall be made subject to such agreement with the Township and such deed restrictions duly recorded in the office of the Recorder of Deeds in Delaware County as may be required by the Board of Commissioners for the purpose of preserving the common open space for such use.
- F. Common open space, within the meaning of this article, shall consist of a parcel or parcels of land or an area of water, or a combination of land or water, within a development site, designed and intended for the use or enjoyment of residents of the development or the public, not including streets, off-street parking areas and areas set aside for public facilities.
- G. There shall be a buffer of 25 feet along all property lines which abut residentially zoned districts which shall not contain any roads, structures, parking areas, etc., and shall be planted in accordance with a plan which shall be approved by the Board of Commissioners at the time of final approval. This buffer strip shall not be counted as part of the common open space. [Added 10-28-1975 by Ord. No. 1613]

§ 280-92 Applicable districts; tract size.

- A. The zoning districts to which this article is applicable, the minimum tract size, the maximum gross density and the minimum building setbacks from the perimeter streets and property permitted under this article shall be as follows: [Amended 10-28-1975 by Ord. No. 1613; 8-7-1978 by Ord. No. 78-22]
- (1) In AC and R-1 Districts, the minimum tract size must be at least 20 acres. The density will be computed in relation to the common open space and at a rate of 3% of common open space to 1% increase in density over that allowed in the zoned district. The maximum density increase will be 14% based on 42% or more of common open space. There shall be no building within 75 feet of an existing street right-of-way line and 50 feet from any adjacent property line.

[Amended 5-14-1990 by Ord. No. 90-21]

- (2) In R-1A and R-2 Districts, the minimum tract size must be at least 15 acres. The density will be computed in relation to the common open space, at a rate of 3% of common open space to 1% increase in density over that allowed in the zoned district. The maximum density increase will be 14% based on 42% or more of common open space. There shall be no building within 60 feet of an existing street right-of-way line and 40 feet from any adjacent property line. [Amended 11-14-2005 by Ord. No. 2005-19]
 - (3) In R-3 Districts, the minimum tract size must be at least 10 acres. The density will be computed in relation to the common open space, at a rate of 4% of common open space to 1% increase in density over that allowed in the zoned district. The maximum density increases will be 10% based on 40% or more of common open space. There shall be no buildings within 50 feet of an existing street right-of-way line and 25 feet from any adjacent property line.
 - (4) In R-4 Districts, the minimum tract size must be at least five acres. The density shall be at a maximum of 5.5 units per acre. There shall be no buildings within 40 feet of an existing street right-of-way line and 25 feet from any adjacent property line.
- B. Tract area, for the purpose of this article, shall consist of all that total area proposed for development, but shall exclude all portions of the tract subject and servient to easements and legal rights-of-way to which the dominant portion of the tract is not afforded access and use directly from the interior road system of the dominant tract.
- C. In computing maximum gross density, there shall be excluded from the determination of tract size 1/2 of all land situate in the floodplain and 1/2 of all land situate on slopes over 22%. [Amended 10-28-1975 by Ord. No. 1613; 2-27-1978 by Ord. No. 78-02]

§ 280-93 Use regulations.

The use provisions of the above-mentioned zoning districts applicable to the tract shall apply, except that in R-3 and R-4 Districts, townhouses shall be a permitted use when authorized under the provisions of this article.

- A. Townhouses shall be authorized only when constructed, owned and operated under single ownership or under the Pennsylvania Unit Property Act.^{xxxvi}EN
- B. Not more than eight townhouses shall be attached in a single group, and each group of townhouses shall be separated from each other group by at least 20 feet. No more than two contiguous townhouses in any group may be constructed in line, and each townhouse shall have at least one plan element on any floor which projects or recedes within the wall plane of the facade a minimum dimension of two feet. [Amended 10-28-1975 by Ord. No. 1613]
- C. For the purpose of this article, a "townhouse" is defined as a single-family dwelling consisting of two or more floors, attached to one or more similar structures as part of a unified development.

§ 280-94 Area and height regulations. [Amended 10-28-1975 by Ord. No. 1613; 1-11-1988 by Ord. No. 88-03]

- A. The building area coverage and height regulations of the zoning district in which the property is located shall apply, except that the total area covered by building and impervious surfaces, excluding streets, shall not exceed the percentage of building coverage and impervious surfaces established for the zoning district plus an additional 5%. [Amended 9-10-2001 by Ord. No. 2001-28]
- B. All provisions in other sections of this chapter not in conflict with this article shall apply.

§ 280-95 Site considerations.

- A. Every effort must be made in connection with each subdivision and development plan to avoid excessive earth moving, undue tree clearance and destruction of natural features. The following are priority requirements:
 - (1) Lakes, streams and wooded slopes shall be preserved.
 - (2) The development plan must specify the means for protecting trees and other natural features during construction.
 - (3) The location of trees and other natural features must be given first consideration in planning common open space, location of dwellings, walks, paved areas and finished grade levels.
 - (4) Landscaping shall be regarded as essential to every development plan. Not only must natural features, trees and slopes of the site be preserved, but careful attention must be given to landscaping of parking areas and providing for street trees.
 - (5) Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes and to enhance the appearance of open areas.
 - (6) Streetlighting shall not shine directly into habitable dwelling windows located inside or outside the development.
- B. All site provisions of Chapter 255, Subdivision of Land, shall also apply.

§ 280-96 Utilities.

Every development under this article shall be served by sanitary sewers and public water supply.

§ 280-97 Yards.

- A. It is the intention of this section to allow the placement of dwellings in the development in such a way as to best use the land and maintain the natural features insofar as possible. [Amended 10-28-1975 by Ord. No. 1613]
- B. In all developments except those covered by Subsection C, the yards will be as follows: [Amended 10-28-1975 by Ord. No. 1613]
 - (1) Front yard. No dwelling shall be located less than 35 feet from the edge of the outside of the curb or, in the case of an interior lot, the required setback shall be measured from the property line parallel or most nearly parallel to the street line on which said lot has frontage. [Amended 1-11-1988 by Ord. No. 88-03]
 - (2) Side yard. Each side yard shall be 25 feet in AC and R-1 Districts, 20 feet in R-1A and R-2 Districts and 15 feet in R-3 and R-4 Districts. [Amended 5-14-1991]

- by Ord. No. 90-21; 11-14-2005 by Ord. No. 2005-19]
- (3) Rear yard. The rear yard shall be 30 feet in all districts.
 - (4) Accessory structures. No accessory structure shall be located in the required front yard. No accessory structure shall be located closer than 10 feet to a rear or side yard line.
- C. When it is in the best interests of the Township, in that a particular tract of land has such natural features as to warrant special consideration to preserve these natural features, any applicant may request a deviation from Subsection B above. [Amended 10-28-1975 by Ord. No. 1613]
- (1) The deviation request must contain the following:
 - (a) The area on the property within which each dwelling and accessory structures must be constructed.
 - (b) The location of all trees over six inches in diameter.
 - (c) The proposed lot lines if any of each lot.
 - (d) The substance of deed restrictions pertaining to each lot as they may pertain to fences, swimming pools, patios, walls, plan approval, etc.
 - (2) The Township may grant approvals to this type of yard requirement, provided that there is a finding that such a development will preserve the natural features of the land.
 - (3) The Township may impose such other conditions as may be in the best interest of the Township and the future residents of the development.
- D. If a tract is developed and operated under the Unit Property Act of Pennsylvania or under any similar form of development and operation, the minimum side yard distances between dwellings or groups of townhouses, in lieu of the foregoing yard requirements, shall be 40 feet in AC and R-1 Districts and 30 feet in R-1A, R-2, R-3 and R-4 Districts. [Amended 9-22-1980 by Ord. No. 80-21; 4-9-1984 by Ord. No. 84-10; 5-14-1990 by Ord. No. 90-21; 11-14-2005 by Ord. No. 2005-19]
- E. No accessory buildings or structures shall be located in the required perimeter yard areas.

§ 280-98 Housing.

- A. All housing shall be designed with regard to topography and natural features of the site. The effects of prevailing winds, seasonal temperature and hours of sunlight on the physical layout and form of the proposed land use and buildings shall be taken into account.
- B. Variations in setbacks shall be provided, when practicable, for housing fronting on streets.
- C. Adequate vehicular and pedestrian access and parking areas shall be provided without creating nuisances or detracting from privacy.

§ 280-99 Ownership and maintenance of common open space.

- A. Land development plans shall describe the plan for ownership and maintenance of common open space.
- B. The plan may provide for:
 - (1) Dedication to and maintenance by the Township if acceptable to the Board of

Commissioners; and/or [Amended 10-28-1975 by Ord. No. 1613]

- (2) Private ownership and maintenance.
- C. The Board of Commissioners may require dedication, easements and/or deed restrictions covering all or portions of the common open space and may require the applicant to provide for and establish an organization for the maintenance of the common open space, organized under or similar to that required by the Unit Property Act of July 3, 1968, P.L. 196, and agree that such organization or the group of unit owners holding undivided interest in the common open space shall not dispose of the common open space by sale or otherwise (except to a similar organization or group conceived and established to own and maintain common open space). In determining whether the organization described in the plan is adequate, the Board of Commissioners shall consider the type and structure of the organization from the standpoint of its capacity to raise revenue, meet obligations and properly maintain facilities.
- D. In the event that the common open space is, in the judgment of the Board of Commissioners, permitted to deteriorate or not maintained in reasonable condition in accordance with the plan, the Township shall have the option of taking whatever steps are afforded by law to require compliance with the plan.
- E. In addition to any other remedies afforded by law, the Township shall have the right, which may be made part of the agreement with the applicant, to enter upon the common open space and maintain the same for a period not to exceed one year. The purpose of such action by the Township shall be to preserve the taxable values of the property within the development and prevent the common open space from becoming a public nuisance.
- F. Prior to entering upon the property, the Board of Commissioners shall give written notice of the condition complained of to the property owner and afford the latter a period of not less than 30 days to remedy and correct the same.
- G. The cost of such maintenance by the Township shall be assessed ratably against the properties within the development which have a right of enjoyment of the common open space and shall become a lien upon said properties upon filing thereof as required by law.

§ 280-100 Application for development.

- A. Any application for conditional use approval of a proposed density modification development as provided for in this article shall be submitted in accordance with the terms of Article XXIII, Conditional Uses, of this chapter and reviewed for compliance with the standards and criteria of that section. [Amended 5-14-1990 by Ord. No. 90-21]
- B. In addition, the following information shall be submitted to the Township:
 - (1) The nature of the landowners' interest in the land to be developed.
 - (2) The density of land use to be allocated to the site to be developed.
 - (3) Location and size of common open space and the form of the organization proposed to own and maintain the common open space.
 - (4) The use and the approximate height, bulk and location of dwellings and other structures.
 - (5) The feasibility of proposals for the disposition of sanitary waste and stormwater

- and provision of public water supply.
- (6) The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.
 - (7) A provision for parking of vehicles and the location and width of proposed streets and public ways.
 - (8) A statement which will show the ecological and economic impact of the development on the Township and especially as to the surrounding areas. [Added 10-28-1975 by Ord. No. 1613]
 - (9) The results of traffic studies taken on the surrounding and nearby roads. [Added 10-28-1975 by Ord. No. 1613]^{xxxviiEN}

ARTICLE XX, General Regulations

§ 280-101 Nonconforming uses, structures and lots.

The following regulations shall apply to existing lawful buildings, lots and uses which do not conform to the provisions of this chapter or to the provisions of any subsequent amendment hereto:

- A. Nonconforming uses. Except as hereinafter provided in this article, the lawful use of a building or structure or any land or premises existing at the time of the effective date of this chapter or any subsequent amendment or at the time of a change in the Zoning Map may be continued, although such use does not conform to the provisions hereof or of any subsequent amendment. Any change in nonresidential occupancy shall be deemed to be a change of use for purposes of § 280-101A(1). [Amended 5-12-1997 by Ord. No. 97-12]
- (1) A nonconforming use may be changed to another nonconforming use by grant of special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Zoning Hearing Board shall take into consideration, among other things, traffic generated; nuisance characteristics, such as emission of noise, dust and smoke; fire hazards; and hours and manner of operation.
 - (2) The nonconforming use of a building shall not be extended or enlarged, and a nonconforming building shall not be extended or structurally altered, except insofar as is required by law to assure the structural safety of the building, unless the Zoning Hearing Board shall, as a special exception, authorize the extension of a nonconforming use of a portion of a building throughout the building or the limited extension of a building on a lot. The Zoning Hearing Board may grant such special exception, provided that:
 - (a) It is clear that such extension is not materially detrimental to the character of the surrounding area or the interests of the Township.
 - (b) The area devoted to the nonconforming use shall in no case be increased by more than 50%.

- (c) Any extension of a building shall conform to the area, height and setback regulations of the district in which it is situated.
 - (d) No more than one extension to a nonconforming building shall be granted.
 - (3) Where a nonconforming use is conducted entirely on an unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.
 - (4) Whenever a nonconforming use of land, premises, building or structure or any part or portion thereof has been discontinued for a period of one year, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this chapter.
- B. Nonconforming buildings. The continuation, alteration or extension of a nonconforming building shall be in compliance with the following requirements:
- (1) A nonconforming building being used or proposed to be used for a conforming purpose may continue and may be altered or enlarged if the alteration or enlargement does not increase the nonconformity of the building or structure with respect to the setback, land coverage and density requirements of this chapter or any subsequent amendment in effect at the time such alteration or enlargement is proposed to be made.
 - (2) A nonconforming building or structure which has been damaged or destroyed by fire or other casualty may be reconstructed in its former location and to its former dimensions and used for the same purpose for which it was used before its damage or destruction, provided that such reconstruction shall be commenced within one year from the date of damage or destruction and shall be completed within one year thereafter.
- C. Nonconforming lots. A lot held in single and separate ownership at the effective date of this chapter or of any subsequent amendment hereto which is not of the required minimum area or width may be used for the construction, alteration, reconstruction of a building or may be otherwise used if the construction, alteration, reconstruction or other use itself is in compliance with the use, yard, setback, density and other pertinent provisions of this chapter.

§ 280-102 Reduction of lot.

No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

§ 280-103 Off-street parking.

- A. As a general requirement, each use in the Township shall provide sufficient off-street parking area to serve its users.
- B. Minimum standards. Subject to the general requirement for off-street parking, off-street parking space with proper access from a street, alley or driveway shall be provided in all districts in the amounts indicated below. Such parking space shall be provided on any lot on which a dwelling is hereafter erected or converted or, in the case of any other use, on the lot on which any main building is hereafter erected or converted. Nothing in this subsection shall be construed to prevent the collective

provision of off-street parking facilities for two or more buildings or uses on the same lot, provided that the total of such off-street parking facilities provided collectively shall be not less than the sum of the requirements for the various individual uses computed separately. In no case shall the number of parking spaces provided or the area devoted to parking, be less than the minimum requirements of this subsection. [Amended 6-8-1987 by Ord. No. 87-17]

- (1) Dwellings: two spaces per dwelling unit.
- (2) Dormitory: one space per three residents.
- (3) Tourist, rooming or boarding house: one space for each rental room, plus normal requirements for the dwelling unit.
- (4) Hotel, motel or inn: one space for each guestroom, plus one space for each three employees on the shift of greatest employment. The parking requirements for other facilities, such as restaurants, shall be in addition.
- (5) Theater, auditorium, stadium, assembly hall, gymnasium, community recreation center: one space per four fixed seats in the largest assembly room or area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room or one space per 150 feet of floor area, whichever is applicable to the facility. [Amended 7-20-1999 by Ord. No. 99-24]
- (6) Indoor and outdoor commercial recreation: one space for each 150 square feet of building floor area or ground area devoted to such use or one space per four sets of facilities available for patron use, whichever is applicable to the facility. [Amended 7-20-1999 by Ord. No. 99-24]
- (7) Restaurant, diners and nightclubs: one space per three seating accommodations, plus one space per two employees on the shift of greatest employment.
- (8) (Reserved)^{xxxviii}EN
- (9) (Reserved)^{xxxix}EN
- (10) Retail stores, all other types: one space per 200 square feet of floor area on the ground floor, plus one space per 300 square feet of floor area on other floors, plus one space for each two employees on the shift of greatest employment. [Amended 7-20-1999 by Ord. No. 99-24]
- (11) Office buildings or banks: one space for each 200 square feet of floor area for the first 50,000 square feet, plus one space for each 300 square feet of floor area over 50,000 square feet. Drive-in banking facilities shall provide for the stacking of 12 automobiles. [Amended 7-20-1999 by Ord. No. 99-24]
- (12) Wholesale establishment or industrial building: one space per two employees on the shift of greatest employment, plus one space per 200 square feet of floor area. [Amended 7-20-1999 by Ord. No. 99-24]
- (13) Motor vehicle service station or public garage: two spaces for each 200 square feet of floor or ground area devoted to repair, sales or service facilities.
- (14) Hospital, sanitorium or nursing home: one space per three beds intended for patients (except bassinets or beds in student nurses quarters), plus one space per medical staff member, plus one space for each two employees on the shift of greatest employment.
- (15) Car wash establishment: a waiting or stacking area on the lot for incoming automobiles, accessible to the entrance end of the washing equipment, to accommodate at least 25 automobiles for each lane provided in the washing area,

plus an area on the lot beyond the exit end of the washing equipment for at least 10 automobiles for each lane provided in the washing area; also, one parking space for each three employees based on the maximum number of employees at any one time.

- (16) Bowling alley: five spaces for each alley.
- (17) Social, fraternal, social service, union and civil organization buildings: one space per 100 square feet of assembly area.
- (18) Funeral home: one space for each 60 square feet of floor area available for seating or public assembly, plus one space per employee.
- (19) Private kindergarten, child institutional or day-care center: one space per attendant, plus one space per 500 square feet of floor area. [Amended 7-20-1999 by Ord. No. 99-24]
- (20) Building or use other than specified above: at least one space for each 1,000 square feet of floor area or lot area, whichever is larger, except when authorized as a special exception, consistent with standards set forth herein for comparable buildings or uses. [Amended 7-20-1999 by Ord. No. 99-24]

§ 280-104 Off-street loading.

No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following regulations:

- A. Each space shall be not less than 12 feet in width and 30 feet in length with adequate access from a street which does not block or interfere with the required parking as required in § 280-103B.
- B. For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on net floor area devoted to such use is as follows:
 - (1) Two thousand to 8,000 square feet of net floor area: one berth.
 - (2) Eight thousand to 20,000 square feet of net floor area: two berths.
 - (3) Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of net floor area: one additional berth.
- C. For office buildings and hotels or motels, the number of berths based on net floor area devoted to such use is as follows:
 - (1) Five thousand to 20,000 square feet of net floor area: one berth.
 - (2) Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of net floor area: one additional berth.
- D. All other uses with a total of 5,000 square feet or more of net floor area devoted to such use shall provide loading spaces adequate, in the opinion of the Director of Licenses and Inspection, to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

§ 280-105 Access and highway frontage.

In order to minimize traffic congestion and hazard, control street access in the interest of public safety and encourage the appropriate development of street or highway frontage, the following shall apply:

- A. No parking lot or area for off-street parking or for the storage or movement of motor vehicles shall abut directly a public street or highway unless separated from the street or highway at least five feet by a raised curb, barrier planting strip, wall or other effective barrier against traffic, except for necessary accessways, and each parking lot shall have not more than two accessways to any one public street or highway for each 500 feet of frontage. Where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. No such accessway shall be more than 35 feet in width.
- B. In the case of a planned development in a Planned Laboratory-Office, Planned Apartment, Planned Business District or Planned Institutional District constructed as part of an integrated plan, and in any other case where practicable: [Amended 7-20-1992 by Ord. No. 92-13]
- (1) All parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the property.
 - (2) All buildings shall front upon a marginal street, service road, common parking lot or similar area and not directly upon a public street or highway.
 - (3) All accessways to a public street or highway shall be located not less than 100 feet from the intersection of any street lines.
 - (4) All streets and accessways shall be designed in a manner conducive to safe exit and entrance and shall conform to the highway specifications and subdivision requirements of the Township.^{x1EN}
- C. In any case where a planned development in a Planned Business, Planned Laboratory-Office District or Planned Institutional District or an apartment development in a PA or R-5 District containing 20 or more dwelling units abuts a state highway, a traffic survey shall be conducted and plans for access streets to the development must be previously approved by the Pennsylvania State Department of Transportation, otherwise the development cannot be constructed. All streets in the vicinity of the development shall be adequate to serve probable increases in traffic volume, and adequate deceleration lanes and similar facilities shall be provided in the vicinity of a shopping center or in any other location where desirable.^{xliEN}
- D. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those relating to a dwelling, shall be adequately illuminated.
- E. All outside lighting, including sign lighting, shall be directed in such a way as not to create a nuisance in any agricultural, institutional or residential district, and in every district all such lighting shall be arranged so as to protect the street or highway and adjoining property from direct glare or hazardous interference of any kind. Any luminary shall be equipped with some type of glare shielding device approved by the Township Engineer. The height of any luminary shall not exceed 25 feet.
- F. No parking, loading or service area shall be located within front yard setbacks except as is permitted in the case of PI, PA, PB and PLO Districts or unless authorized as a special exception by the Zoning Hearing Board in a Commercial or Commercial-Office District, provided that the restriction against such use is clearly impracticable. In no case, however, shall the distance between the street right-of-way line and the portion of a lot used for parking be less than 20 feet.^{xliiEN}

§ 280-106 Minimum lot size where public sewer and water is unavailable. [Added 10-22-1990 by Ord. No. 90-48]

- A. When both public sewer and water are unavailable, the minimum lot size shall be 60,000 square feet and the minimum width at the building line shall be 150 feet.
- B. When either public sewer or public water is unavailable, the minimum lot size shall be 43,560 square feet and the minimum width at the building line shall be 120 feet.

§ 280-107 Prohibited uses; performance standards.

- A. No use shall be permitted which is noxious or offensive in the immediately surrounding area by reason of odor, dust, smoke, gas, vibration, illumination or noise or which constitutes a public hazard, whether by fire, explosion or otherwise. In determining whether a proposed use is noxious, hazardous or offensive, the following standards shall apply. The proposed operation shall not:
 - (1) Constitute any nuisance whatsoever beyond the boundary of the site on which the use is located by reason of dissemination of noxious, toxic or corrosive fumes, smoke, odor or dust. All equipment shall be operated by electric power, oil, gas or other smokeless fuel.
 - (2) Result in noise or vibration exceeding the average intensity of noise or vibration occurring from other causes at the boundary line.
 - (3) Endanger surrounding areas by reason of fire or explosion.
 - (4) Produce objectionable heat, glare or radiation beyond the property line.
 - (5) Result in electrical disturbance in nearby residences or adversely affect the operation of equipment other than on the property on which the disturbance is located.
 - (6) Discharge any untreated sewage or industrial waste into any stream or otherwise contribute to the pollution of surface or underground waters.
 - (7) Create any other objectionable condition in an adjoining area which would endanger public health and safety or be detrimental to the proper use of the surrounding area.
- B. Where requested by the Township, an applicant for a proposed use shall demonstrate as a condition of approval that adequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to ensure that the proposed use will not be noxious, hazardous or offensive as defined above. If required, the applicant shall submit supplemental information, plans and impartial expert judgments and the Township may require the expert advice of official agencies or private consultants and such reasonable tests as are deemed necessary, the costs of which shall be borne by the applicant.
- C. Trailer camps and automobile graveyards shall not be permitted in any district, and no mobile home may be used for living or housekeeping purposes within the Township. An unoccupied mobile home shall not be parked on a lot unless such mobile home is parked so as not to be visible from a street or other property line or is suitably screened.

§ 280-108 Conversion of dwellings to two-family or multiple-family use. ^{xliiii}EN

The Zoning Hearing Board may authorize as a special exception the conversion of a dwelling in an AC, R-1 or R-2 District from single-family to two-family or multiple-dwelling occupancy, subject to the following requirements:

- A. The lot area per dwelling unit shall not be reduced below the required lot area applying to a single-family dwelling in the district in which the lot is located; except that for dwellings which have a gross square footage of 10,000 square feet or more, the lot area per dwelling unit shall be 75% of the required lot area for the district. [Amended 3-14-1983 by Ord. No. 83-04]
- B. Each family unit shall have not less than 600 square feet of gross habitable floor area, not including stairs and corridors.
- C. A separate means of access to each living unit shall be provided without passing through any other living unit.
- D. There shall be no extension or structural alteration of the building exterior except as may be necessary for reasons of safety.
- E. All applicable requirements of the Pennsylvania Department of Labor and Industry, the Radnor Township Board of Health, Chapter 125, Building Construction; Chapter 222, Property Maintenance; and this chapter shall apply. [Amended 7-26-1976 by Ord. No. 1631]
- F. The Zoning Hearing Board may prescribe such further conditions with respect to the conversion and use of buildings or property as it deems appropriate.

§ 280-109 Fences and walls. [Amended 9-22-1980 by Ord. No. 80-21; 5-12-1997 by Ord. No. 97-11]

- A. No fence or wall, except for retaining walls or the walls of a building as permitted under the terms of this chapter, shall exceed a height of six feet, provided further that within R-4 and R-5 Districts, no fence or wall erected within the required front yard setback shall exceed a height of four feet.
- B. All fences shall be erected with the finished side facing adjacent properties. The finished side shall be considered the side without the structural members.
- C. Barbed wire or electrified fences shall be permitted only in AC Districts on lots used for agricultural purposes exceeding five acres in size.

§ 280-110 Lot averaging.

- A. In order to permit a more varied, more efficient and more economical development pattern in a specific location, preserve stream valleys and other natural features and provide for a better and more attractive arrangement of homes and open space than is possible under the usual district zoning requirements, the requirements of an AC Agricultural Conservation District or an R-1 or R-2 Residence District may be modified when approved by the Board of Commissioners in accordance with the provisions of this section. [Amended 7-20-1992 by Ord. No. 92-13]
- B. In the case of a plan for a development which involves a tract of land not less than five acres in size and which is subject to review by the Planning Commission and approval by the Board of Commissioners in accordance with the requirements of Chapter 255, Subdivision of Land, the requirements of this chapter relating to such plan may be modified in the following respects, provided that approval of a plan

under the provisions of this section shall be granted only where it is determined by the Board of Commissioners that the plan clearly conforms to the intent, standards and requirements of this section and is in the general public interest:

- (1) The minimum lot area per family and lot width requirements relating to an individual lot in the district in which the lot is located may be reduced by not more than 25%, provided that the median lot area per family requirement for the entire tract shall be not less than the minimum required for the district. [Amended 9-22-1980 by Ord. No. 80-21]
- (2) No lot of such size as to be capable of further subdivision under the district regulation shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated by a deed restriction or agreement in form acceptable to the Township Solicitor and duly recorded in the office of the Recorder of Deeds of Delaware County.
- (3) All other requirements of the zoning district in which the development is located shall apply.

§ 280-111 Heliports and helistops. [Added 10-28-1974 by Ord. No. 1586]

A. Helistops are a permitted use in PB, PLO and PI Districts upon approval by the Board of Commissioners of the Township of Radnor, subject to the following provisions: [Amended 9-22-1980 by Ord. No. 80-21; 7-20-1992 by Ord. No. 92-13]

- (1) The proposed helistop would not be detrimental to the health, welfare and safety of the Township residents and their property.
- (2) The landing pad must be at least 60 feet square or a circle with a sixty-foot diameter. This pad must be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
- (3) There must be a four-foot fence around the helistop, except for those helistops on a rooftop. The fence shall be so located as not to obstruct the glide angle of a helicopter using the helistop.
- (4) At least two approach lanes to each landing pad shall be provided and maintained free of obstructions and shall be located not less than 90° apart. Each approach lane shall be located within 45° left or right of the prevailing winds and shall fan out at an angle of 10° from the width of the landing pad to a width of 1,000 feet, and shall have a glide angle slope of eight to one (8:1) measured from the outer edge of the pad.
- (5) Clear area for emergency landings of the helicopter in the event of mechanical failure shall be available. These emergency landing areas shall be located within the normal glide range of the helicopter with one engine off when operating in the approved takeoff or landing lane from the helistop.
- (6) An application for a helistop on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.
- (7) The helistop shall be used only for personal or executive use by a firm or individual.
- (8) No helicopter over 12,000 pounds' gross weight shall use any helistop.
- (9) Upon the granting of approval by the Board of Commissioners of Radnor Township, the Zoning Officer shall issue a permit for a helistop, and this permit

shall be for a one-year period of time and must be renewed annually. If at any time the conditions of the approval or any other conditions imposed by the Board of Commissioners are violated, the permit may be revoked by the Zoning Officer.

- B. It shall be unlawful for any person to land, discharge, load or take off in a helicopter any place within the Township of Radnor other than at a helistop except:
 - (1) In conjunction with a special event, such as an athletic contest, a holiday celebration, parade or similar activity, after seven days' advance notice has been given to the Zoning Officer and permission obtained to make such landing and takeoff.
 - (2) When necessary for law enforcement purposes and for emergencies.
 - (3) In connection with a construction project where a helicopter is to be used to lift equipment in connection with such project.
- C. Heliports are not permitted in any zoning districts.

§ 280-112 Slope controls. [Added 12-12-1977 by Ord. No. 77-33]

- A. It is the intent of the section to control the development of land in areas containing steeply sloped land for the following purposes:
 - (1) To limit erosion and sedimentation.
 - (2) To protect watersheds and limit increases in stormwater runoff.
 - (3) To prevent an increase in the possibilities of landslides and soil subsidence.
 - (4) To maintain adequate foliage cover on hillsides.
 - (5) To protect streams from increases in sediment and pollution.
- B. Any applicant for a building permit, preliminary subdivision plan approval or preliminary land development plan approval on land which contains areas with a grade or slope of 14% or more shall be required to have the limits of such areas defined by a registered professional engineer.
- C. Areas of a tract containing slopes steeper than 14% shall be outlined as follows:
[Amended 9-22-1980 by Ord. No. 80-21; 1-11-1988 by Ord. No. 88-03; 7-17-2000 by Ord. No. 2000-18]
 - (1) Areas containing slopes steeper than 14% but less than 20% shall be distinguished from areas containing slopes of 20% and steeper.
 - (2) Areas containing slopes of 20% and steeper shall be separately identified.
- D. The following uses and no others shall be permitted on steep slope areas where such uses are permitted in the zoning district containing such tracts:
 - (1) Grazing, pasturing and tilling of the soil, using sound soil conservation techniques.
 - (2) Forestry and wood production, excluding storage and mill structures.
 - (3) Outdoor plant nurseries and flower and vegetable gardens, using sound soil conservation techniques.
 - (4) Buffer areas or screen plantings.
 - (5) Parks and recreation uses, such as skiing, sledding, hiking, equestrian and bicycle trails, scenic overlooks and outdoor education areas. Swimming pools shall be prohibited.
 - (6) Roads, streets or drives, but only when no viable alternative alignment or location is feasible upon determination by the Township Engineer. Such roads

- must meet Township standards for grade and design.
- (7) Signs, when erected and maintained in accordance with the provisions of Article XXI, Signs.
 - (8) Structures customarily associated with the above uses, such as retaining walls, railings, erosion control structures and park shelters.
- E. No vegetation shall be removed from land on steep slopes except as necessary for:
- (1) The operation of permitted uses in accordance with approved plans and sound conservation practices.
 - (2) Woodland sanitation and management operations.
 - (3) The replacement of undesirable plant material with desirable landscape plant material.
 - (4) The construction of permitted structures and facilities in accordance with approved plans.
- F. Any plan for a development of a tract of land other than a single lot, as defined in Subsection J, which contains slopes in excess of 14%, will be subject to review by the Planning Commission and approval by the Board of Commissioners in accordance with the requirements and purposes of Chapter 255, Subdivision of Land, and this chapter. The applicant shall supply the Township with the necessary data to enable the Township to determine whether the application is in compliance with Chapter 255, Subdivision of Land.
- G. In approving final plans, the Board of Commissioners may require conditions which, in its opinion, are necessary to protect the public safety, health and welfare. Furthermore, all developments on steep slopes shall:
- (1) Be oriented so that grading and other site preparations are kept to an absolute minimum.
 - (2) Where grading is essential, shape and grade to complement the natural land form.
 - (3) Be staged where necessary to complete construction of each stage during a season so that large areas of disturbed land are not left bare and exposed during the winter-spring runoff period.
 - (4) Accomplish all paving as rapidly as possible after grading.
 - (5) Allocate to open space and recreation uses those areas least suited to development, as evidenced by competent soil, geology and hydrology investigations.
 - (6) Landscape areas around structures to blend them with the natural landscape.
 - (7) Take measures to minimize erosion and sedimentation and to limit increases in stormwater runoff in accordance with related regulations of the Township and the Commonwealth of Pennsylvania.
- H. All applications for building permits for structures located, in whole or in part, on tracts with areas containing steep slopes shall submit, along with the application, a site plan. Such application shall also include a stormwater runoff plan and a copy of the erosion and sedimentation control plan as required by the Pennsylvania Department of Environmental Resources.
- I. This section does not apply to steep slopes created as a result of compliance with § 175-11A and B of the Code of the Township of Radnor. [Amended 7-20-1992 by Ord. No. 92-13]

- J. Single lots existing at the date of addition of this section to this chapter and which are not of sufficient size to be subdivided because of the zoning district lot size limitation are exempted from the provisions of this section except for Subsections B, C, E and H.
- K. No lot may be created by subdivision which, because of the widespread existence of steep slopes, does not allow the placement of residences or commercial buildings in conformity with the zoning district yard setbacks.
- L. (Reserved)^{xliv}EN
- M. (Reserved)^{xlv}EN
- N. The Zoning Hearing Board may authorize, as a special exception, the following uses upon submission of an erosion and sedimentation plan:
 - (1) Sealed public water supply wells, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Resources.
 - (2) Sanitary and storm sewers, with the approval of the Township Engineer and the Pennsylvania Department of Environmental Resources.
 - (3) Underground utility disposal systems, when constructed in compliance with the Act 208 amendments to Act 537, the Pennsylvania Sewage Facilities Act.^{xlvi}EN
- O. Neither the approval of any proposed subdivision by any officer, employee or agency of the Township of Radnor nor the grant of any subdivision approval by the Board of Commissioners of the Township of Radnor shall constitute a representation, guaranty or warranty of any kind by the Township of Radnor or by any of its officers, employees, agencies or members of its agencies of the safety or practicality of the proposed subdivision and use, and such approval or grant of approval shall create no liability on the part of the Township of Radnor or its officers, employees, agencies or members of its agencies.
- P. Nothing in this section or in this chapter, as hereby amended, revised and supplemented, shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing under this chapter, as amended, prior to this amendment and revision; nor shall any just or legal right, remedy or restriction of any character be lost, impaired or affected by this section.

§ 280-113 Recreational vehicles and boats. [Added 9-22-1980 by Ord. No. 80-21]

In all residential zones provided for in this chapter, it is permissible to park a recreational vehicle or boat and boat trailer in the following manner:

- A. Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone, where located.
- B. Parking is permitted outside in the side or rear yard, provided that it is not nearer than 10 feet to the lot line.
- C. The Zoning Hearing Board may authorize, as a special exception, the parking of a recreational vehicle or boat outside on a driveway, provided that:
 - (1) Space is not available in the rear yard or side yard or there is no reasonable access to either the side yard or rear yard. A corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access.

- (2) Inside parking is not possible.
- (3) The unit is parked perpendicular to the front curb.
- D. The closest part of the recreational vehicle or boat must be at least 13 feet from the face of any curb.
- E. No part of the unit may extend over the public sidewalk or public thoroughfare (right-of-way).
- F. Parking is permitted only for storage purposes, and any recreational vehicle or trailer shall not be:
 - (1) Used for dwelling purposes, except for overnight sleeping for a maximum of seven days in any one calendar year. Cooking is not permitted at any time.
 - (2) Permanently connected to sewer lines, waterlines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - (3) Used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
- G. Notwithstanding the provisions of Subsection C above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- H. The unit shall be owned by the resident on whose property the unit is parked for storage.

§ 280-114 Satellite earth stations. [Added 8-8-1988 by Ord. No. 88-23]

Satellite earth stations may be allowed as an accessory use within all zoning districts of Radnor Township, when authorized as a special exception by the Zoning Hearing Board subject to the applicable conditions of § 280-145 and the following provisions:

- A. Satellite earth stations may not exceed one per lot and are restricted in use to the property on which it is located, provided further that no cable, wire or other device used and necessary for the operation of an earth station may occupy or cross a Township right-of-way without the express approval from the Board of Commissioners. Any person, partnership, corporation or association maintaining a satellite earth station on a lot occupied by multiple tenants, condominiums and/or homeowners, whether residential or commercial in use, shall make these satellite earth stations available to serve all such occupants.
- B. Ground-mounted satellite earth stations are permitted only on that side of the principal building where the rear yard is located, but shall not be located within any required yard area for the principal building or landscaped area as required by this chapter. Satellite earth stations must be set back from the side and rear property lines a minimum distance equal to the height of the satellite earth station, but the setback shall in no case be less than 10 feet.
- C. The diameter of a satellite dish shall not exceed 11 feet, with the maximum height of a station being limited to 13 feet. Height of the apparatus shall include all poles, supports and related apparatus and shall be measured vertically from the ground to the maximum point when positioned for operation.
- D. Satellite earth stations shall be of a color which blends with the surrounding environment and have an open mesh rather than solid surface to reduce visual

blockage. Ground-mounted earth stations shall also be screened from adjoining properties by a dense growth of evergreens or shrubs which shall be to a minimum height of six feet. No writing, figure representation or other form of advertisement may be affixed to the apparatus.

- E. Satellite earth stations may be roof mounted only on multifamily dwellings within R-5 Residential and Planned Apartment Zoning Districts and on buildings within Commercial, Commercial Office, Planned Business, Planned Laboratory Office and Planned Institutional Zoning Districts. To the greatest extent possible, roof-mounted stations shall not be visible from the street and shall not be attached to the exterior walls of a building or extend beyond the leading edge of the roof. In no case shall a roof-mounted station extend 10 feet above a flat roof or exceed the highest point of a ridge or similar type roof.^{xlvii}EN
- F. A building permit shall be required prior to the installation of a satellite earth station. Application for a permit shall include two sets of construction drawings, prepared and sealed by a registered engineer, which shall be consistent with Township construction standards and detail the method and adequacy of construction.
- G. Every satellite earth station must be adequately grounded for protection against lightning.

§ 280-115 Conservation of wetlands. [Added 10-15-1991 by Ord. No. 91-40]

- A. Should the existence of wetlands be indicated by one or more of the following: the National Wetlands Inventory maps, as prepared by the United States Fish and Wildlife Service or any other governmental agency having jurisdiction; hydric soils or soils with hydric inclusions, as depicted in the Soil Survey of Chester and Delaware Counties and/or in United States Department of Agriculture SCS Hydric Soils Lists; and the existence of hydrophytic vegetation or hydrologic conditions, as determined by on-site investigations; a wetlands delineation in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands dated January 10, 1989, as amended, shall be performed by a licensed professional engineer, hydrogeologist, soil scientist or similarly qualified professional experienced in wetlands ecology, selected by the applicant. Plans shall be submitted to the Township for review; such plans shall show the delineation and indicate any disturbance of wetlands anticipated. The qualifications of the consultant performing the delineation shall be submitted with such plans.
- B. Should the Township Engineer dispute the delineation submitted by the applicant:
 - (1) The Township and the applicant may select a mutually acceptable, qualified professional to reexamine the site for boundary confirmation and readjustment. All costs for such work shall be borne by the applicant. The Township at no time shall be held accountable for any additional boundary modifications imposed by state or federal agencies. If either party is dissatisfied with the wetlands boundary as confirmed or adjusted through this procedure, it shall have the right to appeal those findings to the United States Army Corps of Engineers, the Pennsylvania Department of Environmental Resources or the United States Fish and Wildlife Service for final boundary determination.
 - (2) As an alternative to the procedure described in Subsection B(1) above, the

applicant may appeal the Township Engineer's findings directly to the appropriate regulatory agency, including the Army Corps of Engineers, the Pennsylvania Department of Environmental Resources or the United States Fish and Wildlife Service for boundary confirmation.

- C. Should the Township conclude, on the basis of the criteria cited in Subsection A above, that wetlands exist on the site, contrary to the applicant's findings:
- (1) The Township and the applicant may select a mutually acceptable, qualified professional to reexamine the site, using the criteria cited in Subsection A above, to determine if wetlands exist. All costs for such work shall be borne by the applicant. The Township shall at no time be held accountable for wetlands found to exist by state or federal agencies.
 - (2) As an alternative to the procedure described in Subsection C(1) above, the Township may, at its discretion, request that either the United States Army Corps of Engineers, the Pennsylvania Department of Environmental Resources or the United States Fish and Wildlife Service verify the existence of wetlands. In the event that such agency or agencies verify the existence of wetlands, the applicant will be required to perform a delineation in accordance with the requirements of Subsection A above and secure any required wetlands permits or waivers pursuant thereto in accordance with the requirements of Subsection D below.
- D. Unless it is clearly evident in the plans submitted by the applicant and/or through any field review by the Township Engineer that no disturbance to the designated wetlands is anticipated, the delineation performed shall be submitted to the appropriate regulatory agencies, including but not limited to the United States Army Corps of Engineers and the Pennsylvania Department of Environmental Resources for boundary confirmation and/or requisite wetlands permits or waivers pursuant thereto. All potential impacts on wetlands shall conform to applicable regulations, as amended.
- E. Where wetlands exist and disturbance permits and/or mitigation activities are required, final plan approval or granting of applicable permits from the Township shall be conditioned upon the applicant receiving all necessary wetlands permits or waivers pursuant thereto and/or the approval of the Township Engineer.

§ 280-115.1 Home occupations. [Added 10-26-1998 by Ord. No. 98-09]

- A. Nontraffic home occupation. A nontraffic home occupation which involves no employees, clients, customers, patients, agents or any other commercial invitee shall be permitted, provided that it satisfies all of the following requirements:
- (1) The home occupation shall utilize not more than 35% of the gross floor area or 400 square feet of the dwelling unit, whichever is less.
 - (2) The home occupation shall be conducted exclusively within the dwelling unit or within an accessory structure so long as that accessory structure meets the yard and setback requirements for the dwelling unit, and the home occupation is conducted in the accessory structure by the occupant of the dwelling. Storage shall be permitted within an attached or detached accessory structure.
 - (3) Delivery of items incidental to the operation of the home occupation shall be by passenger motor vehicle, light commercial vehicle or by parcel or mail service vehicles typically employed in residential deliveries.

- (4) One contractor or service truck used as a part of a home occupation shall be permitted to park on the premises, provided that such vehicle complies with standards for the parking and storage of vehicles as set forth in Chapter 272 of the Township Code. Parking of such vehicles is limited to off-street only. Job-related equipment and materials shall be stored on the premises only when in a completely enclosed garage, accessory structure or in a commercial vehicle used for transporting equipment or materials between work sites.
 - (5) Commercial signs or displays to identify the home occupation shall be prohibited.
 - (6) No hazardous equipment, materials or process shall be used, and the home occupation shall not create noise, glare, fumes, odors, dust, vibrations, smoke or electrical interference beyond the exterior walls of the dwelling unit, including transmittal through ceilings, floors and vertical party walls.
- B. Traffic home occupation. A traffic home occupation which requires a nonresident employee and/or attracts customers, clients, patients, agents or other commercial invitees shall be permitted when authorized as a special exception by the Zoning Hearing Board pursuant and subject to § 280-145, provided that the use satisfies the following requirements in addition to those set forth in § 280-115.1A. special exceptions shall apply only to applicants before the Board and shall be discontinued upon change of occupancy and/or sale of the property.
- (1) A traffic home occupation shall be permitted to operate only within a detached single-family dwelling or single-family semidetached dwelling.
 - (2) Not more than one traffic home occupation shall be permitted to operate from any one dwelling unit.
 - (3) No more than one nonresident associate or employee shall be on the premises at any one time to assist in the conduct of the home occupation.
 - (4) The home office shall be open to the public only between the hours of 8:30 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 8:00 p.m. on Saturday, and shall not serve more than one client or customer per hour.
 - (5) There shall be off-street parking to accommodate at least two vehicles for the home occupation unless found to be unnecessary by the Zoning Hearing Board. Any additional spaces required shall not be located in front of the building line. Parking for home occupations shall be in addition to the number of spaces required for the dwelling unit and shall be screened from adjacent properties by an evergreen buffer planting strip. Such planting shall be of proper size to provide an effective screen at the time of installation and subject to Township approval.
 - (6) No traffic home occupation shall be located within 500 feet of any other traffic home occupation, measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing use. The requirement of this subsection shall not be imposed if the applicant establishes, upon application to the Zoning Hearing Board for a special exception, either that the proposed use is located in a neighborhood which is not primarily residential in character or that the proposed use will not have a substantial tendency to commercialize the neighborhood.

- C. Day-care homes. A "day-care home" is a residence in which for-profit child care is provided to children under the age of 16 who do not reside in the residence and shall be permitted when authorized as a special exception by the Zoning Hearing Board pursuant and subject to § 280-145, provided that the day-care home satisfies all of the following requirements:
- (1) A day-care home shall be permitted only within a single-family dwelling and shall be operated by the permanent resident of the dwelling unit.
 - (2) A day-care home shall be permitted to operate only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.
 - (3) A day-care home in a single-family detached dwelling shall not provide services to more than six nonresident children at any one time. A day-care home in a semidetached single-family dwelling shall not provide services to more than three nonresident children at any one time. A day-care home in an attached single-family dwelling shall not provide services to more than two nonresident children at any one time. During the time that day care is providing services to nonresident children as permitted by this subsection, it may also provide care only to residents of the home.
 - (4) Outdoor recreation areas and play equipment shall be located in the rear yard of the property and shall be enclosed by a visually impenetrable wood fence four feet in height or a chain link fence with an evergreen buffer planting strip that is impenetrable by children and small animals. Such planting shall be of proper size to effectively screen the area at the time of installation.
 - (5) Outside play by children at the day-care home shall be limited to the hours between 9:00 a.m. and 5:00 p.m.
 - (6) Commercial signs or displays which identify a day-care home shall be prohibited.
 - (7) The day-care home shall meet all requirements imposed by state law and the Pennsylvania Department of Public Welfare, and a license or evidence of such compliance shall be furnished to the Zoning Hearing Board.
 - (8) No day-care home shall be located within 500 feet of any other day-care home, measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing use. The requirement of this subsection shall not be imposed if the applicant establishes, upon application to the Zoning Hearing Board for a special exception, that the proposed use will not have a substantial tendency to cause hazardous and congested traffic conditions.
- D. Prohibited uses. The following uses shall be prohibited as home occupations:
- (1) Food preparation and service.
 - (2) Veterinary uses (including care, grooming or boarding).
 - (3) Hospital or clinic.
 - (4) Bed-and-breakfast.
 - (5) Machine or welding shop.
 - (6) Equipment rental.
 - (7) Beauty shops, barbershops and similar uses.
 - (8) Any service involved in the preparation of animals or animal products for human use or consumption.

- (9) Retail sales.
- (10) Funeral homes.
- (11) Vehicle repair.
- (12) Laundry or dry cleaning.
- E. Registration. Every individual who operates a home occupation or day-care home shall be required to secure a certificate of occupancy and annual business license from the Township.
- F. Severability. The provisions of this section are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this section. It is hereby declared to be the intent of the Board of Commissioners that this section would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included.

ARTICLE XXI, Signs [Amended 2-24-1975 by Ord. No. 1601; 9-22-1980 by Ord. No. 80-21; 4-8-1991 by Ord. No. 91-14]

§ 280-116 Intent.

It is the intent of this article to regulate all signs within the Township to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals and general welfare. In addition, the intent of this section is to:

- A. Encourage good design in the context of the overall image and visual environment of the Township.
- B. Enhance the appearance of the business community, taking into account the nature of the use, and thus stimulate as well as protect the economic vitality of the Township.
- C. Provide for signage which is adequate but not excessive and which displays a message through use of pictures, symbols and logos for rapid comprehension by the public.
- D. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create a hazard to pedestrians and motorists.
- E. Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.
- F. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes which the Township is supporting.
- G. Promote signs which are designed utilizing clear, crisp lettering and bold, uncomplicated symbols which will identify a business or activity efficiently and also enhance the area where they are located as well as the general appearance of the street or town.
- H. Prevent sign overload and excessively large signs which creates a visually chaotic and competitive situation within the business community.

§ 280-117 Conformance required.

Any sign hereafter erected or maintained shall conform to the provisions of this article and any other ordinance or regulations of the Township of Radnor relating thereto.

§ 280-118 Definitions.

Definitions. As used in this article, the following terms shall have the meanings indicated unless otherwise expressly stated:

ACCESSORY USE SIGN -- A sign which designates home occupations as permitted by § 280-9H(2).

ANIMATED SIGN -- A sign with action or motion, flashing, color changes requiring electrical energy or electronic manufactured sources of supply, but not including wind-actuated elements such as flags, banners or specialty items.

ARTISAN SIGN -- A temporary sign of workmen performing services at or alterations to a building.

AWNING SIGN -- Any sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building. [Amended 2-16-1999 by Ord. No. 99-01]

BANNER -- A sign consisting of light weight, flexible material which is supported by frame, rope, wires or other anchoring devices, which may or may not include copy, logo or graphic symbols.

BEACON LIGHT -- Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure or other object.

BILLBOARD -- A freestanding, off-premises sign.

BULLETIN BOARD -- A sign of permanent character, including a freestanding sign, but with movable letters, words, logo or numerals indicating the names of persons associated with or events, products or services offered upon the same premises on which the sign is located.

BUSINESS SIGN -- A sign directing attention to a business, commodity service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

CHANGEABLE COPY -- Copy containing or displaying letters, numbers or graphics which is designed to be readily changed, as for a theater marquee, gas station or similar use.

CIVIC EVENT SIGN -- A sign, other than a commercial sign, posted to promote and advertise an activity sponsored by the Township school district, church, public agency, civic or charitable association or other similar noncommercial organization.

DEVELOPMENT SIGN -- A sign indicating that the premises are in the process of subdivision or land development for residential and nonresidential uses.

DIRECTIONAL SIGN -- A sign designating points of ingress and egress to a property, normally located at such points of ingress and egress.

DOUBLE-FACED SIGN -- A freestanding sign with two identical faces of equal sign

area which are back to back and more than two feet apart.

ERECT -- To build, construct, attach, hang, place, suspend or affix, which shall also include the painting of wall signs or other graphics.

FACADE -- The exterior surface of a building up to the roof line.

FESTOON LIGHTING -- An electrically lighted sign comprised of either:

- A. A group of incandescent light bulbs hung or strung overhead or on a building or other structure(s); or
- B. Light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

FLAG -- A piece of fabric or other material of distinctive design that is used as a symbol of a nation, state, city, agency or corporation and which is usually displayed hanging free from a staff or halyard.

FLASHING SIGN -- A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation.

Illuminated signs which indicate the date, time and temperature will not be considered flashing signs.

FREESTANDING SIGN -- A sign and supporting structure which is secured in the ground and independent of any building, fence or other support. For the purpose of this definition, "freestanding signs" may consist of the following:

- A. **GROUND SIGN** -- A sign designed to be viewed at eye level or below within the immediate vicinity and which is intended to be designed and viewed as an architecturally unified and proportional element. Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four feet.
- B. **POLE SIGN** -- A sign which is detached from a building and supported by no more than two poles or other structural supports which are architecturally dissimilar to the design of the sign.

GOVERNMENTAL SIGNS -- Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad-crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties.

IDENTIFICATION SIGN -- A wall sign indicating the name or address of a building or the name of the management thereof.

ILLUMINATED SIGN -- A nonflashing or nontwinkling sign which has letters, figures, designs or outlines illuminated by a lighting source as a part of the sign.

INSTRUCTIONAL SIGN -- A sign located within the interior of a lot, generally not visible from the street or adjoining properties, which provides information as to the location, interior operation and/or use of buildings or facilities.

INTERIOR SIGNS -- Any sign located fully within the interior of any building or stadium which is intended solely for information relating to the operation of such building or stadium.

LANDMARK SIGN -- An older sign of artistic or historic merit, uniqueness or extraordinary significance to the Township as identified by the Board of Commissioners.

LETTER HEIGHT -- The height of a letter from its bottom to its top, including any shadow lines and other forms of outlining.

MARQUEE -- A permanent, roof-like structure, supported by a wall of a building but

having no relationship to the roof structure, generally designed and constructed for protection against weather.

MARQUEE SIGN -- Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment.

MEMORIAL SIGN -- A memorial plaque or tablet, to include grave markers or other remembrances of persons or events, which is not for commercial or advertising purposes.

MOVEABLE SIGN -- A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels or supported by legs.

NAMEPLATE SIGN -- A wall sign which designates the name and address of an occupant or group of occupants within any one building.

NONCONFORMING SIGN -- Any sign which has a valid permit, was erected prior to the effective date of this article or any subsequent amendment hereto and which does not otherwise conform to the provisions of this article.

OFF-PREMISES SIGN -- A commercial sign, to include billboards, which is not located on the premises or entity indicated or advertised by said sign, or a commercial sign advertising a commodity service or entertainment offered at a location other than the location of the sign.

POLITICAL SIGN -- A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the general public.

PORTABLE SIGN -- Any sign designed to be transported or moved, including but not limited to signs designed to be transported by wheels, signs converted to A-frames or menu and sandwich boards.

PREMISES -- Any lot, building, business establishment or combination thereof held under single lease or ownership.

PROJECTING SIGN -- A sign which is attached directly to any building wall and which extends more than 12 inches from the face of the wall.

REGULATORY SIGN -- Any sign which is erected for any period of time to satisfy requirements or regulations promulgated by any federal, state or local governmental agency.

REAL ESTATE SIGN -- A temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.

REVOLVING SIGN -- A sign which revolves in a circular motion rather than remaining stationary on its supporting structure.

SIGN -- Any writing, figure representation, logo, emblem, flag, lighting, banner, device, letter, word or street clock-and-temperature announcement, which shall include any announcement, declaration, display, illustration, name identification, description or insignia, which is used to advertise or promote the interest of any person or firm, which such representation is placed in the general view of the public.

SIGN AREA -- The area of all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, but excluding any supporting framework and bracing which are solely incidental to the display itself, provided that the same do not contain any such lettering, wording, designs or symbols. For the purpose of this chapter, "sign area" shall be computed as a square or rectangle drawn at the outer limits of the sign face.

A. Where the sign consists of a double face, only one side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the

interior angle formed by the faces of a sign is greater than 45°, all faces shall be considered in calculating total sign area.

- B. Any spacing between signs designating different or separate occupants or uses of a building shall not be included in the computed area(s) of regulated signs.

SIGN FACE -- The part of a sign that is or can be used to identify, advertise and communicate information for visual representation which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

SIGN HEIGHT -- The distance from the highest portion of the sign, including all structural elements to mean grade.

SIGN STRUCTURE -- A supporting structure erected and used for the purpose of identification or attracting attention, with or without a sign thereon, situated upon any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.

TEMPORARY SIGN -- Any sign erected for a period of time not to exceed 30 days in any one calendar year.

TIME AND TEMPERATURE SIGN -- A display containing illuminated numerals flashing alternately to show the time and the temperature.

VEHICULAR SIGN -- Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose.

WALL SIGN -- Any sign erected against the wall of a building or display on windows or doors or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than 12 inches.

WINDOW SIGN -- Any business sign which is placed inside or upon a window for the primary purpose of being viewed by the general public from the exterior of the premises. Temporary show window displays shall not be included within this definition. [Amended 2-16-1999 by Ord. No. 99-01]

§ 280-119 Prohibited signs.

Except as may be hereinafter specifically permitted, it shall be unlawful, after the effective date of this article or any amendment thereto, for any person, firm or corporation to erect any of the following signs within the Township of Radnor:

- A. Any sign which by color, shape or location conflicts with or resembles a traffic signal device.
- B. Signs attached to a utility pole, parking meter, traffic sign post, traffic signal or control device, street sign, historical marker, tree or rock.
- C. Any off-premise sign, except as may be provided for within this article.
- D. Portable signs.
- E. Any sign which advertises or publicizes an activity or business not conducted on the premises where the business is located, except civic event signs as defined in this article.
- F. Signs erected without the permission of the property owner or authorized agent.
- G. Signs on awnings, except on the vertical face thereof as provided herein.

- H. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
- I. Signs painted on any wall surface.
- J. Projecting signs, except as may be provided for within this ordinance.
- K. Animated signs, except time and temperature signs.
- L. Illuminated tubing or strings of lights which outline rooflines, doors, windows or wall edges when used for advertising purposes, but excluding temporary signs for traditional seasonal decorations.
- M. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway.
- N. Banners, pennants or balloons, except as may be otherwise provided for within this article.
- O. Vehicular signs.
- P. Sidewalk and sandwich signs.
- Q. Abandoned or dilapidated signs.
- R. Signs which exhibit statements, words or pictures of obscene or pornographic subjects.
- S. Internally illuminated signs, except as may be provided for within this article.
- T. Flashing signs, except time and temperature signs.
- U. Revolving signs.
- V. Festoon signs.
- W. Beacon lights.
- X. Roof signs.
- Y. Any sign inconsistent with provisions of this article.

§ 280-120 Exempt signs.

The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number, colors or area of permanent signs allowed within a zoning district.

- A. Governmental signs as herein defined.
- B. Real estate and development signs, subject to height, area and number requirements as set forth in this article.
- C. Political signs, provided that no sign shall be displayed more than 30 calendar days prior to an election or for more than 10 days following the election for which it is erected.
- D. (Reserved)^{xlviii}EN
- E. Civic event signs subject to the following regulations: [Amended 2-16-1999 by Ord. No. 99-01]
 - (1) Signs shall be erected for not more than 30 calendar days prior to an event and shall be removed within 72 hours following the event.
 - (2) Total sign area shall not exceed 50 square feet or a maximum height of 10 feet above grade.
 - (3) Sign content shall clearly indicate the event or celebration.
 - (4) Signs shall be limited to a maximum of one for each street frontage.
 - (5) Signs shall not be displayed for more than 45 cumulative days in any one

- calendar year.
- (6) Signs located beyond the required front yard setback which are not intended to be viewed by the general public shall be exempt from this provision of the Code.
- F. "No Trespassing" or similar on-premise signs, provided that no sign shall exceed one square foot in sign area or be placed at intervals of less than 150 feet.
- G. Memorial and landmark signs erected within the definition of this article.
- H. Changeable copy, repainting, cleaning and other normal maintenance and repair of a sign unless the sign structure, design, color or lighting is altered.
- I. Temporary signs, to include the following:
- (1) Artisans' signs, provided that such signs shall not exceed six square feet for each sign face and are erected on the premises where the work is being performed. Signs shall be removed upon completion of active work.
 - (2) Signs advertising garage or yard sales, provided that no sign shall exceed nine square feet in sign area. Signs shall be permitted only on the premises where the sale is to be conducted and limited to one for each street frontage. Signs shall be removed at the close of the garage or yard sale.
 - (3) Temporary signs, which shall be limited to banners made of cloth, light fabric or similar material, subject to the following regulations: [Amended 2-16-1999 by Ord. No. 99-01]
 - (a) Signs shall be securely fastened to the wall of a building or may cover an existing freestanding sign only during a period of sign repair or transition of owner and/or tenant.
 - (b) Temporary signs shall not exceed the height and area requirements for permanent wall signs in the district where located.
 - (c) Temporary signs shall not be displayed without prior approval from the Zoning officer and for more than 30 cumulative days in any one calendar year.
- J. Regulatory signs as required.
- K. Address signs. All buildings in all zoning districts shall be required to display the address of the property in such a fashion as is clearly visible from the street and which is in accord with the provisions of this article. The area of an address sign shall be exempt from the computation of the total permitted sign area, provided that the sign does not contain any advertising, trade names or logos.
- L. (Reserved)^{xlix}EN
- M. Interior signs as herein defined.
- N. Logo and operating instructions for an automatic teller or money access center when located on the machine.
- O. Any other sign as may be provided for within this article.
- P. Flags, which shall be subject to the following regulations: [Added 2-16-1999 by Ord. No. 99-01]
 - (1) Flags which display a business or corporate logo or are used for the purpose of advertising a business or commodity shall be considered a permanent sign and subject to the sign area requirements of this article.
 - (2) Flags shall not exceed a height of 35 feet above grade when attached to a freestanding pole, or extend above the first floor when attached to a building.
 - (3) Seasonal flags which display a noncommercial message shall not be subject to

the requirements of this article.

§ 280-121 Signs in residential and similar districts.

The following types of signs and no others shall be permitted within Agricultural Conservation, Residential and Planned Apartment Zoning Districts, except as provided for otherwise within this article:

- A. (Reserved)^{1EN}
- B. Signage for estates, farms, churches, recreation areas and other permitted nonresidential uses, provided that:
 - (1) The total sign area shall not exceed 15 square feet and the sign height of any freestanding sign shall not exceed eight feet above mean grade.
 - (2) No more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one sign may be located along each street frontage, provided that a minimum street frontage of 150 feet is maintained between signs.
- C. Signage for multifamily dwellings and residential developments, provided that:
 - (1) The sign area shall not exceed 15 square feet and, if freestanding, shall not exceed a sign height of six feet above mean grade.
 - (2) No more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one sign may be erected along each street frontage.
 - (3) In any multiple-family development in which a rental office is located, one wall sign not to exceed six square feet in sign area shall be permitted. The sign shall be nonilluminated and shall indicate only the name of the development, the presence of a vacancy, business hours, address and telephone number of the office.
- D. Real estate signs, provided that:
 - (1) The sign area shall not exceed six square feet for each exposed face and, if freestanding, shall not exceed a sign height of four feet from mean grade. Signs shall be removed within 15 days from the date of sale.
 - (2) No more than one sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one street, in which case one sign may be erected along each street frontage.
 - (3) A maximum of two off-premises directional signs, not to exceed a sign area of three square feet, designating an open house shall be permitted. Signs shall contain only directional information and the name of the real estate agent or individual holding the open house. Signs shall be erected and removed on the day of the open house and shall not be located so as to obstruct pedestrian or vehicular traffic or be attached to a utility pole, off-site building, tree or other natural feature.
 - (4) Signs shall be nonilluminated and exempt from permit requirements.
- E. Development signs, provided that:
 - (1) The sign area shall not exceed six square feet and a sign height of eight feet above mean grade.
 - (2) No more than one sign shall be erected for each 500 feet of street frontage.

- (3) Signs shall be nonilluminated and exempt from permit requirements.
- (4) No sign shall be erected until final approval of the development has been granted by the Board of Commissioners and shall be removed upon completion of active work.

§ 280-122 Signs in commercial districts.

The following types of signs shall be permitted within Commercial Office (CO) and Commercial (C-1, C-2, C-3) Zoning Districts:

- A. Any sign permitted in residential districts which relates to a use permitted in the district.
- B. Real estate and development signs advertising the sale, rental or development of premises, provided that:
 - (1) The sign area shall not exceed eight square feet and, if freestanding, shall not exceed a sign height of eight feet above mean grade.
 - (2) No more than one sign shall be erected for each 500 feet of street frontage.
 - (3) Signs shall be nonilluminated and exempt from permit requirements.
 - (4) Off-premises signs advertising the sale, rental or development of premises shall be prohibited within these districts.
- C. Business or related signs in accordance with the following regulations:
 - (1) Sign area. The total sign area of all signs placed on a lot or facing any one street frontage of any one premises shall not exceed two square feet for each linear foot of building frontage. Nontemporary window signs shall be included in the computation of total permitted sign area. The total area of all window signs, including both temporary and nontemporary window signs, shall be limited to 20% of the glass area.
 - (2) Wall signs. The total sign area of all wall signs placed on any one premises shall not exceed two square feet for the first 15 linear feet of building frontage, plus one square foot of sign area for each additional foot of building frontage, up to a maximum sign area of 50 square feet. No wall sign shall exceed a sign height of 15 feet above the existing grade or project above any cornice, parapet wall, roofline or building facade. When a building has frontage on more than one street, the sign area of all wall signs along each street shall be limited by the amount of frontage along that street.
 - (3) Awning signs. Awning signs shall be permitted and shall be included in the computation of total permitted sign area. Signs shall display only the business name, proprietor, property address or business telephone number. Letters, logo and numerals, not exceeding a height of eight inches, shall be located on the vertical face and within 14 inches from the base of the awning. Illumination of awning signs shall be subject to approval by the Design Review Board and consistent with § 280-125D of the Code. The minimum clearance between the awning and grade shall be not less than seven feet. [Amended 2-16-1999 by Ord. No. 99-01]
 - (4) Marquee signs. Theater or movie marquee signs containing changeable copy shall be permitted in addition to the otherwise permitted sign area for the use, provided that the total sign area shall not exceed 200 square feet. Such signs shall be required at all times to maintain a minimum vertical clearance of 10 feet.

Marquee signs shall be exempt from the lighting requirements as set forth in § 280-125D.

- (5) Freestanding signs. For each commercial building, shopping center, office building, public use building, mixed-use development or group of contiguous buildings under one ownership or control, one freestanding sign shall be permitted. Where the premises has more than one street frontage, one freestanding ground sign shall be permitted for each street frontage. Where a property has more than one point of ingress and egress designated for public use along a street frontage, two freestanding signs along the frontage shall be permitted, provided that both are ground signs. A minimum street frontage of 150 feet shall be maintained between signs. [Amended 2-16-1999 by Ord. No. 99-01]
 - (a) Area and height regulations.
 - [1] Pole signs. Pole signs shall not exceed a sign area of 25 square feet or a sign height of 15 feet above mean grade.
 - [2] Ground signs. Ground signs shall not exceed a sign area of 30 square feet or a sign height of eight feet above mean grade.
 - (b) Sign contents. A freestanding sign shall contain only the name, address, logo and/or telephone number of the permitted use.
 - (c) Location. Freestanding signs shall not be located within the right-of-way and shall be set back a minimum distance of 10 feet from the street cartway. No sign shall be so located as to present a hazard to motorists or pedestrians.
- (6) Gasoline service stations. Gasoline service stations, commercial motor vehicle service stations, including locations offering both the sale of gasoline and related products, as well as other retail products from the same location, shall be permitted signage subject to the following regulations:
 - (a) Wall signs. One wall sign not to exceed 25 square feet in sign area shall be permitted for each principal building. Where a building fronts on more than one street, one wall sign may be erected along each street frontage. Additional wall signs identifying service provided on the premises shall be permitted, provided that such signs shall not exceed 10 square feet in sign area and are located directly above the area where service is performed. In no case shall a wall sign be higher than 15 feet above existing grade or project above any cornice, roofline, parapet wall or building facade.
 - (b) Freestanding signs. Gasoline service stations shall be permitted a maximum of one freestanding ground sign for each location.
 - [1] Area and height regulations. Freestanding signs shall not exceed a sign height of 10 feet above mean grade or a sign area of 30 square feet, except that where gasoline is offered for sale, an additional 20 square feet of sign area shall be permitted for pricing information.
 - [2] Sign contents. A freestanding sign shall contain only the name, address, logo, pricing information and/or telephone number of the permitted use.
 - [3] Location. Freestanding signs shall be located in accordance with Subsection C(5)(c) above.
 - (c) Exempt signs. The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number or area of

- permanent signs permitted for gasoline and motor vehicle service stations:
- [1] Signs on pump islands, to include company logo, and signs to identify self-service or full-service locations, price information, fuel availability, octane levels and similar signs. Signage and company logo shall be prohibited on canopies located above pump islands.
 - [2] Any other sign required by fire and safety regulations.
- (7) Automobile dealership signs. Automobile dealerships shall be permitted signage subject to the following regulations:
- (a) Sign area. The total permitted sign area shall be computed in accordance with Subsection C(1) above.
 - (b) Wall signs. The total sign area of all wall signs placed on any one premises shall not exceed a maximum sign area of 60 square feet. Additional wall signs identifying automotive service provided on the premises shall be permitted, provided that such signs shall not exceed 10 square feet in sign area and are located directly above the area where service is performed. In no case shall a wall sign exceed a sign height of 15 feet above the existing grade or project above any cornice, roofline, parapet wall or building facade. When a building has frontage on more than one street, the sign area of all wall signs along each street shall be limited by the amount of building frontage along that street.
 - (c) Freestanding signs. Automobile dealerships shall be permitted freestanding signs subject to the following regulations:
 - [1] Number and type.
 - [a] Primary ground sign. Each location shall be permitted one freestanding ground sign for the purpose of identification. Signs shall not exceed a sign area of 30 square feet or a sign height of 10 feet above mean grade. Where a dealership has more than one street frontage, one ground sign shall be permitted along each street for the purpose of identification.
 - [b] Secondary ground sign. A second ground sign shall be permitted only if used or pre-owned automobiles are being offered for sale or if there are two or more automobile makes being sold from the premises. Signs shall not exceed a sign area of 30 square feet or a sign height of 10 feet above mean grade.
 - [c] Distance between signs. A minimum street frontage of 100 feet shall be required between all ground signs.
 - [d] Location. Freestanding signs shall be located subject to the requirements of Subsection C(5)(c).
 - [2] Sign content. Signs shall contain only the name of the permitted use, business logo, address and/or telephone number.
 - [3] Location. Freestanding signs shall be set back as required by Subsection C(5)(c).
- (8) Directional signs. Directional signs shall be permitted subject to the following regulations: [Added 2-16-1999 by Ord. No. 99-01]
- (a) Signs shall not exceed four square feet in sign area or a sign height of three feet above existing grade. Signs may be illuminated but shall not blink, flash

or be animated. Trade names and logo shall be permitted to the minimum extent necessary.

- (9) Instructional signs. Instructional signs shall be permitted subject to the following regulations: [Added 2-16-1999 by Ord. No. 99-01]
- (a) Signs shall not exceed 30 square feet in sign area or a sign height of six feet above existing grade. Signs may be illuminated but shall not blink, flash or be animated.

§ 280-123 Signs in Planned Business, Planned Laboratory Office, Planned Institutional and Public Land Use Districts.

- A. Sign area. The total sign area located on any one premises shall not exceed 1 1/2 square feet for each linear foot of building frontage. Nontemporary and temporary window signs shall be permitted only within shopping centers and retail developments and shall be limited to 15% of the glass area.
- B. Wall signs. Each building devoted solely to office use shall be permitted one identification sign not to exceed 40 square feet in sign area. Where a shopping center or retail use is permitted or integrated within a planned development, each business shall be permitted one wall sign not to exceed 60 square feet in sign area. In no case shall a wall sign be higher than 15 feet above the existing grade or project above any cornice, roofline, parapet wall or building facade. When a building has frontage on more than one street, the sign area of all wall signs along each street shall be limited by the amount of building frontage along that street.
- C. Awning signs. Awning signs shall be permitted subject to requirements as set forth in § 280-122C(3).
- D. Freestanding signs. For each office building, shopping center, mixed use development, institution or other permitted use under one ownership or control, one freestanding ground sign shall be permitted for each street frontage and/or major point of ingress and egress, provided that a minimum street frontage of 200 feet shall be required between each sign.
- (1) Area and height regulations. Signs shall not exceed a total sign area of 75 square feet or exceed a sign height of 10 feet above mean grade.
- (2) Sign content. A freestanding sign shall contain only the name, address, logo and/or telephone number of a permitted use.
- (3) Location. Freestanding signs shall be located subject to the requirements of § 280-122C(5)(c).
- E. Real estate and development signs advertising the sale, rental or development of premises, provided that:
- (1) The sign area shall not exceed eight square feet and, if freestanding, shall not exceed a sign height of eight feet above mean grade.
- (2) No more than one sign shall be erected for each 500 feet of street frontage.
- (3) Signs shall be nonilluminated and exempt from permit requirements.
- (4) Off-premises signs advertising the sale, rental or development of premises shall be prohibited within these districts.
- F. Directional signs. Directional signs shall be permitted in accordance with § 280-122C(8). [Added 2-16-1999 by Ord. No. 99-01]
- G. Instructional signs. Instructional signs shall be permitted in accordance with § 280-

122C(9). [Added 2-16-1999 by Ord. No. 99-01]

§ 280-124 Signs on nonconforming use premises.

Signs located on nonconforming use premises shall be limited to the sign regulations of the district where the use is first permitted and shall be subject to all other requirements of this chapter, provided that any freestanding sign located on the premises shall be limited to a ground sign.

§ 280-125 General regulations.

The following restrictions and regulations shall be applicable to all permanent signs as permitted by this article, unless otherwise specified:

A. Materials.

- (1) Signs shall be constructed only from wood, metal, stone or other appropriate material which have the general appearance of structures composed primarily of wood, metal or stone, with painted, engraved or raised messages. Sign materials should be consistent with and compliment the original construction materials and architectural style of the building facade on which they are to be displayed. For this reason, natural materials such as wood, stone and metal are most appropriate. If plywood is used, medium density overlay (MDO) shall be used as a minimum grade.
- (2) Neon window signs. Neon window signs utilizing custom shapes, designs and colors shall be permitted, provided that the signs compliment and add character to the business establishment.

B. Lettering. Lettering styles should compliment the style and architecture of the building on which they appear. Traditional block and curvilinear styles which are easy to read are preferred.

C. Color. Each sign so erected shall contain a maximum of four colors, including black and white. In selecting the principal colors for a sign, colors which compliment the general tone of the building should be used. Business logos shall not be included in determining the maximum number of colors.

D. Illumination. Where permitted, signs shall be illuminated only as authorized in an appropriate sign permit by a steady, stationary light of reasonably minimal intensity. Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists. Signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of the sign are visible. No light shall emanate through the background, the borders, sides or any other surface of the sign or its supporting structure. Individual, solid letters with internal lighting tubes which backlight a wall in a halo effect shall be permitted.

E. Electrical connections. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables. Applications for electrical permits shall be filed at the time of the sign permit application.

F. Nuisance. No sign shall create a public nuisance by emitting smoke, sound, vapor,

particle emission or odors.

- G. Sign removal. Any sign which no longer advertises an existing business conducted on the premises shall be removed by the owner of the sign. The Zoning Officer, upon determining that such business operations have ceased while a sign remains, shall notify the owner of the premises, in writing, to remove said sign within 30 days from the date of such notice. Upon failure to comply with such notice within the prescribed period, the Zoning Officer is hereby authorized to remove or cause removal of such sign and to collect the cost of such removal, together with any penalties, from the owner in a manner provided by law.
- H. Signs on multiple tenant buildings. Where a permit is required for any new sign, or change of existing signage in a multiple tenant building, the Township shall have authority to require the owner of such building to submit for approval a sign plan for the entire building. Such a plan shall be submitted and approved prior to, or at the time of application for any new or change of existing signage. All signs shall be consistent with the plan, unless otherwise approved by the Design Review Board. [Added 2-16-1999 by Ord. No. 99-01]

§ 280-126 Nonconforming signs.

- A. All permitted signs relating to a single use existing at the effective date of this article which are not in conformance with the provisions as set forth herein shall be removed, altered or replaced so as to conform fully with this article within three years from the effective date hereof.
- B. Any business which has been established, which has been transferred to a new owner or which has put up an approved sign within five years prior to the effective date of this article shall be provided an additional two years in which to comply with the provisions of this section, provided that valid sign permits have been secured from the Department of Community Development.

§ 280-127 Permits.

- A. Permit required. It shall be unlawful for any person, firm or corporation to erect, alter, repair or relocate any sign within the Township of Radnor without first obtaining a sign permit, unless such sign is specifically exempt from the permit requirements.
- B. Application for permit. Application for sign permits shall be made upon forms provided by the Director of Community Development and shall contain and/or have attached the following information where relevant:
- (1) Name, address, telephone number and signature of the owner or duly authorized agent for the property owner.
 - (2) Name, address, telephone number and signature of the owner of the sign.
 - (3) Name, address and telephone number of the sign contractor.
 - (4) Two copies of a plan drawn to scale depicting:
 - (a) Lot dimensions, building frontage and existing cartways, rights-of-way and driveways.
 - (b) Design of each sign face and sign structure with dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.

- (c) Building elevations, existing and proposed facades, parapet walls, cornices and the location and size of all proposed and existing permanent signage, including wall signs, window signs, projecting signs and freestanding signs.
 - (5) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
 - (6) Such other information which may be required by the Director of Community Development to show full compliance with this and all other ordinances of the Township.
- C. Design review. Upon submission of an application for a sign permit, such application may be referred by the Director of Community Development to the Design Review Board. The Design Review Board shall review the application to ensure compliance with the provisions and intent of this article.

§ 280-128 Structural requirements, maintenance and illumination.

- A. No sign or sign structure shall be erected unless it complies with all applicable requirements of Chapter 255, Building Construction.
- B. Permits for illuminated signs shall not be submitted for review unless an application is filed concurrently for an electrical permit. All work shall be completed in full compliance with the Electrical Code as set forth in Chapter 156, Electrical Standards, of the Code of the Township of Radnor.
- C. All signs and sign structures shall be kept in good repair and in a presentable condition, such that all sign information is clearly legible. Any sign found to show deterioration, including rust, faded colors, discoloration, holes and missing parts or information items, shall constitute a violation of this article.

§ 280-129 Violations and penalties.

Any person who fails to comply with any or all of the requirements of this article or who fails to or refuses to comply with any notice, order or direction of the Director of Community Development made hereinunder shall be guilty of an offense and, upon conviction thereof, shall pay a fine to the Township of Radnor of not less than \$100 nor more than \$500 plus costs of prosecution. Each day during which any violation of this article continues shall constitute a separate offense and shall be punishable as such.

ARTICLE XXII, Administration

§ 280-130 Enforcing authority. [Amended 10-22-1990 by Ord. No. 90-48]

This chapter shall be enforced by the Zoning Officer, who shall be appointed by and meet the qualifications established by the Board of Commissioners. It shall be his duty to:

- A. Enforce the provisions of this chapter.
- B. Accept applications for permits.
- C. Issue permits.

§ 280-131 Permits.

- A. Requirement. A permit shall be required prior to the erection or alteration of any building, structure or portion thereof, prior to the use or change in use of a building or land and prior to the change or extension of a nonconforming use.
- B. Application. Applications for permits shall be made to the Township on such forms as may be furnished by the Township. Each application shall contain all information necessary to ascertain whether the proposed erection, alteration, use or change in use complies with the provisions of this chapter.
- C. Issuance. No building or use permit shall be issued until the Zoning Officer has certified that the proposed building or alteration and the proposed use of the property complies with all the provisions of this chapter.

§ 280-132 Special regulations for planned districts.

In establishing or developing a Planned Apartment, Planned Business or Planned Laboratory-Office District, the following special requirements shall apply:

- A. A request for amendment or, in the case of an area designated as in PA, PB or PLO District, prior to a specific request, an application for a building or use permit involving a use other than a single-family dwelling or a unified group of buildings, shall be accompanied by:
 - (1) A plan or plans for the integrated or overall development of the tract of land or district for which an application is made, which shall comply with the requirements of Chapter 255, Subdivision of Land, and be subject to review by the Planning Commission and approval by the Board of Commissioners in accordance with provisions of Chapter 255, Subdivision of Land.
 - (2) Sufficient data in all instances to enable the Township to determine that the proposed plan and use comply with the requirements of the district and any other pertinent requirements of this chapter.
- B. Compliance with plan. Following the issuance of a permit for construction and use in accordance with approved plans, no change, deviation or alteration shall thereafter be permitted except when authorized by the Board of Commissioners upon written application, which application shall be in the nature of an original application for a permit. If the lot or tract for which the development has been approved is sold, the original conditions upon which approval was granted shall be fulfilled by the new owners.
- C. Renewal of approval. If construction of an approved planned development is not undertaken within 18 months from the time that approval was last granted by the Board of Commissioners, the application for development must be reviewed and renewal of approval must be obtained.

§ 280-133 Application of regulations.

After the date of adoption of the Zoning Map and of this chapter, with any changes or amendments thereto, no building or premises or any part thereof shall be used or maintained for any purpose other than a use permitted by this chapter, with any changes or amendments thereto, and no building shall be erected, enlarged or maintained except

in conformity with the regulations prescribed by this chapter, with any changes or amendments thereto, for the district in which the building is located. Existing nonconforming uses and nonconforming buildings are exempt from these provisions to the extent provided in § 280-101.

ARTICLE XXIII, Conditional Uses [Added 5-14-1990 by Ord. No. 90-20]

§ 280-134 Intent.

This chapter provides for certain uses to be permitted within the Township as conditional uses. In so providing, the Board of Commissioners recognizes that these uses may or may not be appropriate at every location within any specific district and, accordingly, has established standards and criteria by which it can evaluate and decide upon applications for such uses. It is intended that these uses, constituting major uses having the potential for substantial impact upon the community, shall comply with the standards for conditional uses hereinafter set forth, in addition to the relevant stipulations of the district in which the conditional use is authorized. In the sole discretion of the Board of Commissioners, failure to comply with these standards may be deemed a basis for denial or for the imposition of appropriate conditions upon a grant of approval. Where there is a conflict between the standards set forth in this article and other standards elsewhere established by this chapter or other applicable ordinances, it is intended that the more stringent standards shall apply, and it is not the intent of this article to abrogate or impair any other such standards or requirements.

§ 280-135 Application submission and content.

- A. It shall be the burden of the applicant to demonstrate compliance with the standards for conditional use contained in this article and with any other relevant stipulations of this chapter and to indicate means by which potential impacts from the proposed use will be mitigated.
- B. An application for conditional use approval shall be submitted on a form provided by or otherwise acceptable to the Township and shall be accompanied by an application fee, the amount of which shall be established by ordinance enacted by the Board of Commissioners.
- C. A generalized site plan shall be submitted as part of any conditional use application. It is not intended that such a plan be engineered or contain a fixed architectural layout, such as would be required under Chapter 255, Subdivision of Land. The plan shall, however, demonstrate compliance with all applicable standards for approval of the conditional use, including those cited in Subsection F below.
- D. The scale of the generalized site plan shall be one inch equals 50 feet.
- E. Where specific conditional use submission requirements are contained within another Article of this chapter and are applicable to a particular conditional use authorized by that Article, those requirements shall be adhered to and shall prevail in any instance of conflict or overlap.
- F. In addition to demonstrating compliance with all standards applicable to the

conditional use being requested, the generalized site plan shall show the applicant's intentions with regard to the following:

- (1) Site access, interior circulation and parking.
- (2) Location, approximate dimension and arrangement of all areas devoted to ground cover, trees, screening and buffering, other planting, open space, recreation and similar purposes, as applicable.
- (3) Adequate handling of stormwater, in the form of a preliminary written analysis and conclusions as to anticipated methods, prepared by a registered professional engineer.
- (4) Location, planned uses, approximate overall dimensions, gross floor area, coverage and height of each building or structure.

§ 280-136 Application review procedure.

- A. The application shall be reviewed by the Zoning Officer. If it is deficient with regard to any required components, procedures or fees, the Zoning Officer shall so notify the applicant. This review and notification shall occur prior to the scheduling of a public hearing on the application. If such identified deficiencies are not remedied in the form of a resubmitted application, such deficiencies shall constitute potential grounds for denial of the application by the Board of Commissioners, subsequent to public hearing.
- B. The Board of Commissioners shall schedule and hold a public hearing on the application, pursuant to public notice, within 60 days of filing, unless the applicant, in writing, waives or extends the time limitation.
- C. At least 30 days prior to the date of the hearing, one copy of the application shall be furnished to the Township Planning Commission. The Board shall request that the Planning Commission submit recommendations to the Board for consideration within a time frame established by the Board for reaching a final decision on the application. The Planning Commission, in its review of the conditional use application, shall evaluate, in particular, the generalized site plan in relation to the Township Comprehensive Plan and the physical development of the Township.
- D. A stenographic record of the hearing proceedings shall be made by a court reporter. Any party requesting the original transcript or a copy of the transcript shall bear the cost of the same.
- E. Upon review of the application in terms of the standards and criteria of this chapter, the Board of Commissioners shall render a decision within 45 days of completion of the public hearing process.
- F. In approving a conditional use application, where such use is authorized under this chapter, the Board of Commissioners may, at its sole discretion, attach such conditions to its approval as it deems necessary to further the purposes of this chapter. Such conditions may include, but need not be limited to:
 - (1) Specific modifications to otherwise applicable area and bulk requirements.
 - (2) Provisions for additional utility or traffic safety facilities.
 - (3) Securing of additional easements or property to assure proper site design.
 - (4) Modification to the applicable design standards.
- G. If the Board of Commissioners approves the application and accompanying generalized site plan, such approved plan shall accompany any application for

subdivision or land development as prescribed by Chapter 255, Subdivision of Land, in addition to the detailed working drawings normally required, and any application for a building permit. The issuance or rejection of a building permit shall take place in the regularly prescribed manner herein pertaining to building permits, but shall be preceded by compliance with Chapter 255, Subdivision of Land.

- H. Any grant of conditional use approval shall be deemed null and void six months from the date of such approval if, within that period, no application is made for a building permit, a use and occupancy permit or subdivision or land development approval, as appropriate, unless the Board of Commissioners shall grant an extension.

§ 280-137 Standards for approval.

- A. The following standards shall be used by the Township as a guide in evaluating and acting upon any application for conditional use approval:
- (1) The proposed use shall meet all of the specific standards and regulations for eligibility which are contained in the section of this article that authorizes the proposed conditional use.
 - (2) The proposed use shall meet the standards set forth in § 280-145 that otherwise apply to the review of special exception and variance applications.
- B. The Board of Commissioners shall weigh each case on its own merits, separately, based upon pertinent information presented or known to it and without regard to any previous case.

ARTICLE XXIV, Zoning Hearing Board

§ 280-138 Appointment. [Amended 4-23-1984 by Ord. No. 84-12; 2-27-1989 by Ord. No. 89-05; 10-22-1990 by Ord. No. 90-48]

There shall be a Zoning Hearing Board consisting of five members and up to but no more than three alternate members, all of whom shall be residents of Radnor Township and appointed by resolution of the Board of Commissioners in accordance with Article IX of the Pennsylvania Municipalities Planning Code (53 P.S. § 10101 et seq.) as amended, hereinafter called "code."

§ 280-139 Powers.

The Zoning Hearing Board shall function in strict accordance with and pursuant to the code and shall have all powers set forth therein, including but not limited to the following:

- A. To hear and decide appeals where it is alleged that the Township Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map of the Township or any valid rule or regulation governing the action of the Zoning Officer.
- B. To hear and decide requests for special exceptions authorized by this chapter in accordance with the standards or criteria set forth in § 280-145 hereof. The Zoning

Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the code and this chapter.

- C. To hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. A variance may be granted only after the Zoning Hearing Board has made the findings required in 53 P.S. § 10910.2. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the code and this chapter.
- D. To conduct hearings and make such decisions and findings in connection with challenges to the validity of any provision of this chapter, as authorized by 53 P.S. § 10910.

§ 280-140 Rules and procedure.

The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, including but not limited to the manner of filing appeals and applications for special exceptions and variances.

§ 280-141 Meetings.

Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Township and shall be a public record. In accordance with Section 908 of the code,^{liEN} the Zoning Hearing Board shall not communicate directly or indirectly with any party nor take notice of any material nor inspect any site except as provided therein.

§ 280-142 Appeals and requests. [Amended 11-11-1985 by Ord. No. 85-33; 10-22-1990 by Ord. No. 90-48; 4-9-2001 by Ord. No. 2001-18; 2-27-2006 by Ord. No. 2006-06]

- A. Appeals. Appeals to the Zoning Hearing Board may be filed by the landowner affected, any officer or agency of the Township or any person aggrieved. Such appeals shall comply with requirements and information for appeals approved by the Board and filed with the Zoning Officer 30 calendar days prior to the hearing. Prior to a public hearing, the Zoning Officer shall transmit to members of the Zoning Hearing Board a copy of the application and documents constituting the record upon which the action appealed from was taken.
- B. Planning Commission review. Appeals to the Zoning Hearing Board that will involve the subdivision of land or land development pursuant to Chapter 255, Subdivision of Land, shall be forwarded to the Planning Commission prior to a public hearing for review. The Planning Commission may review the application and related documents

as a sketch plan and provide comments to the Zoning Hearing Board consistent with § 280-1 of the Zoning Code. Notice of the Planning Commission meeting shall be forwarded to the applicant seven days prior to the scheduled meeting. Failure by the Planning Commission to review an application or provide comments shall not invalidate action taken by the Zoning Hearing Board.

- C. Records. A stenographic record of the public hearing proceedings shall be made by a court reporter. The appearance fee shall be shared equally by the applicant and the Board. Any party requesting the original transcript or a copy of the transcript shall bear the cost of same. Copies of graphic or written material received in evidence shall be made available to any party at cost.
- D. Fees. Fees shall be established by resolution of the Board of Commissioners and charged in accordance with Chapter 162, Fees, of the Township Code.
- E. Request for continuance. Upon receipt of a written request, or a verbal request from the applicant at the time of the hearing, the Zoning Hearing Board may authorize the continuance of an application. Such request shall be made before the Board during a scheduled meeting. In the event that the Board shall grant any request for a continuance, then the Board shall specify a date not more than 180 days from the date the continuance is granted upon which the continuance shall expire and the appeal be heard. The Board may grant more than one continuance for any appeal, provided that individual continuances shall not exceed a period of 180 days per continuance. Where a continuance is granted the appeal shall be scheduled as required by Subsections F and G of this section, provided that the applicant shall pay any continuance fee per Chapter 162, Fees, of the Township Code.
- F. Zoning Hearing Board notice. The Board shall give notice of the public hearing as follows:
 - (1) By giving public notice as defined in § 280-4B of this chapter.
 - (2) By providing notice to the applicant, Board of Commissioners, Township Manager, Township Solicitor, and any other person who has made timely request for same.
 - (3) By posting written notice of said hearing in a conspicuous location on the affected tract of land at least one week prior to the hearing.
 - (4) By mailing written notice thereof to the Zoning Officer, applicant, and every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Zoning Hearing Board. The Board of Commissioners may fix an annual fee for provisions of notices to such registered persons or associations.
- G. Notice to residents. Notice of the public hearing shall be provided by the applicant as follows: The agenda notice shall be sent by the applicant to the owners of property located within an area of 500 feet of the lot in question, provided that for appeals within the AC or R-1 Zoning Districts notification shall be provided within an area of 1,000 feet from the property in question. Where a public hearing involves a multifamily dwelling, notice shall be provided to all individual tenants of the premises. Notices shall be forwarded not less than 10 days prior to the hearing using Radnor Township return address envelopes and labels provided by the Township. Proof of said mailing on United States Postal Service Form 3877 shall be delivered to the Township not less than three days prior to the hearing. Failure by the owner to

receive notice when sent in compliance with this subsection shall not invalidate any action taken by the Board.

- H. Decisions. The Board shall render a decision, in writing, within 45 days after the hearing or, if said hearing is continued, within 45 days after the continued hearing. Where required by Section 908(9) of the Pennsylvania Municipalities Planning Code or otherwise under Pennsylvania law, each written decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. If the Board does not make a written decision within 45 days of the hearing or continued hearing, it shall be deemed that the Zoning Hearing Board has decided in favor of the applicant. Any party may appear at a public hearing in person or by agent or attorney.

§ 280-143 (Reserved) ^{lii}EN

§ 280-144 Expiration of special exceptions and variances.

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 six months from the date of authorization thereof or fails to commence a substantial amount of work within six months from the date of issuance of the permit for such work.

§ 280-145 Standards for review of special exceptions and variances. [Amended 4-10-1989 by Ord. No. 89-18]

In any instance where the Zoning Hearing Board is required to consider a request for a special exception or variance, the Zoning Hearing Board must determine that the following standards and criteria are met before granting the request:

- A. The size, scope, extent and character of the special exception or variance requested is consistent with the Comprehensive Plan of the Township and promotes the harmonious and orderly development of the zoning district involved. [Amended 11-14-2005 by Ord. No. 2005-20]
- B. The proposed change or modification constitutes an appropriate use consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially injure or detract from the use of surrounding property or the character of the neighborhood in light of the zoning classification of the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which the applicant seeks approval.
- C. The proposed use is suitable with respect to traffic and highways in the area and provides for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard.
- D. Major street and highway frontage will be developed so as to limit the total number of access points and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the major street or highway.

- E. The proposed change is reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police, fire protection and public schools, and assures adequate arrangements for sanitation in specific instances.
- F. All commercial or industrial parking, loading, access or service areas will be adequately illuminated at night while in use and arranged so as to comply with the requirements of § 280-105.
- G. If the proposed use is to be developed in progressive stages, each stage shall be planned so that the conditions and intent of this chapter shall be fully complied with upon the completion of any stage. [Added 5-14-1990 by Ord. No. 90-21]
- H. Conditions are being imposed on the grant of the request necessary to ensure that the general purpose and intent of this chapter is complied with and that the use of the property adjacent to the area included in the proposed change or modification is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.
- I. The proposed change protects and promotes the safety, health, morals and general welfare of the Township.

ARTICLE XXV, Amendments

§ 280-146 Power of amendment.

The Board of Township Commissioners may from time to time amend, supplement, change, modify or repeal this chapter, including the Zoning Map, by proceeding in the manner indicated in this article.

§ 280-147 Notice of public hearing on proposed amendments. [Amended 5-23-1983 by Ord. No. 83-18; 6-11-1990 by Ord. No. 90-26; 10-22-1990 by Ord. No. 90-48; 4-27-1998 by Ord. No. 98-03]

The Board of Commissioners shall, during a public meeting, fix the time and place of a public hearing on a proposed zoning amendment and cause notice thereof to be given as follows:

- A. By publishing a legal notice thereof once a week for two consecutive weeks in a newspaper of general circulation within the Township as provided for in § 9.02 of the Home Rule Charter. Such notice shall state the date, place, time and particular nature to be considered at the public hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the public hearing.
- B. By mailing a notice thereof to contiguous municipalities, the Township school district and residents or associations of residents within the Township who have registered their names and addresses for this purpose with the Department of Community

Development. The Board of Commissioners may fix an annual fee for provisions of notices to such registered persons or associations.

- C. Where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed to every property to be affected and to every property in the Township which is located on the same street and is within 1,000 feet of the land in question and to every property not on the same street within 500 feet of said land. Notice of the public hearing shall also be posted in conspicuous locations along street frontages of the tract to notify potentially interested citizens. Such notices shall be posted at least one week prior to the hearing.

§ 280-148 Township and County Planning Commission referral. [Amended 10-22-1990 by Ord. No. 90-48]

- A. Any proposed amendment, other than one originated by the Township Planning Commission, shall be referred by the Board, at least 30 days prior to the hearing on the amendment, to the Township Planning Commission. That Commission shall consider whether or not the proposed amendment would be, in its view, consistent with the desirable in furtherance of the plan therein referred to for future land use. The Township Planning Commission shall transmit its conclusion thereon, together with its reasons therefor, to the Board. The Board shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby.
- B. All proposed amendments shall be submitted by the Board to the Delaware County Planning Department for review and comment, in accordance with the terms of Article VI of the Municipalities Planning Code.^{liiiEN} The Board shall not act upon the proposed amendment until a report is received from the County Planning Department or the time period for such a response has elapsed. The Board shall not be bound by the recommendations of the County Planning Department.

§ 280-149 Citizens' petition for amendment. [Amended 10-22-1990 by Ord. No. 90-48]

Whenever the owners of 50% or more of the frontage in any district or part thereof wherein a change of zoning regulations is sought shall present to the Board of Township Commissioners a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for or of the Zoning Map including such district or part thereof, it shall be the duty of the Board of Commissioners to hold a public hearing thereon and cause notice thereof to be given in a manner prescribed in § 280-147.

§ 280-150 Application fees and deposits. [Added 10-22-1990 by Ord. No. 90-48]

Applicants to the Board of Commissioners on the amendment, change or modification to the provisions of this chapter shall, upon filing of such application, pay the appropriate fee established by the Township for such application. In addition to the payment of said filing fee, such applicant shall, at the time, deposit the appropriate sum established by the Township for each application to cover the costs of advertising and aforesaid notice, appropriate share of stenographic service and any other expense incurred in connection

with such application; provided, however, that if the total of the aforesaid costs and expenses incurred in connection with such application shall be less than the amount paid by the applicant, the excess of the deposit over the total of the aforesaid costs and expenses shall be refunded to the applicant. In no event shall any of the filing fee be refunded.

§ 280-151 Residents' rights at hearing. [Amended 10-22-1990 by Ord. No. 90-48]

At any public hearing on a proposed amendment, full opportunity to be heard shall be given to any resident of the Township and all parties in interest.

§ 280-152 Requirements for planned development. [Amended 10-22-1990 by Ord. No. 90-48]

Applications to create a Planned Apartment, Planned Business or Planned Laboratory-Office District shall comply with the plan requirements of § 280-132.

§ 280-153 Curative amendments. [Amended 10-22-1990 by Ord. No. 90-48]

Any landowner who desires to submit a curative amendment may do so pursuant to the procedures set forth in the Pennsylvania Municipalities Code, Article VI, Section 609.1, and Article IX, Section 916.1.^{livEN}

§ 280-154 Enactment of amendments. [Added 10-22-1990 by Ord. No. 90-48]

- A. In the event that substantial amendments are made to the proposed amendment, then the Board, at least 10 days prior to the scheduled vote on enactment, shall readvertise, in a newspaper of general circulation within the Township, a brief summary setting forth all the provisions in reasonable detail, together with a summary of the proposed amendments. The Board also shall readvertise any proposed amendment where the scheduled date of enactment is more than 60 days following the date of the last advertisement of the proposed amendment.
- B. Within 30 days after enactment, a copy of the amendment shall be forwarded to the Delaware County Planning Department.

ARTICLE XXVI, Enforcement; Violations and Penalties [Amended 9-22-1990 by Ord. No. 80-21; 8-11-1986 by Ord. No. 86-35; 3-13-1989 by Ord. No. 89-07; 10-22-1990 by Ord. No. 90-48]

§ 280-155 Violations.

It shall be a violation of this chapter to undertake any action which is contrary to the terms of this chapter, including but not limited to the failure to obtain a permit as stipulated in § 280-131.

§ 280-156 Enforcement notice.

- A. When it appears to the Zoning Officer that a violation of this chapter has occurred, enforcement proceedings shall be initiated by sending an enforcement notice. By means of the enforcement notice, the Zoning Officer may order discontinuance of illegal use of land or structure; removal of illegal structures or additions, alterations or structural changes thereto; or discontinuance of any illegal work being done.
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested, in writing, by the owner of record.
- C. An enforcement notice shall, at minimum, state the following:
 - (1) The name of the owner of record and any other person against whom the Township intends to take action.
 - (2) The location of the property in violation.
 - (3) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board, in accordance with the procedures set forth in this chapter.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 280-157 Causes of action.

- A. Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer. He shall record properly such complaint, investigate and take action thereon.
- B. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Board of Commissioners or the Zoning Officer or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or other growth or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- C. Where any action authorized in Subsection B above is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun, by serving a copy of the complaint upon the Board of Commissioners. No such action may be maintained until such notice has been given.

§ 280-158 Violations and penalties.

Any person, partnership or corporation who or which have violated or permitted the

violation of the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township.

ARTICLE XXVII, Miscellaneous Provisions [Added 10-22-1990 by Ord. No. 90-48]

§ 280-159 Fees and expenses. ^{lvEN}

- A. Permit applications. Fees for permit applications shall be paid in accordance with a fee schedule adopted by ordinance of the Board of Commissioners. Such schedule may be revised, as necessary, by ordinance of the Board of Commissioners.
- B. Application or appeals before the Board of Commissioners or Zoning Hearing Board. Upon submission of an application or appeal before either the Board of Commissioners or the Zoning Hearing Board, the applicant shall deposit an amount of money in accordance with a fee schedule adopted by ordinance of the Board of Commissioners. The Zoning Officer shall have the discretion to determine in which category an application falls and, therefore, what amount is due.

§ 280-160 Municipal liability.

The granting of any permit under this chapter shall create no liability upon nor a cause of action against any Township official or employee for damages or injury that may occur from the use, construction or enlargement of structures or the use of land.

ARTICLE XXVIII, Wireless Communications Systems [Added 5-11-1998 by Ord. No. 98-06]

§ 280-161 Intent.

The intent of this article is to:

- A. Provide for a range of locations for wireless communication facilities in zoning districts within the Township.
- B. Provide clear performance standards and review requirements addressing the installation and maintenance of wireless communication facilities.
- C. Encourage the location of wireless communication facilities on existing buildings, structures and other appropriate structures.
- D. Encourage the collocation and site sharing of new and existing wireless communication facilities.
- E. Ensure that wireless communication facilities will be safe and blend into their environment to the greatest extent possible.
- F. Establish guidelines and standards for the installation of wireless communication facilities with the right-of-way.
- G. Comply with the Telecommunications Act of 1996.

§ 280-162 Applicability.

No wireless communication facility shall be erected or installed except in compliance with the provisions of this article, provided that:

- A. Wireless communication facilities for which a permit has been issued prior to the effective date of this article shall not be required to meet the minimum requirements of this article.
- B. This article shall not govern the installation of any amateur radio facility that is owned by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. This article shall supersede all conflicting requirements of other codes and ordinances regarding the location and permitting of wireless communication facilities.

§ 280-163 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANTENNA ARRAY -- One or more dipoles, panels (discs) or similar devices used for the transmission of or reception of radio frequency signals, which may include omnidirectional dipole, directional antenna (panel) and parabolic antenna disc. The antenna array shall not include the support structure.

APPLICATION -- The process by which a person submits a request to develop, construct, build, modify or erect a wireless communication facility. Application shall include all written documentation, verbal statements and representations, in whatever form or forum required by the applicant to determine compliance with the provisions of this article.

ATTACHMENT STRUCTURE -- Any building or structure suitable for the support of a wireless communication facility but which has been designed and used for other purposes.

BASE STATION (MICROCELL-TYPE) -- Wireless communication facilities consisting of an array that is either no more than four feet in height with an area of not more than 580 square inches or, if a tubular antenna, no more than four inches in diameter and no more than six feet in height.

COLLOCATION/SITE SHARING -- A common wireless communication facility or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology.

ENGINEER -- An engineer licensed in the Commonwealth of Pennsylvania for the particular protocol required.

EQUIPMENT FACILITY -- Any structure or enclosure used to contain ancillary equipment as a component of a wireless communication facility, including a cabinet, shelter, build-out of an existing structure or a pedestal.

FAA -- The Federal Aviation Administration.

FCC -- The Federal Communication Commission.

HEIGHT -- The distance measured from ground level to the highest point of the wireless communication facility, including the antenna array.

PERSON -- Any individual, firm, corporation, partnership, agency, unincorporated association or municipal corporation or agency within the Commonwealth of Pennsylvania, or any combination thereof.

PROVIDER -- A person (hereinafter referred to as "applicant"), not to include a public utility, who is licensed by the Federal Communication Commission to provide telecommunication service to the public.

PUBLIC UTILITY -- An entity regulated by the Public Utility Commission.

RIGHT-OF-WAY -- Land set aside for passage, including streets, highways, lanes or alleys in which the Township or Commonwealth of Pennsylvania holds any property interest (title, easement or otherwise) or exercises any rights of management or control and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation of a wireless communication facility.

SETBACK -- The minimum open space required from any right-of-way or property line.

SUPPORT STRUCTURE -- A structure designed and constructed specifically to support an antenna array or base station. Any device which is used to affix an attached wireless communication facility to a building or structure shall be excluded from this definition.

WIRELESS COMMUNICATIONS -- Any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communication services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services.

WIRELESS COMMUNICATION FACILITY -- A facility which is not staffed and used for the transmission and/or reception of wireless communication services, usually consisting of base station or antenna array, connection cables, equipment facility and a support structure to achieve the necessary elevation.

A. ATTACHED WIRELESS COMMUNICATION FACILITY -- An antenna array that is attached to any existing building or structure, along with any device which attaches the antenna array to the existing building or structure, including antenna cables and equipment facility.

§ 280-164 Facilities outside the right-of-way.

Wireless communication facilities located outside the right-of-way shall be located and subject to the applicable requirements of this section.

A. Wireless communication facilities attached to buildings or structures. Attached

wireless communication facilities located on any parcel or tract of land shall not exceed the height of the building or structure by more than 15 feet and shall be permitted as a secondary use within the following zoning districts:

- (1) R-5 Residential.
 - (2) C-2 General Commercial.
 - (3) C-3 Service Commercial.
 - (4) PB Planned Business.
 - (5) PLO Planned Laboratory Office.
 - (6) PI Planned Institutional.
- B. Wireless communication facilities with support structures. Wireless communication facilities with support structures shall not exceed a maximum height of 120 feet. Where permitted, a minimum setback shall be maintained from all property lines a distance equal to 75% of the structure's height; however, in no case shall a wireless communication facility with a support structure be located within 200 feet of any adjacent residential zoning district or property used for residential purposes. Wireless communication facilities with support structures shall be permitted within the following zoning districts as a secondary use, when authorized by the Zoning Hearing Board as a special exception subject to the requirements of this article and additional standards prescribed in § 280-145:
- (1) AC Agricultural Conservation.
 - (2) PLO Planned Laboratory Office.
 - (3) PLU Public Land Use.
- C. Equipment facilities. Equipment facilities shall be concealed from public view to the maximum extent possible and be compatible with the architecture of surrounding buildings, structures or landscape. Equipment facilities shall not intrude into the minimum setback requirements for the district in which the wireless communication facility is located or exceed a maximum height of 15 feet.
- D. Visual impact. In an effort to mitigate the visual impacts of wireless communication systems, applicants shall design and locate facilities consistent with the following design guidelines:
- (1) Attached wireless communication facilities and equipment facilities must be of a neutral color that is identical to or closely compatible with the building or structure so as to make the antenna and equipment as visually unobtrusive as possible. Roof-mounted antennas and equipment shall match existing air-conditioning units, stairs, elevator towers or other background. When mounted on the face of a building or structure, antennas shall be incorporated into the vertical design elements.
 - (2) Applicants for wireless communication facilities shall, to the extent practical, incorporate architectural features, materials and colors which blend with surrounding buildings, structures, terrain or landscape. Applications for wireless communication facilities shall be subject to review and approval by the Design Review Board.
 - (3) In order to assist in evaluating the visual impact, the applicant shall provide color photo simulations showing the proposed site of the wireless communication facility with a photo-realistic representation of the facility as it would appear viewed from the closest residential property, adjacent roads and from other

locations as required.

- E. Alternative locations for wireless communications facilities with support structures. No new support structure shall be permitted unless the applicant demonstrates that no existing support structure, alternative technology, building or other structure exists to meet the needs of the applicant. Applicants shall be required to submit this information along with their application. Evidence submitted may consist of the following:
- (1) No existing support structure, building or other structure are located within the geographic area which meet the applicant's engineering requirements.
 - (2) Existing support structures, buildings or other structures are not of sufficient height to meet the applicant's engineering requirements.
 - (3) Existing support structures, buildings or other structures do not have the strength to support the applicant's equipment.
 - (4) The applicant's equipment would cause electromagnetic interference with equipment on the existing support structure, building or other structure.
 - (5) Fees, costs or contractual provisions required by the owner in order to share an existing location or to adapt for the applicant are unreasonable. Costs exceeding new construction for a support structure are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render other locations unsuitable.
 - (7) The applicant demonstrates that an alternative technology that does not require the use of a support structure, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is not suitable. Costs of alternative technology that exceed costs for the construction of a support structure and antenna development shall not be presumed to render the technology unsuitable.

§ 280-165 Facilities within the right-of-way.

Wireless communication facilities located within the right-of-way shall be subject to the following requirements:

- A. Wireless communication facilities shall be limited to base stations attached to utility poles, light poles, mast arms or other structures. Such facilities shall be permitted within all zoning districts upon approval by Radnor Township, subject to the applicable standards of this article and following requirements:
- (1) Every person who constructs, installs or maintains a wireless communication facility within the right-of-way shall be required to obtain a use permit from Radnor Township and pay the required fee as set forth in Chapter 162 (Fees) of the Township Code.
 - (2) Use permits shall be subject to term limits and conditions agreed to by the applicant and Radnor Township. Use permits shall not be transferred unless approved by Radnor Township and the transferee.
 - (3) The Township may refuse to issue a use permit if the proposed location of the facility interferes with the use of the right-of-way by others or is contrary to public safety. The Township may require a facility to be relocated at the permittee's expense if necessary to accommodate the location or relocation of public utilities or to protect the public safety.

- (4) Equipment facilities shall be located underground unless otherwise approved by the Board of Commissioners.

§ 280-166 Information required of applicants.

Applicants shall meet the requirements of this section and provide the following information, where applicable, for the installation of a wireless communication facility:

- A. The name, address and telephone number of the applicant and owner of the property on which the facility is to be located. If the applicant is not the owner of the property or structure on which a wireless communication facility is to be located, written authorization from the owner in a form acceptable to the Township shall accompany the application.
- B. A legal description and scaled site plan of the property on which the wireless communication facility is to be located.
- C. A current license which has been issued to the applicant by the Federal Communication Commission.
- D. Current certificate of insurance naming the Township of Radnor as additionally insured against liability for installations within the right-of-way.
- E. Copies of ongoing FCC information concerning wireless communication facilities and radio frequency (RF) emission standards, along with the projected power density of the facility and how it meets FCC standards.
- F. A sworn affidavit from a radio frequency engineer that the placement of the wireless communication system will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communication services enjoyed by adjacent residential and nonresidential properties.
- G. Equipment facilities shall be fully automated and visited only for periodic maintenance and repair. Use of the facilities for offices, vehicle storage or for the storage of any other equipment shall be prohibited.
- H. Support structures shall be enclosed by a security fence not less than six feet in height and shall be equipped with an anticleimbing device. This requirement may be waived, provided that the applicant demonstrates alternative design techniques provide adequate protection.
- I. A buffer planting strip 10 feet in width shall be provided to screen the perimeter of the wireless communication facility in accordance with the following requirements:
 - (1) Existing vegetation shall be preserved and used to the greatest extent possible. Disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact.
 - (2) Landscape materials planted shall consist of rows of evergreens a minimum of eight feet high planted a maximum of 10 feet on center.
 - (3) Applicants may submit for consideration alternative screening techniques consisting of walls or other design features which satisfy the requirements of this article.
- J. Wireless communication facilities shall not be utilized for advertising purposes.
- K. Wireless communication facilities shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall cause the least disturbance to the surrounding views.
- L. Plans for wireless communication facilities shall be sealed by an engineer registered

in the Commonwealth of Pennsylvania and shall comply with all applicable building codes and standards to ensure structural integrity.

- (1) Plans for a support structure shall include a soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the support structure, and required anchors, if used.

§ 280-167 Compliance with state and federal standards.

All wireless communication facilities shall meet or exceed current standards of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate wireless communication facilities. If such standards or regulations are changed, the owners of the facility governed by this article shall bring such facility into compliance with the revised standards within six months of the date of the effective date of such standards, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such facilities into compliance shall constitute grounds for the removal of the wireless communication facility at the owner's expense.

§ 280-168 Inspections; reports.

Wireless communication facilities shall be inspected on a periodic basis to ensure structural integrity and compliance with applicable federal, state and local codes and regulations. Inspection reports shall be submitted to the Township upon request.

§ 280-169 Abandoned facilities; removal.

A wireless communication facility not operated for a period of 12 months shall be considered abandoned, and the owner(s) of such facility shall remove same within 90 days from the date of written notice. If such facility is not removed, Radnor Township shall pursue all legal remedies available under the law to ensure removal of the facility and restoration of the site at the expense of the owner. Any delay by the Township in taking action shall not invalidate the Township's right to take action. The Township may seek to have the facility removed regardless of the owner's or operator's intent to operate the facility regardless of any state or federal permits. Where there are two or more users of a single wireless communication facility, this provision shall not become effective until all users have terminated use of the facility.

§ 280-170 Preexisting facilities.

Wireless communication facilities operative on the effective date of this article shall be classified as nonconforming and allowed to continue as presently existing. Except for routine maintenance, all work shall be subject to the provisions of this article and approval by the Township.

§ 280-171 Application review and fees.

- A. Applications for the installation of a wireless communication facility shall be filed

with the Township, along with plans and documentation required to determine compliance with the provisions of this article.

- B. The Township may refer applications to an independent consultant, professional communications consultant or technical advisor to determine compliance with the provisions of this article, upon which the applicant shall be required to establish an escrow account with the Township for payment of fees and services necessary to provide services deemed necessary by the Township.
- C. Escrow funds will be used for payment of fees and services charged by such consultants or advisors, as deemed necessary by the Township for review of the application and installation of the facility.
- D. Applicants shall be required to maintain sufficient funds in the account and to provide additional funds as required by the Township. If sufficient funds are not available, applicants shall be required to make additional payments within 10 calendar days of the request. If sufficient funds are not provided, processing of the applications shall be suspended or the application shall be rejected and returned to the applicant.
- E. The Township shall provide to the applicant, upon written request, a statement indicating expenditures of escrow funds. At the time the escrow account is closed out, funds remaining shall be returned to the applicant.
- F. Fees. Application and related fees shall be set forth in Chapter 162 (Fees) of the Township Code.

Figures 1 through 18

Wayne District Business Overlay District

Figures 1 through 18

Figure 1. Build-to line.

Figure 2. Building height.

**Figure 3. HVAC equipment shall be hidden
from view from the public cartway.**

Figure 4. Building width.

Figure 5. Shared parking.

**Figure 6. Architectural offsets shall be
incorporated for buildings wider than 50 feet.**

2nd and 3rd Floors:
Shall be any combination of office,
retail, or residential, but there shall
not be any mix of uses on the same
floor.

1st Floor Retail Use

Figure 7. Mixed-use building.

Figure 8. Exposed: unacceptable.

Figure 9. Vinyl: unacceptable.

Figure 10. Acceptable.

Figure 11. Architectural offsets.

Figure 12. Projecting sign.

**Figure 13. Outdoor dining area: minimum
of 48 inches from building.**

Figure 14. Minimum opening: 44 inches.

Figure 15. Acceptable pedestrian barrier.

Figure 16. Prohibited pedestrian barrier.

Figure 17. No plastic furniture for outdoor dining areas.

Figure 18. No umbrellas with advertising

in outdoor dining areas.

WBOD Table 1 Build-To Line Standards

Street Where Property Fronts	Build-To Line (in feet from road center line) (feet)
Banbury Way. Lancaster Avenue	45
Bellevue Avenue. Lancaster Avenue	45
Bloomingdale Avenue. Lancaster Avenue. Wayne Avenue	45
E. Lancaster Avenue (north side). Wayne Avenue	45
E. Lancaster Avenue (north side) Avenue Court	55
E. Lancaster Avenue (north side) Court. Aberdeen Avenue	45
E. Lancaster Avenue (south side). Wayne Avenue	50
E. Lancaster Avenue (south side) Avenue. Aberdeen Avenue	55
Louella Court Boulevard. Lancaster Avenue	55
Louella Avenue. Lancaster Avenue Lane	45
N. Aberdeen Avenue. Lancaster Avenue Railroad	45
N. Wayne Avenue Avenue Avenue/Station Road	50
Runnymede Avenue Avenue. Wayne Avenue	45
S. Aberdeen Avenue. Lancaster Avenue	45
S. Wayne Avenue Avenue Avenue	35
School Lane Avenue. Wayne Avenue	15
Station Road. Wayne Avenue Court	35
Waynewood Avenue. Lancaster Avenue Court	25
W. Lancaster Avenue (north side). Wayne Avenue	60
W. Lancaster Avenue (south side) Avenue. Wayne Avenue	45
W. Wayne Avenue. Wayne Avenue	45

West Avenue. Wayne AvenueAvenue	45
Windermere Avenue. Wayne AvenueAvenue	45

ⁱ Editor's Note: The definition of "earth station," as added 4-28-1980 by Ord. No. 80-05, which immediately followed this definition, was deleted 9-8-1980 by Ord. No. 80-20. See now the definition of "satellite earth station" in this section.

ⁱⁱ Editor's Note: The definition of "head end," as added 4-28-1980 by Ord. No. 80-05, which immediately followed this definition, was deleted 9-8-1980 by Ord. No. 80-20.

ⁱⁱⁱ Editor's Note: See 53 P.S. § 10503(1.1).

^{iv} Editor's Note: The definition of "townhouse," as added 11-23-1981 by Ord. No. 81-28, which immediately followed this definition, was deleted 5-12-1982 by Ord. No. 82-12.

^v Editor's Note: The Zoning Map is included in a pocket at the end of this volume.

^{vi} **Editor's Note: This ordinance also deleted former Art. III, A-1 Agricultural District, as amended 6-29-1977 by Ord. No. 77-15, 3-27-1978 by Ord. No. 78-6, 9-22-1980 by Ord. No. 80-21, 9-14-1981 by Ord. No. 81-20 and 7-25-1983 by Ord. No. 83-22, and former Art. IV, A-2 Agricultural-Residence District, as amended 12-8-1980 by Ord. No. 80-30 and 9-14-1981 by Ord. No. 81-20.**

^{vii} Editor's Note: See Ch. 222, Property Maintenance.

^{viii} Editor's Note: See Ch. 255, Subdivision of Land, § 255-40.

^{ix} Editor's Note: See 53 P.S. 10101 et seq., the Municipalities Planning Code.

^x Editor's Note: Said Plan is on file in the Township's offices.

^{xi} Editor's Note: Both Figure 1 and Table 1 are included at the end of this chapter.

^{xii} Editor's Note: Figures 2 and 3 are included at the end of this chapter.

^{xiii} Editor's Note: Figure 4 is included at the end of this chapter.

^{xiv} Editor's Note: Figure 5 is included at the end of this chapter.

^{xv} Editor's Note: Table 1 is included at the end of this chapter.

^{xvi} Editor's Note: Figure 6 is included at the end of this chapter.

^{xvii} Editor's Note: Figure 7 is included at the end of this chapter.

^{xviii} Editor's Note: See Figures 8 through 10 included at the end of this chapter.

^{xix} Editor's Note: Figure 12 is included at the end of this chapter.

^{xx} Editor's Note: Figure 13 is included at the end of this chapter.

^{xxi} Editor's Note: Figure 14 is included at the end of this chapter.

^{xxii} Editor's Note: Figure 15 is included at the end of this chapter.

^{xxiii} Editor's Note: Figure 16 is included at the end of this chapter.

^{xxiv} Editor's Note: Figure 17 is included at the end of this chapter.

^{xxv} Editor's Note: Figure 18 is included at the end of this chapter.

^{xxvi} Editor's Note: Figure 11 is included at the end of this chapter.

^{xxvii} **Editor's Note: This ordinance also deleted former Art. XVIII, I Institutional District, as amended 7-26-1976 by Ord. No. 1631, 6-29-1977 by Ord. No. 77-15, 9-22-1980 by Ord. No. 80-21 and 3-25-1985 by Ord. No. 85-07.**

^{xxviii} Editor's Note: See 53 P.S. § 10101 et seq.

^{xxix} **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

^{xxx} **Editor's Note: See also Ch. 175, Grading, Excavations and Fills.**

^{xxxⁱ} Editor's Note: See 35 P.S. § 691.1 et seq.

^{xxxⁱⁱ} Editor's Note: See now 53 P.S. § 10910.2.

^{xxxⁱⁱⁱ} Editor's Note: Appendix A is on file and available for inspection in the office of the Township Secretary.

^{xxx^{iv}} Editor's Note: See § 280-48, Definitions.

^{xxx^v} Editor's Note: See 53 P.S. § 10702.1 et seq.

^{xxx^{vi}} Editor's Note: For current provisions, see the Uniform Condominium Act, 68 Pa. C.S.A. § 3101.

^{xxx^{vii}} Editor's Note: Former § 135-95C and D, concerning the filing of applications with the Planning Commission, as amended 10-28-1975 by Ord. No. 1613; § 135-96, Public hearing; § 135-97, Determination by Board of Commissioners, as amended 10-28-1975 by Ord. No. 1613; and § 135-98, Failure of applicant to act upon application, which immediately followed this subsection, were deleted 5-14-1990 by Ord. 90-21.

^{xxx^{viii}} Editor's Note: Former Subsection B(8), department stores, was repealed 7-20-1999 by Ord. No. 99-24.

^{xxx^{ix}} Editor's Note: Former Subsection B(9), furniture and appliance stores, was repealed 7-20-1999 by Ord. No. 99-24.

^{xl} Editor's Note: See Ch. 255, Subdivision of Land.

^{xli} Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

^{xlii} Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

^{xliii} **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.**

^{xliv} Editor's Note: Former Subsection L, pertaining to lot size requirements, was repealed 7-17-2000 by Ord. No. 2000-18.

^{xl^v} Editor's Note: Former Subsection M, pertaining to lot area requirements, as amended 1-11-1988 by Ord. No. 88-03, was repealed 7-17-2000 by Ord. No. 2000-18.

^{xl^{vi}} Editor's Note: See 35 P.S. § 750.1 et seq.

^{xl^{vii}} Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

^{xl^{viii}} Editor's Note: Former Subsection D, directional signs, was repealed 2-16-1999 by Ord. No. 99-01.

^{xl^{ix}} Editor's Note: Former Subsection L, instructional signs, was repealed 2-16-1999 by Ord. No. 99-01.

^l Editor's Note: Former Subsection A, professional accessory use or nameplate signs, was repealed 2-16-1999 by Ord. No. 99-01.

^{li} Editor's Note: See 53 P.S. § 10908.

^{lii} **Editor's Note: Former § 280-143, Hearings, as amended, was repealed 2-27-2006 by Ord. No. 2006-06.**

^{liiⁱ} Editor's Note: See 53 P.S. § 10603.1 et seq.

^{li^v} Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1.

^{lv} **Editor's Note: See Chapter 162, Fees, Article VI, Zoning.**